

# cityscapeplanning+projects

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED APARTMENTS**

**16-24 HOPE ST, PENRITH**

MARCH 2020

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This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for the client exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

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## 1.0 INTRODUCTION

*Cityscape Planning + Projects* has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to be submitted on the subject site. Detailed plans and a completed DA form have been provided separately.

The SEE describes the proposed development and subject site and undertakes an assessment of the proposal against the *EP& A Act 1979*, SEPP 65 (Design Quality of Residential Apartments) as well as the aims, objectives and development provisions of Penrith LEP 2010 and its DCP.

It has been compiled, through on ground investigations, research, analysis and discussion with officers of Penrith City Council, including attendance at an Urban Design Review Panel.

## 2.0 THE SUBJECT SITE

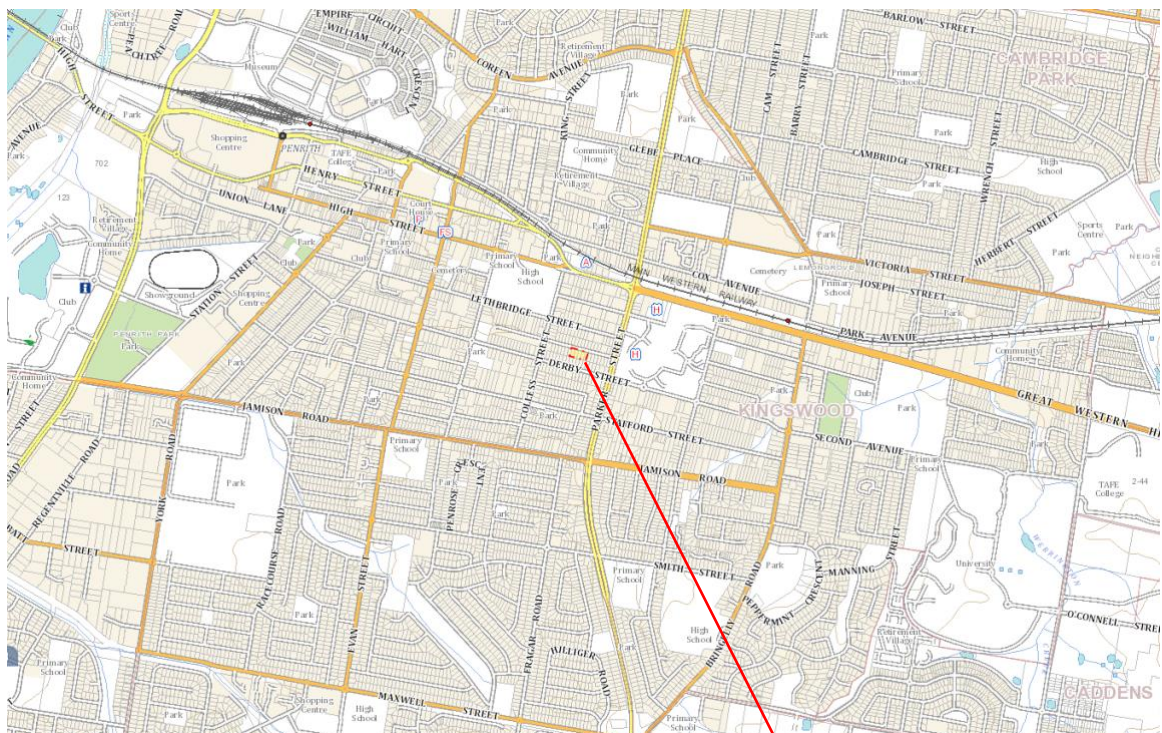
The subject site is a large rectangular shaped parcel located on the southern side of Hope St, approximately 110m west of its intersection with Parker St.

It is known as 16-24 Hope St but is comprised of five (5) lots with the following real property description:

**Lots: 29-33 DP: 31239**

The location of the site is shown at Figure 1 whilst the sites cadastral arrangements and an aerial photo of the site are shown at Figures 2-3.

