Development Application
in accordance with the
Environmental Planning & Assessment Act 1979

Planning Report and Statement of Environmental Effects
for
Demolition of Existing Dwelling and Construction of New Residential Flat Building

Lot B2 in DP161921 and Lot 18 in DP122079
#1 Station Lane
Penrith

Station Lane Pty Limited ATF The Station Lane Trust
August 2018
Job Ref: 051 – 2017
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Urban Design & Development Services
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Project Manager:	Matthew Wales
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Client Details	
Client:	Station Lane Pty Limited ATF The Station Lane Trust C/- Wales & Associates Pty Limited P.O. Box 150 Ettalong Beach
Contacts:	Matthew Wales C/- Wales & Associates Pty Limited P.O. Box 150 Ettalong Beach matthew@walesassociates.com.au

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D. Wales	M. Wales

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Demolition of Existing Dwelling and Construction of New Residential Flat Building
Lot B2 in DP161921 and Lot 18 in DP122079
#1 Station Lane at Penrith**

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LIST OF ABBREVIATIONS AND GLOSSARY	
Abbreviation	**Meaning**
ADG	Apartment Design Guide
AHD	Australian Height Datum
AS	Australian Standard
CC	Construction Certificate
CCTV	Closed Circuit Television
CPTED	Crime Prevention Through Environmental Design
Council	Penrith City Council
dB	Decibel, which is 10 times the logarithm (base 10) of the ratio of a given sound pressure to a reference pressure; used as a unit of sound
dB(A)	Frequency weighting filter used to measure 'A-weighted' sound pressure levels, which conforms approximately to the human ear response, as our hearing is less sensitive at very low and very high frequencies
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water NSW
EP&A Act	Environmental Planning & Assessment Act
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
DoPI	Department of Planning & Infrastructure
Emission	The release of material into the surroundings (for example, gas, noise and water)
EP&A Act	Environmental Planning and Assessment Act 1979
GFA	Gross Floor Area
INP	Industrial Noise Policy
LEP	Local Environmental Plan
m^2	Square metre
m^3	Cubic metre
PCC	Penrith City Council
PDCP	Penrith Development Control Plan 2014
PLEP	Penrith Local Environmental Plan 2010
PP	Planning Proposal
REF	Review of Environmental Factors
REP	Regional Environment Plan
RMS	Roads & Maritime Service
ROW	Right-of-way
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SIA	Social Impact Assessment

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DEVELOPMENT REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS

in accordance with

PENRITH CITY COUNCIL DEVELOPMENT APPLICATION MATRIX

Date of Report: 20th August 2018

Applicant: George Ghossayn
Station Lane Pty Limited ATF The Station Lane Trust
C/- **WALES & ASSOCIATES**
P.O. Box 150
Ettalong Beach 2257

Client: George Ghossayn
Station Lane Pty Limited ATF The Station Lane Trust
C/- Wales & Associates Pty Limited
P.O. Box 150
Ettalong Beach 2257

Location: Lot B2 in DP161921
#1 Station Lane at Penrith

Subject of Report: **Demolition of Existing Dwelling and Construction of New Residential Flat Building**

Current Zoning: R4 – *High Density Residential* under the Penrith Local Environmental Plan 2010
(see ***Figure 1*** on following page)

Site Area: 664.5m²

Planning Instruments:

(i) Environmental Planning & Assessment Act 1979;
(ii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
(iii) Penrith Local Environmental Plan 2010;
(iv) SEPP 65 – Design Quality of Residential Apartment Development;
(v) and
(vi) SEPP (BASIX) 2004

Policy Documents:

(i) Apartment Design Guide (ADG) – NSW Department of Planning &Environment; and
(ii) Penrith Development Control Plan 2014

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared by Wales & Associates Pty Limited (WA) on behalf of Station Lane Pty Limited ATF The Station Lane Trust. It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 – *Evaluation* of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It should be read in conjunction with the supporting information and **Architectural Plans** prepared by ***Antoine J. Saouma Architect*** appended to this report.

The subject property falls within Penrith City Council local government area. In particular, the proposal has been considered against the relevant provisions of the Penrith Local Environmental Plan (PLEP) 2010.

The aim of the application is to gain approval for the demolition of the existing dwelling and construction of a new residential flat building.

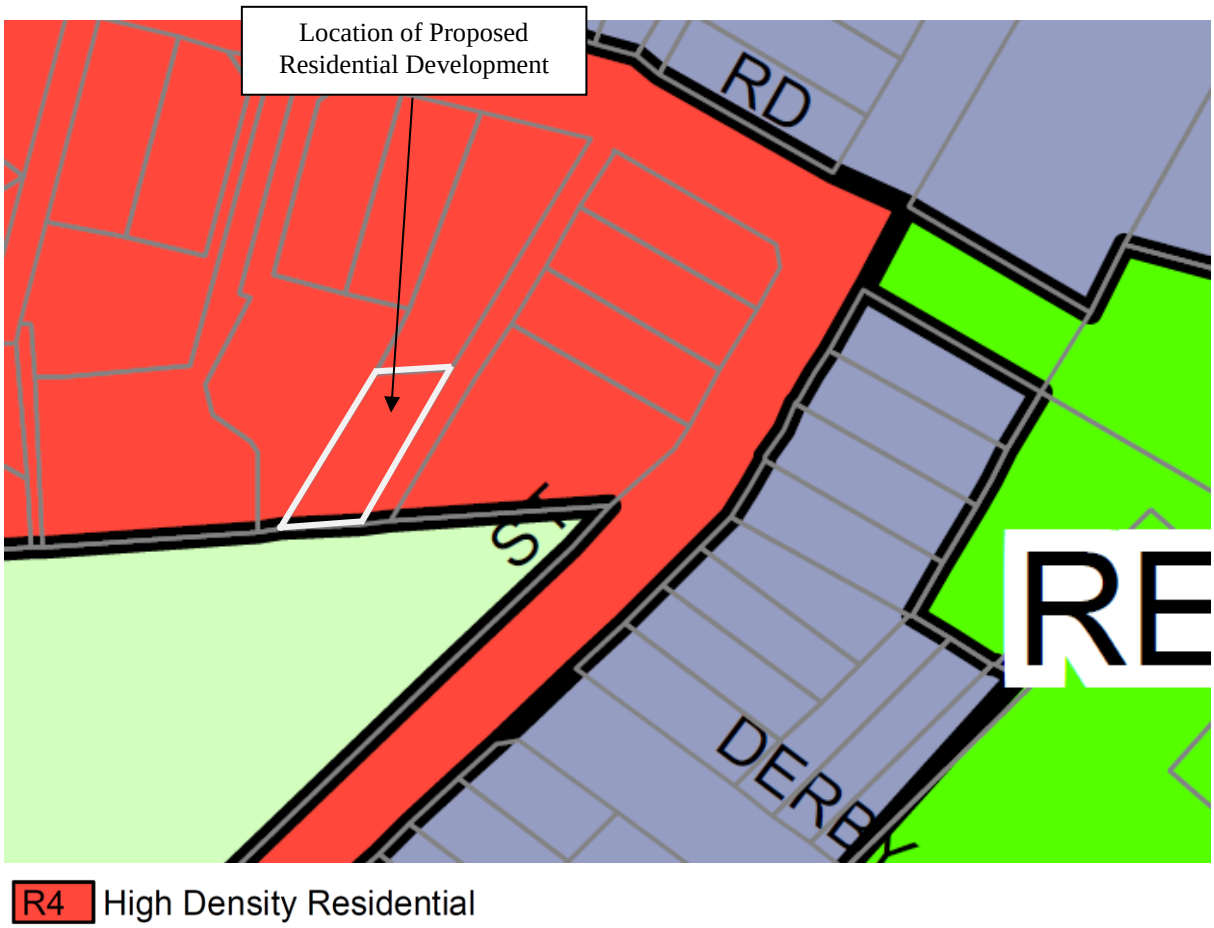

Figure 1
Extract from the Penrith Local Environmental Plan 2010 Zoning Plans LZN_006
(courtesy of the Penrith City Council through the NSW Legislation website)

1.0 THE PROPOSAL

The proposed development involves the demolition of the existing brick dwelling house on the site to facilitate the construction of a new six (6) storey residential apartment development. A total of seventeen (17) residential apartments are proposed in the new development as follows:-

1 bedroom apartments: 8
2 bedroom apartments: 8
3 bedroom apartments: 1

TOTAL APARTMENTS: 17

Off-street parking is proposed for a total of fourteen (14) cars in a new two-level basement parking area in accordance with the Apartment Design Guide requirements (objective 3J-1). Vehicular access to the car parking facilities is to be provided via a car lift entry/exit located in the north eastern corner of the proposed development with access via a proposed right-of-carriageway/land purchase over the adjoining Council owned Lot 18 in DP122079.

1.1 General

The following report is for proposed residential flat building prepared by ***Antoine J. Saouma Architect***. The proposal includes:-

(i) demolition of the existing single storey brick dwelling;
(ii) seventeen (17) residential apartments over six (6) levels;
(iii) off street parking for thirteen (13) vehicles;
(iv) outdoor terrace and communal areas/balconies; and
(v) single ingress/egress

The attached **Architectural Plans** prepared by ***Antoine J. Saouma Architect*** show the proposed residential flat building, basement car parking, landscaping and site works described in this report.

1.2 Pre Application Meeting

A pre-application meeting was held with Penrith City Council on Wednesday 7th March 2018 at which time the proposed development was assessed by the Council and the following preliminary key issues raised:-

(i) permissibility in the R4 – High Density Zone;
(ii) minimum lot size under Clause 4.1A;
(iii) building height;
(iv) SEPP 65 provisions;
(v) ADG requirements;
(vi) SEPP 55 – Site Contamination;
(vii) Noise Impacts;
(viii) waste management;
(ix) communal open space;
(x) side setbacks;
(xi) building separation;

(xii) building entry;
(xiii) storage;
(xiv) downstream drainage;
(xv) on-site detention;
(xvi) provision for overland flow;
(xvii) preservation of significant trees and tree retention;
(xviii) requirement for Arborists Report;
(xix) extent of excavation;
(xx) street presentation/activation; and
(xxi) requirement for Traffic Impact Assessment

2.0 CONSISTENCY WITH PLANNING CONTROLS

2.1 Penrith Local Environmental Plan 2010

The Penrith Local Environmental Plan 2010 (as amended) is the principal planning instrument affecting land use within the City. The Local Environmental Plan (LEP) defines what purpose land may be used for. The plan consists of a written statement and a number of maps. The plan, although prepared by Council, is vetted by the State Government to ensure consistency with Environmental Planning and Assessment Act, 1979, State Environmental Planning Policies before being gazetted by the Minister for Planning and Infrastructure. The following ***Table 1*** details the level of compliance with the Penrith Local Environmental Plan 2010.

Table 1
Compliance with the Penrith Local Environmental Plan 2010

Clause	Compliance
Clause 2.7 – Demolition	YES
Clause 4.1A – Minimum Lot Size	NO – Clause 4.6 variation
Clause 4.3 – Height of Buildings	NO – Clause 4.6 variation
Clause 4.4 – Floor Space Ratio	YES
Clause 4.6 – Exceptions to Development Standards	YES
Clause 5.10 – Heritage Conservation	YES
Clause 7.1 – Earthworks	YES
Clause 7.2 – Flood Planning	YES

2.1.1 *Zoning*

The property is current zoned R4 – *High Density Residential* under the Penrith Local Environmental Plan 2010. The **objectives** of Zone R4 are:-

(i) to provide for the housing needs of the community within a high density residential environment;
(ii) to provide a variety of housing types within a high density residential environment;
(iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
(iv) to ensure that a high level of residential amenity is achieved and maintained;
(v) to encourage the provision of affordable housing; and
(vi) to ensure that development reflects the desired future character and dwelling densities of the area.

The following application **meets the objectives** of zone in that:-

(i) provides for the housing needs of the community within a high density residential environment through the construction of high quality residential units that has been designed to conform with the natural attributes of the site; and
(ii) provides for a variety of housing types with varying unit sizes and configurations within a high density residential environment;
(iii) the design ensures that a high level of residential amenity is achieved and maintained through appropriate setbacks and building articulation; and
(iv) the proposal ensures that the development reflects the desired future character and dwelling densities of the area

Therefore, the proposed residential flat building **COMPLIES** with the **objectives** of the zone.

2.1.2 *Demolition*

Clause 2.7 – *Demolition requires development consent* requires that the demolition of a building or work may be carried out only with development consent.

It should be noted that if the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

This application includes the demolition of the existing residential dwellings on the site (see ***Figure 2***).

Figure 2
Street View showing existing single storey brick dwelling at #1 Station Lane
(photograph courtesy of Antoine J. Saouma Architect)

2.1.3 *Minimum Lot Size for Residential Flat Buildings*

Clause 4.1A – *Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings* addresses issues relating site development density in relation to site size. The objective of this clause is to achieve planned residential density in certain zones including R4 – High Density Residential.

Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table. In this instance, the relevant standard is:-

Column 1	**Column 2**	**Column 3**
Residential flat building	Zone R4 High Density Residential	800 square metres for a standard lot

The proposed residential building does not fully comply with the provisions under Clause 4.1A with the subject site having an area of 664.5m². The development standard requires an area of 800m². This represents a departure of 17% from the standard. Council's attention is drawn to previous discussions in relation to the purchase/acquisition of the adjoining Council owned land to the south east known as Lot 18 in DP122079 which has an area of 198.3m² (see ***Figure 3***).

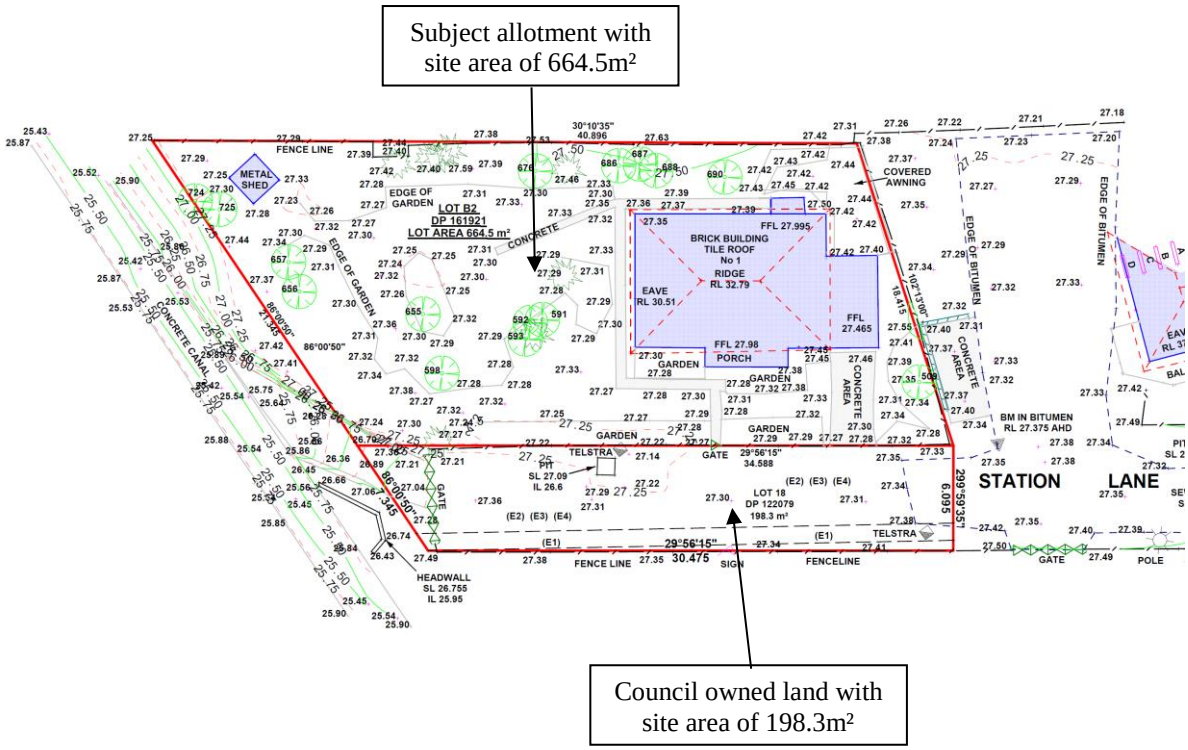

Figure 3
Site Survey Plan showing adjoining Council owned land
(image courtesy of John Lowe & Associates Pty Limited)

It is intended to formalise purchase negotiations with Penrith City Council for the consolidation of the two parcels of land and creation of appropriate easements and rights-of-access over the land to accommodate services and access to Council's drainage channel at the southern end of Station Lane.

