Proposed Six (6) Storey Mixed Use Development comprising Two (2) Commercial/Retail Tenancies and Eighteen (18) Residential Apartments (including five (5) affordable rental housing apartments), and Basement Parking for Thirty Two (32) Cars, under State Environmental Planning Policy (Affordable Rental Housing) 2009

Statement of Environmental Effects

Nos. 118-120 Station Street, Penrith

November 2020

ARPS

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

[redacted]

Construction of a Six (6) Storey Mixed Use Development comprising two (2) Commercial/Retail Tenancies, Eighteen (18) Residential Apartments (including Five (5) affordable rental housing apartments) and Basement Parking for Thirty Two (32) cars, under *State Environmental Planning Policy (Affordable Rental Housing) 2009*

Nos. 118-120 Station Street, Penrith

Development Application

November 2020

Document History & Status

Revision	Date Issued	Description	Prepared By
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This document has been prepared by Andrew Robinson Planning Services Pty Ltd solely for use by Jim Aitken + Partners (the client) as part of a development application submission to Penrith City Council. With the exception of its intended use to inform the development assessment process, Andrew Robinson Planning Services accepts no responsibility for its use by other parties.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

TABLE OF CONTENTS

1 Introduction 1

1.1 Type of Development 1
1.2 Consent Authority 1
1.3 Specialist Studies 2
1.4 Pre-lodgement Consultation 2

2 The Subject Site 3

2.1 Location & Site Context 3
2.2 Existing Condition 5
2.3 Legal Description and Zoning 6
2.4 Land Uses in the Surrounding Area 6
2.5 Utility Services 9
2.6 Site Topography 9
2.7 Views & Vistas 9
2.8 Contamination 9
2.9 Site Access 10
2.10 Existing Public Transport 10
2.11 Heritage 11
2.12 Flooding 11

3 The Proposed Development 12

3.1 General Description 12
3.2 Design Philosophy 14
3.3 Scale 14
3.4 Landscape Treatment 15
3.5 Materials and Finishes 15
3.6 ESD Design Initiatives 15
3.7 Access 15
3.8 Stormwater Management 16
3.9 Social Dimensions 16
3.10 Aesthetics 16
3.11 Safety and Security 16
3.12 Construction Phase 16
3.13 Erosion & Sediment Control Management 17

4 Statutory Planning Framework and Compliance 18

4.1 Environmental Planning and Assessment Act 1979 18
4.2 State Environmental Planning Instruments (SEPPs) 18
4.2.1 SEPP 55 – Remediation of Land 18
4.2.2 SEPP 65 – Design Quality of Residential Flat Development 19
4.2.3 SEPP (BASIX) 2004 20
4.2.4 SEPP (Affordable Rental Housing) 2009 20
4.2.5 SREP No. 20 – Hawkesbury Nepean River Catchment 35
4.2.6 Draft SEPP (Environment) 2018 35
4.3 Local Environmental Planning Instruments (LEPs) 35
4.3.1 Penrith Local Environmental Plan 2010 35
4.4 Draft Local Environmental Planning Instruments 38
4.4.1 Draft Penrith Local Environmental Plan 2010 (Phase 1 Review of LEP) 38
4.5 Development Control Plans (DCPs) 39

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

4.5.1 Penrith Development Control Plan 2014 39

5 Section 4.15 Assessment 48

5.1 Section 4.15(1) - Matters for Consideration 48
5.2 Likely Impacts of the Development 48
5.2.1 Context and Setting 48
5.2.2 Traffic, Access and Parking 49
5.2.3 Noise and Acoustic Performance 50
5.2.4 Overshadowing and Solar Access 51
5.2.5 Flooding and Overland Flows 51
5.2.6 Social and Economic 53
5.2.7 Crime Prevention 53
5.3 Suitability of the Site 54
5.4 The Public Interest 55
5.5 Any Submissions made in accordance with the Act or Regulations 55

6 Conclusion 56

List of Figures

Figure 1: Location Plan
Figure 2: Aerial Photo of the Site and Surrounds

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

1 Introduction

This report has been prepared by Andrew Robinson Planning Services Pty Ltd on behalf of Jim Aitken + Partners to accompany a development application to Penrith City Council for construction of a six (6) storey mixed use development at No. 118-120 Station Street, Penrith.

The report constitutes a Statement of Environmental Effect and examines the proposed development in terms of its compliance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The site is located on the south-western corner of Station Street and Reserve Street in Penrith and is currently vacant.

The proposed mixed use building will realise a built form that will make a significant contribution to the streetscape character and appearance, commensurate with the Mixed Use zoning and anticipated future character of the area.

The proposed six (6) storey mixed use development comprises:

- 2 commercial/retail tenancies
- 18 residential apartments
- 32 parking spaces over two (2) basement levels

The proposed development incorporates an affordable rental housing component and as such, seeks to rely on the relevant provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP), under which a floor space ratio bonus incentive is available. In this regard, five (5) of the residential apartments are nominated as affordable rental housing, comprising 20.6% of the overall GFA and therefore making available a 0.2:1 FSR bonus incentive, based on the formula set out at Clause 13 of the ARH SEPP.

The proposed development seeks to vary some of the applicable development controls under Penrith Development Control Plan 2014 (refer to the Compliance Table in Section 4 of this Statement).

The planning merits of the proposal are discussed in the body of the Statement and it is considered that despite the non-compliances, the proposed development meets the intent of both the LEP and the DCP and is worthy of Council's support.

This Statement of Environmental Effects should be read in conjunction with the architectural drawings and other associated documentation that accompanies the application, as detailed at 1.3 below.

1.1 Type of Development

The proposal constitutes *local development* under Part 4 of the *Environmental Planning and Assessment Act 1979.*

1.2 Consent Authority

The proposed development has a capital investment value (CIV) less than $20 million (refer to the Registered Quantity Surveyors Report submitted with the application). Accordingly, the consent authority is Penrith City Council, through the Penrith Local Planning Panel.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

1.3 Specialist Studies

This report has been prepared with the assistance of a number of specialist consultants, as follows:

Freeburn Surveying	Survey Plan	**Separate Attachment**
Architecture Design Studio (NSW) Pty Ltd	Architectural Drawings	**Separate Attachment**
Architecture Design Studio (NSW) Pty Ltd	SEPP 65 Design Verification Statement & Design Quality Principles Report	**Separate Attachment**
Motion Traffic Engineers Pty Ltd	Traffic and Parking Assessment	**Separate Attachment**
Acoustic Noise & Vibration Solutions Pty Ltd	Acoustic Report	**Separate Attachment**
Eco Certifiers Pty Ltd	BASIX Certificate	**Separate Attachment**
Architecture Design Studio (NSW) Pty Ltd	Waste Management Plan	**Separate Attachment**
Zenith Landscape Designs	Landscape Plan	**Separate Attachment**
Australian Geotechnical	Preliminary Site Investigation	**Separate Attachment**
Morrow Geotechnics Pty Ltd	Geotechnical Investigation Report	**Separate Attachment**
Design Right Consulting	Access Report	**Separate Attachment**
Design Right Consulting	BCA Report	**Separate Attachment**
Alpha Engineering & Development	Overland Flood Study & Flood Impact Report	**Separate Attachment**
Australian Consulting Engineers Pty Ltd	Stormwater Concept Plans	**Separate Attachment**
QPC&C Pty Limited	Registered QS Cost Report	**Separate Attachment**

1.4 Pre-lodgement Consultation

Prior to lodgement, the proposed redevelopment of the site was subject to a Pre-lodgement meeting held on 17 March 2020. Following the meeting, written feedback was provided by Council dated 25 May 2020.

The advice provide by Council indicated that the proposal was not supportable as it did not achieve an acceptable level of compliance with Council's *Local Environmental Plan 2010* and Development Control Plan 2014, *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

It was also noted that the site was constrained with respect to the ability to achieve an acceptable on-site waste collection arrangement.

The scheme to which consent is now sought has been redesigned to address a number of the issues raised in the Pre-lodgement advice. In particular, the feedback with respect to LEP design excellence requirements, SEPP 65/ADG compliance, local overland flow flood affectation and on-site waste collection arrangements have all been taken into consideration in the proposed development.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

2 The Subject Site

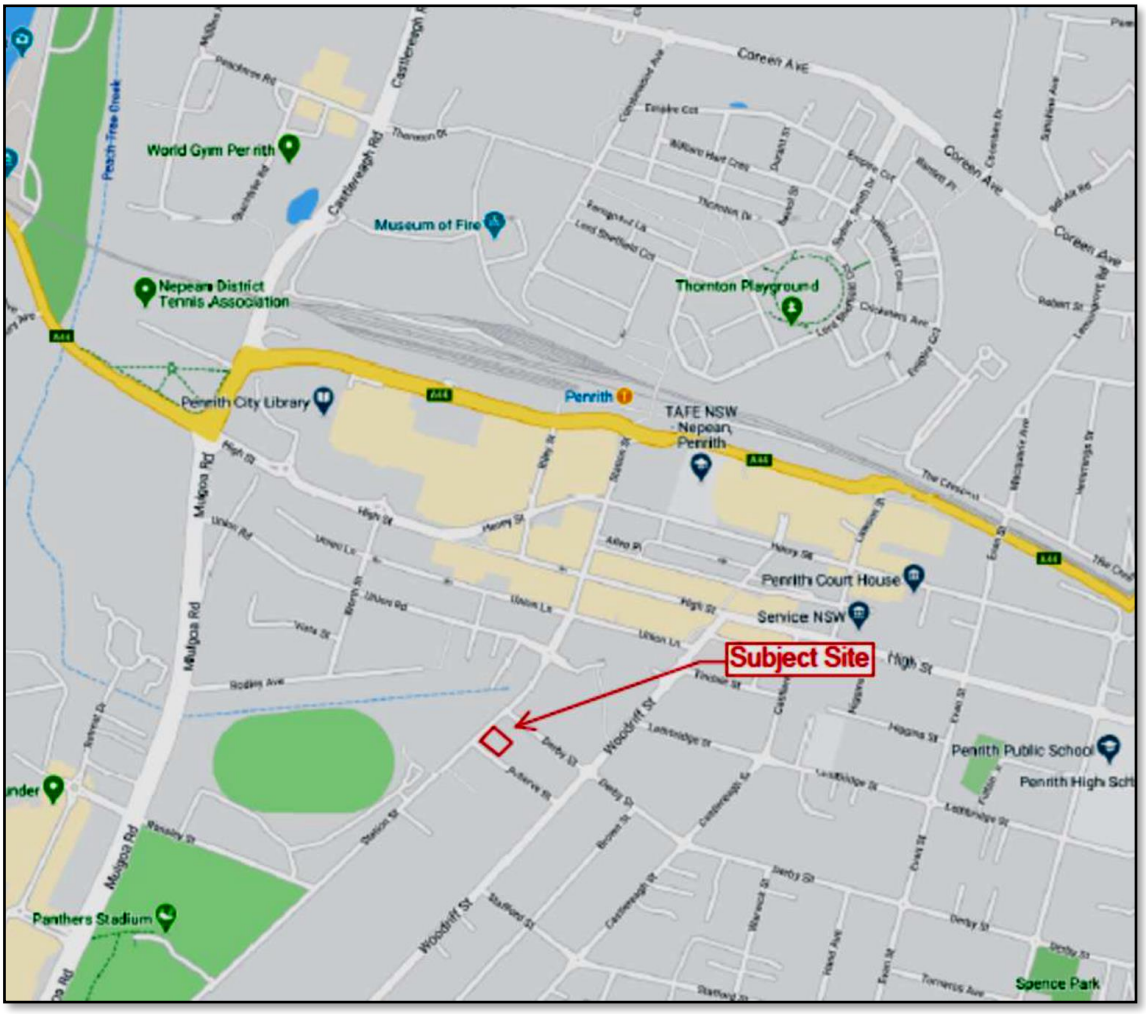
2.1 Location and Site Context

The site is located on the southern side of Station Street, at the intersection of Station and Reserve Streets at Penrith. The site is adjoined by a recently constructed seven (7) storey residential flat building and there is a single storey dual occupancy to the rear. The site is opposite the Penrith War Memorial Swimming Pool (Ripples complex) and to the west is the Nepean Village shopping centre.

The site is essentially rectangular, having a frontage of 30.48m to Station Street, a secondary frontage of 31.405m (by survey) to Reserve Street and a total area of 934.8m^2.

The location of the site is shown in ***Figure 1*** below.

Figure 1: Location Plan



Source: nearmap.com.au

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

The site is located approximately 600km south of the Penrith City Centre and 50km west of the Sydney CBD and enjoys excellent access to a range of facilities and services, including:

- Westfield Penrith, Penrith Homemaker Centre, Joan Sutherland Performing Arts Centre, Sydney International Regatta Centre, Penrith Panthers & Panthers Stadium;
- local and regional recreational facilities – including numerous golf courses, parks and reserves;
- numerous schools and higher education facilities;
- health care facilities including Nepean Hospital; and
- employment centres – Penrith, Kingswood, Jamisontown and to the east, Parramatta and the Sydney CBD etc.

Public transport (bus) services are readily accessible, with the site being approximately 600m from the Penrith City Centre and 670m from Penrith Railway Station. The closest bus stops are located 70m to the west of the site on Station Street, outside the Ripples complex. There are other bus stops located within walking distance from the site on Derby Street to the east.

An aerial view of the site and surrounding area is provided in ***Figure 2*** below:

Figure 2: Aerial Photo of the Site and Surrounds

Source: nearmap.com.au

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

2.2 Existing Condition

Formerly, the site was occupied by two single storey dwelling houses, and associated outbuildings. However, these have recently been demolished. The site is relatively level, with a very minor fall in a westerly direction towards the corner of Station and Reserve Streets.