FIGURE 1: LOCATION OF SITE



Subject site



FIGURE 2: SITE CADASTRAL BOUNDARIES



FIGURE 3: AERIAL PHOTO OF SITE



## **3.0 SITE ANALYSIS**

### **3.1 SITE DIMENSIONS**

The site is a large rectangular shaped parcel of land with a total area of area of 3182m<sup>2</sup>. It has a frontage of approx. 80m to hope St and depth of approx. 40m along its eastern and western boundaries.

### **3.2 NATURAL ENVIRONMENT**

The site is located within an urban environment that has been highly modified over many decades of urban development. Therefore, neither the site nor the local environs accommodated any items of natural or ecological significance. However, the site does still accommodate several, mature, albeit non-indigenous trees.

It also a down slope of approximately 2m from the rear to the street and a cross-fall of approximate 1.3m from the east to west. Contours and spot levels are plans are shown on the accompanying plans.

### **3.3 BUILT ENVIRONMENT**

The site sits within an urban environment that is characterised by a mix of low and medium density scaled residential development. However, it also is located in close does proximity to Penrith High School and Nepean Hospital.

The area is also currently going through urban renewal and as such experiencing significant changes to the urban environment and built forms, with several apartments being either built or approved in the

immediate area. An immediate context plan is provided at Figure 4 and demonstrates the emergence of new apartment development in the vicinity of the site.

### **3.4 EXISTING DEVELOPMENT**

The site currently accommodates five (5) two small single storey cottages. Images of those buildings are provided at Figure 5.

### **3.5 TRANSPORT AND CONNECTIVITY**

The site enjoys good access to the metropolitan rail network being located approximately 1km and 1.4km from both Kingswood and Penrith Rail Stations respectively.

The sites location with good proximity to Derby St, Parker St and Great Western Highway also presents an excellent opportunity to access the regional road network and the local bus services.

Accordingly, the area is considered to have excellent access to public transport services.

The broad frontage to Hope St ensure ample opportunity to provide safe and convenient vehicle access to the site itself.



FIGURE 4: PRECINCT CONTEXT PLAN



FIGURE 5: EXISTING DWELLINGS ON SITE (No.16-24)





## 4.0 DEVELOPMENT PROPOSAL

The development seeks council consent to the demolition of all existing structures on the site and construction of two separate six-storey buildings that provide a total of 60 apartments, with the following split of bedroom size types:

- 2 Bedroom unit – 36 (160%)
- 2 Bedroom unit (Livable) – 6 (10%)
- 2 Bedroom unit (Adaptable) 6 (10%)
- 3 Bedroom unit – 12 (20%)

The development provides a series of communal open spaces, together with integrated landscaping, communal open space, waste management and stormwater plans.

All vehicle access is provided via a separate ingress and egress off Hope St and car parking for 97 vehicles is provided in two basement levels that span both the building footprints. The development also provides parking for 24 bicycles.

