

Development Application Statement of Environmental Effects

Lot 207 Fernandez Lane North Penrith
Proposed Dwelling
Submitted to Penrith City Council
On Behalf of UrbanGrowth

2015 ■ Proj No. 1951-207

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1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Penrith City Council in support of a Development Application (DA) for a dwelling as part of Stage 3b of the North Penrith project.

The SEE has been prepared by Reggie's Residential Design & Drafting on behalf of UrbanGrowth, and is based on the Architectural Drawings provided by Reggie's Residential Design & Drafting and the following reports:

- BASIX Certificates
- Landscape Plan
- Sediment and Erosion Control Plans
- Waste Management Plan
- Table of Compliance – North Penrith Design Guidelines

This report describes the site, its environs, the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Planning Background

On 9 November 2011, the Minister for Planning approved Concept Plan (MP 09-04536) and gazetted an amendment to Schedule 3 of the State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) for the redevelopment of the North Penrith site.

The Concept Plan and the Schedule 3 amendment were intended to facilitate the development of a transit oriented and cohesive mixed uses development incorporating residential, retail, commercial, business, civic, community, industrial and recreation uses.

The NSW Minister for Planning then made the State Environmental Planning Policy Amendment (North Penrith) 2011 which amended the Penrith City Centre Local Environmental Plan 2008 (LEP 2008). Therefore the zoning, building height standards and heritage provisions that relate to North Penrith are now regulated under LEP 2008.

Various Project Applications have also been approved by the Minister for Planning in accordance with the Concept Plan for bulk earthworks, construction of roads and large lot subdivision.

2.0 Site Analysis

2.1 Site Location and Context

The North Penrith site is located approximately 50 km to the west of Sydney CBD on the northern side the Penrith CBD. The North Penrith site's southern boundary adjoins the Penrith Railway Station. The North Penrith site is between Lemongrove Road to the east and Castlereagh Road to the west both of which are accessible via Coreen Avenue to the north – see **Figure 1**.

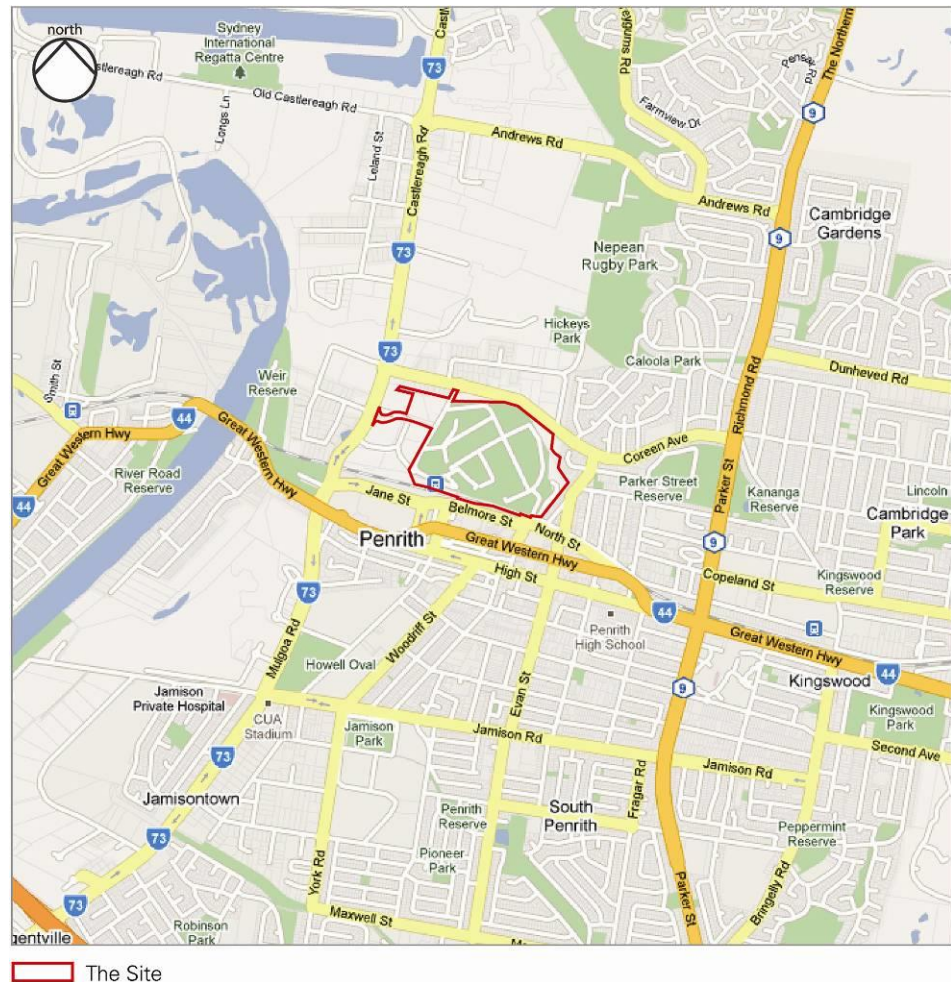


Figure 1 – Location of North Penrith site

2.2 Site Description

The site of the proposed dwelling (herein referred to as 'the site') has an area of 156.4m² and is legally described as:

- Lot 207 in DP 1205685

A location plan of the site in its context to the rest of North Penrith is included with the Architectural Plans submitted with this DA.

The location of the site of the proposed development is within the residential precinct A3 as shown in **Figure 2**.

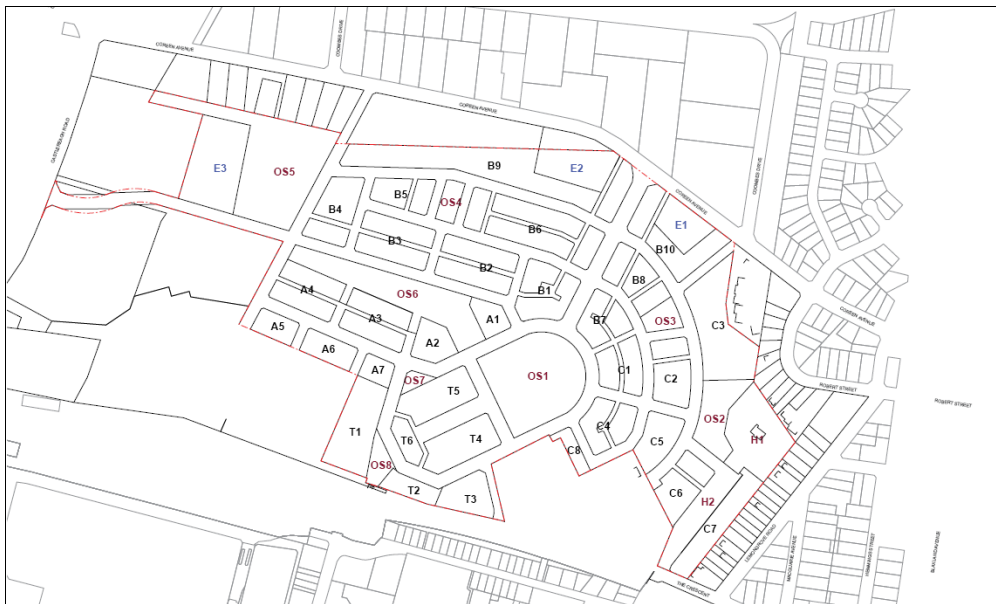


Figure 2 – Location plan

The site's levels are currently being prepared as part of a previously approved application for earth works. Once completed the site will be level. The site is cleared of existing vegetation and does not contain any existing structures.

The site has direct frontage to the Boardwalk path and has rear access via Fernandez Lane.

3.0 Description of Proposed Development

This chapter of the report provides a detailed description of the proposed development. Architectural and Landscape drawings included with the DA.

This DA seeks approval for the design and construction of a dwelling. Key development information about the proposed dwelling and the site are included in **Table 1**.

Table 1 – Key Development Information

Detail	Proposed
Site Area	156.4sqm
Number of Bedrooms	4
Number of Garages	2
Front Setback	4.5m to wall, 3.0m to veranda
Rear Setback	0.05m to garage
Side Setbacks	0m both sides
Private Open Space	51.0sqm
Principal Private Open Space	22.95sqm
Number of Storeys	3 to dwelling, 1 for lane facing garage

3.1 Dwelling Design & Material and Finishes

The architectural character of each of the proposed dwelling has been designed in accordance with the development principles included in the North Penrith Design Guidelines.

The proposed external materials and finishes are shown on the Architectural Plans and have been selected from the Residential Design Palette included in the North Penrith Design Guidelines to provide a contemporary appearance and ensure use of modern and lightweight materials.

3.2 Landscape and Open Space

The proposed landscape treatment for the site will be carried out by the future occupant. It should be noted that the landscape embellishment of the adjoining streetscape will be delivered as part of the approved and relevant Project Application for the North Penrith site.

3.3 Stormwater & Sediment and Erosion Control

The dwelling will connect to the stormwater drainage infrastructure within the roads, as approved as part of the relevant Project Application. The stormwater will either drain directly to the roads which they front onto or via collective rear easements. All stormwater will ultimately drain into the overall integrated stormwater management system for the broader North Penrith site.