The consolidation of the two allotments would give a total land area of 862.8m² which would result in the proposed development meeting the requirements of Clause 4.1A.

2.1.4 *Height of Buildings*

Clause 4.3 – *Height of Buildings* addresses issues associated with the maximum building height as measured from the natural ground level. The **objectives** of this clause are as follows:-

(i) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality;
(ii) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes;
(iii) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance; and
(iv) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

In relation to the provisions under the Penrith Local Environmental Plan 2010, building height compliance is dealt with under Section 11.6 – *Building Height*.

The subject lands are designated P and currently have a maximum height of 18.0 metres under the Penrith Local Environmental Plan 2010 as shown in ***Figure 4***.

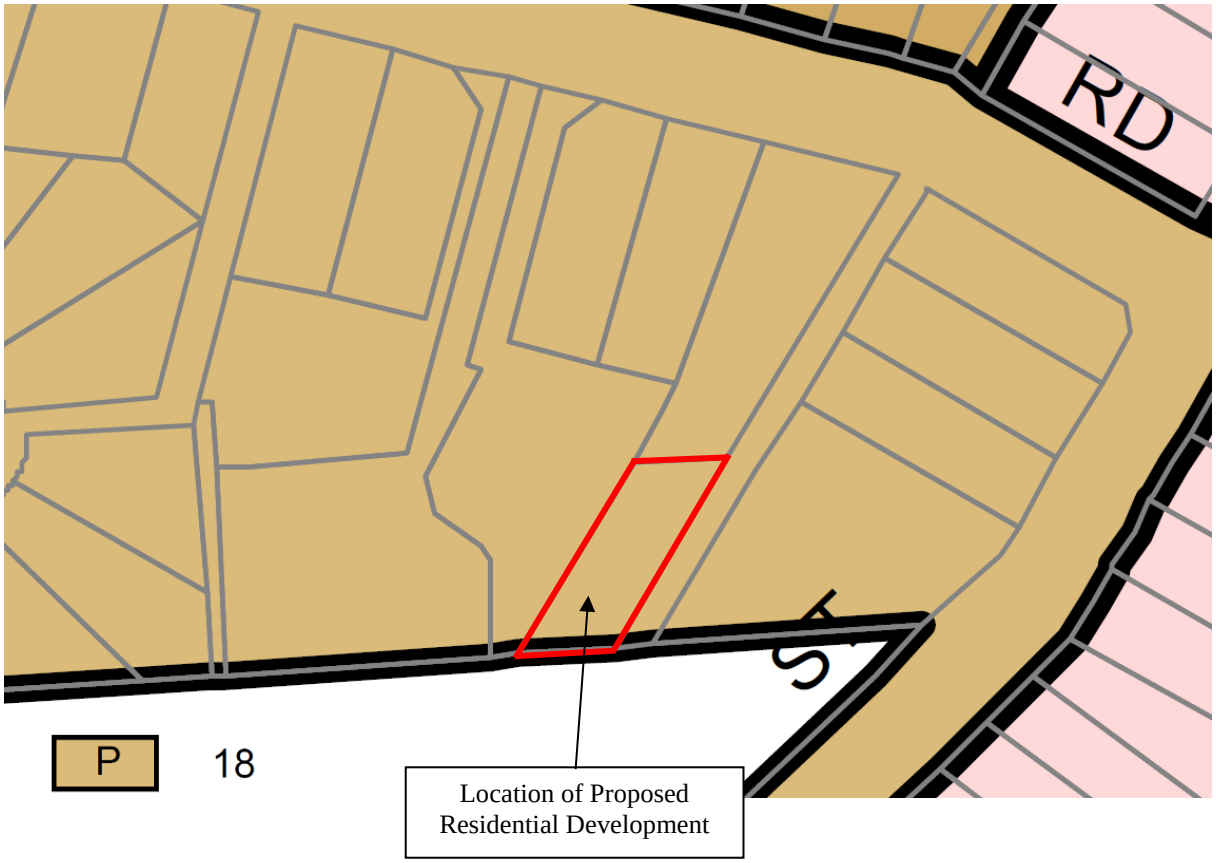

Figure 4
Extract from the Penrith Local Environmental Plan 2010 HOB_006
(courtesy of the Penrith City Council through the NSW Legislation website)

The height of the proposed residential flat building is shown on the attached **Architectural Plans** prepared by ***Antoine J. Saouma Architect***. The proposed residential building does not fully comply with the provisions under Clause 4.3 with the roof parapet (250mm above the height plane) and lift overrun (1 metre above the height plane) encroaching outside the 18.0 metre height plane as shown ***Figure 5***.

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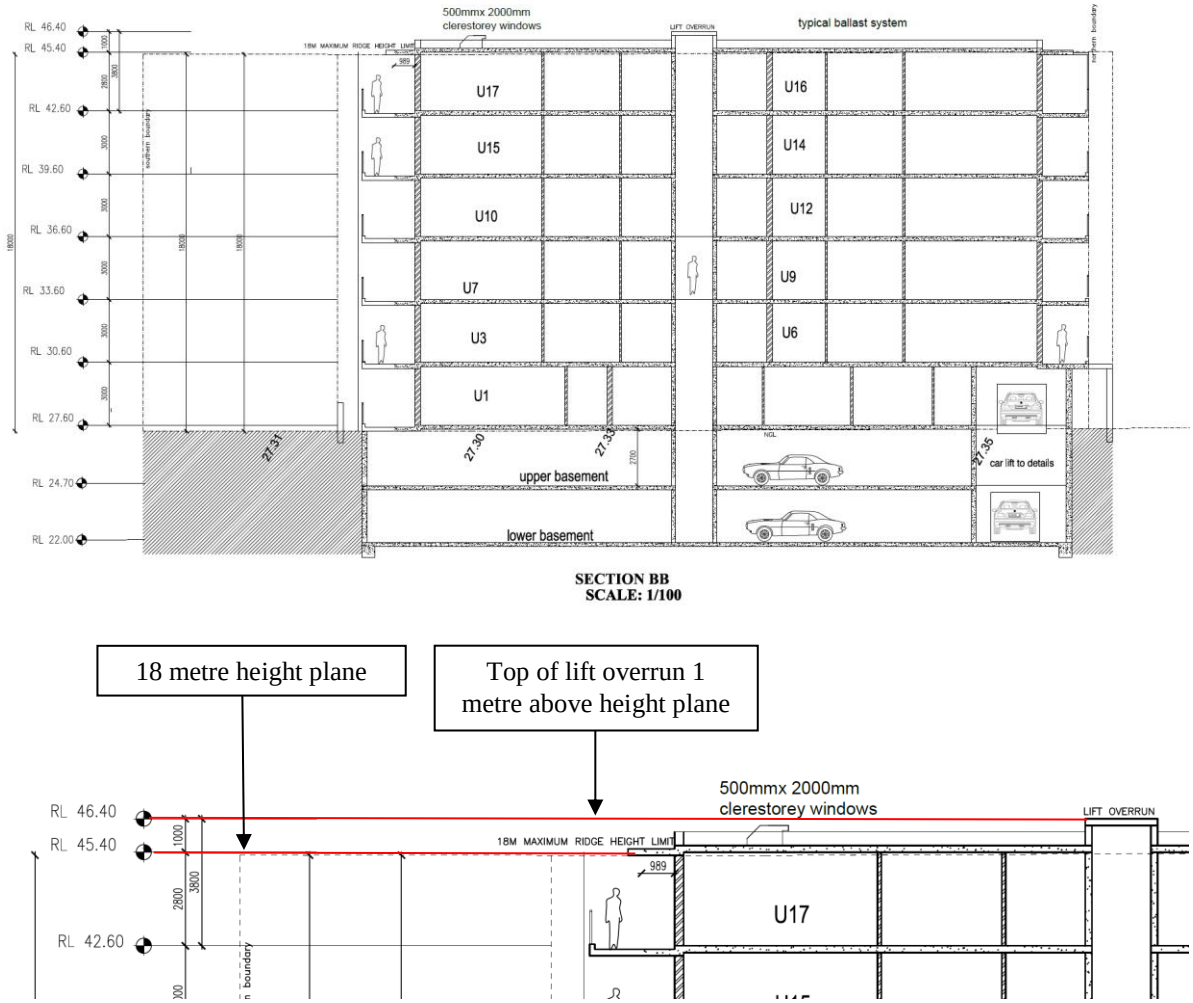

Figure 5
Extract from architectural plans showing variation above the 18.0m height plane
(images courtesy of Antoine J. Saouma Architect)

The variation is considered to be only minor. The encroachment is shown in ***Figure 6*** in context with the overall bulk and scale of the proposed residential flat building with the height plane shown in red and the area in exceedance shown white (ie: degree of exceedance 500mm to 1000mm).

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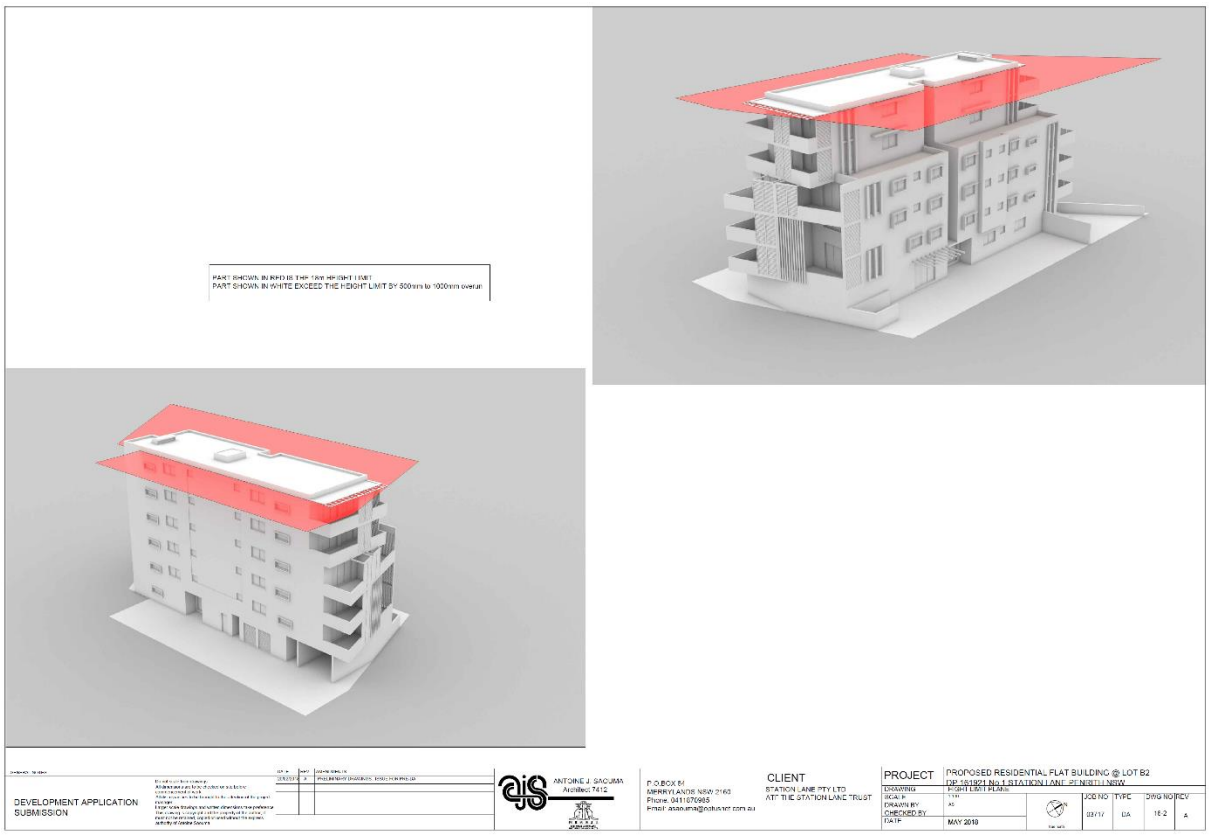

Figure 6
Extract from architectural plans showing variation above the 18.0m height plane
(images courtesy of Antoine J. Saouma Architect)

The following assessment is provided in relation to the variation to the 18.0 metre height limit under Clause 4.6 – *Exemption to Development Standard* under the Penrith Local Environmental Plan 2010.

Introduction

Reference is made to the requirement for a variation request under Clause 4.6 – *Exemption to Development Standard* under the Penrith Local Environmental Plan 2010 in relation to the 18.0 metre height standard and the departure from this standard where a portion of the roof parapet and lift overrun protrude above the height plane. The departure from the standard is considered to be only minor and will not adversely impact on the adjoining residence to the north and east.

As required by this clause, a written request for an exception to the required maximum 18.0 metre height is now made. It is noted that in order for Council to support the variation to the development standard pursuant to Clause 4.6 the provisions of the clause and specifically sub-clause (4) need to be met.

Clause 4.6

Clause 4.6 – *Exceptions to development standards* under the Penrith Local Environmental Plan 2010 states:-

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.
(4) Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that;
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
(b) the concurrence of the Secretary has been obtained.
(5) In deciding whether to grant concurrence, the Secretary must consider:
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

Development Standard to be Varied

It is proposed to vary the standard set out under Clause 4.3 – *Height of Buildings* of the Penrith Local Environmental Plan 2010 which deals with those issues relating to the maximum permissible building height.
Clause 4.3 states:-

4.3 Height of buildings

(1) The objectives of this clause are as follows:
(a) to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The subject lands are designated P and currently have a maximum height of 18.0 metres under the Penrith Local Environmental Plan 2010 as shown in ***Figure 4***.

Extent of the Variation to the Development Standard

The proposal seeks a variation to the building height of:-

(i) 250mm above the height plane to the parapet of the upper level; and
(ii) 1000mm above the height plane to the top of the lift overrun

These two encroachments are higher than the maximum permissible building height under the Penrith Local Environmental Plan 2010. The extent of the variation to the height controls is shown in ***Figure 5*** and ***Figure 6***.

Objectives of the Standard

The **objectives** of Clause 4.3 of the Penrith Local Environmental Plan 2010 is to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The subject site is currently zoned Zone R4 – *High Density Residential* under the Penrith Local Environmental Plan 2010. The **objectives** of the zone are:-

(i) to provide for the housing needs of the community within a high density residential environment;
(ii) to provide a variety of housing types within a high density residential environment;
(iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents;
(iv) to ensure that a high level of residential amenity is achieved and maintained;
(v) to encourage the provision of affordable housing; and
(vi) to ensure that development reflects the desired future character and dwelling densities of the area.

Assessment

Under the Penrith Local Environmental Plan 2010, the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Subclause (2) of the Penrith Local Environmental Plan 2010 states:-

"*The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map*"

This is to ensure that the height of buildings is compatible with that of adjoining development and the overall streetscape and to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

In this instance, the site is generally level and is located at the rear of Station Lane with the existing medium density three and four storey flat buildings to the west, north and east. There is no residential development to the south as the site overlooks Councils War Memorial Swimming Pool complex.

The existing dwelling will be demolished and the new six (6) storey residential flat building constructed with generous setbacks to the west with the existing laneway along the northern and eastern boundary providing separation to the adjoining developments. The bulk of the proposed structure will be hidden from street view by the existing four storey building façade at #20 Station Lane located at the entry to the laneway (see ***Figure 7***).

Figure 7
Street View showing four storey development at #20 Station Lane to the north of the subject site
(image courtesy of Google Earth Pro)

From the west as viewed near #115 Station Street, the proposed building is hidden from view by the existing four storey brick flat building and large trees adjacent to the drainage reserve and Penrith War Memorial Swimming Pool (see ***Figure 8***).