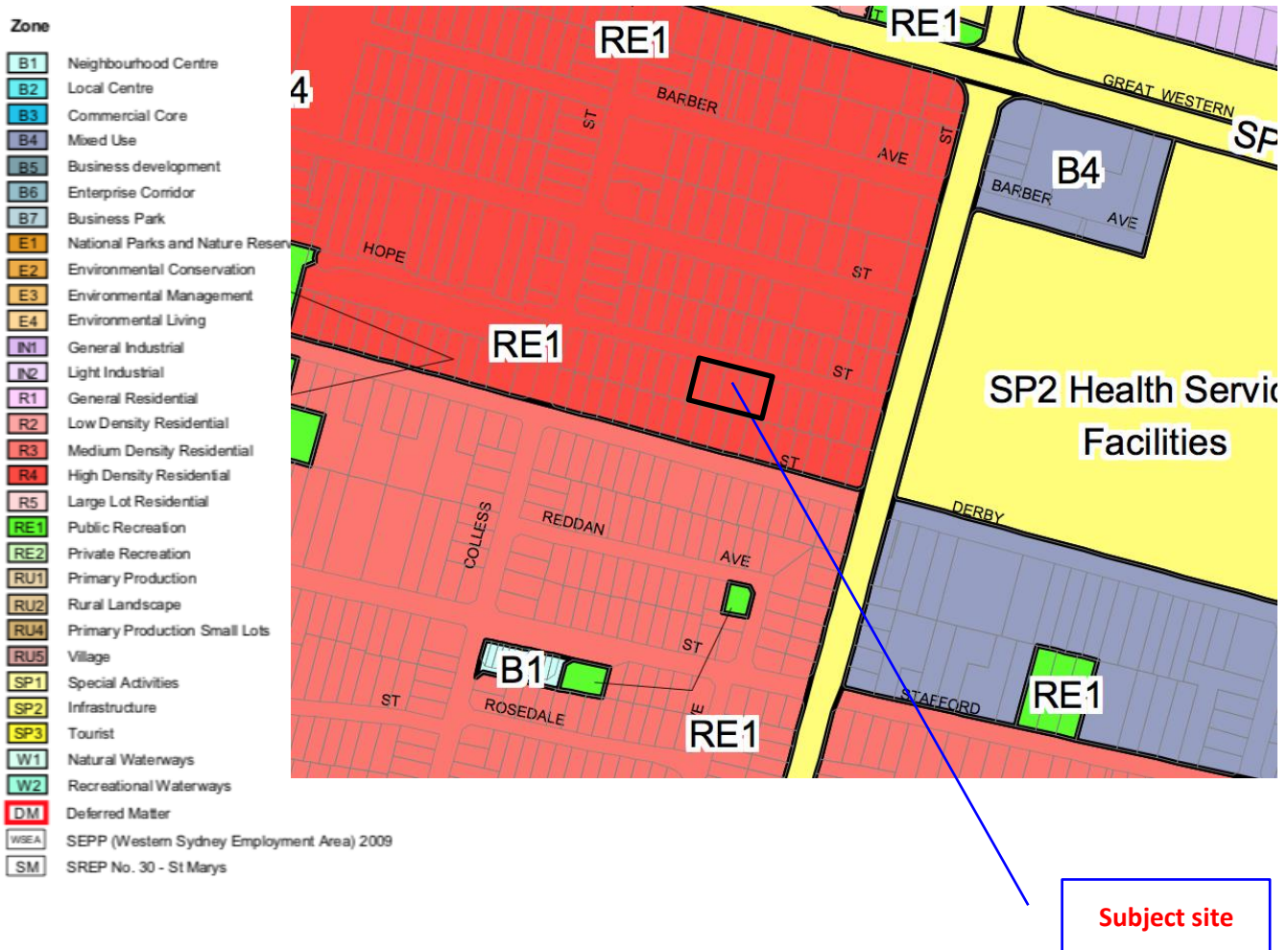
## 5.0 STATUTORY SITUATION

The site is zoned **R4 High Density Residential** pursuant to Penrith LEP 2010. An extract of the relevant zoning plan is provided at Figure 7.

The land use table to this zone identifies 'residential accommodation' as a permissible land uses in the zone.

The following definition from the dictionary to the LEP is relevant and provided below:

FIG 7: EXTRACT OF ZONING PLAN



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*Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:*

- (a) attached dwellings,*
  - (b) boarding houses,*
  - (c) dual occupancies,*
  - (d) dwelling houses,*
  - (e) group homes,*
  - (f) hostels,*
  - (g) multi dwelling housing,*
  - (h) residential flat buildings,***
  - (i) rural workers' dwellings,*
  - (j) secondary dwellings,*
  - (k) semi-detached dwellings,*
  - (l) seniors housing,*
  - (m) shop top housing,*
- but does not include tourist and visitor accommodation or caravan parks.*

This definition is entirely consistent with those provided in the development proposal outlined at Section 4.0 of this report

Accordingly, it can be determined that the development is a permissible land use in the zone.



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## **6.0 PLANNING ASSESSMENT**

### **6.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **6.1.1 SREP 20 – HAWKESBURY NEPEAN RIVER**

*Sydney Regional Environmental Plan No 20 (SREP 20)* is in place 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.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The proposed development seeks to manage all waste-waters in a suitable manner and is therefore is not in conflict with this objective.

It is considered that any other risks relating to the protection of the Hawkesbury-Nepean River system would be considered and addressed through the implementation of any conditions of consent relating to the production process, and erosion and sediment control, and stormwater runoff mitigation.