In carrying out construction works, erosion and sedimentation control measures will be implemented during construction in accordance with the erosion and sediment control plans included with the DA.

3.4 Utility Services

Telephone, electricity, gas, water and sewer services will be installed underground within each of the adjoining road reserves. These services will be installed within trenches in the road reserves.

4.0 Assessment of Planning Issues

Under Section 79C(1) of the EP&A Act, in determining a development application the consent authority has to take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

A number of planning issues which would usually be considered as part of a DA were addressed as part of the Concept Plan and Project Application Environmental Assessments. As the proposed development is consistent with the Concept Approval this does not require further assessment (see Section 4.2). The issues include:

- Social and Economic Issues
- Community Services and Facilities
- Transport and Accessibility
- European Heritage
- Indigenous Heritage
- Geotechnical, Soil and Contamination
- Biodiversity
- Visual Impact
- Water and Hydrology
- Ecological Sustainable Development
- Utilities and Infrastructure
- Crime and Public Safety

Pursuant to Section 75P(1)(a) of the EP&A Act, Schedule 3 of the North Penrith Concept Approval sets out specific future environmental assessment requirements that apply to the subject development under Part 4 of the EP&A Act.

Accordingly, the assessment provided in this SEE includes the aforementioned matters in addition to other potential planning issues which are relevant to the detailed design of the building under the Concept Approval.

4.1 Compliance with Relevant Strategic and Statutory Plans and Policies

The DA's consistency and compliance with the relevant statutory plans and policies is located in **Table 2** below. The detailed Tables of Compliance included with the DA demonstrates how the development complies with the North Penrith Design Guidelines. Variations to, and non-compliance with, the key standards and guidelines highlighted in the table are discussed in detail in the following sub-sections of this environmental assessment.

Table 2 – Summary of consistency with key strategic and statutory plans and policies

Instrument/Strategy	Comments
State Planning Instruments and Controls	
SEPP 55	The Stage 3b Project Application will undertake the necessary works to ensure the site is suitable for the proposed residential use.
SEPP (BASIX)	BASIX Certificates are included with the DA

Instrument/Strategy	Comments	
SREP No. 20 Hawkesbury Nepean River	The proposed development complies with the broad aims and objectives of the SREP in that it will not have any direct impact on any environmentally sensitive areas, or the water quality or quantity of the aquatic ecosystem on the site, which the SREP seeks to preserve. Consideration of the impacts of proposed development has been undertaken in accordance with the aims of the SREP and its strategies. Impacts of this proposal were considered during the Concept Plan and relevant Project Application before the preparation of this application.	
Local Planning Instruments and Controls		
Penrith City Centre LEP 2010	Cl 2.2 - Zoning	The site is zoned as R1 General Residential
	Land Use Table – Zone R1	The proposed development is permissible within the R1 General Residential Zone.
	Cl 4.3 - Height of Buildings	The proposed development will have a maximum height of 12m and as such complies with clause 4.3.
	Cl 5.10 – Heritage Conservation	The site is not on land where a heritage item is located or in the vicinity of a heritage item.
	Cl 7.1 - Earthworks	The proposal does not include substantive earthworks.
North Penrith Design Guidelines	A detailed assessment of the development against the relevant controls of the Design Guidelines is included in the Tables of Compliance with this DA. The development is generally able to comply with the required controls in the Guidelines. Where the development is not able to comply with relevant requirements of the Guidelines justification is included in the Tables of Compliance included with the DA.	

4.2 Consistency with the Concept Plan

The North Penrith Concept Plan Approval established the vision and planning framework to be used by Penrith Council to assess the detailed design of the future buildings on the site. The Concept Plan Approval contains:

- Terms of Approval;
- Future Environmental Assessment Requirements;
- Statement of Commitments; and
- North Penrith Design Code.

Development for the purpose of residential dwellings and the proposed subdivision layout is consistent with the Concept Plan Terms of Approval and Statement of Commitments.

4.3 Design Quality & Streetscape

The proposed dwelling design ensures a high quality product continues to be delivered within the North Penrith site that generally accords with the objectives and outcomes sought by the North Penrith Design Guidelines. The proposed dwelling will have a positive impact upon the built environment and streetscape in that it:

- will provide built variety to the streetscape;
- is sympathetic in terms of scale, height, bulk and design in accordance with that envisaged in the Design Guidelines;
- is appropriately designed to respond to the microclimate including sun, shade, breeze and general weather;
- incorporates appropriate materials, textures, forms and colours that complement the local landscape and other future residential development;
- has a high quality contemporary architectural design that will contribute to the character of the local environment and provide an attractive visual outlook; and
- uses architectural elements such as porches to define the dwelling entry.