It is considered that the design (with the small height variation) ensures that the building height represents a reasonable transition between the existing three and four storey built form which dates from the 1970's and 1980's to the current five storey outcomes anticipated in the Penrith Local Environmental Plan 2010 (ie: 18m = 6 storeys @ 3m per level). In fact, the proposed residential building represents a considerable improvement to the dated architectural quality of the current streetscape.

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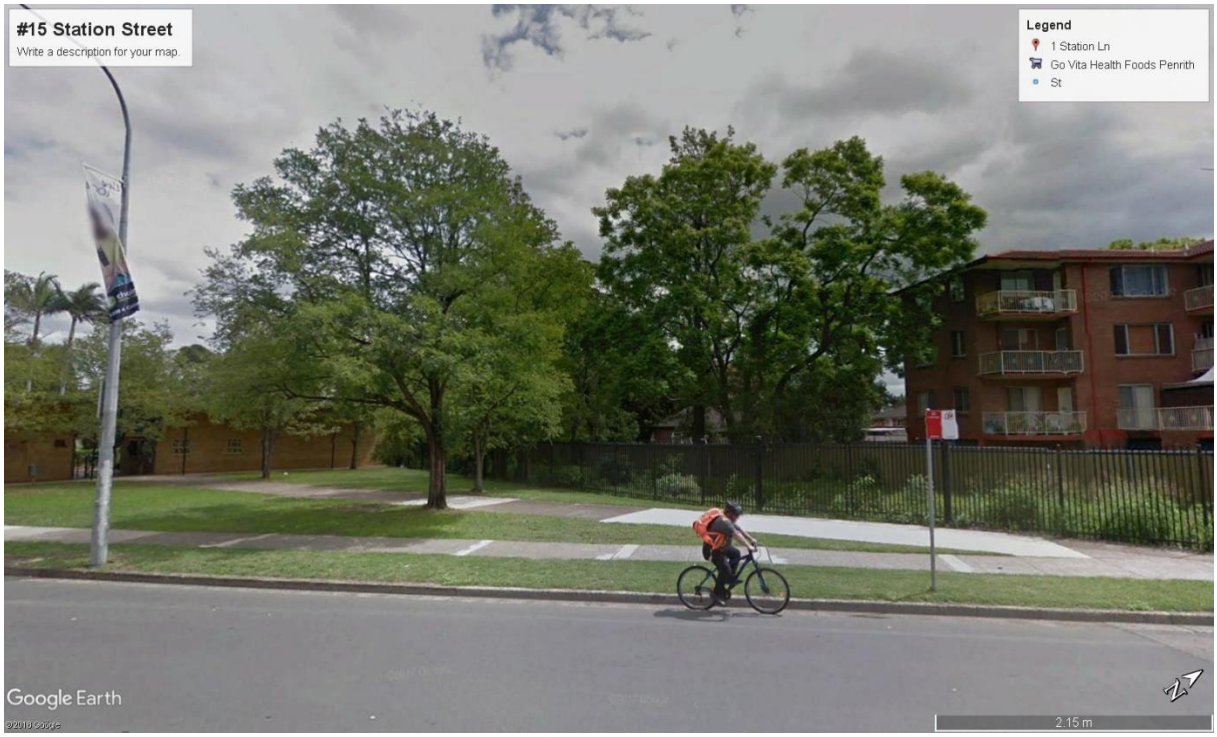

Figure 8
Street View showing four storey development at #115 Station Street to the south west of the subject site
(image courtesy of Google Earth Pro)

Further, the height variation will not have any significant additional visual impact on the adjoining property to the west, north and east nor create any significant additional loss in privacy due to its positioning at the end of the laneway with generous setbacks from the west and existing separation from the laneway frontage. The variation will have no significant impact on the areas of private open space within the development.

Consequently, a variation is sought to the Height of Buildings development standard under the provisions set out in Clause 4.6 – *Exceptions to development standards* of the Hornsby Local Environmental Plan 2013.

The **objectives** of this clause are as follows:-

(i) to provide an appropriate degree of flexibility in applying certain development standards to particular development; and
(ii) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The architect for the project, ***Antoine J. Saouma Architect***, has designed the proposed residential flat development in such a manner as to:-

(i) produce a high quality residential development that provides a high level of articulation and effective and efficient floor space;
(ii) optimize the development outcomes for the site whilst being mindful of bulk and scale; and

(iii) improve yields and development viability in line with both Council's and the public expectations for the precinct

The height variation is considered to be reasonable when considered within the context of the overall streetscape with its primary frontage to Station Lane (see ***Figure 9***) and the intent of the Penrith Local Environmental Plan 2010.

Figure 9
Building Mass Perspective
(image provided by Antoine J. Saouma Architects)

In relation to the *Underlying Objectives of the Standard* of Clause 4.3 – *Height of Buildings*, the proposed development and the variation to the Height of Buildings standard meets the underlying objectives by:-

(i) ensuring the height of the proposed building is compatible with that of adjoining development under construction to the south and east and the overall streetscape;
(ii) minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

In relation to Section 5(a)(i)(ii) – *Objects* of the Environmental Planning &Assessment Act, the variation to the development standard will not hinder the obtainment of the objectives.

Under Section 5(a)(i)(ii), the objects of this Act are:-

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land

The variation to the Height of Buildings requirement will not hinder the proper management and development of the Penrith residential catchment. The proposal will in fact improve the social and economic welfare of the local community and create a better environment by substantially improving the livability and amenity of the locality by improving the architectural standard of the Station Street, Union Street and Station Lane frontages and the provision of high quality residential space.

The proposal will improve the architectural standard of the locality and compliment other development in the precinct. Further, the variation to the Height of Buildings requirement will not hinder the promotion and co-ordination of the orderly and economic use and the development of the land. In fact, the proposal ensures the highest and best use of the subject site by formalizing the trend to higher quality residential flat buildings utilising the natural features of the land and activating the street frontages (ie: Station Lane).

(i) Clause 4.6(3)(a) – *Unreasonable and Unnecessary*

In relation to the question as to whether compliance with the development standard unreasonable or unnecessary in the circumstances (Clause 4.6 Sub-clause (3)(a)), it is the applicants view that strict compliance with the Height of Buildings development standard is considered to be unreasonable in this particular case as the proposed variation simply seeks to optimise the site outcomes and improve the residential standard of the site and the surrounding precinct and respond to the density and height standards in the Penrith LEP 2010.

It also proposes a high quality residential interface with the Station Lane frontage in line with the Penrith Local Environmental Plan 2010. It will ensure a more viable development and higher standard of residential yield compared to that which would otherwise be provided should strict adherence to the LEP standard be applied. The proposal is an efficient use of the land which delivers social, economic and environmental benefits to the local community.

The variation will not adversely affect the amenity of the immediate locality or compromise the objectives of Clause 4.3 of the Penrith Local Environmental Plan 2010 (PLEP 2010) or Section 5(a)(i)(ii) of the EP&A Act.

In relation to this clause, it is considered that the objection to the Height of Buildings standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6(3)(a) is sought.

(ii) Clause 4.6(3)(b) – *Environmental Planning Grounds*

With regards to the question as to whether there are sufficient environmental planning grounds to justify contravening the development standard, it should be noted that the subject site has particular circumstances in relation to the location of the site which has triggered the specific design response. The site is landlocked at the end of Station Lane and surrounded by three and four storey older style residential flats.

By accommodating the height variation results in a more efficient and orderly use of the land and will produce a better outcome than would otherwise be the case if strict adherence to the standard were observed. In relation to this clause, it is considered that the objection to the Height of Buildings standard is well founded.

(iii) Clause 4.6(4)(a)(ii) – *Public Interest*

In relation to the question as to whether the proposed development would be in the public interest, it is considered that the proposal is consistent with both the objectives of the standard and for development within the zone.

In relation to Clause 4.3 – *Height of Buildings* of the Hornsby Local Environmental Plan 2013, this standard deals with those issues relating to the maximum permissible building height. The **objectives** of this clause are to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

In relation to the *Underlying Objectives of the Standard* of Clause 4.3 – *Height of Buildings*, the proposed development and the variation to the Height of Buildings standard meets the underlying objectives by:-

(i) ensuring the height of the proposed building is represents a reasonable height transition with adjoining development to the west, north and east and the overall streetscape;
(ii) minimising the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

With regard to the objectives for development within the zone, the subject site is currently zoned Zone R4 – *High Density Residential* under the Penrith Local Environmental Plan 2010 with an expectation that five (5) storey buildings would be anticipated.

The **objectives** of the zone are:-

(i) to provide for the housing needs of the community within a high density residential environment;
(ii) to provide a variety of housing types within a high density residential environment; and
(iii) to enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development **meets the objectives** of the zone in that:-

(i) it provides for the housing needs of the community within a high density residential environment that is currently in transition; and

(ii) it provides a variety of housing types within a high density residential environment

Therefore, it is considered that the proposal satisfies the public interest test as it is consistent with both the objectives of the standard and for development within the zone. In relation to this clause, it is considered that the objection to the Height of Buildings standard is well founded.

Conclusion

Based on the above assessment, the attached architectural plans and the submitted supporting documents, it is considered that the proposed residential flat development will deliver a better planning outcome than one that strictly complies with the current 18 metre height limit for the following reasons:-

(i) strict compliance would not be responsive to the intent of the Penrith Local Environmental Plan 2010 which anticipates a six (6) storey built form;
(ii) strict compliance would not be responsive to the intent of the Penrith Development Control Plan;
(iii) strict compliance would restrict building height and subsequent floor space outcomes to the extent that the alternative would be an underutilization of the site in an area within the Penrith residential precinct that seeks residential development outcomes; and
(iv) strict compliance would not meet the desired future character of the precinct

It is considered that the objection to the Height of Buildings standard is well founded and that based on the details provided above, strict adherence to the development standard would appear to be unreasonable and unnecessary in the circumstances of this development application. Therefore, Council's favourable consideration of the application under the provisions of Clause 4.6 is sought.

2.1.5 *Floor Space Ratio/Site Coverage*

Clause 4.4 – *Floor Space Ratio* of the Penrith Environmental Plan 2010 deals with the issues relating to gross floor area and its relationship to the site area.

The **objectives** of this clause are to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject lands do not have a designated floor space ratio (ie: the mapping is uncoloured) under the Hornsby Local Environmental Plan 2013 as shown in ***Figure 10***.

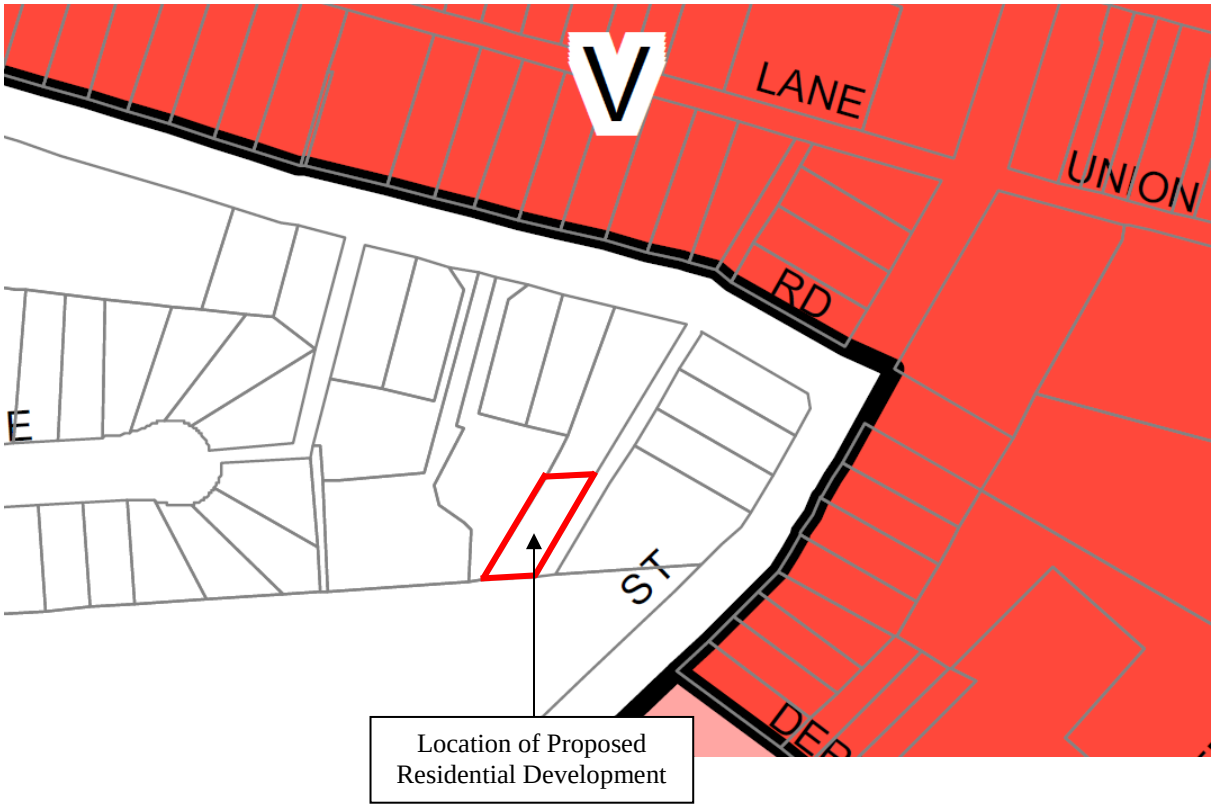

Figure 10
Extract from the Penrith Local Environmental Plan 2010 FSR_006
(courtesy of the Penrith City Council through the NSW legislation website)

The subject site has an area of 664.5m² with the adjoining Council owned Lot 18 having an area of 198.3m². It is intended to formalise the acquisition/purchase of Lot 18 in DP122079 and consolidate the allotment with the subject site.

As there are no FSR controls applicable in the Penrith LEP 2010, density is controlled by the height and setback provisions under:-

(i) the Penrith Local Environmental Plan 2010;
(ii) Chapter C1 – *Site Planning and Design Principles* of the Penrith Development Control Plan 2014 together with the height controls in the LEP; and
(iii) The Apartment Design Guide (ADG) and SEPP 65 – *Design Quality of Residential Apartment Development*

In this instance, the building form is six (6) storeys (with some minor variance) and is well articulated such that the nominated setbacks incorporate adequate landscaping, open space and separation between buildings.

The proposed development therefore **COMPLIES** with Clause 4.4 – *Floor Space Ratio* of the Penrith Local Environmental Plan 2010, the Penrith DCP 2014 provisions and *Apartment Design Guide* (ADG). Each of the provisions is discussed (where relevant) in the body of this report.

The relevant site statistics including the floor space ratio (FSR) are shown in ***Figure 11***. The floor space ratio for the proposed development in relation to the site area of Lot B2 only is **1.65 to 1** which is considerably less than the adjoining floor space ratio controls (ie: 3 to 1) on the north side of Union Road.