#### **6.1.2 SEPP 55 - REMEDIATION OF LAND**

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- 
- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
  - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
  - (c) by requiring that a remediation work meet certain standards and notification requirements

There is no record that the subject site is contaminated. The site has been used for residential purposes for many decades as. This previous and current land use does not raise any potential for site contamination. Further, the development does not propose any change of land use.

Accordingly, the development is not considered to cause any inconsistency with the aims or provisions of this Planning Policy.

### **6.1.3 SEPP 2004 – BASIX**

BASIX seeks to ensure that new residential dwelling design meets the NSW Government's targets of up to 40% reduction in water consumption and a 35% reduction in greenhouse gas emissions, compared with the average home. The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

A holistic approach to building sustainability has underpinned the design of the development. As such a range of measures outlined in the accompanying BASIX report reveal that the development will achieve the required water and energy reduction targets.

## 6.1.5 PENRITH LEP 2010

### PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

#### 2.3 ZONE OBJECTIVES AND LAND USE TABLE

##### *Zone R4 High Density Residential*

###### **1 Objectives of zone**

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To encourage the provision of affordable housing.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

###### **COMMENT:**

The proposed development provides for the community's housing needs in an emerging high-density residential environment. It does through providing a mix of bedroom and apartment styles and arrangements inclusive of smaller units that will provides affordable housing options within the building.

A high level of residential amenity is provided for in the design of the proposal through the provision of high architectural design, private courtyards, terraces and balconies and large communal open spaces.

Accordingly the development is considered to be consistent with the relevant zone objectives.

## PART 4 PRINCIPAL DEVELOPMENT STANDARDS

### 4.3 Height of buildings

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

An extract of the LEP map is provided at Figure 8 and demonstrates that the LEP provides a maximum building height of 18m.


The development provides a maximum building height of 18.7m above existing ground at the lift over run of the eastern apartment building and therefore fails to comply with the relevant development standard.

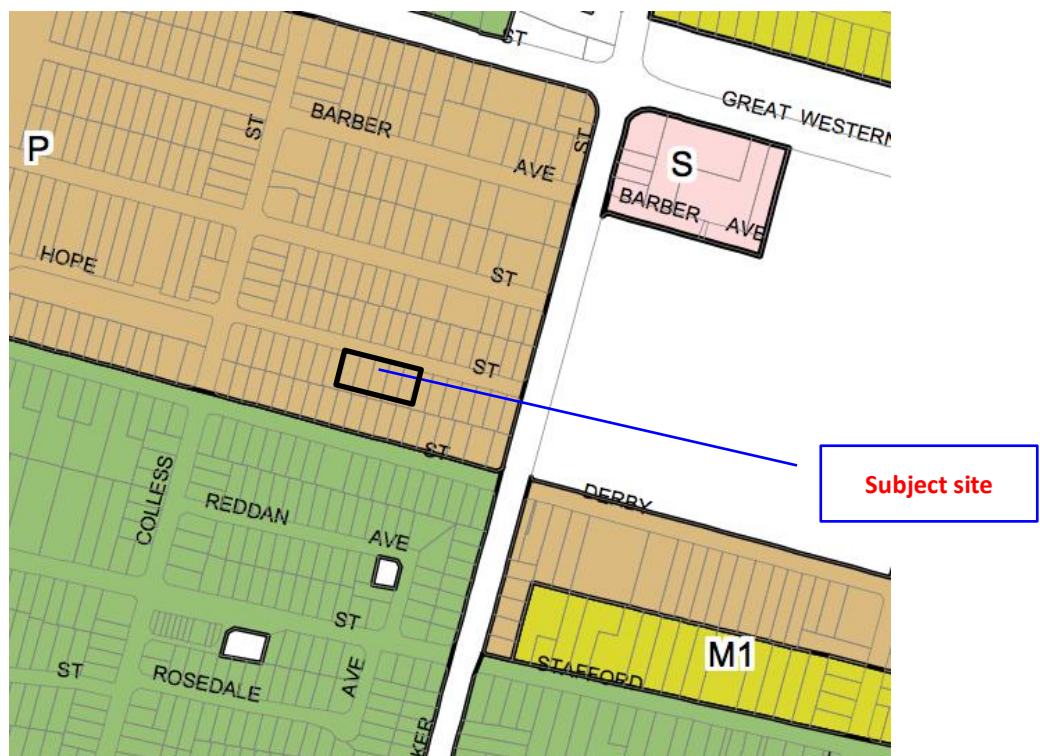
Clause 4.6 of the LEP allows a variation to development standard and a formal submission pursuant to this clause accompanies the development application and this report.