The existing condition of the site is illustrated in the following photographs:

Photograph 1: View of the site looking from Station Street.

Photograph 2: View of the site looking from Reserve Street.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Photograph 3: View of the north-eastern side of the site looking from Station Street and showing the adjoining seven (7) storey residential flat building built to the common boundary at the ground floor level.

2.3 Legal Description and Zoning

The site comprises three (3) allotments. The legal description of the site is Lots 4 & 5, DP 112466 and Lot 6, DP 1003862.

A copy of the Survey Plan prepared by Freeburn Surveying is provided as part of the development application package.

The site is zoned *B4 Mixed Use* under the provisions of *Penrith Local Environmental Plan 2010.* The *B4 Mixed Use* zone permits the proposed mixed use development with the consent of Council.

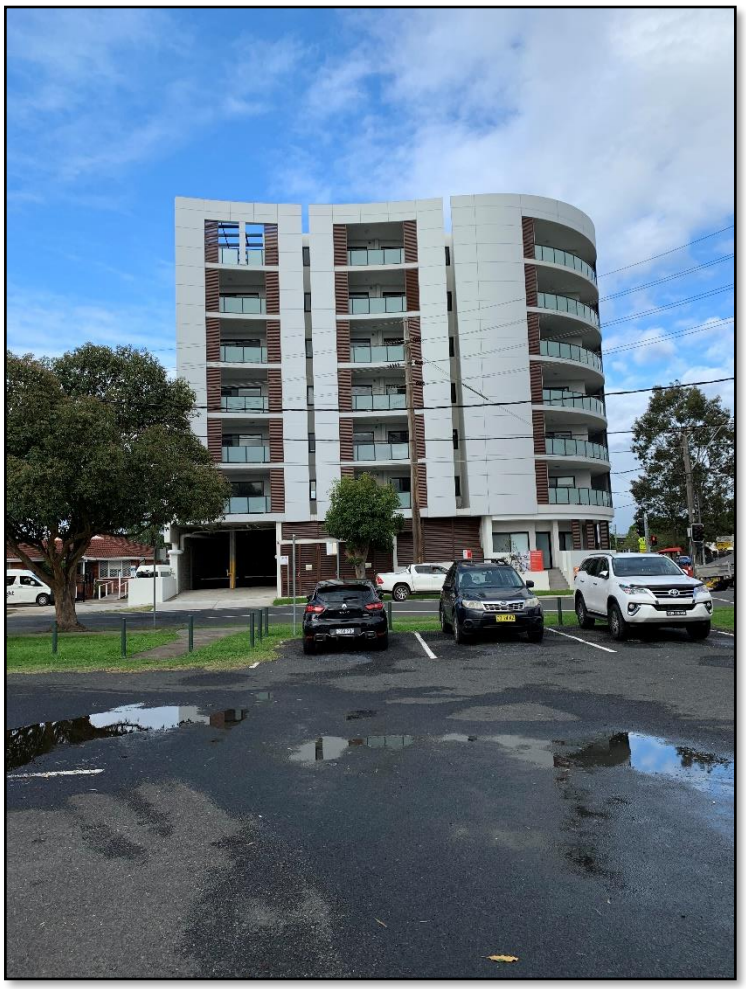
2.4 Land Uses in the Surrounding Area

The site is adjoined to the immediate north-east by a recently constructed seven (7) storey residential flat building that fronts both Station Street and Derby Street. To the immediate east is a single storey dual occupancy and then a two storey commercial building occupied by Family Planning NSW. To the south-west is an open car parking area associated with Nepean Village Shopping Mall and to the north west is a small at-grade public carpark and the War Memorial Swimming Pool / Ripples Penrith complex.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

The surrounding built form and character is varied and comprises residential, commercial and recreational land uses. There are also large areas of 'unbuilt upon' land in the immediate vicinity due to the open car parking areas, Ripples complex and Aneldriva Park. However, it is noted that beyond these sites, the built form and character will change to that of a more medium to high density residential/mixed use setting as properties in the locality are redeveloped commensurate with the current zonings.

The following photographs illustrate the surrounding streetscape, built form and character surrounding the site:



Photograph 4: View looking south-west towards Derby Street and the recently constructed seven (7) storey residential flat building that adjoins the site.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Photo 5: View from Reserve Street of the adjoining single storey dual occupancy.

Photo 6: View looking from the site across Reserve Street to the Nepean Village Shopping Mall and carparking.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Photo 7: View looking north-west across Station Street towards the War Memorial Swimming Pool / Ripples Complex.

2.5 Utility Services

Utility services, including water, electricity, sewer and telecommunications are currently available to the site. The applicant's services consultant will be consulting with the various utility service providers in order to establish the location of existing services and determine the likely requirements that each utility provider might have as a consequence of the proposed development.

2.6 Site Topography

The site is relatively level, with a very minor fall in a westerly direction towards the corner of Station and Reserve Streets. Refer to the Survey Plan provided with the application for details on the site levels.

2.7 Views & Vistas

The proposed development is not likely to interrupt any significant existing views and vistas. However, there may be potential for district views afforded from the upper levels of the development.

2.8 Contamination

The site is currently vacant but was last used for low density residential purposes for many years. There is no visible evidence that the site may be contaminated or is unhealthy building land.

Notwithstanding, the application is accompanied by a Preliminary Site Investigation report prepared by Australian Geotechnical that provides details of investigations into the environmental condition of the site on the basis of historical land uses, anecdotal and documentary evidence of possible pollutant sources. The site inspection and desktop analysis revealed no evidence of any previous manufacturing uses, on-site storage of chemicals or site contamination incidents. Further, the site is free of any Statutory Notices issued by the NSW EPA and the site is not listed on the List of Contaminated Sites notified to the EPA.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

A conceptual site model (CSM) was also prepared for the site that identified a low contamination risk on the site.

Based on these findings, it is considered unlikely that the site is contaminated and the risk to human health and the environment associated with groundwater and soil contamination is low. Notwithstanding, the report recommends that a targeted Environmental Site Assessment be prepared in order to address data gaps identified in Section 10.0 of the report and that this be undertaken in conjunction with a waste classification for off-site disposal of soil excavated for the proposed basement levels.

A copy of the Preliminary Site Investigation accompanies the application and should be referred to for further details in relation to the site investigations.

2.9 Site Access

Vehicular access to the site is currently available from both Station Street and Reserve Street, where there are existing laybacks. Pedestrian access is also available via the existing footpaths along Station Street and Reserve Street. A new two-way driveway is proposed on the south-western corner of the site off Reserve Street. This will provide vehicular access to the basement levels, as well as an at-grade on-site garbage collection area / loading and unloading area.

2.10 Existing Public Transport

The site is well located with respect to access to public transport, with bus stops serviced by several bus routes operating in close proximity to the site. The nearest bus stops are located approx. 80m to the west on Station Street, as well as approx. 80m to the north-east in Derby Street and Penrith Railway Station within reasonable (approx. 650m) walking distance from the site.

Blue Mountains Buses Network and Busways Penrith operate the following routes accessed from bus stops on Station Street and Derby Street:

- Route 689 (Blue Mountains Buses Network) provides a loop service between Penrith and Leonay.
- Route S13 (Busways Penrith) provides a loop service between Penrith and Mountainview Village.

Other routes available from Station Street include:

- Route 688 (Blue Mountains Buses Network) provides a loop service between Penrith and Emu Heights.
- Route 690P (Blue Mountains Buses Network) provides a service betweenSpringwood and Penrith.
- Route 691 (Blue Mountains Buses Network) provides a service between Mount Riverview and Penrith.
- Route 781 (Busways Penrith) between St Marys and Penrith via Glenmore Park.
- Route 793 (Busways Penrith) provides a loop service between Penrith and Jamisontown.
- Route 795 (Busways Penrith) provides a service between Penrith and Warragamba.
- Route 797 (Busways Penrith) provides a loop service between Penrith and Glenmore Park.
- Route 799 (Busways Penrith) provides a service between Glenmore Park and Penrith via Regentville.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

In addition to Routes 689 and S13, the following bus routes can be accessed at the bus stops on Derby Street:

- Route 770 (Busways Penrith) provides a service between Mount Druitt and Penrith via St Marys.
- Route 774 (Busways Penrith) provides a service between Mount Druitt and Penrith via Nepean Hospital.
- Route 775 (Busways Penrith) provides a service between Mount Druitt and Penrith via Erskine Park.
- Route 776 (Busways Penrith) provides a service between Mount Druitt and Penrith via St Clair.
- Route 791 (Busways Penrith) provides a loop service between Penrith and Jamisontown.
- Route 794 (Busways Penrith) provides a daily service between Glenmore Park and Penrith via The Northern Road.

The Sydney Trains network is accessed from Penrith Railway Station where the T1 Blue Mountains Rail Line provide regular services between Central and Bathurst, including Blacktown, Parramatta, the CBD, Katoomba, Lithgow and Western NSW. Connections to all other destinations covered by the Sydney Trains Network can be made at various stations on the T1 Blue Mountains Line. Rail services generally operate on a 15-20 minute headway in each direction. However, during weekday peak periods the services are often more frequent.

2.11 Heritage

The site is not listed as a Heritage Item and there are no heritage conservation areas or heritage items in the vicinity of the site that would potentially be impacted by the proposed development.

2.12 Flooding

The site is affected by local overland flow flooding as per Council's adopted Penrith CBD Overland Flow Flood Study. The information currently held by Council indicates that the 1% AEP water surface level affecting the site is estimated to be 27.6m AHD.

Accordingly, Council has advised that all plans for the site must provide levels and details to AHD and that:

- *The application must demonstrate that the development proposal is consistent with Council's Development Control Plan for Flood Liable Land;*
- *The application shall address the relevant flood clauses in Penrith LEP 2010 and flood related development controls Penrith DCP 2014;*
- *All habitable floor levels shall be a minimum RL 28.1m AHD (1% AEP water surface level + 0.5m freeboard); and*
- *The access ramp to the underground basement shall be at a minimum of RL 27.9m AHD (300mm above the 1% AEP water surface level).*

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

3 The Proposed Development

3.1 General Description

Mixed Use Development

The proposed development comprises a six (6) storey mixed use development with a gross floor area (GFA) of 2,015.42m^2 comprising two (2) commercial/retail tenancies at ground level and eighteen (18) residential apartments. Car parking (32 spaces) is located over 2 basement levels. Vehicular access to the site is provided from Reserve Street at the south-western corner of the site, via a two-way driveway to the basement parking levels. In addition, an on-site waste collection area / loading & unloading area is provided at ground level, accessed via the same driveway.

The development includes eighteen (18) residential apartments across five (5) levels, with four (4) apartments on each of the first, second and third floor levels and three (3) apartments on each of the fourth and fifth floor levels.

Of the 18 residential apartments, two (2) of the 2 bedroom apartments on the first and second floor levels have been nominated as adaptable apartments. Each of these adaptable apartments have been allocated a compliant accessible car space in the basement levels. In addition, four (4) of the apartments are nominated as liveable apartments.

Seeking to rely on the relevant provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, five (5) of the apartments have been nominated as affordable rental housing apartments.

The table below illustrates the residential mix:

Apartment Type	No. of Apts
2 bedroom apartments	3 (16%)
2 bedroom adaptable apartments	2 (11%)
2 bedroom affordable apartments	1 (6%)
2 bedroom liveable apartments	1 (6%)
2 bedroom liveable / affordable apartments	3 (16%)
3 bedroom apartments	7 (39%)
3 bedroom affordable apartments	1 (6%)
Total	**18 (100%)**

The proposed apartment mix provides housing choice in the form of 2 and 3 bedroom apartments in various configurations within an established urban environment, close to shops, services and public transport nodes, commensurate with current local market conditions.

Car parking is provided over two (2) basement levels and comprises the following:

- 26 residential spaces (including 3 accessible spaces),
- 4 visitor spaces (including one space that doubles as a car wash),
- 2 commercial spaces (including 1 accessible space).

In addition, there are racks for 11 bicycles, spread across both basement levels.

A single lift car provides access between the basement levels, ground floor level and the residential floor levels above.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

The drawing package prepared by Architecture Design Studio (NSW) Pty Ltd provides the design detail of the proposed development.

Provided below is a description of each floor level of the proposed development:

Drawing 1101 (Rev 05)

Lower Basement Plan:

1. 17 resident parking spaces (incl. 2 accessible);
2. 2 x electric car charging stations;
3. 7 bicycle racks;
4. Individual resident storage areas;
5. Tank room; and
6. Lift core & fire stairs.

Drawing 1102 (Rev 05)

Upper Basement Plan:

1. 9 resident parking spaces (incl. 1 accessible space);
2. 4 visitor parking spaces (incl. 1 doubling as a car wash bay);
3. 2 commercial parking spaces (incl. 1 accessible space);
4. 4 bicycle racks;
5. Individual resident storage areas;
6. Pump room; and
7. Lift core & fire stairs.

Drawing 1201 (Rev 05)

Ground Floor Plan:

1. 135.12m^2 commercial tenancy;
2. 82.11m^2 commercial tenancy;
3. Residential lobby;
4. Residential, commercial and bulky goods waste and recycling storage rooms;
5. On-site waste and recycling collection area / loading & unloading area;
6. Booster pump cupboard;
7. Ramp to basement levels;
8. Landscaping; and
9. Lobby, lifts & fire stairs.

Drawing 1301 (Rev 04)

First Floor Plan:

1. 1 x 2 bedroom adaptable apartment;
2. 1 x 2 bedroom liveable / affordable apartment;
3. 1 x 3 bedroom apartment;
4. 1 x 3 bedroom affordable apartment; and
5. Lobby, lift & fire stairs.