PROPOSED 17 UNITS @ No 1 STATION LANE PENRITH
COMPRISING 1X3 bedrooms + 8X2 bedrooms + 8x1 bedrooms

STORAGE AREAS			UNITS AREAS & LAYOUT						
UNIT	Basement	unit space	cross flow	orientation	unit areas	balconies	layout	single orientation	adaptable
GROUND FLOOR									
U 1	2.0m³	4.0m3		south east	40m²	9m²	1 bed studio		
U 2	3.5m³	5.0m3		south west	75m2	66m2	2 beds		
FIRST FLOOR									
U 3	2.0m³	3.0m3		south east	63.5m2	9m2	1 bed		
U 4	4.4m³	4.0m3		south west	87m2	14m2	2 beds		
U5	4.5m³	5.0m3		north west	112.5m2	18m2	3 beds		
U6	2m³	4.0m3		north east	60m2	13m2	1 bed		
SECOND FLOOR									
U7	2m³	4.0m3		south east	63.5m2	9m2	1 bed		
U8	4.0m³	3.0m3		south west	87m2	14m2	2 beds		
U9	2m³	4.5m3		north east	60m2	13m2	1 bed		
THIRD FLOOR									
U10	2.0m³	5.0m3		south east	63.5m2	9m2	1 bed		
U11	4.0m³	5.0m3		south west	87m2	14sqm	2 beds		
U12	2m³	4.0m3		north east	60m2	13m2	1 bed		
U13	2m³	4.0m3		north west	60m2	18m2	1 bed		
FOURTH FLOOR									
U14	3.5m³	3.0m3		north west	86m2	22m2	2 beds		
U15	4.0m³	4.4m3		south west	93m2	18m2	2 beds		
FIFTH FLOOR									
U16	4.5m³	5.0m3		north west	86m2	22m2	2 beds		
U17	4.0m³	5.0m3		south west	93m2	18m2	2 beds		

SITE AREA	664.5
TOTAL	919m²
FSR	919+177.2 hallways = 1096.2sqm = 1.649/1
CROSS VENTILATION 17 UNITS OUT OF 17 = 100%	
3 HOURS SUN 21 st JUNE = 17 UNITS = 100%	
TOTAL COMMUNAL OPEN SPACE = 25% OF THE SITE AREA = 166sqm	
TOTAL DEEP SOIL = 231sqm = 34%	
ADAPTABLE UNITS = 2	
UNIT MIX = 1X3 BEDS = 5%	
8X1 BED = 47%	
8X2 BEDS = 47%	

Figure 11
Extract from Architectural Plans - Site Statistics
(courtesy of Antoine J. Saouma Architects)

2.1.6 *Heritage Conservation*

Clause 5.10 – *Heritage conservation* addresses issues relating to Heritage items (if any) which are listed and described in Schedule 5 of the Penrith LEP 2010. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5. The objectives of this clause are as follows:-

(i) to conserve the environmental heritage of Penrith;
(ii) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;
(iii) to conserve archaeological sites; and
(iv) to conserve Aboriginal objects and Aboriginal places of heritage significance.

There are no heritage items affecting the site or in close proximity to the proposed development as shown in ***Figure 12***.

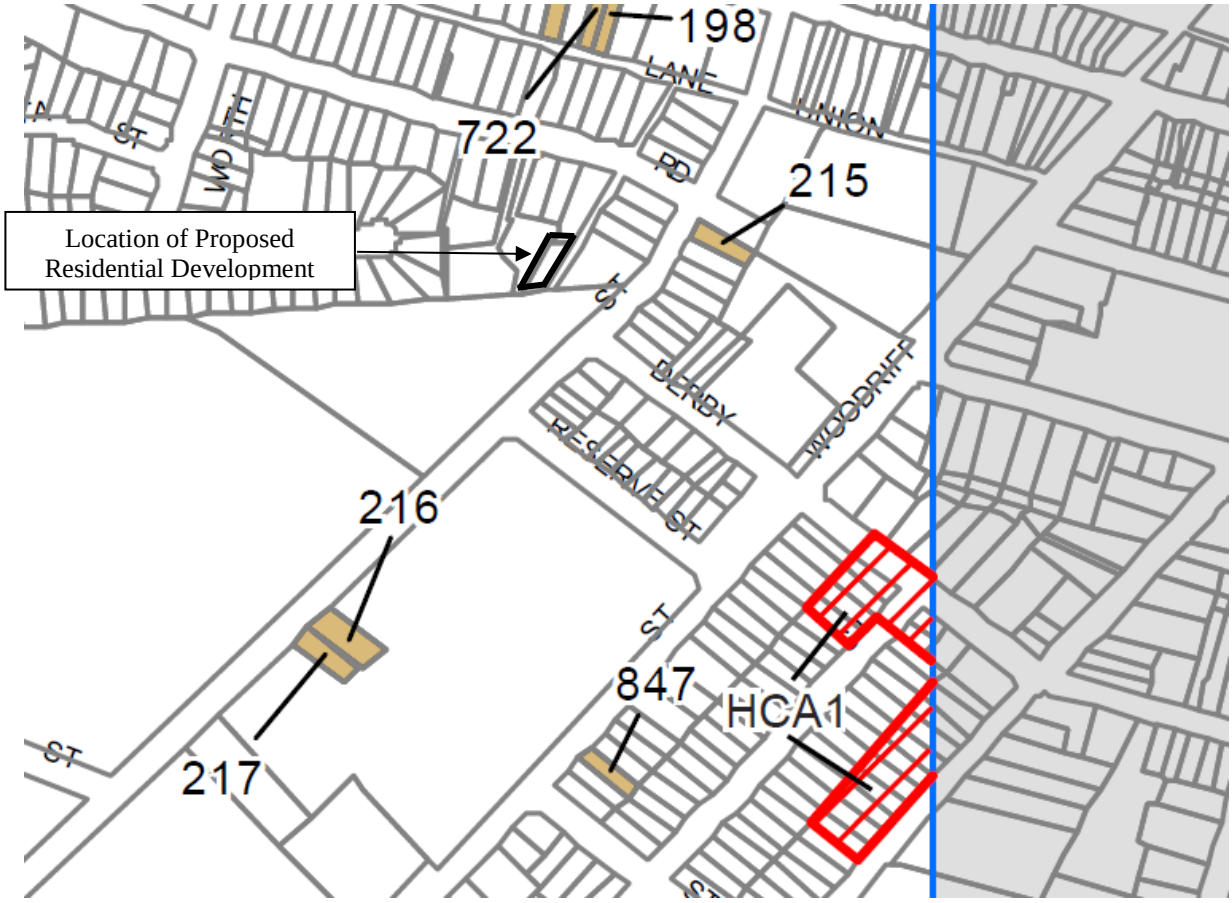

Figure 12
Extract from the Penrith Local Environmental Plan 2010 HER_006
(courtesy of the Penrith City Council through the NSW legislation website)

2.1.7 *Earthworks*

Clause 7.1 – *Earthworks* of the Penrith Local Environmental Plan 2010 deals with issues associated with the impact of excavation and earthworks.

The **objective** of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:-

(i) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development;
(ii) the effect of the development on the likely future use or redevelopment of the land;
(iii) the quality of the fill or the soil to be excavated, or both;
(iv) the effect of the development on the existing and likely amenity of adjoining properties;
(v) the source of any fill material and the destination of any excavated material;
(vi) the likelihood of disturbing relics;
(vii) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area; and
(viii) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The attached **Preliminary Site Investigation** was prepared by ***Benviron Group*** (Geotechnical Engineers). The purpose of the investigation was to obtain geotechnical information on subsurface conditions as a basis for comments and recommendations on excavation, groundwater, retention and footings.

Based on the results of Preliminary Site Investigation, it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are low in the context of the proposed use of the site. The site is ***suitable*** for the proposed development, subject to the following recommendations:-

(i) any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014); and
(ii) an Asbestos Clearance Certificate is recommended to be completed once all existing buildings are structures have been demolished.

If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.

In relation to the site excavation, it is recommended that prior to the start of excavation, dilapidation surveys be completed on adjoining structures located within a horizontal distance from the excavation perimeter of at least twice the excavation depth.

The dilapidation surveys should comprise detailed inspections of the adjoining buildings, both externally and internally, with all defects rigorously described, i.e. defect location, defect type, crack width, crack length, etc. The respective owners of the adjoining properties should be asked to confirm that the dilapidation reports represent a fair record of actual conditions. All excavated material will need to be classified for disposal before being removed from site.

2.1.8 *Flood Planning*

Clause 7.2 – Flood planning addresses issues associated with development that occurs on land below the flood planning level or identified as "Flood planning land" on the Clause Application Map (see ***Figure 13***).

The **objectives** of this clause are as follows:-

(i) to minimise the flood risk to life and property associated with the use of the land,
(ii) to limit uses to those compatible with flow conveyance function and flood hazard,
(iii) to manage uses to be compatible with flood risks,
(iv) to enable safe and effective evacuation of land,
(v) to ensure the existing flood regime and flow conveyance capacity is not compromised,
(vi) to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.

Figure 13
Extract from the Penrith Local Environmental Plan 2010 FLD_006
(courtesy of the Penrith City Council through the NSW legislation website)

Whilst the subject lands are not identified on the Flood Planning Land Map, Council has advised during the pre-application process that the site is affected by local overland flow flooding in a 1% AEP Storm. The site has been identified as being located adjacent to a floodway/channel. Although Council had issued flood levels on the 3rd July 2017 with a flood level of 27.10m AHD, the site has recently been affected by overland flows in January 2016 inundating the entire site as a result of the existing channel over topping. A detailed assessment of the possible overland flows affecting the property in the form of an Overland Flow Flood Report therefore needed to be prepared by a suitably qualified flooding engineering as part of the development application process.

The attached **Flood Study** prepared by ***BMT WBM Pty Limited*** (Consulting Engineers) addresses the issues raised by Council. The purpose of the report is to provide commentary around the design flood levels for the site in accordance with the requirements of the Penrith Local Environment Plan (LEP) 2010 Section 7.2 and the Penrith Development Control Plan (DCP) 2014 Chapter 3.5. The flood study for the site includes the analysis of the January 2016 rainfall event which reportedly inundated the site.

Based on the information contained within the pre-DA meeting minutes (ref: *PRE DA MEETING PL180012 1 Station Lane Penrith.pdf*), the peak 1% AEP flood level and FPL for the site identified by Council is 27.10 m AHD and 27.6 m AHD respectively.

Whilst BMT could not replicate this level exactly (-0.2 m difference in simulated 1% AEP levels) using the TUFLOW model provided (refer Section 2.2), BMT did not identify any significant issues that would result in the simulation of inappropriate design flood levels.

With regard to the inundation of the site as a result of the January 2016, the assessment identified the following:-

(i) the January 2016 rainfall event was approximately equivalent to a 2% AEP event (based on a comparison with the design rainfall hyetographs applied to Council's model as RoG);
(ii) the inundation of the site can be attributed to a combination of mainstream inundation from the open channel to the south of the site and overland flow originating from Union Street to the north of the site;
(iii) the study site was inundated to a depth of <20 cm;
(iv) Peak flood levels in the channel were potentially elevated due to a downstream structure blockage resulting in the overtopping of the channel bank; and
(v) Councils model would likely show the site as inundated by shallow floodwaters during the 1% AEP event but this inundation is removed via filtering of shallow depths <0.15 m.

The observed flood inundation of the site for the January 2016 event exceeds Council's 1% AEP design flood levels based on the existing flood modelling. The BMT review of the existing model did not identify any significant issues that would suggest an underestimation of the design flood conditions. The discrepancy between the observed January 2016 and design 1% AEP flood conditions may be attributable to blockage conditions in the local drainage network (particularly the Mulgoa Road culvert) and potentially higher catchment rainfall than recorded at the gauge for the event.

Accordingly, Council's existing flood modelling is considered appropriate for the site providing for an FPL of 27.6 m AHD for the proposed development at the site.

2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments

The Apartment Design Guide provides consistent planning and design standards for apartments across the State. It provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65 *(State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development).*

This Policy aims to improve the design quality of residential apartment development in New South Wales. It recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. Schedule 1 of the policy sets out the nine (9) design quality principles.

The attached **Design Verification Statement/SEPP65 Report** prepared by ***Antoine J. Saouma Architect*** addresses the design quality principles.

2.3 Penrith Development Control Plan 2014 (PDCP)

The proposal has been considered against the relevant provisions of the Penrith Local Environmental Plan (HLEP) 2013 and the Penrith Development Control Plan 2014 (PDCP) which provides detailed guidance on how development may occur. Development Control Plans (DCPs) are documents that supplement the provisions of Local Environmental Plans (LEPs) with more detailed planning and design guidelines.

The Penrith Development Control Plan 2014 (Penrith DCP 2014) has been prepared to support all planning instruments applying to the Penrith Local Government Area (LGA), including the Penrith LEP 2010. It represents a consolidation of all previous DCPs which applied to the City so that a single, City-wide DCP applies to the LGA. In addition, the DCP includes two new sections to guide development in the Penrith Health and Education Precinct and the Riverlink Precinct.

The Penrith DCP 2014 was adopted by Council on the 23rd March 2015 and came into effect on the 17th April 2015.

The following ***Table 2*** details the level of compliance with the Penrith Development Control Plan 2014.

+

Table 2
Compliance with the Hornsby Development Control Plan 2013

Part/Clause	Compliance
Part C1 – Site Planning and Design Principles	
Clause 1.1 – Site Planning	YES
Clause 1.2 – Design Principles	YES
Part C3 – Water Management	
Clause 3.1 – Water Cycle	YES
Clause 3.2 – Catchment Management	YES
Clause 3.3 – Watercourses	YES
Clause 3.4 – Groundwater	YES
Clause 3.5 – Flood Planning	YES
Clause 3.6 – Stormwater Management	YES
Clause 3.7 – Water Retention	YES
Clause 3.8 – Rainwater/Storage Tanks	YES
Part C5 – Waste Management	YES
Part C6 – Landscape Design	YES
Part C10 – Transport, Access and Parking	YES
Part C12 – Noise and Vibration	YES

3.0 PROPERTY DETAILS

The property is known as Lot B2 in DP161921 #1 Station Lane in Penrith. The land is currently occupied by a single storey residential dwelling and contains areas of both introduced and native vegetation (see ***Figure 14***).

Figure 14
Photograph showing the existing dwelling and surrounding vegetation

The existing site features are shown on the attached ***Site Survey Plan*** (see ***Figure 15***) prepared by **John Lowe & Associates Pty Limited** (Consulting Surveyors) and the ***Architectural Plans*** (ie: Site Plan) prepared by ***Antoine J. Saouma Architect***. The survey plans show the subject lands being Lot B2 and the adjoining Council owned property being Lot 18 in DP122079 which is the subject of acquisition/purchase discussions.

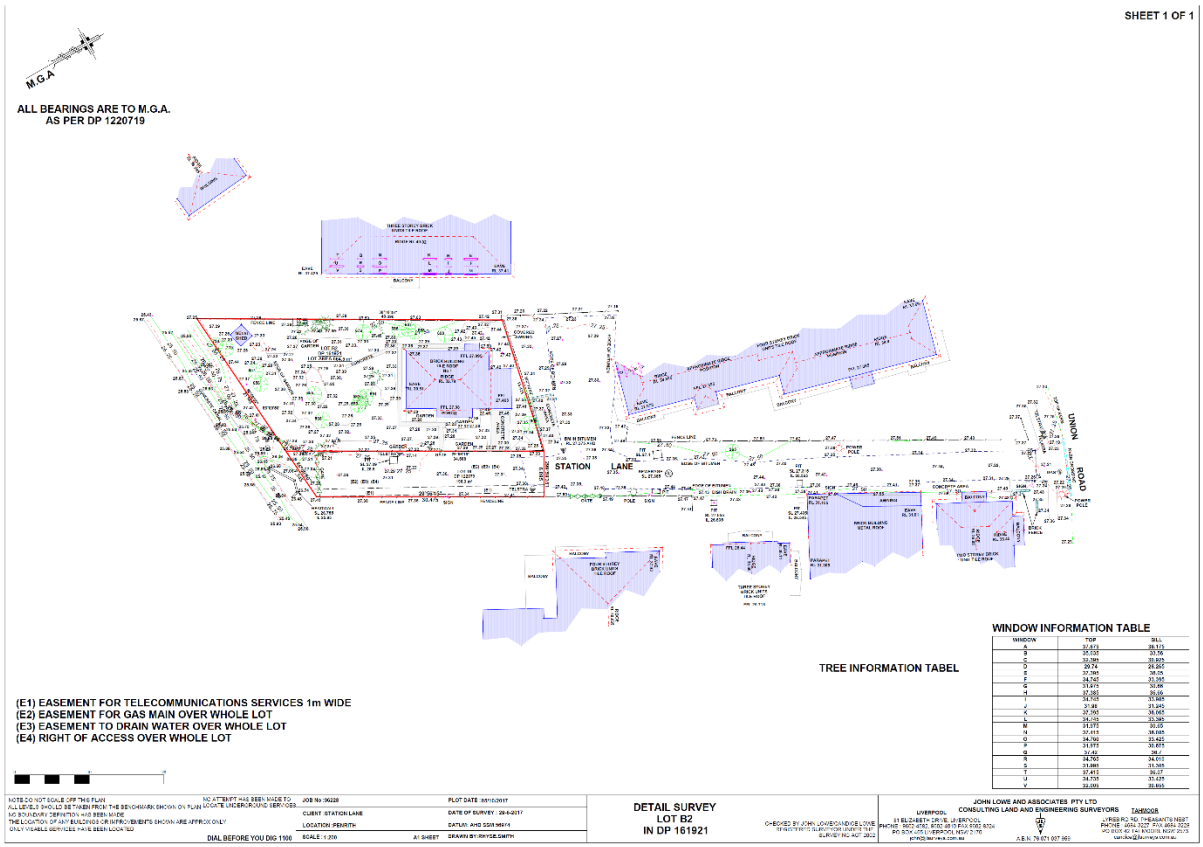

Figure 15
Detail Survey
(plan courtesy of John Lowe & Associates Pty Limited)

4.0 EASEMENTS/RIGHTS-OR-WAY

The property is not affected by any known easements or rights-of-way.