FIG 8: EXTRACT OF BUILDING HEIGHT MAP

Height of Buildings Map -  
Sheet HOB\_013

Maximum Building Height (m)

A	0
C	5
I	8.5
J	9
K	10
M1	12
M2	12.5
O	15
P	18
Q1	19
Q2	20
R	21
S	24
T	27
U	32
Z	56
AB	80
	Refer to Clause 7.16, 8.2 & 8.4



#### 4.4 Floor space ratio

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

The LEP does not provide a maximum FSR control for the subject site.

Nevertheless, the development provides an FSR of 1.91 which is considered to represent an appropriate quantum of GFA for a high density residential zone and ensures that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

#### **PART 5 MISCELLANEOUS PROVISIONS**

#### **PART 6 URBAN RELEASE AREAS**

Not relevant to the subject site or its development.

#### **PART 7 ADDITIONAL LOCAL PROVISIONS**

PROVISION	COMMENT
7.1 Earthworks	Earthworks are required for the basement. The proposal will not have a detrimental effect on neighbouring property or the environment as this is appropriately setback and contained from the property boundaries. Appropriate measures will be put in place to avoid, minimise or mitigate any impacts that may arise during the construction phase.



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7.2 Flood planning	The site is not affected by 1 in 100 year mainstream flooding or overland flooding.
7.4 Sustainable development	The proposal has given consideration to the sustainable development principles referred to in this clause. A BASIX Assessment Report and Water Sensitive Urban Design Strategy accompanies the application.
7.6 Salinity	The proposal is unlikely to have an impact on the salinity processes or salinity likely to impact the development. There is no known salinity on the site.
7.7 Servicing	<p>The site enjoys access to a full suite of urban services and utilities that are currently connected to the site, including water, sewer, telecommunication and energy. Upgrades may be required to accommodate the use and this will be confirmed with the relevant agencies prior to construction.</p> <p>Existing infrastructure within the area is considered sufficient to service the proposal in addition to contributions payable for local open space and district facilities.</p>

### **6.1.6 SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

This Policy aims to improve the design quality of residential flat development in New South Wales by identifying design quality principles as a means of evaluating the merit of residential elements of the proposed development.

To support the aims of the SEPP it introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

A design verification statement has been prepared by the relevant architectural firm and accompanies the Development Application. This clearly enunciates the design rationale that has underpinned the development proposal and demonstrates that the identified design principles have been embodied in the development proposal.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in 2 & 3 bedroom housing choice and stock in the area.

An Apartment Design Guide (ADG) has also been adopted as part of SEPP 65 and represents a tool to assist planning and design of apartment developments. Accordingly, an assessment of the development against the objectives and design criteria identified by the ADG also accompanies the development application and form part of the architectural plan set. However, an overview and discussion of the key numeric criteria is provided at Table 1.

**TABLE 1: KEY NUMERIC DESIGN CRITERIA COMPLIANCE**

DESIGN CRITERIA		REQUIRED	PROVIDED
3D-1	<b>Communal Open Space</b>	25%	<p>The development provides 1027.3m<sup>2</sup> or 32% of the site as communal open space at ground level. This well exceeds the numeric quantity as required by the ADG's.</p> <p>The communal open space area is provided centrally to the buildings and is also provides as variety of functional spaces that provides differing passive open space opportunities for the residents of the development.</p> <p>The northern section provides more informal outdoor spaces that includes expansive planting, seating area, quite zones and a large tree canopy to create a quite relaxation zone. Whereas the southern section provides a more formalised outdoor room area that includes table, seatings together with a BQ facility for shared use by residents of the site.</p> <p>This southern section is also adjoined by undercover areas which provides opportunities for 'indoor' games and activities, whilst the south-eastern section provides a more active playground facility.</p> <p>The western and eastern flanks of the site will provide plantings and seating but are also partly to be kept as open grassed for more active recreation such as informal ball sports, running around or simply enjoying access to sunlight.</p> <p>The central and largest section of the Communal Open Space (COS) has a direct northern aspect which ensured that it will enjoy solar access through the day even in mid-winter periods.</p>