Drawing 1302 (Rev 04)

Second Floor Plan:

1. 1 x 2 bedroom adaptable apartment;
2. 1 x 2 bedroom liveable / affordable apartment;

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

3. 2 x 3 bedroom apartments; and
4. Lobby, lift & fire stairs.

Drawing 1303 (Rev 04)

Third Floor Plan:

1. 1 x 2 bedroom liveable apartment;
2. 1 x 2 bedroom liveable / affordable apartment;
3. 2 x 3 bedroom apartments; and
4. Lobby, lift & fire stairs.

Drawing 1304 (Rev 04)

Fourth Floor Plan:

1. 1 x 2 bedroom apartment;
2. 1 x 2 bedroom affordable apartment;
3. 1 x 3 bedroom apartment; and
4. Lobby, lift & fire stairs.

Drawing 1305 (Rev 04)

Fifth Floor Plan:

1. 2 x 2 bedroom apartments;
2. 1 x 3 bedroom apartment; and
3. Lobby, lift & fire stairs.

Drawing 1306 (Rev 04)

Sixth Floor Plan:

1. Communal open space; and
2. Lobby, lift & fire stairs.

3.2 Design Philosophy

The key design features of the development may be summarised as follows:

- the height, scale and form of the development falls within the building envelope controls anticipated under Penrith LEP 2010;
- the design considers aspect, solar access and cross ventilation to ensure the need for mechanical heating and cooling is kept to a minimum;
- the development carefully interfaces and considers its relationship with development on the adjacent lots, the anticipated surrounding built form and natural landscape;
- a range of ESD initiatives are to be incorporated in order to minimise the demand on resources and energy.

3.3 Scale

The building has been designed so as to fit comfortably into the overall scale of the anticipated future built form in this location. The surrounding streetscape character and built form consists of a mixture of built forms and building heights and there is no dominant scale or character. Notwithstanding, the area is undergoing a transition to a higher built form such that the height, bulk and scale of the proposed

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

development will be well suited to this future context and will make a positive contribution to the streetscape character and urban form and scale.

3.4 Landscape Treatment

The landscape concept for the proposed development is to provide a relatively low maintenance, yet engaging and attractive landscape setting for both the public and private domain of the development.

The above description should be read in conjunction with the landscape plan prepared by Zenith Landscape Designs that accompanies the application.

3.5 Materials and Finishes

The building will be constructed using a combination of rendered and painted concrete, feature sandstone cladding, brickwork, aluminium cladding, decorative vertical aluminium louvres, aluminium frames windows and doors and clear glass balustrades. These materials and finishes have been selected for their combination of environmental sustainability, low maintenance and weathering qualities.

The materials and finishes key prepared by Architecture Design Studio Pty Ltd and contained in the architectural drawing package / SEPP 65 Design Quality Statement illustrates the proposed external material, finishes and colour palette.

3.6 ESD Design Initiatives

A range of design initiatives and elements have been employed to ensure the proposed development optimises its sustainability. These features are summarised as follows:

- wall & roof insulation;
- installation of water efficient fixtures and fittings;
- water efficient design;
- gas instantaneous (3 star) hot water systems for all residential apartments;
- cross ventilation;
- gas cook-tops and electric ovens for all residential apartments;
- energy efficient lighting and appliances;
- single phase air conditioning systems for all residential apartments;
- central rainwater storage tank for laundry (washing machine cold water tap) connection;
- low maintenance, drought tolerant planting.

A BASIX Certificate (No. 1132998M_02) outlining the ESD initiatives is provided with the application documentation.

3.7 Access

The proposed development nominates two (2) apartments as adaptable apartments, including 1 x 2 bedroom apartment on the first floor level and 1 x 2 bedroom apartment on the second floor level. Each apartment has been allocated an accessible parking space in the basement levels.

The application is accompanied by an Access Report prepared by Design Right Consulting that makes an assessment of the proposed development having regard to the relevant deemed-to-satisfy requirements of the BCA/NCC 2019 (Amendment 1), Disability (Access to Premises - Building) Standards 2010, AS 1428.1-2009 Design for Access and Mobility Part 1 – General requirements for access – New building work, AS 4299-1995 - Adaptable Housing and General Best Practice access requirements and AS 2890.6-2009 – Parking Facilities Part 6 – Off street parking for people with disabilities.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

The Access Assessment Report identifies some minor non-compliances with the deemed-to-satisfy provisions of the NCC 2019 / BCA, however, acknowledges that these can be readily addressed through minor design changes or through the performance based solutions recommended in the Access Report.

As such it is considered that subject to minor design changes or the satisfactory implementation of performance based solutions, the proposed development will provide the required layout and facilities to enable the building to be used by all people, in a self-sufficient, equitable, dignified and amenable way.

3.8 Stormwater Management

Australian Consulting Engineers has provided Stormwater Concept Plans for the proposed development.

The concept plans demonstrate that the OSD system, rainwater re-use and stormwater drainage system can be designed to conform to the requirements of Council's stormwater management requirements.

3.9 Social Dimensions

As described earlier at 3.1, the mixed use development provides a range of apartment layouts and types to accommodate occupants from singles to couples, families, the elderly and people with a disability.

3.10 Aesthetics

A high quality architectural design and character is proposed. Durable materials and enduring details with variation in scale and proportion appropriate to the context of the site will give the development a distinct character commensurate with the anticipated built form and urban character.

3.11 Safety & Security

Each of the commercial tenancies will be secured by lock and key. Access to the residential apartments will be controlled via an intercom system, with each residential unit being provided with an intercom to the residential lobby. The lift will be operated using a swipe card / security 'key' or similar that will only allow residents and their visitors to access to the residential floors.

3.12 Construction Phase

Construction of the proposed development will be undertaken in accordance with EPA and WorkCover Authority guidelines to ensure that minimal impacts occur to nearby premises and their occupants and that the safety of workers is afforded the highest continued priority.

The successful building contractor will be required to prepare a Construction Management Plan that outlines the procedures that will need to be implemented in order to manage the possible impact of construction activities on the surrounding area. Typical details for inclusion in a Construction Management Plan are:

- materials storage and handling;
- site facilities – offices, amenities etc;
- the methodology for managing pedestrian and vehicular traffic;
- excavation;
- soil and water management;
- waste management (construction);
- air quality management;

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

- noise management; and
- occupational health and safety.

The Construction Management Plan will be consistent with current industry best practice and any Council requirements.

3.13 Erosion & Sediment Control Management

The successful building contractor will be required to prepare an Erosion & Sediment Control Management Plan that outlines the procedures that will need to be implemented in order to manage the possible impact of erosion hazard and stormwater pollution from sediment during the excavation and construction phase. The erosion and sediment controls will be put in place prior to works commencing on the site and will be maintained (as necessary) throughout the course of construction. The Erosion & Sediment Control Management Plan should include, but not be limited to, the following information:

- the property boundaries;
- existing and final contours;
- existing and final overland flow drainage paths;
- the location of a stabilised entry/exit point (rumble pad);
- the location of soil and sand stockpiles;
- the location of all proposed temporary drainage control measures;
- the location of all proposed erosion control measures (alternatively, use notes to describe locations) including installation sequence and maintenance requirements;
- details of any permanent site stabilisation measures; and
- a statement of who is responsible for establishing and maintaining all erosion and sediment measures.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

4 Statutory Planning Framework and Compliance

The following Environmental Planning Instruments and Development Control Plan apply to the site:

- *Environmental Planning & Assessment Act, 1979*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*
- *State Environmental Planning Policy (Building Sustainability Index) 2004*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *SREP No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)*
- *Draft State Environmental Planning Policy (Environment) 2017*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*
- *Draft Penrith Local Environmental Plan 2010 (Phase 1 Review of LEP 2010)*
- *Draft Housekeeping Amendment - Penrith Development Control Plan 2014*

A discussion on the relevant provisions of the Environmental Planning Instruments and Development Control Plans listed above is provided below:

4.1 Environmental Planning and Assessment Act 1979

The matters that are required to be considered when determining development applications are set out in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the proposal against these matters is provided below and in Section 5 of this Statement.

4.2 State Environmental Planning Instruments

4.2.1 State Environmental Planning Policy No. 55 – Remediation of Land

The intent of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) is to provide a consistent approach to the remediation of land across the State by specifying certain matters that consent authorities must consider when determining development applications on land which is potentially contaminated.

Under the provisions of Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

The application is accompanied by a Preliminary Site Investigation Report prepared by Australian Geotechnical that provides details of investigations into the environmental condition of the site on the basis of historical land uses, anecdotal and documentary evidence of possible pollutant sources. The site inspection and desktop analysis revealed no evidence of any previous manufacturing uses, on-site storage of chemicals or site contamination incidents. Further, the site is free of any Statutory Notices issued by the NSW EPA and the site is not listed on the List of Contaminated Sites notified to the EPA.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

A conceptual site model (CSM) was also prepared for the site that identified a low contamination risk on the site.

Based on these findings, it is considered unlikely that the site is contaminated and the risk to human health and the environment associated with groundwater and soil contamination is low. Notwithstanding, the report recommends that a targeted Environmental Site Assessment be prepared in order to address data gaps identified in Section 10.0 of the report and that this be undertaken in conjunction with a waste classification for off-site disposal of soil excavated for the proposed basement levels.

A copy of the Preliminary Site Investigation accompanies the application and should be referred to for further details in relation to the site investigations.

Having regard to the above, it is considered that the site is suitable for the proposed use without the need for remediation and/or validation and Council can be satisfied that its obligations under the SEPP have been met.

4.2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65) is part of a suite of documents developed by the State Government in an effort to improve the quality of design in residential flat buildings. The Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The Policy identifies 9 quality design principles which are applied by consent authorities in determining development applications for residential flat buildings. The design principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of the proposed solutions.

The proposed development has been designed having regard to the nine (9) design quality principles contained in Part 2 of SEPP 65. Architecture Design Studio (NSW) Pty Ltd has prepared a Design Quality Report that addresses each of the 9 design quality criteria. This report is included in the documents submitted with the application and demonstrates that the proposed development is of a high design quality.

As required, a SEPP 65 Design Verification Statement has also been prepared by Architecture Design Studio (NSW) Pty Ltd and is provided with the SEPP 65 Design Quality Statement.

The design of the residential component of the development has embraced the SEPP 65 design quality principles and will provide a high quality amenity for future residents.

An assessment of the proposed development against the relevant sections of the Apartment Design Guide (ADG) has also been prepared by Architecture Design Studio (NSW) Pty Ltd and demonstrates that the proposal will perform adequately in relation to the design requirements under the ADG.

It is noted that Clause 6A of the SEPP states that provisions of a Development Control Plan have no effect where they relate to the objectives, design criteria and design guidance contained within Parts 3 and 4 of the ADG for the following:

(a) visual privacy,
(b) solar and daylight access,
(c) common circulation and spaces,
(d) apartment size and layout,
(e) ceiling heights,
(f) private open space and balconies,
(g) natural ventilation,
(h) storage

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

In addition, subclause 30(1) of the SEPP states that a Development Consent cannot be refused if the proposed development complies with the design criteria contained within Parts 3 and 4 of the ADG relating to car parking, internal apartment area and ceiling heights.

4.2.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) came into force on 1 July 2004 and has been progressively implemented to the various types of residential development. The intent of the BASIX SEPP is to encourage sustainable residential development by requiring applicants to make commitments to incorporating sustainable design / building techniques in order to achieve more water and energy efficient residential buildings.

BASIX is an on-line program that assesses a residential dwelling against water, thermal comfort and energy reduction targets. Designs must meet these targets before a BASIX Certificate can be issued. Commitments made during the BASIX assessment process must be shown on plans and adhered to during construction.

A BASIX Certificate (No. 1132998M_02) has been submitted with the application and demonstrates that the proposed development meets the required water, thermal comfort and energy targets. The BASIX Commitments specified in the BASIX Certificate and nominated on the architectural drawings will be incorporated into the construction and fit-out of the development. As such, Council can be satisfied that the sustainability obligations under the SEPP have been met.

4.2.4 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) came into force in July 2009 and, to the extent that it applies to this site, aims to:

(a) *provide a consistent planning regime for the provision of affordable rental housing; and*

(b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.*

One of the key incentives of the ARH SEPP involves opportunities for new developments to realise a higher floor space ratio (FSR) than would normally be permitted, if there was a commitment to use part of the development for affordable rental housing for a period of at least ten (10) years.

Division 1 of the ARH SEPP applies to in-fill affordable housing and sets out the criteria under which in-fill affordable housing is permitted and ***Clause 10*** nominates the types of development to which the affordable housing criteria apply. Clause 10 is reproduced below:

10 Development to which Division applies

(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:

(a) *the development concerned is permitted with consent under another environmental planning instrument, and(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.*

(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.

(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.

The residential component of the proposed mixed use development comprises a residential flat building and the site at Nos. 118-120 Station Street will meet the above criteria as follows:

- Residential flat development (as a component of mixed use development) is permitted in the B4 Mixed Use zone under Penrith LEP 2010 (cl. 10(1)(a)).
- The site does not contain a Heritage Item (cl. 10(1)(b)).
- The site is located within an accessible area (i.e. within 800m walking distance of a public entrance to Penrith Railway Station) (cl. 10(2)).

In relation to subclause 10(2) above, an accessible area is defined as being:

accessible area *means land that is within:*

(a) *800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*

(b) *400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*

(c) *400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

Comment: The site is located less than 800m from the entrance to Penrith Railway Station. In addition, as described earlier, there are bus stops located within 80m of the site in both Station Street and Derby Street that provide access to a range of bus routes that provide regular bus services (notwithstanding that not all routes will be serviced by an hourly service between the nominated hours).