5.0 EXISTING BUILDINGS AND IMPROVEMENTS

The property is currently occupied by an existing single storey brick residential dwelling with tile roof as shown in ***Figure 14***.

The property is accessed from Station Lane which is bitumen sealed with a full range of services as shown in ***Figure 16***. The property is serviced with a full range of utilities including power, water, sewer and telecommunications.

Figure 16
Street view looking south down Station Lane from Union Road
(image courtesy of Google Earth Pro)

6.0 LANDSCAPING

6.1 Existing Vegetation

The property is occupied by a single storey dwelling and garage with thirteen (13) trees and suburban gardens as described in the attached **Pre-development Tree Assessment Report** prepared by ***Nada Kbar***.

The existing thirteen (13) trees are mix of exotic and native Australian species, none of which have any special significance in regards to heritage/environment values as indicated in the Penrith Local Environment Plan 2010 (LEP).

The site is in a neglected state. The existing trees have been left unattended for a prolonged period of time allowing many invasive species to establish and grow. The majority of trees on the subject site have had lack of maintenance over in recent years. This has resulted in the presence of many structural and major defects with some trees being invaded by climbing Cactus (*Epiphyllum hookeri*) and Flame vine (*Pyrostegia venusta*).

Regardless of their location in relation to the proposed development, amongst the thirteen trees that have been identified on the site plan, only two (2) trees are considered healthy and in a good condition (T1 & T7). All other trees are either dead or in a declining state. All trees on the site are identified for removal based on their current condition.

6.2 Proposed Landscaping

The application for the proposed residential flat building and site access will include:-

(i) the removal of the existing trees as described in the **Pre-development Tree Assessment Report** prepared by ***Nada Kbar***;
(ii) formal plantings adjacent to and surrounding the proposed residential flat building; and
(iii) formal landscaping within the ground level communal area on the western side of the subject site which include the proposed rain garden and bio-retention basin

Details are shown on the attached **Landscape Concept Plan** prepared by ***Vision Dynamics*** (Landscape Architects).

7.0 CONTOUR LEVELS

The attached **Site Survey Plan** prepared by ***John Lowe & Associates Pty Limited*** (Consulting Surveyors) shows the existing spot levels and contours over the subject area and are tied to Australian Height Datum. The land is generally level with contours ranging around RL27.3m AHD. The site fronts Station Lane and the Council owned land known as Lot 18 in DP122079. The southern boundary is bounded by Council existing open drainage channel.

8.0 STORMWATER DRAINAGE

8.1 Existing Stormwater Drainage

The site is currently occupied by a single storey brick dwelling with tile roof and garage which discharges via a series of gutters, pits and pipelines all roof water to Council's drainage channel on the southern boundary.

8.2 Proposed Stormwater Details

The attached **Concept Stormwater Management Plan** drawings prepared by ***LOKA Consulting Engineers*** details the method of stormwater disposal for the proposed residential development. The plan have been prepared in accordance with Part C3 – *Water Management* of the Penrith Development Control Plan 2014. The plans include:-

(i) lower basement stormwater control details;
(ii) upper basement stormwater control details;
(iii) basement pump/pit details;
(iv) ground floor/communal area stormwater details;
(v) bio-retention details;
(vi) erosion and sedimentation controls; and
(vii) MUSIC modeling

The attached plans are accompanied by the attached **Flood Study** prepared by ***BMT WBM Pty Limited*** (Consulting Engineers) which addresses the issues raised by Council with regards to stormwater flows in January 2016 inundating the entire site as a result of the existing channel over topping.

The purpose of the report is to provide commentary around the design flood levels for the site in accordance with the requirements of the Penrith Local Environment Plan (LEP) 2010 Section 7.2 and the Penrith Development Control Plan (DCP) 2014 Chapter 3.5. The flood study for the site includes the analysis of the January 2016 rainfall event which reportedly inundated the site.

Final engineering details will be provided at Construction Certificate stage subject to appropriate consent conditions.

9.0 WATERWAYS/WATERCOURSES

There are no existing waterways and watercourses over the property. However, due to the site being located in a small valley, an overland flow study is required to assess the existing overland flow regime and what measures (if any) are required to be adopted by the development to ensure no detrimental effects to neighbouring properties occurs.

10.0 FLOODING

10.1 General

Planning issues associated with site flooding are addressed in Section 2.1.7 - *Flood Planning.* Whilst the subject lands are not identified on the Flood Planning Land Map, Council has advised during the pre-application process that the site is affected by local overland flow flooding in a 1% AEP Storm. The site has been identified as being located adjacent to a floodway/channel. Although Council had issued flood levels on the 3rd July 2017 with a flood level of 27.10m AHD, the site has recently been affected by overland flows in January 2016 inundating the entire site as a result of the existing channel over topping. A detailed assessment of the possible overland flows affecting the property in the form of an Overland Flow Flood Report therefore needed to be prepared by a suitably qualified flooding engineering as part of the development application process.

The attached **Flood Study** prepared by ***BMT WBM Pty Limited*** (Consulting Engineers) addresses the issues raised by Council. The purpose of the report is to provide commentary around the design flood levels for the site in accordance with the requirements of the Penrith Local Environment Plan (LEP) 2010 Section 7.2 and the Penrith Development Control Plan (DCP) 2014 Chapter 3.5. The flood study for the site includes the analysis of the January 2016 rainfall event which reportedly inundated the site.

Based on the information contained within the pre-DA meeting minutes (ref: *PRE DA MEETING PL180012 1 Station Lane Penrith.pdf*), the peak 1% AEP flood level and FPL for the site identified by Council is 27.10 m AHD and 27.6 m AHD respectively. Whilst BMT could not replicate this level exactly (-0.2 m difference in simulated 1% AEP levels) using the TUFLOW model provided (refer Section 2.2), BMT did not identify any significant issues that would result in the simulation of inappropriate design flood levels. With regard to the inundation of the site as a result of the January 2016, the assessment identified the following:-

(i) the January 2016 rainfall event was approximately equivalent to a 2% AEP event (based on a comparison with the design rainfall hyetographs applied to Council's model as RoG);

(ii) the inundation of the site can be attributed to a combination of mainstream inundation from the open channel to the south of the site and overland flow originating from Union Street to the north of the site;
(iii) the study site was inundated to a depth of <20 cm;
(iv) Peak flood levels in the channel were potentially elevated due to a downstream structure blockage resulting in the overtopping of the channel bank; and
(v) Councils model would likely show the site as inundated by shallow floodwaters during the 1% AEP event but this inundation is removed via filtering of shallow depths <0.15 m.

The observed flood inundation of the site for the January 2016 event exceeds Council's 1% AEP design flood levels based on the existing flood modelling. The BMT review of the existing model did not identify any significant issues that would suggest an underestimation of the design flood conditions. The discrepancy between the observed January 2016 and design 1% AEP flood conditions may be attributable to blockage conditions in the local drainage network (particularly the Mulgoa Road culvert) and potentially higher catchment rainfall than recorded at the gauge for the event.

Accordingly, Council's existing flood modelling is considered appropriate for the site providing for an FPL of 27.6 m AHD for the proposed development at the site.

10.2 Proposed Mitigation Measures

No flood mitigation measures are proposed as the subject lands are not affected by the 1% AEP Flood Event.

10.3 Climate Change and Sea Level Rise

In relation to climate change and sea level rise, these effects will be felt through:-

(i) increased in intensity and frequency of storms, storm surges and coastal flooding;
(ii) increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
(iii) increased coastal erosion;
(iv) inundation of low lying coastal communities and critical infrastructure;
(v) loss of important mangroves and other wetlands; and
(vi) impacts on marine ecosystems

There is a general lack of knowledge on the specifics of climate change and the likely impact it will have on the proposed commercial development. Government action may mitigate the impact of climate change and the question of sea level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time. In the absence of any detailed information, it is considered that such affects will have minimal impact on the proposed development.

11.0 CONSTRUCTION DETAILS

The design and location of proposed residential flat building is controlled by:-

(i) SEPP 65 – Design Quality of Residential Apartment Development
(ii) NSW Planning Apartment Design Guide; and
(iii) the Penrith Development Control Plan 2014 under Part C1 – *Site Planning and Design Principles*.

Where applicable, this report addresses each of the relevant SEPP provisions and DCP standards.

11.1 New Building Location/Design

The **Architectural Plans** prepared by ***Antoine J. Saouma Architect*** show the location of the proposed residential flat building, private open space areas and communal areas and vehicle access arrangements. The proposed residential flat building has been orientated north/south to align with and address the street alignment, as well as maximise north and west facing frontages maximising solar access. The attached **Design Verification Statement/SEPP65 Report** prepared by ***Antoine J. Saouma Architect*** addresses the design quality principles.

11.2 Building Setbacks

The proposed building setbacks are shown on the **Architectural Plans** prepared by ***Antoine J. Saouma Architect*** and are generally consistent with provision outlined in the Apartment Design Guide (ADG).

11.2.1 *Front Setback*

The required front building setbacks are prescribed in the Apartment Design Guide (ADG) Workbook under Section 2G – *Building Setbacks*.

Under the ADG, street setbacks establish the alignment of buildings along the street frontage and spatially define the width of the street. Combined with building height and road reservation, street setbacks define the proportion and scale of the street and contribute to the character of the public domain. In a centre, the street setback or building line may be set at the property boundary defining the street corridor with a continuous built edge. In a suburban context, the street setback may accommodate front gardens, contributing to the landscape setting of buildings and the street. Street setbacks provide space for building entries, ground floor apartment courtyards and entries, landscape areas and deep soil zones.

11.2.2 *Side and Rear Setbacks*

The required side and rear building setbacks are prescribed in the Apartment Design Guide (ADG) Workbook under Section 2H – *Side and Rear Setbacks*.

Under the ADG, side and rear setbacks govern the distance of a building from the side and rear site boundaries and are related to the height of the building. They are important tools for achieving amenity for new development and buildings on adjacent sites. Setbacks vary according to the building's context and type.

Larger setbacks can be expected in suburban contexts in comparison to higher density urban settings. Setbacks provide transition between different land uses and building typologies. Side and rear setbacks can also be used to create useable land for common open space, tree planting and landscaping.

11.3 Construction Details

The proposed external finishes are shown in ***Figure 17***.

COLOUR SCHEDULE

1. BRICK FACE : BORAL ESCURA SMOOTH FACE PEARL GREY
2. RENDER AND PAINT WALLS : Dulux white Duck W A216 Weather shield (low sheen)
3. WALL LINING : ALUIMINIUM COPMPOSITE ALUCOBOND METALLIC COPPER
4. WINDOW FRAMES & PERGOLAS: Anotel natural matt 89119 Powdercoated Aluminmium Dulux
5. CONCRETE DRIVEWAY : Ironstone Berger Jet Dry
6. RENDER AND PAINT WALLS : Dulux timeless Grey W GR 23 Weather shield (low sheen)
7. SUNSHADES / LOUVRES : METALLIC COPPER
8. UNDERSIDE of balconies Ceilings : Dulux white Duck W A216 Weather Shield (low sheen)
9. BALCONIES : Frameless glass : pilkington optifloat grey

Figure 17
Extract from Architectural Plans – External Finishes
(image courtesy of Antoine J. Saouma Architects)

The **Architectural Plans** prepared by ***Antoine J. Saouma Architect*** show the proposed residential flat building and site works described in this report.

11.4 Elevations and Sections

The **Architectural Plans** prepared by ***Antoine J. Saouma Architect*** show the proposed elevations for the residential flat building.

11.5 Floor Areas and Density/Site Coverage

Density and Site Coverage are dealt with under Section 2.1.4 – *Floor Space Ratio/Site Coverage*

Clause 4.4 – *Floor Space Ratio* of the Penrith Environmental Plan 2010 deals with the issues relating to gross floor area and its relationship to the site area.

The **objectives** of this clause are to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject lands do not have a designated floor space ratio (ie: the mapping is uncoloured) under the Penrith Local Environmental Plan 2010 as shown in ***Figure 10***.

The subject site has an area of 664.5m² with the adjoining Council owned Lot 18 having an area of 198.3m². It is intended to formalise the acquisition/purchase of Lot 18 in DP122079 and consolidate the allotment with the subject site.

As there are no FSR controls applicable in the Penrith LEP 2010, density is controlled by the height and setback provisions under:-

(iv) the Penrith Local Environmental Plan 2010;
(v) Chapter C1 – *Site Planning and Design Principles* of the Penrith Development Control Plan 2014 together with the height controls in the LEP; and
(vi) The Apartment Design Guide (ADG) and SEPP 65 – *Design Quality of Residential Apartment Development*

In this instance, the building form is six (6) storeys (with some minor variance) and is well articulated such that the nominated setbacks incorporate adequate landscaping, open space and separation between buildings.

The proposed development therefore **COMPLIES** with Clause 4.4 – *Floor Space Ratio* of the Penrith Local Environmental Plan 2010, the Penrith DCP 2014 provisions and *Apartment Design Guide* (ADG). Each of the provisions is discussed (where relevant) in the body of this report.

The relevant site statistics including the floor space ratio (FSR) are shown in ***Figure 11***. The floor space ratio for the proposed development in relation to the site area of Lot B2 only is **1.65 to 1** which is considerably less than the adjoining floor space ratio controls (ie: 3 to 1) on the north side of Union Road.

11.6 Building Height

Building height is dealt with under Section 2.1.3 – *Height of Buildings*.

Clause 4.3 – *Height of Buildings* deals with issues relating to building height and the impact on built form and amenity. The objectives of this clause are to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The subject lands are designated P and currently have a maximum height of 18 metres under the Penrith Local Environmental Plan 2010 as shown in ***Figure 4***.

The height of the proposed residential flat building is shown on the attached **Architectural Plans** prepared by ***Antoine J. Saouma Architect***. The proposed residential building does not fully comply with the provisions under Clause 4.3 with the roof parapet (250mm above the height plane) and lift overrun (1 metre above the height plane) encroaching outside the 18.0 metre height plane as shown ***Figure 5***.

The building elevations are shown on Sheets 11 to 12 in the Architectural Plans. As can be seen from the elevations, the building generally presents as a six (6) story façade to Station Lane with generous setbacks to the west.

11.7 Accessibility Assessment

The attached **Access Review Report** has been prepared ***LOKA Consulting Engineers*** to identify the extent of compliance achieved by the architectural documentation against the relevant provisions of the Australian Standard AS4299 (1995) – Adaptable Housing.

The proposed development will comprise of six (6) levels of residential floors and two (2) levels of car parking. The report has been prepared so as to provide the consent authority with an Adaptable Housing analysis to assist in the determination of the application. LOKA Consulting Engineers have concluded that the proposed building is capable of achieving compliance with the requirements of the Australian Standard AS4299 (1995) – Adaptable Housing and relevant adopted standards without undue modification to the design or appearance of the building.