			<p>Accordingly, the COS will achieve well in excess of the 2 hours of solar access required by the ADG.</p> <p>Accordingly, for these reasons the development is considered to meet the relevant ADG objectives.</p>
3E-1	<b>Deep Soil Landscape</b>	<p>The site has an area of 3182m<sup>2</sup>, therefore requires 222.74m<sup>2</sup> (7%) of deep soil area with a minimum dimension of 3m</p>	<p>The development provides 774.5m<sup>2</sup> (24%) of deep soil landscape area which well exceeds the minimum required by the ADG.</p> <p>These deep soil area spaces are intentionally provided at the most critical locations on the site, being the front, central sections, and boundaries. The central sections in particular will provide highly visible landscaping at the building entry and for the enhanced amenity of residents through the middle apartments.</p> <p>All the identified deep soil areas provide a minimum dimension of 3m with the central section of the site providing a minimum width of 6m.</p>
3F-1	<b>Building Separation</b>	<p><b>Buildings within the Site</b></p> <p><b>Up to 4 storeys:</b></p> <ul style="list-style-type: none"> <li>• <b>12m</b> between habitable rooms/ balconies</li> <li>• <b>9m</b> between habitable and non-habitable rooms</li> <li>• <b>6m</b> between non-habitable rooms</li> </ul>	<ul style="list-style-type: none"> <li>• 12.0m</li> <li>NA</li> <li>NA</li> </ul>

		<p><b>5 to 8 storeys</b></p> <ul style="list-style-type: none"> <li>• <b>18m</b> between habitable rooms/ balconies</li> <li>• <b>12m</b> between habitable and non-habitable rooms</li> <li>• <b>9m</b> between non-habitable rooms</li> </ul> <p><b>Side and rear boundaries (50% of ADG requirement)</b></p> <p><b>Up to 4 storeys:</b></p> <ul style="list-style-type: none"> <li>• <b>6m</b> between habitable rooms/ balconies</li> <li>• <b>4.5m</b> between habitable and non-habitable rooms</li> </ul>	<ul style="list-style-type: none"> <li>• 18.0m</li> </ul> <p>NA</p> <p>NA</p> <p><b>Ground Floor</b></p> <ul style="list-style-type: none"> <li>• 6m to west</li> <li>• 6m to east</li> <li>• 3.8m to rear for eastern building and 3.2m to rear for western building</li> </ul> <p><b>Level 1-4</b></p> <ul style="list-style-type: none"> <li>• 6m to west</li> <li>• 6m to east</li> <li>• 6m to rear</li> </ul> <p>NA</p>
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4A-1		<ul style="list-style-type: none"> <li>• <b>3m</b> between non-habitable rooms</li> </ul> <p><b>5 to 8 storeys</b></p> <ul style="list-style-type: none"> <li>• <b>9m</b> between habitable rooms/ balconies</li> <li>• <b>6m</b> between habitable and non-habitable rooms</li> <li>• <b>4.5m</b> between non-habitable rooms</li> </ul>	<p>NA</p> <ul style="list-style-type: none"> <li>• 9m to west</li> <li>• 9m to east</li> <li>• 9m to rear</li> </ul> <p>NA</p> <p>NA</p> <p>Accordingly, the generally complies with the ADG requirements for all building setbacks within the site and outside the site boundaries.</p> <p>The only non-compliance relates to the rear boundary at ground level where the oversized balconies encroach into the 6m setback. However, given that these balconies are provided at ground level appropriately privacy to the development to the rear is afforded through the boundary fencing and screen planting provided as part of the landscaping.</p> <p>Accordingly, the development is considered to achieve adequate building separation and suitable levels of internal and external visual privacy.</p>
	<b>Solar access to living rooms and POS</b>	Minimum 70% of apartments	A total of 42 (70%) apartments achieve the 2 hours or more solar access requirement, which therefore achieves the relevant Design Criteria.