Clause 13 of the ARH SEPP sets out the floor space ratio incentives that are available to development where the percentage of the gross floor area to be used as affordable housing is at least 20%.

Where the existing maximum floor space ratio for any form of residential accommodation permitted on the land is 2.5:1 or less, the following provisions apply:

(i) *0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or*

(ii) *Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:*

AH *is the percentage of the gross floor area of the development that is used for affordable housing.*

Y *= AH ÷ 100*

The proposed development seeks to utilise this FSR bonus incentive to realise a FSR of greater than the 2:1 prescribed under Clause 4.4 of Penrith LEP and five (5) of the residential apartments have been nominated as affordable rental housing apartments. This equates to 416.97m^2, or 20.6% of the GFA of the development.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Therefore, based on the formula above, a FSR bonus of 0.2:1 is available where 20% of the gross floor area of the development is to be used for affordable housing. This increases the maximum allowable FSR from 2:1 to 2.2:1.

The proposed FSR of 2.16:1 therefore complies with Clause 13 of the ARH SEPP.

Clause 14 of the SEPP sets out a number of standards that cannot be used as grounds to refuse an application for an in-fill affordable rental housing development.

Clause 15 of the SEPP requires a consent authority to take into consideration the provisions of the Seniors Living Policy.

Clause 16 of the SEPP requires a consent authority to take into consideration whether the design of the development is compatible with the character of the local area.

An assessment of the proposed development against the relevant provisions of Division 1 In-fill affordable rental housing of the ARH SEPP is provided in the Table below:

Clause	Comment	Compliance
Cl. 10 Development to which Division applies: (1) This Division applies to development for the purposes of dual occupancies, multi-dwelling housing or residential flat buildings if: (a) the development concerned is permitted with consent under another environmental planning instrument, and (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.	The residential component of the proposed mixed use development constitutes a residential flat building. The site is Zoned B4 Mixed Use under Penrith LEP 2010 and residential flat buildings are permissible with consent within the zone. The land does not contain a heritage item.	Yes
(2) Despite subclause (1), this Division does not apply to a development on land in the Sydney region unless all or part of the development site is within an accessible area.	The land is within an accessible area, as it is within 800m (670m) walking distance of Penrith Railway Station.	Yes
Cl. 13 Floor space ratios (1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.	20.6% (5 apartments) of the developments GFA are nominated for affordable rental housing.	Yes
(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus: (a) if the existing maximum floor space ratio is 2.5:1 or less: (i) 0.5:1—if the percentage of the gross floor area of the development that is	The prescribed maximum floor space ratio under the LEP is 2:1. However, with 20.6% of the GFA nominated as affordable rental housing, a maximum FSR of 1.2:1 can be achieved. The proposed FSR is 1.16:1 and therefore complies.	Yes

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

used for affordable housing is 50 per cent or higher.		
Cl. 14 Standards that cannot be used to refuse consent: (1) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: (a) (repealed)		
(b) site area: if the site area on which it is proposed to carry out the development is at least 450m^2,	The site area is 934.8m².	Yes
(c) landscaped area: if at least 30% of the site area is to be landscaped,	30.55% of the site is to be landscaped.	Yes
(d) deep soil zones: if, in relation to that part of the site that is not built on, paved or otherwise sealed:		
i. there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and	The proposed development includes a total deep soil zone of 105.91m², which is equivalent to 11.3% of the site area.	No
ii. each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	The area of the deep soil zone has been calculated only utilising areas with dimensions of 3m or greater.	Yes
iii. if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,	Two thirds of the deep soil provided for the site is 70.6m². However, the deep soil area is distributed around the perimeters of the site and it is not practical to locate two-thirds at the rear of the site given the configuration.	
(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	All 18 (100%) apartments will receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter.	Yes
(2) General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds: (a) parking if:		
ii. at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more dwellings.	Based on these rates a minimum of 5.5 car spaces are required for the 5 affordable rental housing dwellings. Each 2 bedroom ARH apartment is provided with 1 parking space and the 3 bedroom ARH apartment is provided with 2 parking spaces.	Yes

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

(b) dwelling size if each dwelling has a gross floor area of at least: i. 35m^2 in the case of a bedsitter or studio, or ii. 50m^2 in the case of a dwelling having 1 bedroom, or iii. 70m^2 in the case of a dwelling having 2 bedrooms, or iv. 95m^2 in the case of a dwelling having 3 or more bedrooms.	The nominated ARH 2 bedroom apartments have floor areas of 76.05m^2 and 85.50m^2. The nominated ARH 3 bedroom apartment has a floor area of 103.32m^2.	Yes
(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	With the exception of the deep soil requirement, the development complies with the standards set out in subclause (1) & (2).	Noted
Cl. 15 Seniors Living Policy A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development*.	It is considered that the proposed development is consistent with the requirements of the Seniors Living Policy, in as much as it is relevant to the proposed development and is responsive to the existing and likely future context and built form. A Compliance Table providing an assessment of the requirements under the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is provided below.	Yes
Cl. 16A Character of local area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	It is considered that the design, scale and appearance of the proposed development is compatible with the anticipated character of the local area, having regard to the existing built form and new development recently completed adjacent to the site. The proposed built form is similar to that which was recently approved on the adjoining site at Nos. 114-116 Station Street. The somewhat eclectic mix of existing built form in the immediate locality comprises a mix of a single storey dual occupancy, a 7 storey residential flat building, single and two storey commercial buildings and single and two storey dwellings. The proposed built form is considered to be compatible with the existing surrounding development and the character of the area.	Yes

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Cl. 18 Subdivision Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Subdivision of the development is not being sought as part of this application.	Yes

Seniors Living Policy: Urban Design Guidelines for Infill Development Compliance Table

Design Issues / Design Principles and Better Practices	**Design Response / Comment**
1. Responding to Context	
Analysis of neighbourhood character	
Street layout and hierarchy – has the surrounding pattern and hierarchy of the existing streets been taken into consideration? (e.g. scale and character of the built form, patterns of street planting, front setbacks, buildings heights).	**Yes:** The six (6) storey scale is compatible with the scale of the existing residential flat building adjacent to the site.
Block and lots – has an analysis of the surrounding block and lot layout been taken into consideration for local compatibility and development suitability? (e.g. lot size, shape, orientation).	**Yes:** The proposed development represents an appropriate form of development that is compatible with the surrounding built form that comprises a mix of dwellings, dual occupancies, single and two storey commercial premises and a 7 storey residential flat building.
Built environment – has a compatibility check been undertaken to determine if the proposed development is consistent with the neighbourhood's built form? (e.g. scale, massing, should particular streetscapes or building types be further developed or discouraged?	**Yes:** Residential flat development in the immediate area comprises a 7 storey residential flat building, together with single and two storey buildings on sites that are yet to be redeveloped. As such, the proposed 6 storey mixed use building is compatible with that which is anticipated commensurate with the mixed use zoning and anticipated residential density in the area.
Trees – do trees and planting in the proposed development reflect trees and landscapes in the neighbourhood or street?	**Yes:** Refer to the Landscape Plan submitted with the application. A comprehensive landscape scheme is proposed for the site and the new landscaping is typically selections of native groundcovers, shrubs and trees local to the area.
Policy environment – has Council's own LEP and DCP been considered to identify key elements that contribute to an areas character? Does the proposed development respond this?	**Yes:** The development responds to the key elements in the following policy documents: <u>Penrith LEP 2010 – B4 Mixed Use Zoning Objectives:</u> The specific aims of the LEP in relation to the B4 Mixed Use zone are: • *To provide a mixture of compatible land uses.* • *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise*

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

	public transport patronage and encourage walking and cycling. • *To minimise conflict between land uses within the zone and land uses within adjoining zones.* • *To create opportunities to improve public amenity.* • *To provide a wide range of retail, business, office, residential, community and other suitable land uses.* The proposed development is considered to be consistent with the objectives for the B4 zone as follows: • The development will provide additional commercial/retail floor space that will suit a range of commercial land uses and assist in facilitating ongoing economic growth of the Penrith City Centre. • The development will provide additional housing choice and diversity in the location, in a built form that is consistent and compatible with the likely future character of the area. • A high level of residential amenity will be achieved, with the design of the residential apartments having regard to the design quality principles set out in SEPP 65, as well as the objectives and design criteria set out in the ADG. • The site is located within walking distance of Penrith Railway Station and a number of bus stops, giving the site excellent access to the public transport network, as well as being accessible to the services and facilities provided in the Penrith City Centre. <u>Penrith DCP 2014</u> Part E11 – Part A - Penrith City Centre The site is located within the City South (Mixed Use) character area identified in Figure E11.2 – Penrith City Centre Character Areas of the DCP, where new development is to provide a high quality and active public domain interface. The proposed development is considered to be consistent with desired future character of the City South (Mixed Use) Precinct, providing a high quality and appearance mixed use development with access to shops and services, public transport, employment and recreational facilities.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Site analysis	
Does the site analysis include: • Existing streetscape elements and the existing pattern of development as perceived from the street. • Patterns of driveways and vehicular crossings • Existing vegetation and natural features on the site • Existing pattern of buildings and open space on adjoining lots. • Potential impact on privacy for, or overshadowing of, existing adjacent dwellings.	**Yes:** Refer to the Site Analysis/Site Plan and Shadow Diagrams submitted with the application.
2. Site Planning and Design	
Design principles and better practice	
General: Does the site planning and design: • Optimise internal amenity and minimise impacts on neighbours? • Provide a mix of dwelling sizes and dwellings both with and without car parking? • Provide variety in massing and scale of built form within the development?	**Yes:** An acceptable level of internal amenity and privacy between neighbours will be achieved. **Yes:** 10 x 2 bed & 8 x 3 bed apartments = 18 apartments – 5 of which are nominated as ARH. 32 on site car spaces provided (26 resident, 4 visitor and 2 commercial spaces). **Yes:** The development provides a six (6) storey scale that together with the selected colours, materials and finishes provides for variety in the scale and massing of the development.
Built Form: Does the site planning and design: • Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to the public street • Have developments more modest in scale towards the rear of the site to limit impacts on adjoining neighbours? • Orientate dwellings to maximise solar access to living areas and private open space, and locate dwellings to buffer quiet areas within the development from noise?	**Yes:** The majority of apartments face towards either the Station Street or Reserve Street frontages. **Yes:** Living areas and private open spaces predominantly orientated towards the north-east and north west.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Trees, landscaping and deep soil zones: Does the site planning and design:	
• Retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape?	**Yes**: There are no existing trees to be retained. However, a comprehensive landscape scheme is proposed for the site.
• Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep-soil planting?	**No:** Refer to the above comment.
• Retain large or otherwise significant trees on other parts of the site through sensitive site planning?	**No:** Refer to the above comment.
• Where not possible to retain existing trees, replace with new mature or semi-mature trees?	**Yes:** Refer to Landscape Plan submitted with the application for details.
• Increase the width of landscaped areas between driveways and boundary fences and between driveways and new dwellings?	**Yes:** There will be planting on all perimeters of the site.
• Provide pedestrian paths?	**Yes:** A designated pedestrian pathway from Station Street to the main pedestrian entry is proposed.
• Reduce the width of driveways?	**N/A:** Driveway width to Council's requirements.
• Provide additional private open space above the minimum requirements?	**Yes:** Private open space in excess of minimum requirements is achieved for some apartments.
• Provide communal open space?	**Yes:** Located on the roof top (307.49m^2).
• Increase front, rear and/or side setbacks?	**Yes:** The setbacks meet the ADG requirements.
• Provide small landscaped areas between garages, dwellings entries, pedestrian paths, driveways etc.	**Yes:** Refer to the Landscape Plan submitted with the application for details.
• Provide at least 10% of the site area, at the rear of the site, for deep soils zones to create a mid-block corridor of trees within the neighbourhood?	**Yes:** The deep soil areas around the perimeter of the site will be planted with shade trees and hedging trees. Refer to the Landscape Plan.
• Replicate an existing pattern of deep soil planting on the front of the site?	**Yes:** Refer to the Landscape Plan for details.
• Use semi-pervious materials for driveways, paths and other paved areas?	**No:** Concrete is proposed for the driveway and pathways.
• Use on-site detention to retain stormwater on site for re-use?	**Yes:** Refer to the Concept Stormwater Drainage Plans submitted with the application for OSD details.
Parking, garaging and vehicular circulation: Does the site planning and design:	
• Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages?	**Yes:** All on-site parking is contained within a two level basement, accessed by a single driveway.
• Where possible, maintain existing crossings and driveway locations on the street?	**No:** The existing driveways are to be replaced by a new driveway off Reserve Street.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