12.0 TRAFFIC MANAGEMENT

The attached **Traffic Management Report** prepared by ***LOKA Consulting Engineers*** assesses the traffic and parking implications of the development proposal.

12.1 Existing Traffic Controls

The existing traffic controls which apply to the road network in the vicinity of the site include:-

(i) a 50 km/h SPEED LIMIT which applies to Union Road;
(ii) a 50 km/h SPEED LIMIT which applies to Station Lane;

(iii) TRAFFIC SIGNALS in Union Road where it intersects with Worth Street, with all turning movements permitted; and
(iv) a ROUNDABOUT in Union Road where it intersects with Station Street

The subject site fronts Station Lane which is bitumen sealed with a full range of services (see ***Figure 18***). The existing dwelling has access off Station Lane which services the existing garage. All access points will be removed and replaced by a single ingress/egress car lift to service the proposed basement car park as shown on the attached **Architectural Plans** prepared by ***Antoine J. Saouma Architect***.

Figure 18
Street View showing existing road infrastructure
(image courtesy of Google Earth Pro)

12.2 Proposed Parking Provisions

The attached **Architectural Plans** prepared by ***Antoine J. Saouma Architect*** show the proposed ingress/egress point off Station Lane which services the proposed basement parking area with a capacity of fourteen (14) car parking spaces including:-

(i) ten (10) resident spaces including two (2) space for people with disabilities; and
(ii) four (4) visitor spaces

An assessment is made between the off-street car parking requirements for residential flat buildings outlined in the Penrith DCP 2014 and also the RMS *Guidelines* to determine the *comparative* requirement.

The relevant car parking rates outlined in the RMS *Guidelines* are reproduced below:-

RMS Guidelines – High Density Residential Flat Buildings
0.6 spaces per 1 bedroom unit
0.9 spaces per 2 bedroom unit
1.4 spaces per 3 bedroom unit
1 space per 5 units for visitor parking

Accordingly, the minimum off-street car parking requirement applicable under the RMS *Guidelines* to the proposed development is 17 spaces, comprising 14 residential spaces and 3 visitor spaces.

The relevant car parking rates outlined in the Penrith DCP 2010 (Chapter C10 – *Transport Access and Parking*) are reproduced below:-

Penrith DCP Guidelines – Residential Flat Buildings

1 space per 1 or 2 bedrooms
2 spaces per 3 or more bedrooms
1 space per 40 units for service vehicles
In addition, visitor parking is to be provided for developments that have 5 or more dwellings: 1 space per every 5 dwellings, or part thereof.

Accordingly, the minimum off-street car parking requirement applicable under the Penrith DCP *Guidelines* to the proposed development is 22 spaces, comprising 18 residential spaces and 4 visitor spaces.

The comparative requirements are set out below:

	Penrith DCP 2013	**RMS Guidelines**
Residents:	18 spaces	14 spaces
Visitors:	4 spaces	3 spaces
Total:	22 spaces	17 spaces

Lesser Car Parking Requirement: 17 spaces

The off-street parking requirements applicable to the development proposal are also specified in the *Apartment Design Guide* under objective 3J-1which makes provision for sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area. The minimum car parking requirement for residents and visitors is set out in the *Guide to Traffic Generating Developments* or the car parking requirements prescribed by the relevant council (whichever is less).

+

In this instance, the *Apartment Design Guide* under objective 3J-1 prescribes the following rates shown in ***Table 3***:-

Land use	Measure	Minimum spaces required
Metropolitan Regional (CBD) Centres	1 bedroom	0.4/unit
	2 bedrooms	0.7/unit
	3 bedrooms	1.2/unit
	Visitor	1/7 units

Table 3-2 Off-street parking space rates from Apartment Design Guide

Table 3
Off-Street parking space rates from the Apartment Design Guide

The subject site is located within 800 metres of a railway station in the Sydney metropolitan area (i.e. 649 metres from Penrith Rail Station as shown in ***Figure 19***).

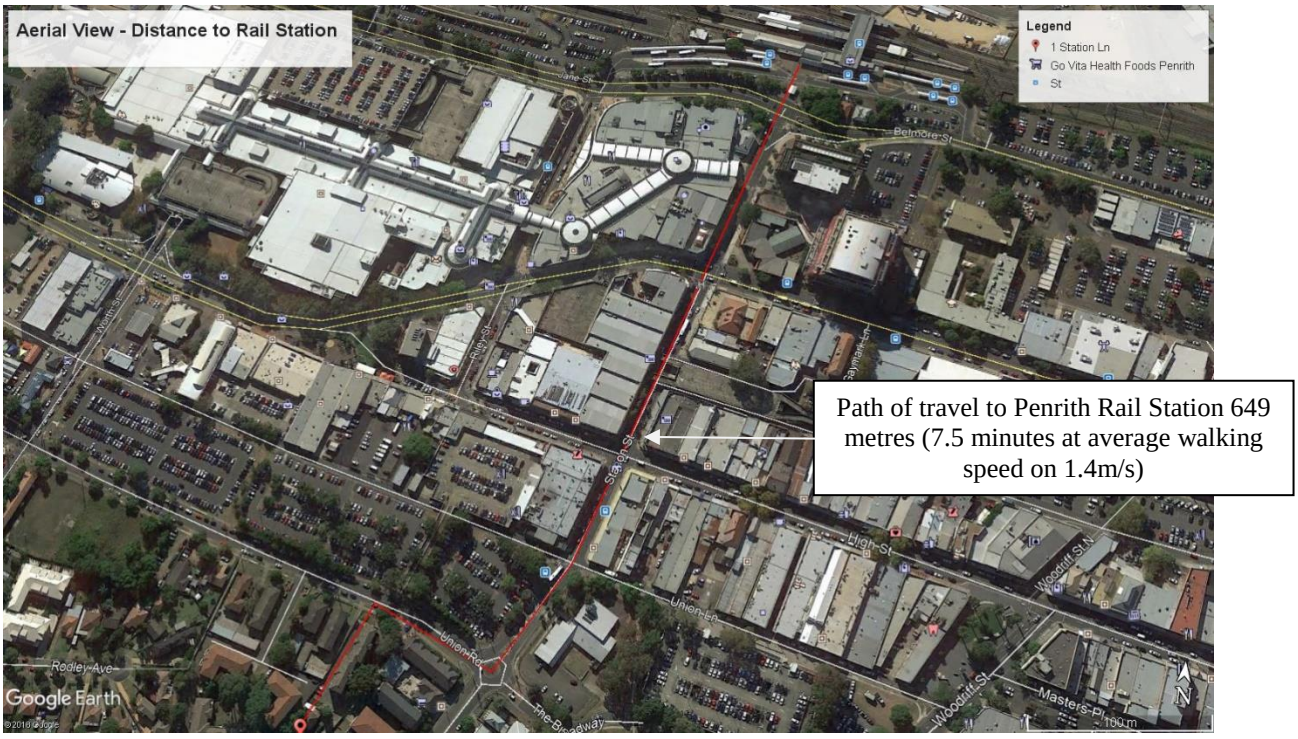

Figure 19
Aerial View showing distance to Penrith Rail Station (ie: 649 metres)
(image courtesy of Google Earth Pro)

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Therefore the development is subject to the parking requirements specified in the *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (Amendment No 3), 2015* in the following terms:-

30 Standards that cannot be used to refuse development consent or modification of development consent

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide.

Reference is therefore made to the *Apartment Design Guide 2015, Section 3J – Bicycle and Car Parking* document which nominates the following car parking requirements:-

Objective 3J-1
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas for development in the following locations:-

(i) on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or

(ii) *on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirements for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking* requirement prescribed by the relevant council, whichever is less.

The proposed development makes provision for a total of fourteen (14) off-street car parking spaces comprising ten (10) resident spaces and four (4) visitor spaces thereby satisfying the *Apartment Design Guide* and *SEPP 65* requirements.

The geometric design layout of the car parking facilities have been designed to comply with the relevant requirements specified in the Standards Australia publication *Parking Facilities Part 1 - Off-Street Car Parking AS2890.1:2004* in respect of parking bay dimensions, aisle widths, ramp grades and widths and overhead clearances.

12.3 Traffic Movements

The traffic implications of the proposed development primarily concern the effects of the *additional* traffic flows generated as a result of the development and its impact on the operational performance of the adjacent road network. An indication of the traffic generation potential of the development proposal is provided by reference to the Roads and Maritime Services publication *Guide to Traffic Generating Developments, Section 3 - Landuse Traffic Generation (October 2002)* and the updated traffic generation rates in the recently published RMS *Technical Direction (TDT 2013/04a)* document.

The *TDT 2013/04a* document specifies that it replaces those sections of the RMS *Guidelines* indicated, and that it must be followed when RMS is undertaking trip generation and/or parking demand assessments. The RMS *Guidelines* and the updated *TDT 2013/04a* are based on extensive surveys of a wide range of land uses.

The subject site is identified as a medium density residential flat building (less than 20 units). The rate and corresponding peak hour vehicle trips are given in ***Table 4*** below.

Table 4
Peak Hour Vehicle Trips

Unit Type	Rate	Number of Proposed Units	Weekday Peak Hour Vehicle Trips
Up to 2 bedrooms	0.4 to 0.5 per dwelling	16	6.4 to 8.0
Three or more bedrooms	0.5 to 0.65 per dwelling	1	0.5 to 0.65
TOTAL			**Maximum 9**

Application of the above traffic generation rates to the seventeen (17) residential apartments of the development proposal yields a traffic generation potential of approximately 9 vph weekday peak hour vehicle trips

That projected future level of traffic generation potential should however, be offset or *discounted* by the volume of traffic which could reasonably be expected to be generated by the existing uses of the site, in order to determine the *nett increase (or decrease)* in traffic generation potential expected to occur as a consequence of the development proposal.

The *TDT 2013/04a* nominates the following traffic generation rates which are applicable to the existing single dwelling development on the site:-

Low Density Residential Dwellings
Daily vehicle trips = 9.0 per dwelling; and
Weekday peak hour vehicle trips = 0.85 per dwelling

Application of the above traffic generation rates to the existing single dwelling house on the site yields a traffic generation potential of approximately 1 vph during peak periods. The future trips should be discounted by the existing trips, which is shown in ***Table 5*** below as set out below:-

Table 5
Future Trips/Existing Trips

Traffic Generation Potential	Weekday peak hour vehicle trips
Future	9
Existing	1
Net	8

According to the table above, there will be net increase of 8 weekday peak hour vehicle trips in traffic generation potential for the proposed development. The projected increase in traffic activity as a consequence of the development proposal is considered *minimal*, consistent with the R4 zoning objective of the area, and will clearly not have any unacceptable traffic implications in terms of road network capacity, nor will any mitigation measures be required to ameliorate any impacts.

13.0 SITE WASTE MANAGEMENT

The Hornsby Development Control Plan 2013 Part 1 – *General* deals with issues related to site waste management under Clause 1C.2.3 – *Waste Management*. The desired outcomes of the policy are:-

(i) to maximises re-use and recycling of building materials;
(ii) to ensure waste storage and collection facilities that are designed to encourage recycling and are located and designed to be compatible with the streetscape, accessible, clean and safe for users and collectors.

It requires that a Waste Management Plan be prepared in accordance with Council guidelines and submitted with the development application, to address demolition and construction waste.

13.1 Garbage Collection Points

The proposed residential flat building will be serviced by Council's current waste services contractor. Bins will be stored within the proposed garage collection room on the ground level as shown in the attached Architectural Plans (Sheet 03).

13.2 Controls for Site Waste Management

An ***Operational Waste Management Plan*** is attached which details the waste generated and the method of disposal. The ***Operational Waste Management Plan*** has been undertaken in accordance with the requirements of Part C – *City Wide Controls* Section C5 – *Waste Management* of the Penrith Development Control Plan 2014.

14.0 EXTENT OF CUT/FILL

The proposed development involves 2,460 cubic metres of site excavation as shown on the **Architectural Plans** prepared by ***Antoine J. Saouma Architect***. It is expected that appropriate conditions of consent will be applied should approval be granted requiring the submission of final structural and engineering design plans. The extent of excavation is dealt with under Section 2.1.5 – *Earthworks*.

Clause 6.2 – *Earthworks* of the Penrith Local Environmental Plan 2010 deals with issues associated with the impact of excavation and earthworks. The **objective** of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The attached **Preliminary Site Investigation** prepared by ***Benviron Group*** (Geotechnical Engineers) addresses the issues relating to sub-surface conditions.

15.0 EROSION AND SEDIMENTATION CONTROL

Preliminary erosion or sedimentation controls are shown on the attached **Stormwater Concept Plan** prepared by ***LOKA Consulting Engineers***.

Final details will be provided at Construction Certificate stage subject to appropriate conditions of consent and will be installed and maintained in accordance with Part C – *City Wide Controls* Section C4 – Land Management Clause 4.3 – *Erosion and Sedimentation* of the Penrith Development Control Plan 2014. Full engineering details will be provided in accordance with appropriate conditions of consent as required by Penrith City Council. Works will include the installation of sediment fences around the perimeter of the site area, stormwater inlet protection and diversion drains where necessary.

16.0 ROAD FORMATIONS

16.1 Existing Road Formation

The development fronts Station Lane which is bitumen sealed with a full range of services. Whilst the road reserve is a standard 6 metres wide, the existing road pavement is engineered for two way traffic movements as shown in ***Figure 20***.

Figure 20
Street View showing the road conditions at the entry to Station Lane
(image courtesy of Google Earth Pro)

16.2 Road Upgrading

No road upgrading is required as part of this application other than transitioning the proposed access driveway to the existing road pavement.

17.0 CLEARING

The proposed development will necessitate clearing of the existing thirteen (13) trees as described in the attached **Pre-development Tree Assessment Report** prepared by ***Nada Kbar***.

The existing thirteen (13) trees are mix of exotic and native Australian species, none of which have any special significance in regards to heritage/environment values as indicated in the Penrith Local Environment Plan 2010 (LEP).

The site is in a neglected state. The existing trees have been left unattended for a prolonged period of time allowing many invasive species to establish and grow. The majority of trees on the subject site have had lack of maintenance over in recent years. This has resulted in the presence of many structural and major defects with some trees being invaded by climbing Cactus (*Epiphyllum hookeri*) and Flame vine (*Pyrostegia venusta*).

Regardless of their location in relation to the proposed development, amongst the thirteen trees that have been identified on the site plan, only two (2) trees are considered healthy and in a good condition (T1 & T7). All other trees are either dead or in a declining state. All trees on the site are identified for removal based on their current condition.

18.0 PUBLIC UTILITIES AND SERVICES

The following information in relation to existing services and utilities was provided by Dial Before You Dig. Association of Australian Dial Before You Dig Services Ltd. does not maintain information regarding the location of underground assets. DBYD merely facilitates communication between the users of this service and Members/Participants. DBYD is not responsible for the accuracy of information received from users of this service, as to proposed excavation activity. There are also owners of underground assets which do not participate in the referral service operated by DBYD. Therefore, DBYD cannot make any representation or warranty as to the accuracy, reliability or completeness of the information contained in this notice. DBYD and its employees, agents and consultants shall have no liability (except insofar as liability under any statute cannot be excluded) arising in respect thereof or in any other way for errors or omissions including responsibility to any person by reason of negligence.

All users of this service acknowledge that they have a duty of care to observe with regards to underground networks when digging or excavating. All services should be located by survey prior to the commencement of all works.

18.1 Sewer Services

The site is currently serviced from Sydney Water's existing 150mm diameter VC gravity sewer main which is located within the carriageway of Station Lane as shown in ***Figure 21***.