		<p>achieves 2-hour in mid-winter</p> <p>Maximum of 15% of apartments receive no direct sunlight</p>	<p>Only 8 (13%) of the apartments will receive no direct sunlight between 9AM-3PM. This also achieves the relevant Design Criteria.</p> <p>Compliance with both of these Design Criteria is demonstrated as part of the accompanying tables that forms part of the plan sets and accompanying information packages.</p> <p>A total of 18 units (30%) do not achieve 2 hours of solar access through mid-winter. This does not represent any non-compliance with the Design Guide, and is a function of the sites orientation and the design response.</p> <p>In this regard, it should be recognised that the site has a broad northern aspect which allows a high number of apartments to be provides with excellent solar access throughout the whole year inclusive of the mid-winter periods. However, the same site planning that takes advantage of that broad northern aspect also necessitates the provision of a measure of southern aspect apartment and inevitably makes the provision of solar access to the balance of those units problematic.</p> <p>Importantly, the development complies with the ADG solar access requirements.</p>
4B-3	<p><b>Natural ventilation</b></p>	<p>Minimum 60% of apartments</p> <p>No cross over apartments have a depth of greater than 18m</p>	<p>44 (73%) apartments will achieve the cross ventilation requirement through the predominant use of numerous corner apartments as part of the floor planning.</p> <p>No cross over apartments proposed.</p>

4D-1	<b>Minimum apartment size:</b>		The development provides the following minimum apartment sizes:
	<b>Studio</b>	35m <sup>2</sup>	NA
	<b>1 bedroom</b>	50m <sup>2</sup>	NA
	<b>2 bedroom</b>	70m <sup>2</sup>	75.9m <sup>2</sup>
	<b>3 bedroom</b>	90m <sup>2</sup>	96.7 m <sup>2</sup>
			All minimum apartment sizes are achieved, with the remaining apartments well exceeding the minimum size.
4E-1	<b>Minimum private open space and balconies</b>		The development provides the following minimum POS and balcony areas:
	<b>Ground floor/podium</b>	15m <sup>2</sup>	The development provides 8 units with balconies/terraces at the ground floor level that range from 29.5m <sup>2</sup> to 70.3m <sup>2</sup> . This well exceeds the Design Guide requirement.
	<b>Studio</b>	4m <sup>2</sup>	NA
	<b>1 bedroom</b>	8m <sup>2</sup>	NA
	<b>2 bedroom</b>	10m <sup>2</sup>	10.0m <sup>2</sup>
	<b>3+ bedroom</b>	12m <sup>2</sup>	11.2m <sup>2</sup>
			The development provides minor non-compliances (6.7%) with balcony sizes of several of the three bedroom apartments.  However, these non-compliances should be understood in the context of the following considerations: <ul style="list-style-type: none"> <li>Most of the apartments within the development provide balcony sizes that exceed that exceed the minimum size requirement by 10-20%</li> </ul>

4G-1			<ul style="list-style-type: none"> <li>The non-compliances occur on southern aspect apartments that</li> <li>The development provides high quality communal open spaces at a quantum that well exceeds (32% provided V 25% required) the minimum required under the ADG's and the Design Guide contemplates a reduced balcony size in such circumstances.</li> <li>All balconies are located adjacent to internal living areas therefore enhancing liveability and amenity of those spaces</li> </ul> <p>Accordingly, it is considered that the development achieves the relevant objective of providing appropriately sized private open space and balconies to enhance residential amenity.</p>
	<p><b>Minimum storage areas:</b></p> <p><b>Studio</b>                      4m<sup>2</sup></p> <p><b>1 bedroom</b>                    6m<sup>2</sup></p> <p><b>2 bedroom</b>                    8m<sup>2</sup></p> <p><b>3+ bedroom</b>                 10m<sup>2</sup></p>		<p>The development provides the following minimum storage areas:</p> <p>NA</p> <p>NA</p> <p>8.04m<sup>2</sup></p> <p>10.03m<sup>2</sup></p>

FIG 9: PHOTOMONTAGE



## 6.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

The Department of Planning & Environment have recently released a Draft SEPP (Environment) that seeks to protect and manage our natural environment. This Draft SEPP applies to the subject site.