3. Impacts on Streetscape	
Design principles and better practice	
General: Does the site planning and design: • Sympathise with the building and existing streetscape patterns? (i.e. siting, height, separation, driveways locations, pedestrian entries etc.) • Provide a front setback that relates to adjoining development?	**Yes:** The proposed development is considered to be compatible with the existing and likely future built form in the locality. **Yes:** The front setback is compatible with the front setback of adjoining development.
Built Form: Does the site planning and design: • Break up the building massing and articulate building facades? • Allow breaks in rows of attached dwellings? • Use a variation in materials, colours and openings to order building facades with scale and proportions that respond to the desired contextual character? • Set back upper levels behind the front building facade? • Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses? • Reduce the apparent bulk and visual impact of the building by breaking down the roof into smaller roof elements? • Use a roof pitch sympathetic to that of existing buildings in the street? • Avoid uninterrupted building facades including large areas of painted render?	**Yes:** Refer to the Elevations and Photomontages for details. The articulation is achieved through use of building mass and material selections. **N/A**. **Yes:** Refer to the architectural drawings for details of colours and materials. **Yes:** The use of varied materials and finishes across all levels achieves a break down in the scale of the building facade. **N/A.** This is not common practice with the adjacent existing properties. **Yes:** The bulk and visual impact of the roof is considered to be acceptable. **Yes:** The proposed roof form is sympathetic to other roof forms in the vicinity. **Yes:** No large sections of painted render are proposed.
Trees, landscaping and deep soil zones: Does the site planning and design: • Use new planting in the front setback and road reserve where it is not possible or not desirable to retain existing trees/planting? • Plant in front of front fences to reduce their impact and improve the quality of the public domain?	**Yes:** Refer to the Landscape Plan for details. **Yes:** Refer to the Landscape Plan for details.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Residential amenity: Does the site planning and design:	
• Clearly design open space in the front setback as either private or communal open space?	**Yes:** Common open space (landscaped setback) is proposed in the front setback.
• Define the threshold between public and private space by level change, change in materials, fencing, planting and/or signage?	**Yes:** Landscape planting is used to achieve definition between the threshold of private and public space.
• Design dwellings at the front of the site to address the street?	**Yes:** Windows and private balconies address the street frontages to Station Street and Reserve Street.
• Design pedestrian entries, where possible, directly off the street?	**Yes:** The main pedestrian entry is directly off Station Street.
• Provide a pedestrian entry for rear residents that is separate from vehicular entries?	**Yes:** The main pedestrian entry is from Station Street, while the vehicular entry is from Reserve Street.
• Design front fences that provide privacy where necessary, but also allow for surveillance of the street?	**N/A:** Front boundary fencing is not proposed.
• Ensure that new front fences have a consistent character with front fences in the street?	**N/A:** Refer to the above comment.
• Orientate mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings?	**Yes:** The mail boxes will be concealed in a small alcove adjacent to the main pedestrian entry to the building off Station Street.
• Locate and treat garbage storage areas and switchboards so that their visual impact on the public domain is minimised?	**Yes:** The garbage and recycling rooms are located at ground level, but are not visible from the public domain.
Parking, garaging and vehicular circulation: Does the site planning and design:	
• Vary the alignment of driveways to avoid a 'gun barrel' effect?	**N/A:** A 'gun barrel' driveway is not proposed.
• Set back garages behind the predominant building line to reduce their visibility from the street?	**N/A:** Basement parking is proposed.
• Consider alternative site designs that avoid driveways running the length of the site?	**N/A:** A short driveway provides access to the basement parking.
• Terminate vistas with trees, vegetation, open space or a dwelling rather than garages or parking?	**N/A:** Basement parking is proposed.
• Use planting to soften driveway edges?	**Yes:** Refer Landscape Plan submitted with the application for details.
• Vary the driveway surface material to break it up into a series of smaller spaces? (e.g. to delineate individual dwellings)	**N/A:** A short driveway provides access to the basement parking.
• Limit driveway widths on narrow sites to single carriage with passing points?	**N/A:** The site does not have a narrow frontage.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

• Provide gates at the head of driveways to minimise visual 'pull' of the driveway?	**N/A:** Driveway gates are not proposed.
• Reduce the width where possible to single width driveways at the entry to basement car parking rather than double?	**No:** A double width driveway is proposed to allow two-way traffic flow.
• Locate the driveway entry to basement car parking to one side rather than the centre where it is visually prominent?	**Yes:** The driveway is proposed in the south-western corner of the site and is not considered visually prominent, being located on the secondary frontage, rather than the principal street frontage.
• Recess the driveway entry to basement car parking from the main building facade?	**N/A**
• Where a development has a secondary street frontage, provide vehicular access to basement car parking from the secondary street?	**Yes:** The vehicular entry point is located off the secondary street frontage, rather than the principal street frontage
• Provide security doors to basement car parking to avoid the appearance of a 'black hole' in the streetscape?	**Noted:** The vehicular entry to the basement parking area will not appear as a 'black hole' in the streetscape.
• Return facade material into the visible area of the basement car park entry?	**N/A**
• Locate or screen all parking to minimize visibility from the street?	**Yes:** The provision of a basement means that the on-site parking is not visible form the street.
4. Impacts on Neighbours	
Built Form: Does the site planning and design: • Where possible, maintain the existing orientation of dwelling 'fronts' and 'backs'? • Be particularly sensitive to privacy impacts where dwellings must be oriented at 90 degrees to the existing pattern of development? • Set upper storeys back behind the side or rear building line? • Reduce the visual bulk of roof forms by breaking down the roof into smaller elements rather than having a single uninterrupted roof structure? • Incorporate second stories within the roof space and provide dormer windows? • Offset openings from existing neighbouring windows or doors? • Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks?	**Yes:** The proposed built form is appropriate for the locality and will not result in unreasonable impacts on neighbouring properties.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Trees, landscaping and deep soil zones: Does the site planning and design: • Use vegetation and mature planning to provide a buffer between new and existing dwellings? • Locate deep soil zones where they will be provide privacy and shade for adjacent dwellings? • Plant in side and rear setbacks for privacy and shade for adjoining dwellings? • Use species that are characteristic to the local area for new planting?	**Yes:** Refer to the Landscape Plan for details.
Residential amenity: Does the site planning and design: • Protect sun access & ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation. • Design dwellings so that they do not directly overlook neighbours' private open space or look into existing dwellings? • Locate private open space in front setbacks where possible to minimise negative impacts on neighbours? • Ensure private open space is not adjacent to quiet neighbouring uses, e.g. bedrooms? • Design dwellings around internal courtyards? • Provide adequate screening for private open space areas? • Use side setbacks which are large enough to provide usable private open space to achieve privacy and soften the visual impact of new development by using screen planting?	**Yes:** Refer to the Shadow Diagrams for details. **Yes:** The design allows for an appropriate degree of privacy to neighbouring properties to be achieved. **N/A** **N/A** **N/A** **Yes:** Refer to the Landscape Plan for details. **Yes:** Refer to the Landscape Plan for details.
Parking, garaging and vehicular circulation: Does the site planning and design: • Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts? • Position driveways so as to be a buffer between new and existing adjacent dwellings?	**Yes:** Refer to the Landscape Plan submitted with the application for details. **Yes:** The location of the driveway will act as a buffer to the adjacent development.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

5. Internal Site Amenity	
Built form: Does the site planning and design:	
• Maximise solar access to living areas and private open space areas of the dwelling?	**Yes:** Achieves minimum requirements.
• Provide dwellings with a sense of identity through building articulation, roof form and other architectural elements?	**Yes:** The main pedestrian entry will have a sense of identity.
• Provide buffer spaces and/or barriers between the dwellings and driveways or between dwellings and communal areas for villa or townhouse style developments?	**N/A**
• Use trees, vegetation, fences, or screening devices to establish curtilages for individual dwellings in villa or townhouse style developments?	**N/A**
• Have dwelling entries that are clear and identifiable from the street or driveway?	**Yes:** The main pedestrian entry from Station Street will be clearly identifiable from the street.
• Provide a buffer between public/communal open space and private dwellings?	**N/A**
• Provide a sense of address for each dwelling?	**N/A**
• Orientate dwelling entries to not look directly into other dwellings?	**N/A**
Parking, garaging and vehicular circulation: Does the site planning and design:	
• Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths, or where this is not possible use physical separation, planting, screening devices or louvers to achieve adequate privacy?	**Yes:** Refer to the floor plans in the Architectural package submitted with the application for details.
• Avoid large uninterrupted areas of hard surface?	**Yes:** Hard paved areas have been kept to a minimum.
• Screen parking from views and outlooks from dwellings?	**Yes:** Basement parking means that the on-site parking is not visible.
• Reduce the dominance of areas for vehicular circulation and parking by:	
(i) Considering single rather than double width driveways?	**No:** Council requires a double width driveway.
(ii) Use communal car courts rather than individual garages?	**Yes:** Basement parking is proposed.
(iii) Single rather than double garages?	**N/A**
(iv) Tandem parking or a single garage with	**N/A**

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

single car port in tandem? • Providing some dwellings without any car parking for residents without cars?	**N/A**
Residential amenity: Does the site planning and design:	
• Provide distinct and separate pedestrian and vehicular circulation on the site where possible, where not possible shared access should be wide enough to allow a vehicle and wheelchair to pass safely?	**Yes:** Separate pedestrian and vehicular circulation is proposed.
• Provide pedestrian routes to all public and semi-public areas?	**Yes:** Pedestrian routes are provided to all publicly accessible areas of the development.
• Avoid ambiguous spaces in building and dwelling entries that are not obviously designated as public or private?	**Yes:** The demarcation between public and private spaces within the development is clear and legible.
• Minimise opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts and foyers and at the entrance to or within indoor car parks?	**Yes:** The design has had regard for the CPTED principles.
• Clearly define thresholds between public and private spaces?	**Yes:** As noted above, the demarcation between public and private spaces within the development is clear and legible.
• Provide private open space that is generous in proportion and adjacent to the main living areas of the dwelling?	**Yes:** Each apartment is provided with useable private open space adjacent to and accessible from the living areas.
• Provide private open space area that are orientated predominantly to the north, east or west to provide solar access?	**Yes:** As much as possible, private open space areas are oriented to the north, east and west.
• Provide private open space areas that comprise multiple spaces for larger dwellings?	**Yes:** The 3 bedroom apartments have larger areas of private open space.
• Provide private open space areas that use screening for privacy but also allow casual surveillance when located adjacent to public or communal areas?	**Yes:** The terraces and balconies of apartments allow for casual surveillance of the ground and surrounding areas below.
• Provide private open space areas that are both paved and planted when located at ground level?	**N/A**
• Provide private open space areas that retain existing vegetation where practical?	**N/A**
• Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?	**N/A**
• Provide communal open space that is clearly and easily accessible to all residents and easy to maintain and includes shared	**Yes:** The communal open space is easily accessible and provide facilities that will allow for resident

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

facilities, such as seating and barbeques to permit resident interaction?	interaction.
• Site and/or treat common service facilities such as garbage collection areas and switchboards to reduce their visual prominence to the street or to any private or communal open space?	**Yes:** The garbage and recycling storage rooms are located in areas that are not readily visible from the public domain surrounding the development.

As can be seen from the Table, the proposed development satisfies the requirements of Division 1 in Part 2 of the ARH SEPP in relation to in-fill affordable housing.

4.2.5 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)

The aim of *Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury Nepean River* (now a deemed SEPP) is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The Policy requires the consent authority to have regard to a number of general and specific considerations, policies and strategies when assessing development applications.

It is considered that the proposed development is not contrary to these general and specific considerations, policies and strategies. The site is not located within a scenic corridor of local or regional significance and the proposed mixed use development will not have an adverse impact on the Hawkesbury Nepean River system in either a local or regional context.

4.2.6 Draft State Environmental Planning Policy (Environment) 2018

Draft State Environmental Planning Policy (Environment) 2018 proposes to consolidate seven (7) existing SEPPs and simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. These environmental policies will be accessible in one location and updated to reflect changes that have occurred since the creation of the original policies.

One of the (deemed) SEPPs to be included is Sydney *Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)*, that currently applies to the subject site.

As detailed at 4.2.7 below, the proposed development is unlikely to have an adverse impact on the Hawkesbury-Nepean River Catchment and therefore, is consistent with the intent of the draft Environment SEPP.

4.3 Local Environmental Planning Instruments

4.3.1 Penrith Local Environmental Plan 2010

The principal local environmental planning instrument applying to the City of Penrith is *Penrith Local Environmental Plan 2010*, which came into force in September 2010. This LEP has been made in accordance with the standard environmental planning instrument under Section 3.20 of the *Environmental Planning & Assessment Act, 1979*.

As noted earlier, the site is zoned B4 Mixed Use under *Penrith Local Environmental Plan 2010*.

The specific aims of the LEP in relation to the B4 Mixed Use zone are:

- *To provide for a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To create opportunities to improve public amenity.*
- *To provide a wide range of retail, business, office, residential, community and other suitable land uses.*

Comment: The proposed mixed use development is considered to be consistent with the objectives for the B4 Mixed Use zone as follows:

- The development will provide additional commercial/retail floor space that will suit a range of commercial land uses and assist in facilitating ongoing economic growth of the Penrith City Centre.
- The development will provide additional housing choice and diversity in the location, in a built form that is consistent and compatible with the likely future character of the area.
- A high level of residential amenity will be achieved, with the design of the residential apartments having regard to the design quality principles set out in SEPP 65, as well as the objectives and design criteria set out in the ADG.
- The site is located within walking distance of Penrith Railway Station and a number of bus stops, giving the site excellent access to the public transport network, as well as being accessible to the services and facilities provided in the Penrith City Centre.

There are a number of clauses in the LEP that are applicable to the proposed development. These are discussed below:

Clause 4.3 of the LEP relates to the height of buildings and prescribes a maximum building height of 24m for the site, as indicated on the Height of Buildings Map that accompanies the LEP. The proposed development has a maximum building height of 23.425m and will therefore comply with the maximum building height development standard.

Clause 4.4 of the LEP relates to floor space ratio and prescribes a maximum floor space ratio of 2:1 for the site. However, as discussed previously, the proposed development seeks to provide a component of affordable rental housing and benefit from the floor space ratio incentive available under the relevant provisions of the ARH SEPP. Seeking to provide 20.6% of the residential GFA as affordable rental housing, a floor space ratio of 2.16:1 is proposed.

Part 7 of the LEP provides a number of additional local provisions. Those that are of relevance to the proposed development are discussed below:

Clause 7.1 of the LEP relates to earthworks and requires the consent authority to give consideration to a range of matters with respect to the potential for impacts associated with earthworks. As the basement levels will require excavation, these matters need to be taken into consideration and are discussed below:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
(b) the effect of the proposed development on the likely future use or redevelopment of the land,
(c) the quality of the fill or the soil to be excavated, or both,
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
(e) the source of any fill material and the destination of any excavated material,
(f) the likelihood of disturbing relics,
(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.