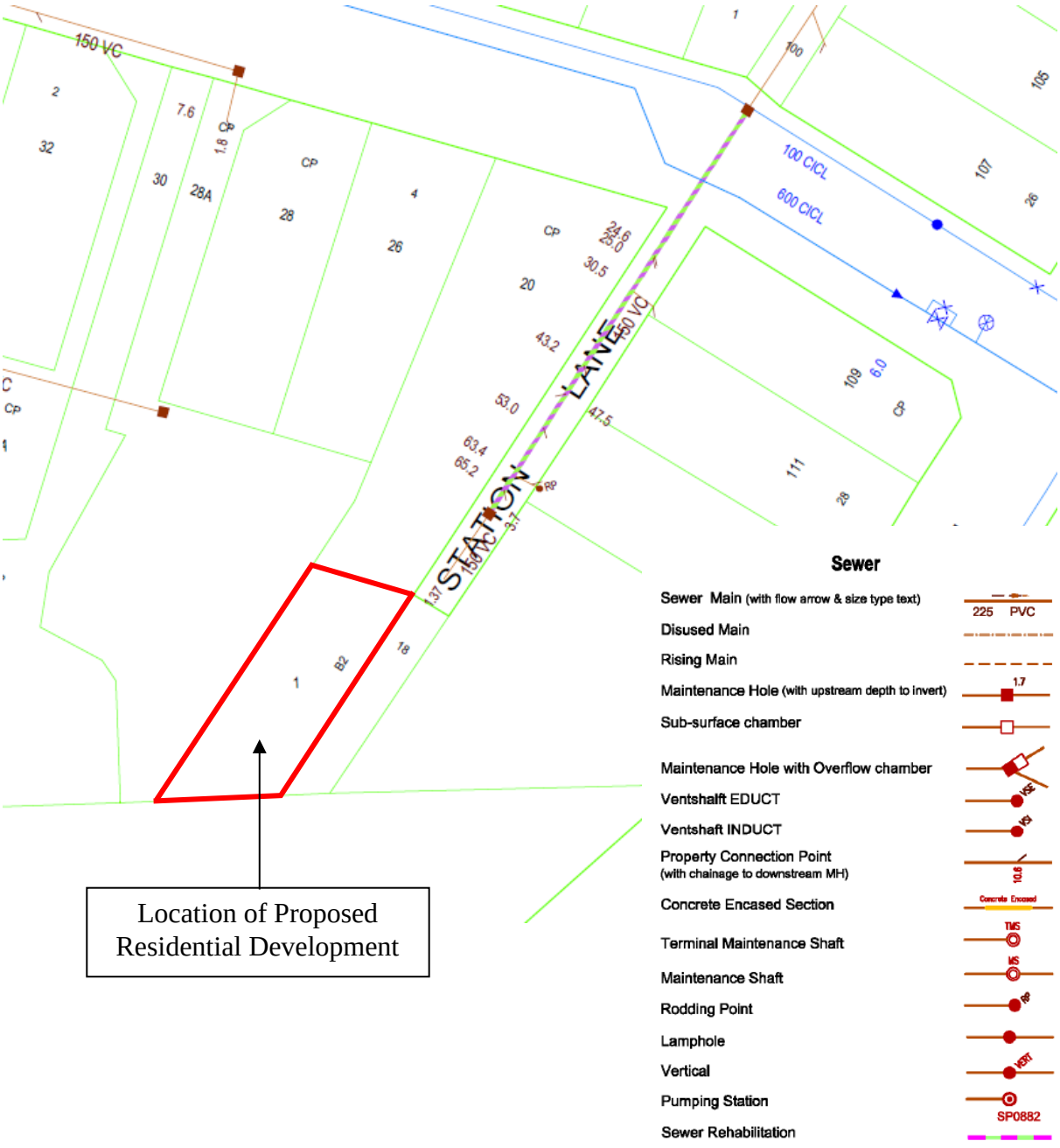

Figure 21
Extract from Sydney Waters Infrastructure Mapping
(image courtesy of Sydney Water through the Dial Before You Dig portal)

18.2 Water Reticulation

Sydney Water provides water supply from an existing 100mm diameter CICL water main located on the northern side of Union Street (see ***Figure 22***). The proposed residential flat building can connect to water authority's water supply system.

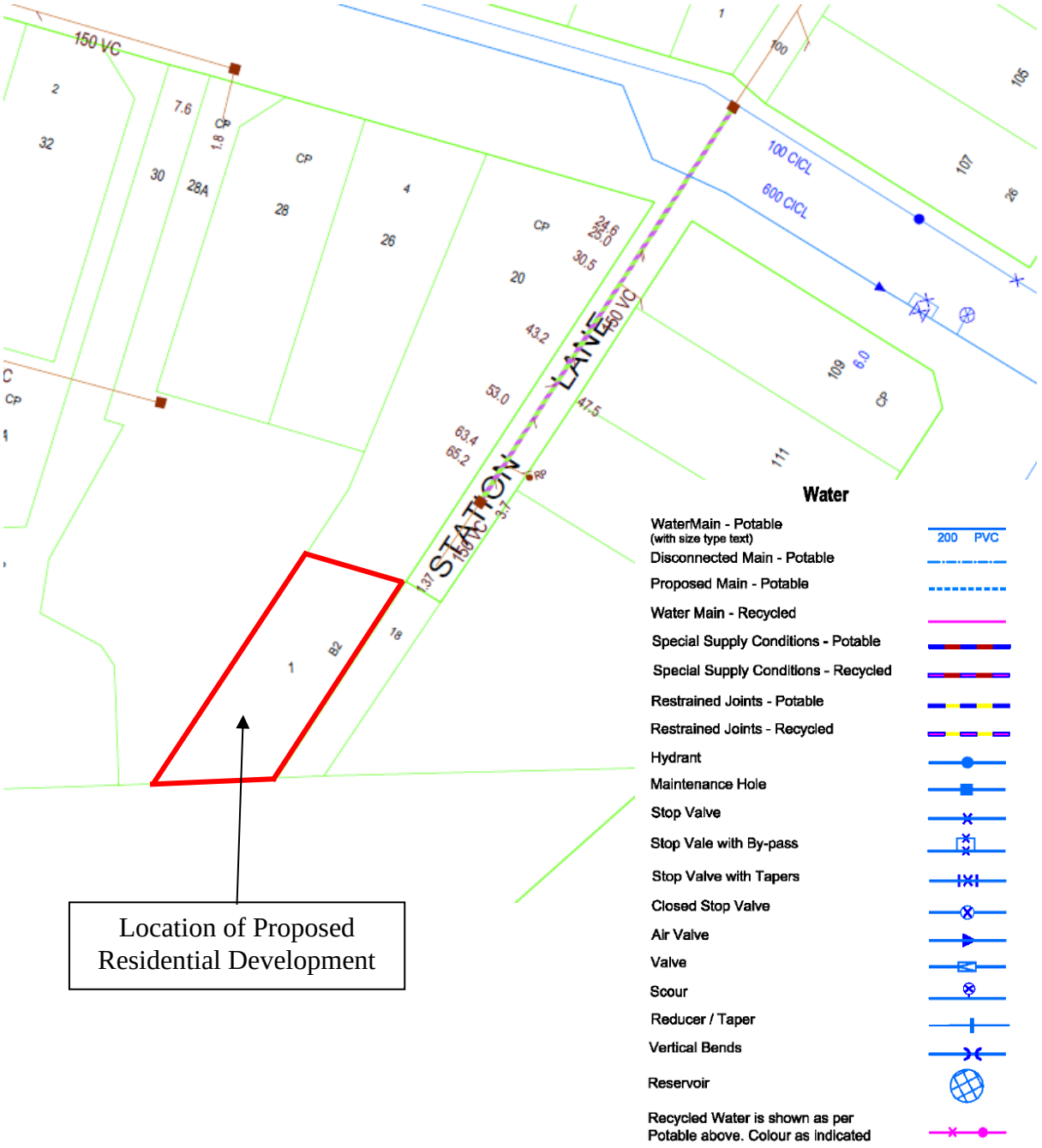

Figure 22
Extract from Sydney Waters Infrastructure Mapping
(image courtesy of Sydney Water through the Dial Before You Dig portal)

18.3 Power Supply

The site is serviced from existing Endeavour Energy underground power lines in Station Lane as shown in ***Figure 23***. The existing dwelling is currently connected to the local power grid. The proposed residential development can be connected to the power grid subject to application to Endeavour Energy.

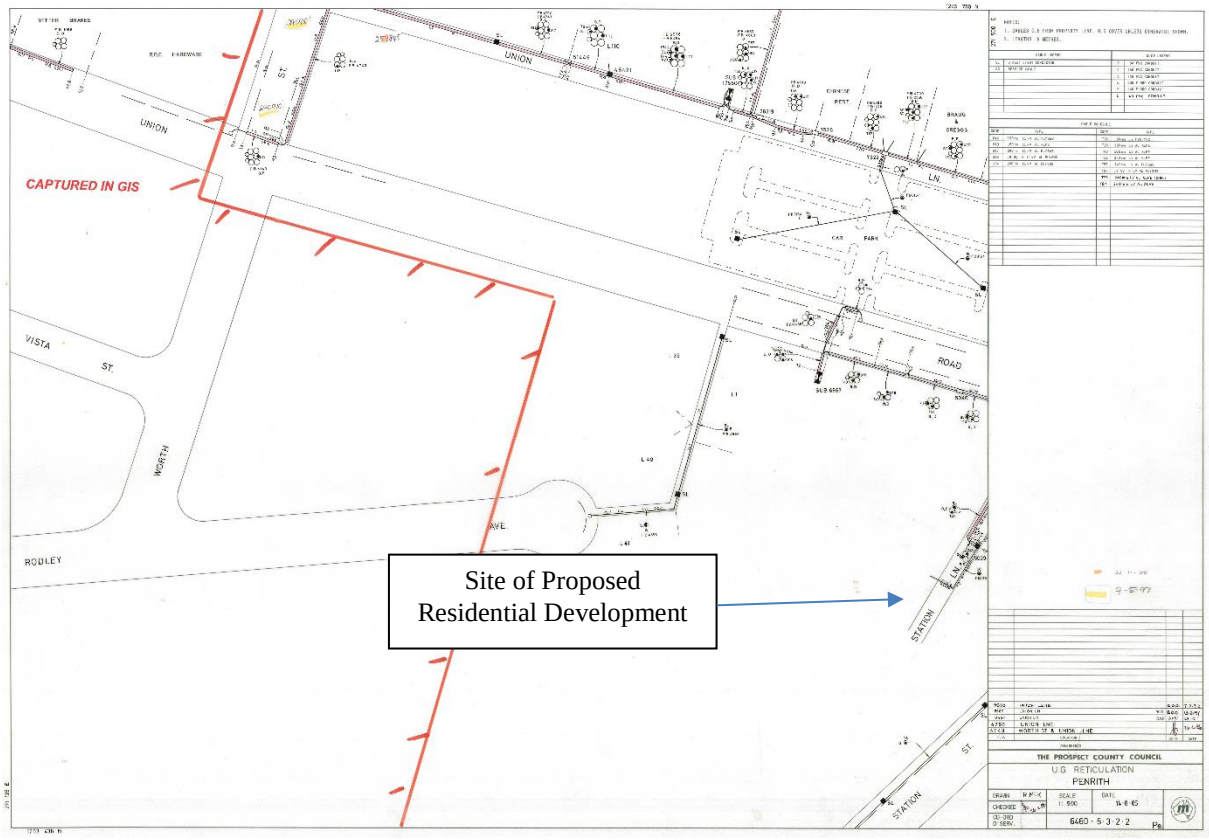

Figure 23
Extract from the Endeavour Energy's Infrastructure Mapping
(image courtesy of Endeavour Energy through the Dial Before You Dig portal)

18.4 Telecommunications

NBN Co. has underground telecommunications cables available in Station Lane as shown in ***Figure 24***. The existing dwelling is currently connected to the local telecommunications network. The proposed development will be able to access the existing services subject to application to NBN Co.

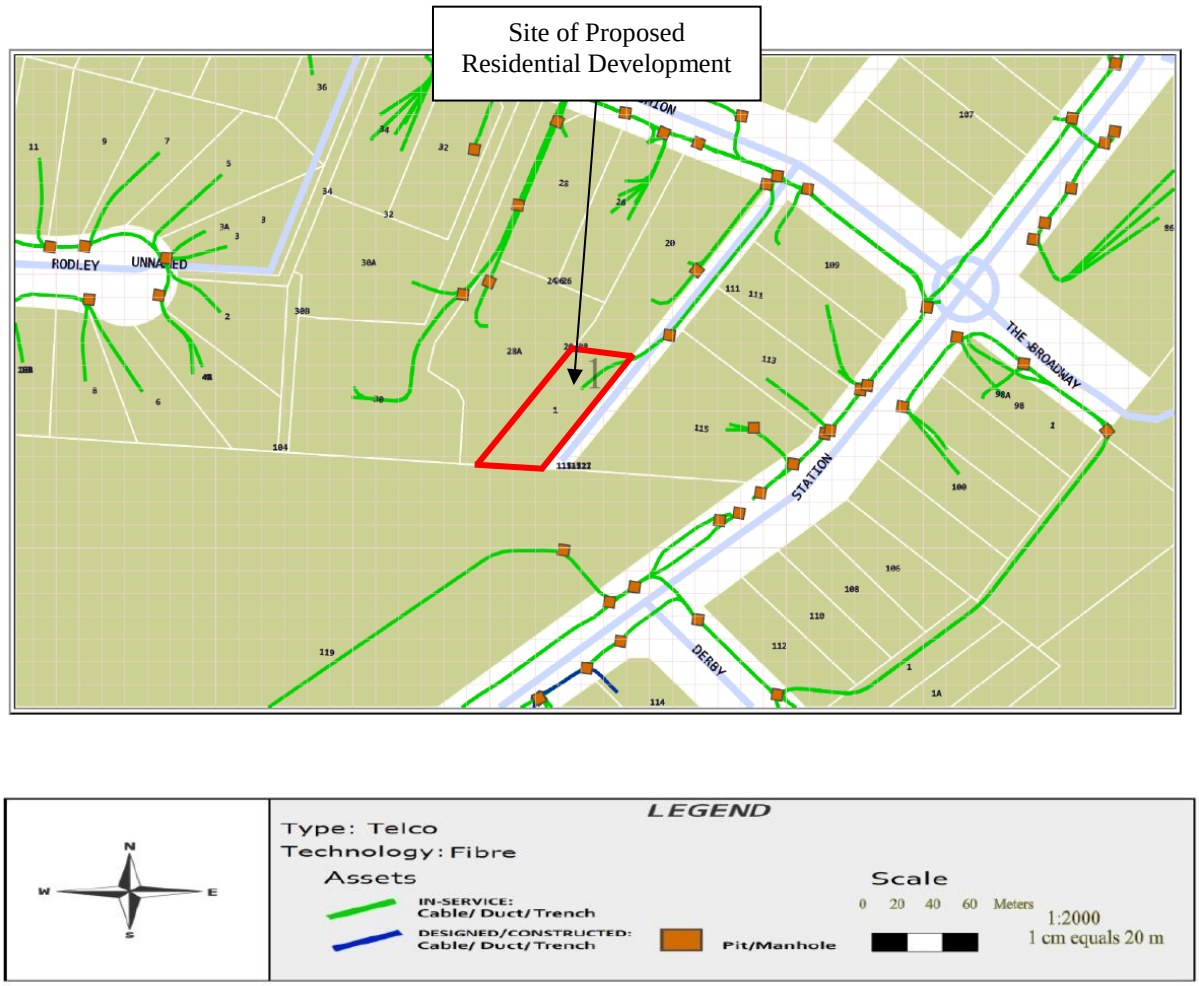

Figure 24
Extract from the NBN Co's Infrastructure Mapping
(image courtesy of NBN Co. through the Dial Before You Dig portal)

18.5 Gas Reticulation

Jemena currently has a 200mm 0.8-2.5 MBL high pressure gas mains in Station Lane and in the vicinity of the development site as shown in ***Figure 25***.