4.3.1 Building Envelope

The proposed dwelling fully complies with the minimum required building envelope controls at Section 3.3 of the North Penrith Design Guidelines, except for clause 3.3(2) *For all residential development (excluding residential flat buildings), the floor area of the third storey is to be no more than 60% of the second storey.*

A variation to these requirements for proposed dwelling is considered acceptable for the following reasons:

- The second floor could be increased in size to ensure numerical compliance. This would be counterproductive as this would only serve to increase bulk and floor area with no real gain other achieving numerical compliance;
- There are no privacy issues created by this variation;
- There are no bulk & scale issues created by the variation;
- The variation does not impact any surrounding properties;
- The dwelling is fully compliant other than with this clause;
- The dwelling still meets the objectives of this clause
 - Encourages the efficient use of land;
 - Creates an attractive and cohesive streetscape;
 - Respects the curtilage of and view corridors associated with Thornton Hall;
 - There are no adverse impacts on neighbouring dwellings in regards to privacy and shadowing;
 - Building heights achieve built form outcomes that reinforce quality urban and building design.

4.3.2 Overshadowing

The Architectural Plans include shadow diagrams depicting the shadows cast by the dwelling at 9am, 12noon and 3pm during the winter solstice.

These diagrams show that the development is able to achieve the required 2 hours of solar access between 9am and 3pm during the winter solstice.

The reduced provision of solar access to Lot 204 is considered acceptable for the following reasons:

- the other private open space areas on each lot receives adequate solar access between 9am and 3pm during the winter solstice;
- the north facing front yards could also be used as private open space given their relationship with the central open space median opposite each of the lots;

- the private open space areas are directly accessible from the living rooms, maximise privacy for the occupants and neighbours and are suitably positioned away from the road;
- the proposed dwelling designs comply and exceed the minimum provision requirements for landscape open space and private open space; and
- the aims and objectives of the Design Code are not compromised.

4.3.3 Privacy

The proposed dwelling has been designed to minimise the potential for adverse visual and acoustic privacy impacts on the adjacent dwellings. The dwelling has been designed to ensure windows are off-set against windows of neighbouring dwellings, at both ground and first floor.

Furthermore, the main living room is located on the ground floor – opening to the rear of the lot - and bedrooms are located on the first floor. The dwelling also provides adequate setbacks, so as not to impact on the visual privacy of neighbouring dwellings.

4.3.4 Internal Amenity

The internal layout of the dwelling provides an open plan layout for ease of movement and efficient use of space. All bedrooms are adequately sized, generally have built in storage and have easy access to bathrooms.

4.4 Construction and waste management

The sediment and erosion plan submitted outlines the necessary measures that will ensure soil and sediment remains on site and is prevented from entering the broader stormwater system for the North Penrith site.

Further, all waste material resulting from construction and subdivision work on the site will be disposed of, recycled or reused in accordance with the parameters set out in the Waste Management Plan included with the DA.

4.5 Contamination

Investigations undertaken as part of the Concept Plan assessment have concluded that the site is suitable for the proposed development without need for further investigations or remediation. Hence, the site is suitable for the proposed development with regard to the issue of contamination.

4.6 Social and Economic Impacts

This proposal will further commence the transformation of vacant and disused land into a functioning and attractive residential community.

During construction, construction personnel are likely to patronise local shops and services - providing a temporary economic benefit to these businesses. New residents will also patronise local shops and services and start to develop a residential community as envisaged.

4.7 Site Suitability

The site is considered suitable for the proposed development on the basis that it:

- does not contain any heritage items, nor is it associated with heritage values;
- contains the necessary services to support development such as water, sewer reticulation, electricity and telecommunications;
- will include the necessary infrastructure to support residential development including the provision of roads and stormwater measures.

The proposed dwelling is suitable for the site in that it:

- is permissible with consent;
- adds to the diversity of residential development to be delivered throughout the North Penrith site;
- will provide diversity in the design outcomes for the streetscapes throughout the North Penrith site;
- the development generally complies with the relevant built form development controls within the North Penrith Design Guidelines; and
- will provide additional housing choice for local populations.

4.8 Public Interest

The development proposed in this application will contribute to the overall delivery of a unique residential development that will complement and support the Penrith Town Centre as envisaged by the approved Concept Plan and the North Penrith Design Guidelines. Hence, no element of the proposal will be detrimental to the public interest.