Comment: The excavation for the 2 basement levels constitutes earthworks that are ancillary to the development. The soil to be removed from the excavation will be disposed of at a licensed facility. The excavation will be undertaken by an appropriately qualified and experienced company and erosion and sediment controls will be put in place prior to works commencing on the site.

As such, it is unlikely that the proposed excavation will have any detrimental impacts on adjoining properties, soil stability or drainage patterns.

Clause 7.8 of the LEP relates to 'active street frontages' and aims to encourage uses that attract pedestrian traffic along certain ground floor street frontages, as nominated on the 'Active Street Frontages' Maps that accompany the LEP. The Station Street frontage of the site is nominated as an 'active street frontage'. Both of the ground floor commercial tenancies front Station Street and are provided with glazed shopfronts that will allow a good visual connection between the footpath and each tenancy, consistent with the intent of Clause 7.8.

Part 8 of the LEP provides a number of local provisions specific to the Penrith City Centre. As indicated on the 'Clause Application Map' that accompanies the LEP, the site falls within the nominated boundaries of the Penrith City Centre. Those provisions that are of relevance to the proposed development are discussed below:

Clause 8.3 of the LEP relates to minimum building street frontage and states (in part) that consent must not be granted to the erection of a building on land zoned B4 Mixed Use that does not have at least one street frontage of 20m or more. The site has a frontage of 30.48m to Station Street and secondary street frontage of 31.435m to Reserve Street and therefore, meets the minimum street frontage requirement.

Clause 8.4 of the LEP relates to Design Excellence and states that consent must not be granted for development involving the construction of a new building, or external alterations to an existing building, on land to which this Part applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence. Subclause 8.4(2) sets out the matters to which the Council must have regard in deciding whether or not a proposed development exhibits design excellence.

Comment: Having regard to the matters set out in subclause 8.4(2), it is considered that the proposed development exhibits design excellence and the form and external appearance of the development will improve the quality and amenity of the public domain. The proposed building exhibits a high standard of architectural design and the proposed materials, colour scheme and detailing will complement the adjoining 7 storey building and represent a built form and appearance that will make a positive contribution to the character and built form outcome for sites within the Penrith City Centre. The proposed development is unlikely to impact on any view corridors, provides an appropriate land use mix for the site, does not impact on any nearby heritage listed properties and incorporates a range of environmentally sustainable features. The building will have an acceptable relationship to both the adjoining development and the surrounding public domain and the proposed massing and modulation of the building is appropriate in the context of the sites location and relationship to the surrounding development and the public domain. The ground floor commercial/retail tenancies provide activation to the street frontages and will relate to and connect with the adjoining footpath. The residential apartments perform well against the SEPP 65 Design Quality Principles and 100% of the apartments are cross ventilated and will receive in excess of the required 3 hour minimum of direct solar access during mid-winter. The re-use of rainwater for the cold water tap in the laundries of the apartments, and the installation of water efficient fittings and fixtures, energy efficient lighting and drought resistant plant selection, combined with the high levels of cross ventilation and solar access demonstrates that the building will incorporate the principles of ecologically sustainable development. Further, the proposed building will not have any unacceptable environmental impacts with respect to the bulk and scale of the built form, solar access and overshadowing, visual and acoustic privacy or traffic and parking impacts and the site is suitable for the proposed development.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Subclause 8.4(3) states (in part) that consent must not be granted to development in respect of a building that will be greater than 24m or 6 storeys (or both) unless an architectural design competition has been held.

Comment: The proposed scheme does not exceed 24m in height and is not greater than 6 storeys. As such, the requirement for an architectural design competition would not be triggered under subclause 8.4(3)(a). The site is not identified as a key site on the Key Sites Map and the applicant has not chosen to have an architectural design competition. Therefore, the requirement for an architectural design competition is not triggered under subclauses 8.4(3)(b) & (c).

Subclause 8.4(5) states that development consent may not be granted for the erection or alteration of a building to which this clause applies that has a height or floor space ratio that is 10% or more greater than allowed for under Clauses 4.3 and 4.4 of Penrith LEP 2010, unless:

(a) The design of the building or alteration is the result of an architectural design competition, and
(b) The concurrence of the Director-General has been obtained to the development application.

Comment: The proposed building height of 23.425m is less than the 24m building height prescribed under Clause 4.3 and although the proposed floor space ratio of 2.16:1 is 145.6m^2 greater than the 2:1 floor space ratio prescribed under Clause 4.4 of the LEP, this equates to 7.78% and therefore, is less than 10% greater. As such, the need for an architectural design competition and the concurrence of the Director-General (now Secretary) is not required.

Clause 8.5 of the LEP relates to building separation and states that buildings must be erected so that the separation distance –

(a) from neighbouring buildings, and

(b) between separate parts or other separate raised parts of the same building, is not less than that provided for in a development control plan made by the Council.

As set out in *Section 1.2.3. Building Form – Height, Bulk and Scale* in *Part C1 Site Planning and Design Principles* of Penrith DCP 2014, in relation to setbacks/separations: Buildings should be sufficiently set back from property boundaries and other buildings to:

(i) Maintain consistency with the street context and streetscape character, especially street/front setbacks;
(ii) Maximise visual and acoustic privacy, especially for sensitive land uses;
(iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's
(iv) visual impact and scale;
(v) Maximise permeable surface areas for stormwater management; and
(vi) *Minimise overshadowing.*

It is considered that the proposed mixed use building will have an acceptable relationship with the recently constructed residential flat building on the adjoining site with respect to the above criteria.

4.4 Draft Local Environmental Planning Instruments

4.4.1 Draft Penrith Local Environmental Plan 2010 (Phase 1 Review of LEP)

Council has prepared a Planning Proposal to amend Penrith Local Environment Plan 2010 in order to align LEP 2010 with the planning priorities set in the Greater Sydney Commission's Greater Sydney Region Plan – A Metropolis of Three Cities and Western City District Plan and draft Council-led strategies. These amendments form part of a phased approach to the review of LEP 2010.

The Phase 1 LEP Review Planning Proposal primarily responds to the immediate actions arising from the draft Local Housing Strategy, draft Rural Lands and Villages Strategy and draft St Marys Economic Development Strategy as well as addressing minor housekeeping amendments.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

The Planning Proposal setting out the proposed amendments was placed on public exhibition between 1 May and 29 May 2020.

The Phase 1 Amendments to the LEP 2010 (as exhibited) aim to:

- increase the minimum lot size controls for multi-dwelling housing in R3 Medium Density Residential and R4 High Density Residential zones;
- apply a minimum lot size control for dual occupancy development in the RU5 Village zone for Londonderry and Luddenham villages;
- permit eco-tourist facilities, with consent, in the E4 Environmental Living zone
- permit a limited number of additional land uses, with consent, on certain land within Castlereagh's 'centre';
- remove the minimum lot size requirement for dwelling houses on 11 lots in Llandilo;
- include a new requirement for non-residential uses in the St Marys Town Centre B4 Mixed Use zone;
- extend the additional permitted uses provision for 164 Station Street, Penrith;
- rezone Triangle Park, Penrith to RE1 Public Recreation, and
- undertake minor housekeeping matters.

As such, the proposed amendments will not affect the proposed development.

It is noted that at its Policy Review Committee Meeting of 10 August 2020, Council resolved to endorse the Planning Proposal presented in the report, which includes a change to the exhibited Planning Proposal in relation to the proposed amendment for non-residential uses in the St Marys Town Centre. Council also resolved to forward the Planning Proposal to the Minister for Planning and Public Spaces with a request to make the LEP amendments.

4.5 Development Control Plans

4.5.1 Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 contains detailed provisions and controls that supplement the provisions of the LEP and came into effect on 17 April 2015. The parts of the DCP that are applicable to the proposed development are:

- A – Introduction
- B – DCP Principles
- C1 – Site Planning and Design Principles
- C2 – Vegetation Management
- C3 – Water Management
- C4 – Land Management
- C5 – Waste Management
- C6 – Landscape Design
- C7 – Culture and Heritage

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

- C8 – Public Domain
- C10 – Transport, Access and Parking
- D2 – Residential Development (D2.5 Residential Flat Buildings)
- E11 – Penrith (Part A – Penrith City Centre)

In particular, Section 2.5 of Part D2 Residential Development provides controls specific to residential flat buildings, with a principal objectives as follows:

> *In established areas new development should be planned and designed to reflect the character of traditional neighbourhoods established prior to 1970.*

The site is located within the City South (Mixed Use) character area identified in Figure E11.2 – Penrith City Centre Character Areas of the DCP, where new development is to provide a high quality and active public domain interface.

The proposal has been assessed against the relevant objectives and controls under Penrith Development Control Plan 2014 and this assessment is summarised in the Compliance Table provided below:

Penrith Development Control Plan 2014	
Part C1 – Site Planning and Design Principles	
Control	***Compliance***
1.1 Site Planning	***Noted:*** The site's context in terms of its local and regional context has been analysed and considered in designing the proposed development. The site is not located in a key area with scenic and landscape values
1.2 Design Principles	***Noted:*** The design of the proposed development has had regard to the design principles, including BASIX requirements and CPTED principles (refer to 5.2.7 of the SEE for details).
Part C5 – Waste Management	
Control	***Compliance***
5.1 Waste Management Plan	***Complies:*** A Waste Management Plan detailing the proposed waste and recycling management methods for demolition, construction and on-going waste and recycling has been submitted with the application.
5.2.1 – Siting and design of waste storage and collection areas	***Complies:*** The building has been designed to allow a garbage collection vehicle to enter the ground floor level to collect waste and recycling and leave the site in a forward direction. The floor to ceiling height of the ground floor level has been provided at 3.72m and the collection area has been designed to accommodate a 9.7m HRV waste collection vehicle.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

	Swept paths to demonstrate that the 9.7m HRV garbage collection vehicles can enter, manoeuvre and exit the site in a forward direction are provided in the Traffic Impact Assessment that accompanies the application.
5.2.3 – Mixed Use Development Controls	***Complies:*** The separate waste and recycling storage rooms have been designed to accommodate the required number of waste and recycling bin for both the commercial and residential components of the building. A bulky waste room is also provided. A garbage chute system with a dedicated waste room on each residential floor has been identified on the architectural drawings.
Part C10 – Transport, Access and Parking	
Control	***Compliance***
10.5.1 Parking	***Complies:*** The car parking allocation of thirty two (32) spaces comprises twenty six (26) resident spaces (including three (3) accessible), four (4) visitor spaces and two (2) commercial spaces (including 1 accessible space). One visitor space doubles as a car wash bay. Eleven (11) bicycle racks are provided over the two (2) basement levels. This complies with the DCP parking rates. Vehicular access to the basement parking levels will be provided via a 6m wide driveway from Reserve Street, on the south-western corner of the site.
Part D2 Residential Development - 2.5 – Residential Flat Buildings	
Control	***Compliance***
2.5.2 Preferred Configuration for Residential Flat Buildings	**Noted:** It is difficult for the form of a six (6) storey residential flat building to incorporate the traditional configuration of cottages and cottage gardens. However, the building incorporates ten (10) apartments that face the street frontages and have their private open space overlooking the street.
2.5.3 The Development Site	**Complies:** The site has a frontage of 30.5m to Station Street and 31.4m to Reserve Street, which exceeds the minimum required 20m frontage.
2.5.4 Urban Form	**Noted:** The proposed building is set in a generously proportioned landscaped setting and incorporates units that front the street, articulation and stepping and varied urban form.
2.5.5 Landscaped Area	**Complies:** Approximately 30% of the site area will be provided as landscaped area. This includes 11.3% of the site area as deep soil zone.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

	A communal open space area is provided at the roof top level and will be accessible to all residents via the lift. Details of the landscaping are provided on the Landscape Plan that accompanies the development application.
2.5.6 Front & Rear Setbacks	**Complies:** The minimum front setback is 3m from the Station Street frontage and 2.1m from the Reserve Street frontage and is consistent with the prevailing setback of the adjoining building on Station Street. The rear setback is also a minimum of 6m, increasing to 7.5 at the upper levels.
2.5.7 Side Setbacks	**Complies:** No minimum side setback is nominated in the DCP controls. However, as described below, the side setbacks for the residential component vary between 6m (lower 4 floors) and 8.5m minimum (upper floors), in order to meet the required separation distances under the ADG. These setbacks allow for the provision of ground level private open space, landscaping and appropriate separation between neighbouring buildings.
2.5.8 Visual and Acoustic Privacy and Outlook	**Complies:** There is a seven storey residential flat building on the adjoining sites. However, the minimum 6m boundary setbacks for the proposed building setbacks up to Level 3 is provided for the required 'share' of the ADG recommended 12m separation distance between habitable rooms/balconies of buildings up to 4 storeys in height. At the 5th and 6th storeys, the setbacks have been increased to 9m to provide the required 'share' of the recommended separation distance between habitable rooms/balconies of buildings 5-8 storeys in height.
2.5.9 Solar Planning	**Complies:** All apartments will receive in excess of a minimum of 2 hours solar access between 9am and 3pm in mid-winter. Therefore, this satisfies the minimum 70% requirement, in compliance with the ADG.
2.5.12 Building Design	**Noted:** The building facades provide appropriate articulation and detailing to assist in minimising the bulk and scale of the development. A variety of materials and finishes has been selected to provide a visually appealing appearance.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