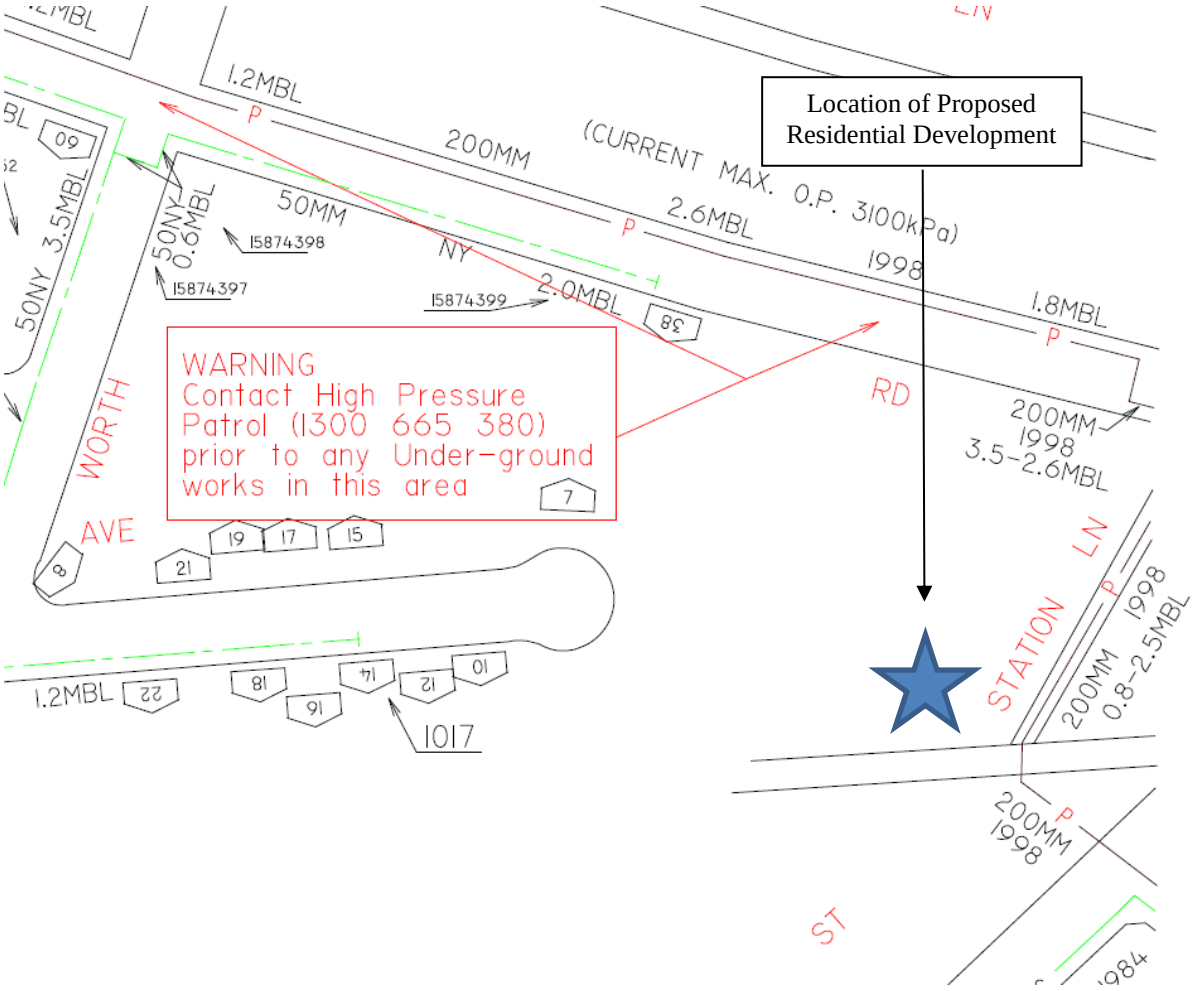

Figure 25
Extract from the Jemena Infrastructure Mapping
(image courtesy of Jemena through the Dial Before You Dig portal)

19.0 STATEMENT OF ENVIRONMENTAL EFFECTS:

The proposed residential flat building will have some effect on the local environment as will any high density residential development project. The following details highlight the measures proposed to reduce the potential effects of the development. All measures will be incorporated into the development so as to create an environmentally acceptable development proposal.

19.1 Flora Effects

The subject area of the residential development is already cleared of much of the original vegetation. Thirteen (13) remnant trees remain which will require removal as detailed in the attached **Pre-development Tree Assessment Report** prepared by ***Nada Kbar*** (see Section 17.0 – *Clearing*). However, extensive landscaping is proposed to offset tree loss as shown on the attached **Landscape Concept Plan** prepared by ***Vision Dynamics*** (Landscape Architects). The development will not adversely impact on any rare or endangered flora species. Nor will any wildlife corridors or habitat be affected as a result of the proposed works.

19.2 Fauna Effects

Most of the native vegetation, as described above, has been removed from the site. Therefore, the development will not adversely impact on any rare or endangered fauna species. Nor will any wildlife corridors or habitat be affected as a result of the proposed works. No significant natural fauna exists on the site.

19.3 Traffic Effects

As all the works are primarily within the property, the proposed application is not expected to adversely impact on traffic movements in Station Lane or Union Street nor adversely impact of local traffic circulation. See Section 12 – *Traffic Management* for further details. The attached **Traffic Management Report** prepared by ***LOKA Consulting Engineers*** assesses the traffic and parking implications of the development proposal.

Station Lane is a bitumen sealed laneway provided tow way traffic access. All existing infrastructure is contained within the Council's road reserve.

The projected increase in traffic activity as a consequence of the development proposal is *minimal*, consistent with the R4 zoning objective of the area, and will clearly not have any unacceptable traffic implications in terms of road network capacity, nor will any mitigation measures be required to ameliorate any impacts.

19.4 Noise Effects

The attached **Acoustic (Traffic & Environmental Noise) Report** prepared by ***Acoustic Vibration & Noise Pty Limited*** was undertaken to determine the building materials to be used and the construction methods to be adopted such that the proposed development is built to achieve acceptable internal noise levels as per Penrith City Council's requirements under Part C – *City Wide Controls* Section C12 – *Noise and Vibration* of the Penrith Development Control Plan 2014.

The proposed residential dwelling abuts existing residential dwellings and medium density housing to north and east of the site. The adjoining properties have varied setbacks with appropriate separation distances. As a result of the proposed construction works, some short term noise impacts will be experienced. However, such noise levels are not expected to cause any detrimental effects on the neighbourhood and once works are completed, background noise will return to current levels.

The Acoustic Report concludes that construction of the proposed residential development, if carried out as recommended in the plans and specifications and including the acoustic recommendations in the report, will meet the required noise reduction levels as required in:-

(i) Clause 102 of the State Environmental Planning Policy – (Infrastructure) 2007;
(ii) NSW Road Noise Policy;
(iii) Australian Standards AS 3671 "Traffic Noise Intrusion Building Siting and Construction";
(iv) AS 2107 "Acoustics – Recommended Design Sound Levels and Reverberation Times"; and
(v) Part C – *City Wide Controls* Section C12 – *Noise and Vibration* of the Penrith Development Control Plan 2014

19.5 Visual Amenity Effects

19.5.1 *General*

The demolition of the existing dwelling and construction of the proposed residential flat building will have some impact on the visual amenity of the property and the immediate precinct as significant works (including site clearing) will need to be undertaken to accommodate the development. This will be mitigated by a significant improvement of the streetscape through the high quality architectural design and external finishes (as shown on the attached **Architectural Plans** prepared by ***Antoine J. Saouma Architect***) together with substantial landscaping (as shown on the attached **Landscape Concept Plan**).

19.5.2 *Desired Character*

Consistent with the desired character, it is considered that the proposed residential flat building, access and site works complies with the desired character in that:-

(i) the proposal compliments the proposed developments currently under construction in the Penrith commercial precinct as is supported by active landscape management;
(ii) the proposal does not significantly impact on the natural qualities of surrounding medium density properties; and
(iii) the proposal is consistent with the requirements of the Apartment Design Guidelines

19.6 Air Quality Effects

In the short term, the potential effects on the air quality will be limited to those effects caused by the construction works emanating from emissions from construction machinery and motor vehicle exhausts associated with the building works.

Atmospheric pollutants caused by such emissions are not expected to have a significant effect on the surrounding area. When access alterations, site works and front fencing is completed, impacts on air quality caused by the operation of the development will not be appreciably greater than that currently experienced.

19.7 Erosion and Sedimentation Effects

Preliminary erosion or sedimentation controls are shown on the attached **Stormwater Concept Plan** prepared by ***LOKA Consulting Engineers***. Final details will be provided at Construction Certificate stage subject to appropriate conditions of consent and will be installed and maintained in accordance with Part C – *City Wide Controls* Section C4 – Land Management Clause 4.3 – *Erosion and Sedimentation* of the Penrith Development Control Plan 2014. Full engineering details will be provided in accordance with appropriate conditions of consent as required by Penrith City Council. Works will include the installation of sediment fences around the perimeter of the site area, stormwater inlet protection and diversion drains where necessary.

19.8 Socio-Economic Effects

The proposed residential flat building will have numerous positive socio-economic benefits including:-

(i) increasing the range and choice of housing accommodation within walking distance to the Penrith commercial centre, services and public transport;
(ii) the provision of a high quality residential flat building that will improve the standard of residential development close to Penrith Rail Station;
(iii) improving the amenity of the precinct and complement adjoining development to the north and east of the site; and
(iv) the provision of short term construction jobs

19.9 Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It includes the built environment, open space (including passive recreation space), pedestrian and transport corridors, conflicts of land use etc.

CPTED aims to reduce opportunities for crime by using design and place management principles that reduce the likelihood of essential crime 'ingredients' (ie: law, offender, victim or target, opportunity) from intersecting in time and space.

In practice this means that predatory offenders often make 'cost benefit assessment' of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

(i) maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
(ii) maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
(iii) minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
(iv) minimise excuse making opportunities (removing conditions that encourage / facilitate rationalisation of inappropriate behaviour).

CPTED employs four key strategies. These are:-

(i) territorial re-enforcement,
(ii) surveillance,
(iii) access control, and
(iv) space/activity management.

The following strategies are to be included in the development:-

Territorial Re-enforcement

The use of vegetation will assist in creating territorial reinforcement along the Smith Street property boundary.

The attached ***Landscape Masterplan*** ensures that:-

(i) vegetation does not inhibit a 'line of sight' into the development when looking into the development from outside;
(ii) heavy vegetation has been avoided at the entrance areas of the buildings so as not to provide concealment opportunities; and
(iii) lighting will be used at key entry points so as to assist in identifying the transition between public and private land

Surveillance

The proposed landscaping has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. In selecting and maintaining the proposed vegetation, consideration has been given to the possibility of areas becoming entrapment sites in the future. Shrubs are not greater than 1 metre in height and the canopy of the tall street trees are to be higher than six (6) metres.

The residential flat building has been designed so as not inhibit natural surveillance (ie: block sight lines) nor provide concealment and entrapment opportunities. It has been designed taking into consideration:-

(i) the Australian and New Zealand Lighting Standard 1158.1 – *Pedestrian* which requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels; and
(ii) vision and surveillance in the basement level car park area

Access controls

(i) all entry points (pedestrian and vehicle) are to be clearly signposted and identify the area as being private property; and
(ii) pedestrian access markings on site where car park crossings are located will be clearly indicated

Space / Activity Management

Directional signage is to be provided throughout the development. The signage is to be clear, legible and useful so as to aid way finding throughout the development (particularly around entry, car parking and administration areas).

Gardens, hard walls, fencing and perimeter landscaping is to be well maintained. Any evidence of anti-social behaviour (eg: graffiti, malicious damage, broken lights etc) is to be cleaned, fixed, made good and replaced within 24 hours. A Maintenance Plan is to be prepared for the site. The garbage bin areas are to be secured and kept clean at all times.

19.10 Geotechnical Effects/Site Excavation

The attached **Preliminary Site Investigation** was prepared by ***Benviron Group*** (Geotechnical Engineers). The purpose of the investigation was to obtain geotechnical information on subsurface conditions as a basis for comments and recommendations on excavation, groundwater, retention and footings.

Based on the results of Preliminary Site Investigation, it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are low in the context of the proposed use of the site. The site is ***suitable*** for the proposed development, subject to the following recommendations:-

(iii) any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014); and

(iv) an Asbestos Clearance Certificate is recommended to be completed once all existing buildings are structures have been demolished.

If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.

In relation to the site excavation, it is recommended that prior to the start of excavation, dilapidation surveys be completed on adjoining structures located within a horizontal distance from the excavation perimeter of at least twice the excavation depth.

The dilapidation surveys should comprise detailed inspections of the adjoining buildings, both externally and internally, with all defects rigorously described, i.e. defect location, defect type, crack width, crack length, etc. The respective owners of the adjoining properties should be asked to confirm that the dilapidation reports represent a fair record of actual conditions. All excavated material will need to be classified for disposal before being removed from site.

20.0 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

It is prudent to take into consideration the principles of ecologically sustainable development in the management and development of the area. These comments are in accordance with the *New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997.*

Effective integration of economic and environmental considerations is recommended in decision making processes through the implementation of the following processes:-

(i) The Precautionary Principle – namely, if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The site is currently occupied by a single storey brick dwelling with numerous introduced and native trees together with typical suburban landscaping. The allotments to the north and east of the site have been cleared, modified and are currently being developed for medium density residential purposes. It is proposed to construct a new residential flat building, basement parking and associated site works and remove some of the existing native and introduced vegetation. There are no identified threats that would cause serious irreversible environmental damage nor any lack of scientific certainty in relation to the proposed development.

(ii) Inter-generational Equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

The proposed residential flat building and associated site works is to be undertaken in accordance with all current engineering and environmental regulations and to a standard that the local environment is protected both during the construction process and rehabilitation of the site. The proposal will also create both short employment opportunities, improve the residential amenity of the precinct and provide high quality residential accommodation. Therefore, the health, diversity and productivity of the environment will not be affected by the proposed residential development and site works.

(iii) Conservation of Biological Diversity and Ecological Integrity – namely, that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

As the existing allotments and the allotments to the north and east of the site have been previously used for residential purposes, the lands have been significantly modified and degraded compared to its natural state. Therefore, the proposed residential flat building, access alterations and site works will have limited effect on the biodiversity or ecological integrity of the area. Some trees will require removal. However, it is not expected that the demolition of the existing dwelling, removal of the trees and the construction of the new residential flat building will adversely impact to any significant degree on the biological diversity of ecological integrity of the site.

21.0 CONCLUSION:

The proposed residential flat building is recommended to Penrith City Council on the basis that it:-

(i) is a permissible use within the current R4 – *High Density Residential* zone under the Penrith Local Environmental Plan 2010;
(i) is consistent with the objectives of the Penrith Local Environmental Plan 2010; and
(ii) is serviced by a range of public utilities

22.0 LIMITATIONS:

Wales & Associates Pty Limited (WA) has prepared this report for a project at #1 Station Lane in Penrith in accordance with instructions from the owner, Station Lane Pty Limited ATF The Station Lane Trust.

The report is provided for the exclusive use of Station Lane Pty Limited ATF The Station Lane Trust for this project only and for the purpose(s) described in the report. It should not be used for other projects or by a third party. In preparing this report WA has necessarily relied upon information provided by the client and/or their agents.

WA's advice is based upon the information supplied and encountered during this assessment. The accuracy of the advice provided by WA in this report may be limited by undisclosed information provided by other sub-consultants. The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached notes and reports and should be kept in its entirety without separation of individual pages or sections. WA cannot be held responsible for interpretations or conclusions made by others unless they are supported by an express statement, interpretation, outcome or conclusion given in this report.

Please contact the undersigned for clarification of the above as necessary.

20th August 2018

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Matthew Wales
Director
Wales & Associates Pty Limited

Date

END

REFERENCES

The following documents were referenced:-

Planning Instruments:

(vii) Environmental Planning & Assessment Act 1979;
(viii) New South Wales (Australia) Local Government Amendment (Ecologically Sustainable Development) Act 1997;
(ix) Penrith Local Environmental Plan 2010;
(x) SEPP 65 – Design Quality of Residential Apartment Development;
(xi) and
(xii) SEPP (BASIX) 2004

Policy Documents:

(iii) Apartment Design Guide (ADG) – NSW Department of Planning &Environment; and
(iv) Penrith Development Control Plan 2014