2.5.13 Energy Efficiency	**Noted:** The building has been designed so that all eighteen (18) apartments are cross ventilated and will receive good solar access. None of the apartments are south facing. A BASIX Certificate outlining the energy, water and heating efficiency commitments to be adhered to has been submitted with the development application.
2.5.14 Design of Dwellings and Private Courtyards	**Partial compliance:** Each apartment is provided with an area of private open space that is accessed directly off the living areas and achieves the required minimum area of 10m^2. Not all of the balconies achieve the minimum required dimensions of 2.5m x 2.5m. However, were balconies do not meet the minimum dimensions, they are larger in area than the minimum 10m^2 and provide large and useable private open space areas for the enjoyment of residents. Notwithstanding, all private open space areas meet the recommended sizes under the ADG.
2.5.15 Garages	**Complies:** The basement levels extend beyond the building footprint. However, the basement is wholly beneath ground level.
2.5.16 Garden Design	**Noted:** Landscaping details for the site are provided in the Landscape Plan that accompanies the application. The landscaping scheme has had regard to the DCP controls to ensure that it meets the garden design objective.
2.5.17 Paving Design	**Noted:** Refer to the Landscape Plan that accompanies the application for details.
2.5.18 Fences and Retaining Walls	**Noted:** No above ground retaining walls are proposed. At the time of preparation of this Statement, fencing details were not yet known.
2.5.19 Safety and Security	**Complies:** A maximum of four (4) apartments will be accessed from the lift and corridor on each floor. The location of windows and private open space areas will provide good levels of casual surveillance over the street and surrounding the building. A total of ten (10) apartments face either Station Street or Reserve Street, with their private open space directly overlooking the street. The design minimises opportunities for concealment spaces and appropriate lighting to public areas and pathways will be provided.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

2.5.20 Accessibility and Adaptability	**Complies:** All public areas of the building and access pathways will be consistent with the requirements of AS1428.1. Internal corridors and circulation space will meet the required minimum width of 1m. Two (2) of the nineteen (18) apartments (11%) have been nominated as adaptable units that will be capable of being fitted out in accordance with AS4299. Post-adaption details for these units would be provided with any future development application. In addition, four (4) apartments are nominated as liveable apartments. The nominated adaptable apartment are 2 bedroom apartments. Each adaptable apartment has been allocated an accessible parking space. Further details are provided in the Access Report that accompanies the application.
2.5.21 Storage and Services	**Noted:** With the exception of five (5) of the eighteen (18) apartments that are provided with $9m^3$ of storage, storage with a capacity of at least $10m^3$ and in addition to wardrobes and kitchen cupboards will be made available for residents. $5m^3$ of individual storage space is provided in the basement levels, with the remainder being provided within the apartments. The letterboxes will be located on the Station Street frontage, in accordance with Australia Post requirements. Provision will be made for adequate telecommunications facilities in each apartment.
Part E11 Penrith – Part A – Penrith City Centre	
Control	***Compliance***
11.1 Preliminary 11.1.3 Penrith City Centre Precincts and Character Areas City South (Mixed Use) Precinct	**Complies:** The proposed development is considered to be consistent with desired future character of the City South (Mixed Use) Precinct, providing a high quality and appearance mixed use development with access to shops and services, public transport, employment and recreational facilities.
11.2 Building Form 11.2.2 Building to Street Alignment & Street Setbacks 11.2.4 Building Depth & Bulk	**Partial Compliance:** A compliant 3m setback to Station Street is proposed and 2.1m setback to Reserve Street is proposed in accordance with Figure E11.3 Front Setbacks. The commercial floorplate does not exceed $900m^2$ and is less than 20m in depth. The residential floor plate does not exceed $750m^2$, but the

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

	building depth exceeds 18m, with a small portion through the central part of the building having a depth of 22.4m.
11.2.5 Boundary Setbacks & Building Separation	The required boundary setbacks are met.
11.2.6 Mixed Use Buildings	The ground floor to ceiling height is 3.72m and 2.7m for the residential floors.
11.2.7 Site Cover & Deep Soil Zones	Separate and clearly identifiable access is provided to the commercial and residential components and secure access (via intercom) will be provided to the residential apartments. The site cover is less than the allowable 100% and 11.3% of the site is provided as deep soil.
11.2.8 Landscape Design 11.2.9 Planting on Structures	Refer to the Landscape Plan for planting details.
11.3 Pedestrian Amenity 11.3.2 Active Street Frontages & Address 11.3.4 Vehicle Footpath Crossings 11.3.6 Building Exteriors	**Complies:** The commercial tenancies front Station Street and wrap around into Reserve Street, providing the required activation and connection to the pedestrian public domain. Vehicular entry to the site is consolidated into a single 6m wide two-way driveway off Reserve Street in the south-western corner of the site. Details of the proposed external colours and materials are provided on the architectural drawings.
11.4 Access, Parking and Servicing 11.4.1 Pedestrian Access & Mobility	**Complies:** The main pedestrian and vehicular entry points to the building are clearly identifiable and provide barrier free access.
11.4.2 On-Site Parking Options	On-site basement parking is provided in accordance with the rates required under the Transport, Access and Parking section of the DCP.
11.4.3 Site Facilities and Services	All site facilities and services can be accommodated on the site.
11.5 Sustainable Development 11.5.1 Reflectivity 11.5.2 Maximising Liveability & Longevity	**Complies:** The selected external materials and finishes are unlikely to generate unacceptable levels of glare or reflectivity that will cause discomfort to or threaten the safety of drivers or pedestrians. The residential mix includes 2 adaptable apartments, two liveable apartments and 5 affordable rental housing apartments. Therefore, a 'whole of building' approach has been considered and provides an appropriate level of adaptability and flexibility over the longer term.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

<table>
<tr>
<td>11.6 Controls for Residential Development

11.6.1 Housing Choice & Mix</td>
<td>Complies: The proposed residential mix includes the following:

<table>
<tr><th>Apartment Type</th></tr>
<tr><td>3 x 2 bedroom apartments</td></tr>
<tr><td>2 x 2 bedroom adaptable apartments</td></tr>
<tr><td>1 x 2 bedroom affordable apartments</td></tr>
<tr><td>1 x 2 bedroom liveable apartments</td></tr>
<tr><td>3 x 2 bedroom liveable / affordable apartments</td></tr>
<tr><td>7 x 3 bedroom apartments</td></tr>
<tr><td>1 x 3 bedroom affordable apartments</td></tr>
</table>

The above mix is considered to provide an appropriate mix of dwelling types that cater for a range of household types, including adaptable, liveable and affordable rental housing options.</td>
</tr>
</table>

As can be seen from the Compliance Table, the proposed development satisfies the majority of the DCP requirements that are relevant to the site. However, there are a minor number of areas where there are non-compliances with the DCP controls.

In this regard, it should be noted that Section 4.15(3A) of the *Environmental Planning and Assessment Act 1979* states:

"(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application"

Development Control Plan provisions are not statutory requirements and are intended to provide *'guidance'* for development that is permissible. Subclause (b) above, emphasises that where a development does not comply with the standards of a DCP, a consent authority is obliged to *'be flexible in applying those provisions'* and to *'allow reasonable alternative solutions'* that achieve the objectives of those standards.

The non-compliances are discussed below:

<u>Private Open Space</u>

The DCP requires private open space areas in the form of a balcony to have minimum dimensions of 2.5m x 2.5m. However, the (principle) balconies for ten (10) of the eighteen (18) apartments do not meet the required minimum dimensions, with a minimum dimension of 1.2m at the narrowest part, due to their varied shapes. Notwithstanding, each of these balconies has an area well in excess of 10m^2 (between 14.51m^2 and 27.4m^2) and provides a useable area of private open space, sufficient to accommodate

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

table and chairs etc. This still achieves the intent of the provision of quality and useable private open space and on this basis, it is requested that a variation be permitted for the ten (10) affected apartments.

Storage

Five (5) of the eighteen (18) apartments are provided with only 9m^3 of storage, in addition to wardrobes and kitchen cupboards. This is 1m^3 less than the required minimum of 10m^3. All apartments are provided with 5m^3 of individual secure storage in the basement levels, with the remainder being provided within the apartments. However, these five (5) apartments are all 2 bedroom apartments and therefore, the proposed 9m^3 of additional storage complies with the required minimum of 8m^3 for 2 bedroom apartments under 4G of the ADG. Given the storage for these apartments is ADG compliant, it is considered that a variation is warranted.

Building Depth

Part E11 (11.2.4) of the DCP requires the building depth not to exceed 18m. However, there is a small portion through the central part of the building having a depth of 22.4m. Notwithstanding, this depth does not represent the depth of the apartments, which are generally dual aspect and achieve compliance with the ADG apartment depth requirements. It is considered that on a corner site, an appropriate design response is proposed and a variation to the building depth is warranted in the circumstances.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

5 Section 4.15 Assessment

5.1 Section 4.15(1) - Matters for Consideration

In accordance with the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The matters for consideration listed under (a) above have been discussed in Section 4 of this Statement. The remaining matters (b) to (e) are discussed below:

5.2 Likely Impacts of the Development

5.2.1 Context and Setting

The proposed development is considered to represent an appropriate built form and scale having regard to the anticipated future context and setting of the locality. The site is located on the south-western edge of the Penrith City Centre and has excellent access to public transport, educational establishments and the shopping and services available locally in Penrith and the wider regional area. Local parks and a range of privately operated and public recreational facilities are also easily accessible.

It is considered that the proposed development exhibits design excellence (as required under Clause 8.4 of Penrith LEP) and will make a positive contribution to the built form and future character of the locality.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

5.2.2 Traffic, Access and Parking

On-site parking is proposed to be accommodated in 2 basement levels accessed by a driveway off Reserve Street on the south-western corner of the site.

Parking requirements for the site have been assessed against the applicable rates under Penrith Development Control Plan (DCP) 2014 for the eleven (11) residential apartments and the two (2) commercial office spaces and the ARH SEPP for the five (5) affordable rental housing apartments.

It is noted that the ARH SEPP does not specify a parking rate for residential visitors. As such, the visitor parking rate under Penrith DCP 2014 has been applied.

Accordingly, the proposed development requires on-site parking as calculated below:

Car Parking requirement

Residential (11 apartments – DCP rates)

- 2 bedroom apartments - 6 apartments @ 1 space per apartment = 6 spaces;
- 3 bedroom apartments - 7 apartments @ 2 spaces per apartment = 14 spaces;
- Resident Visitors - 12 apartments @ 1 space per 5 apartments = 4 spaces.
- **subtotal = 24 car spaces**

Residential (5 affordable rental housing apartments – ARH SEPP rates)

- 2 bedroom apartments - 4 apartments @ 1.0 space per unit = 4 spaces;
- 3 bedroom apartments – 1 apartment @ 1.5 spaces per apartment = 1.5 spaces;
- **subtotal = 5.5 spaces**

Residential Bicycle (Planning Guidelines for Walking and Cycling)

- 20% - 30% of the total number of apartments for residents
- 5% - 10% of the total number of apartments for visitors
- **Subtotal = 4 spaces**

Commercial

- *217.3m^2 @ 1 space per 100m^2 GFA = 2 spaces*

Commercial bicycle

- 3% - 5% of commercial staff for staff
- 5% - 10% of commercial staff for visitors
- **Subtotal = 1 space**

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

A total provision of thirty two (32) parking spaces is proposed, allocated as follows:

- 26 residential spaces (including 2 accessible spaces)
- 4 visitor spaces (including 1 space doubling as a car wash bay)
- 2 commercial spaces (including 1 accessible space)

Racks to accommodate 11 bicycles are also provided. This exceeds the DCP minimum rate of 5 spaces by 6 spaces.

Therefore, the proposed on-site parking satisfies the rates required under the DCP and ARH SEPP.

The application is accompanied by a Traffic and Parking Assessment prepared by The Transport Planning Partnership (TTPP) that makes an assessment of the on-site parking provision, examines the traffic generation and its impacts and comments on the design geometry of the access ramp and parking facilities.

The report also provides details of the anticipated traffic generation rates and car parking demand based on the RMS *Guide to Traffic Generating Developments,* anticipating that the proposed development will generate 6 vehicle trips an hour to/from the site during the morning and afternoon peaks. However, the traffic consultant is of the view that this additional traffic generation is relatively minor and will not result in any noticeable or unacceptable effect on the road network capacity or traffic-related environmental effect.

The Traffic & Parking Assessment report concludes that:

- *The proposed development would involve the excavation and construction of a new six storey mixed-use building at 118-120 Station Street, Penrith. The proposed development will include 18 residential units (including 5 units as affordable housing) and two commercial spaces with a total floor area of 217.23m^2 GFA. The proposed development will also include a two-level basement car park accommodating 32 car parking spaces via a new site access off Reserve Street.*
- *The proposed development will provide 32 car parking spaces including 26 residential parking spaces, 4 visitor parking spaces and 2 commercial staff parking spaces.*
- *The overall proposed car parking provision complies with parking requirements stipulated in the SEPP 2009 and Penrith DCP 2014, as such the proposed parking provision is considered to be satisfactory.*
- *The proposed development is anticipated to generate 6 vehicle trips per hour in the morning and evening peaks respectively. The development traffic is considered to be minimal and is not expected to cause any adverse impacts to the local road.*

Therefore, having regard to the findings of the Traffic & Parking Assessment, the traffic and parking arrangements of the proposed development are considered to be appropriate and will not result in any adverse environmental impacts or traffic implications in terms of road network capacity.

5.2.3 Noise and Acoustic Performance

In order to ascertain the building materials and construction methods to be adopted so that the building will achieve acceptable internal noise levels in accordance with Council's requirements, the application is accompanied by an Acoustic Report prepared by Acoustic Noise & Vibration Solutions Pty Ltd, that provides an assessment of the noise environment and makes recommendations as to the acoustic treatments that will be necessary in order to satisfy the requirements of Section F5 of the *Building Code of Australia*, *AS/NZS 2107:2016 – Acoustics – Recommended Design Sound Levels and Reverberation Times,* the *Noise Guide for Building Interiors,* the *NSW Noise Policy for Industry (2017)* and Penrith City

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

Council's requirements. A copy of the Acoustic Report accompanies the application and contains both an Acoustic Assessment of Environmental Noise (Part 1) and a Construction Noise and Vibration Management Plan (Part 2).

The report provides details of the unattended environment noise survey undertaken over a seven (7) day period between 21 August and 28 August 2020 in order to determine the daytime and night time background noise levels at the south-eastern boundary adjacent to the nearest residential receivers. Additional attended noise readings were taken at the Station Street frontage between 4.30pm and 5.30pm (expected to be peak hour traffic) on Friday 21 August 2020 to determine the traffic noise of Station Street and distant traffic noise from surrounding streets. The background noise levels were then compared to the relevant sound criteria for road noise so as to determine the required attenuation treatments so as to provide for appropriate noise and vibration attenuation.

The recommended materials of construction and acoustic treatments include a concrete roof and/or galvanised steel trough roofing, acoustic glazing treatments with air-tight seals on windows, double skin masonry external wall construction (or other method of construction with an Rw of 44), solid core doors with acoustic seals, as well as lagging (insulation) installed in pipes and services ducts/shafts.

If implemented correctly, the materials of construction and construction techniques recommended in the Acoustic Report will achieve the required noise reduction levels as required in AS 2107 'Acoustics – Recommended Design Sound Levels and Reverberation Times and Penrith City Council Conditions/Requirements.

Recommendations are also made with respect to attenuation measures to ensure that all proposed mechanical plant & equipment will comply with the NSW Noise Policy for Industry (2017) provided recommendations are adhered to.

5.2.4 Overshadowing and Solar Access

Shadow diagrams which illustrate the extent of shadows cast by the proposed building have been prepared by Architecture Design Studio (NSW) Pty Ltd and are included as part of the architectural drawing package. The orientation of the site and the design and siting of the residential units ensures that the private open spaces and adjacent internal living spaces of all of the residential units enjoy excellent levels of solar access. All of the residential units will receive a minimum of 4 hours solar access to their balconies and living areas between 9am and 3pm in mid-winter.

The shadow diagrams illustrate that morning shadows cast by the proposed development during mid-winter will fall over Reserve Street and the open carparking area associated with the Nepean Village Shopping Mall. By midday the shadows have contracted so that they only impact on Reserve Street and a small section of the Nepean Village carparking area. By 3pm, the shadows fall over the dual occupancy on the adjacent site to the east, as well as the Family Planning NSW building. However, the building will not reduce solar access to these properties during the mid-winter morning period.

Comparison to the December shadows shows that the shadow impacts are significantly improved during the summer months.

Having regard to the above, the proposed development performs well with respect to solar access and although will have an overshadowing impact on the properties to the south-east during the mid-winter afternoon, this will not have an unreasonable shadow impact on these adjoining properties.

5.2.5 Flooding and Overland Flows

As indicated earlier, the site is affected by local overland flows and as such, Council nominated minimum RLs for habitable floor levels, as well as the access ramp to the basement parking levels.

The application is accompanied by an Overland Flood Study and Flood Impact Report that provides an assessment of the impacts of flooding to the property and adjoining properties, both Pre & Post development. The report is based on the flood level information advice provided by Council at Pre-DA stage, which suggests that the 1% AEP local overland flow flood affecting the proposed development is

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

estimated to be RL 27.70m AHD. This has been adopted as the 'benchmark' for assessing the flood impact of the proposed development.

TUFLOW modelling was used to determine the Pre and Post development conditions with respect to the 1% AEP. Comparison of this modelling indicated that there will be some minor changes to the extent of flooding post development, however, the pre development overland flow paths are mostly retained. The flooding affectation resulting from the proposed development is considered to be 'insignificant' when considering the following aspects:

i. The development does not concentrate overland flow anywhere that could increase the risks to the occupants and neighbouring properties;

ii. The development reduces existing risks by spreading the flood extent throughout the site, thereby reducing the flood depths and associated inundation safety hazard areas;

iii. The development does not divert any overland flow that could change flood levels, flows and velocities caused on neighbouring land.

In order to manage the risks to residents/occupants of the building in the event of a flood, a number of flood development control measures are recommended to be implemented. These include:

- *Raising of Finished Ground Floor level to 1% AEP flood level plus 500mm freeboard.*
- *Raising the crest of driveway entry to basement to 1% AEP flood level plus 300mm freeboard.*
- *Provision of flow through fencing with bottom 200mm left open.*
- *Providing a flood free evacuation access to the evacuation point.*
- *Providing flood warning signage around the flood affected area.*
- *Preparing Flood Risk Management Plan and Flood Evacuation Plan for the building.*

Once these flood related development controls are in place for the proposed development, the development poses no risks to its occupants and has not adverse impact to neighbouring properties. The flood levels are generally consistent with the existing site conditions.

The report provides the following conclusion & recommendations:

The key strategies, flood controls and recommendations to be adopted for this development included the following:

1. *The minimum finished ground floor level and the garage level shall be adopted as per Table 6 above (refer report).*

2. *The building materials below the minimum finished floor level shall be constructed from flood compatible materials and designed to withstand flood pressure and impacts from debris carried in flood waters.*

3. *Boundary fencing at frontage of Reserve Street and Station Street is to be open flow type fence with bottom 200mm left open for flood water to pass through.*

4. *Flood Warning signs shall be placed along the open flow type fence to warn the people about dangers of flooding.*

The results from the investigations and modelling for this development that have been summarised in this report indicate that the development with the proposed flood control strategies that can facilitate unobstructed safe conveyance of flood waters through the site without detrimentally affecting the building, occupants and the neighbouring properties.

Having regard to the above discussion and further detail provided in the Overland Flood Study and Flood Impact Report, it is considered that the flooding impacts can be appropriately managed and there will not be an adverse impact on flooding and overland flows as a result of the proposed development.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

5.2.6 Social & Economic

The proposed development will have both a short and long term positive economic impact on the locality. In the short term it will create construction jobs for a variety of trade and specialist occupations.

The commercial/retail tenancies will provide opportunities for new businesses to establish in the area, as well as providing employment opportunities. The proposed residential apartments will increase the housing choice within Penrith and will create additional housing in an established urban area with good access to local services and facilities, as well as nearby major employment centres, consistent with the Council's intention of increasing residential densities in established urban areas. The additional population generated by the proposed development may reasonably be expected to improve expenditure in Penrith and other nearby centres, thereby making a positive contribution to the local economy.

As a result, it is considered that the proposed development will have a positive social and economic impact.

5.2.7 Crime Prevention

Crime Prevention through Environmental Design (CPTED) is an important inter-agency crime prevention program that reduces crime opportunity through effective planning, urban design and place management. The NSW Police Service program, known as Safer by Design is based on the principles of CPTED.

The Department of Planning & Environment (then PlanningNSW) released guidelines under (the former) Section 79C of the *Environmental Planning and Assessment Act, 1979* which have been prepared to assist councils in identifying crime risk and minimise opportunities for crime through appropriate assessment of development proposals.

The Guidelines uses Crime Prevention through Environmental Design (CPTED) which is a crime prevention strategy and focuses on reducing the opportunities for crime through the planning, design and structure of the built environment. This is achieved through:

- Maximising the risk to offenders through increasing the likelihood of detection and challenge;
- Maximising the effort require to commit an offence;
- Minimising the perceived benefits of crime; and
- Minimising the opportunity to facilitate inappropriate behaviour.

Part B of the Guidelines set out four principles to be used in the assessment of development applications to minimise the opportunity for crime, as follows:

Surveillance

Providing effective surveillance of areas within and surrounding a site can assist in reducing the attractiveness of crime targets. Surveillance of an area can be achieved through both natural and technical means.

Passive surveillance, where people can see what others are doing, creates a sense of safety within an environment and provides opportunities for interaction between individuals. This and high levels of passive surveillance, deters offenders from committing crime.

The landscape treatment for the development has been designed in cognisance of the need to maintain good levels of passive surveillance and allow safe movement of pedestrians around / across the site.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

The commercial/retail tenancies have full height glazed 'shopfronts' that allow for good surveillance towards Station Street and Reserve Street. The main pedestrian entry/lobby for the residential apartments is oriented towards Station Street and does not provide a concealment space. In addition, there are living rooms/balconies of the apartments that are oriented towards both street frontages. This ensures maximum opportunity for casual surveillance of the surrounding footpaths and roadways.

Site lighting will be installed to satisfy the relevant Australian Standards and provide a high degree of lighting throughout the publicly accessible areas of the development.

Access Control

By clearly defining areas accessible to the public and providing physical and symbolic barriers to attract and channel the movement of people, it will be difficult for offenders to reach victims and opportunity to commit crime will be minimised.

Electronic "Access Control" in the form of an audio intercom will be provided at the entry to the residential lobby to provide secure access to the residential apartments.

The pedestrian entry points to the residential foyer/lobby are clearly identifiable from the Station Street and Reserve Street frontages and the entries to the commercial/retail tenancies are also clearly identifiable from both street frontages.

Territorial Reinforcement

Defining what is public and private territory assists in determining the function of a space and the appropriate behaviour within a space. This definition enhances the informal security presence within and around the site. Territorial reinforcement is achieved through the creation of a "sphere of influence" around a building by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of a building or an area to develop a sense of proprietorship over it.

Whilst the Guidelines specifically refer to public spaces, the principles can be applied to the proposed development. In this regard, the demarcation between the public domain and private property is clearly defined by the footpaths along the Station Street and Reserve Street frontages.

Space Management

Neglected and/or poorly maintained buildings and/or areas are often more susceptible to criminal activities such as vandalism.

Again, the Guidelines specifically refer to public spaces. Nevertheless, the building manager / management committee will ultimately be responsible for the management and maintenance of the public domain and communal private spaces of the development.

5.3 Suitability of the Site

The site is considered to be suitable for the proposed use and has the capacity to support the proposed additional density and built form.

Having regard to the characteristics of the site and its location, the proposed mixed use development is considered appropriate in that:

- the site is zoned to accommodate this type and form of development;
- the nature and form of the proposed development is generally consistent with the development controls which apply to the site;

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

- the scale and nature of the development is compatible with the anticipated future development in the locality;
- the size and dimensions of the land are suitable for the scale of the proposed development;
- the site will have access to all utility services to accommodate the demand generated by the proposed development;
- the proposed development is unlikely to result in any adverse traffic impacts;
- the proposed development will not result in any unacceptable or material environmental impacts in relation to adjoining and surrounding properties, particularly in terms of overshadowing, views, privacy (aural and visual), solar access and natural ventilation.

The proposed development is not expected to result in any significant adverse environmental impacts and it is therefore considered that the site is suitable to accommodate the proposed development.

5.4 The Public Interest

The proposed development is considered to be in the wider public interest for the following reasons:

- it is consistent with the objects of the *Environmental Planning and Assessment Act 1979*, specifically because it represents the *orderly and economic use and development of land*, *promotes good design and amenity of the built environment* and promotes the *delivery and maintenance of affordable housing*;
- the proposal generally satisfies the objectives and intent of *Penrith Local Environmental Plan 2010* and relevant objectives and controls of Penrith Development Control Plan 2014;
- the proposal provides a responsive design in terms of its relationship to adjoining development and establishes an appropriate streetscape and human scale through sound urban design principles;
- the design incorporates a number of ESD initiatives that will achieve a high standard of environmental design and sustainability;
- the proposal provides a satisfactory response to the design principles set out in SEPP 65;
- the proposed development provides the community with additional commercial/retail space, together with a form of high quality housing, including an affordable rental housing component, that takes advantage of its proximity to local and regional facilities, public transport and open space areas; and
- the proposal makes a positive contribution towards the State Government's objectives for urban consolidation / renewal and the reduction of urban sprawl.

5.5 Any Submissions Made in Accordance with the Act or Regulations

In accordance with Council's policy, the application will be placed on public exhibition and submissions invited from any interested parties.

As part of the assessment process, Council will take into consideration any matters raised in any submissions received in response to the public exhibition period.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020

6 Conclusion

This Statement of Environmental Effects is submitted as part of the development application submission for the redevelopment of Nos. 118-120 Station Street, Penrith for a six (6) storey mixed use development.

The aim of this Statement has been to:

- describe the proposal;
- demonstrate compliance and/or planning merit of the proposal against the relevant statutory/development controls; and
- provide an assessment of the likely environmental effects of the proposal.

The development seeks to provide two (2) commercial/retail tenancies and eighteen (18) residential apartments (including five (5) affordable rental housing apartments) on the site. Parking for thirty two (32) cars is to be provided in two (2) basement levels. The proposal provides a responsive design in terms of its relationship with adjoining development and establishes an appropriate human scale through sound urban design principles, whilst ensuring that environmentally sustainable principles are incorporated.

The development proposed under this application is considered to be both reasonable and appropriate in the context of the site. The development will have positive social and economic benefits in terms of creating additional resident population that will in turn support local businesses and services.

The proposed development is considered to be consistent with the aims and objectives of *Penrith Local Environmental Plan 2010* and is generally consistent with the applicable development controls under Penrith Development Control Plan 2014. In particular, it is considered that the proposed development exhibits design excellence, as required under Clause 8.4 of *Penrith Local Environmental Plan 2010*. Where variations to the DCP controls are sought, the merits of each area of non-compliance have been discussed in the Statement.

Having regard to the analysis and assessment contained in this Statement, it is requested that Council support the requested variations to the DCP controls and give favourable consideration to the application.

Document Set ID: 9397816
Version: 1, Version Date: 01/12/2020