However, the Draft SEPP does not necessarily seek to introduce new planning controls but rather simply seeks to consolidate several SEPP's including SREP 20 – Hawkesbury Nepean.

Accordingly, the development proposes no inconsistency with that Draft SEPP. There are no other know Draft Planning Instruments relevant to the site or its development.

## 6.3 THE PROVISION OF ANY DEVELOPMENT CONTROL PLAN

### PENRITH DCP 2014

An assessment against the relevant sections of the DCP is provided below:

#### C1: SITE PLANNING AND DESIGN PRINCIPLES

A Site Analysis Plan accompanies the application.

The design methodology was discussed with Council at its Urban Design Review Panel. No fundamental objection was raised to the proposed design approach and it is considered that the development provides a suitable site responsive design.

A Crime Prevention Through Environmental Design (CPTED) assessment is provided at section 6.7.2 of the report and demonstrates that the development incorporates design elements that reduce the likelihood of crime being committed both on site and within its vicinity.

#### C2: VEGETATION MANAGEMENT

The development proposes to remove several mature trees across the site, however none of these trees provide any significant ecological or landscape character value.

A Landscape Concept Plan accompanies the application and provides for a mix of planting that will replace the vegetation removed as well as providing new plantings

that will provide an integrated vegetation management response across the whole site. The Finished landscape result will provide an improved landscape response when compared to the limited plants currently present on site.

### **C3. WATER MANAGEMENT**

The site is not exposed to any flood hazard, or overland flow and is not located in proximity to any natural watercourse or riparian area.

A stormwater management plan has been prepared and this provides satisfactory outcomes for the management of both stormwater quality and volumes generated by the development.

The management plan also demonstrates achievement of WSUD outcomes required by Council.

### **C4 LAND MANAGEMENT**

Standard construction measures shall be implemented to ensure the site is protected from erosion and sedimentation during that stage of development.

An erosion and sedimentation control plan is provided as part of the development application.

The site presents no current or historical use that presents potential for contamination.

### **C5.WASTE MANAGEMENT**



The development is accompanied by a waste management plan that has three key objectives, as follows:

- **Ensure waste is managed to reduce the amount of waste and recyclables to land fill** by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages.
- **Recover, reuse and recycle** generated waste wherever possible.
- **Compliance** with all relevant codes and policies.

The development provides facilities that will provide clean and well segregated waste materials. These facilities include waste chutes, compactors, storage rooms, and a turntable that provides suitable access for waste collection vehicles.

## C6. LANDSCAPE DESIGN

A detailed Landscape Concept Plan accompanies this application. The provisions of SEPP 65 have been considered in respect of the landscaping proposed. The plants that will be used in the landscaping will be varieties that require low levels of maintenance and are drought resistant to reduce water use within the development.

## C7. CULTURE AND HERITAGE

The site is not a heritage item nor does it adjoin or be site in close proximity to any heritage item or conservation area.

## C10. TRANSPORT ACCESS AND PARKING

The development site is located 1.29 km south west of Kingswood Train Station. The nearest bus stop to the development site is 235 metres away on Derby Street. This stop is serviced by bus route 774, 775 and 776 and another bus stop nearby is 244 metres away on Parker Street. This stop is serviced by bus route 789. These services provide access to suburbs including South Penrith, Luddenham, Kingswood, St Marys, Oxley Park, Mount Druitt, St Clair, and Erskine Park.

Overall, the site therefore has good access to public transport.

The proposed residential development will generate a moderate number of additional trips in the AM and PM peak hours. The nearby intersections overall perform well with sufficient spare capacity to accommodate additional traffic.

A SIDRA traffic analysis accompanies the development application and demonstrates It is considered that the adjoining road network is capable of accommodating the traffic projected to be generated by the subject development.

The DCP identifies a parking demand of 88 parking spaces comprising 70 resident spaces, 12 visitor spaces, 2 service spaces and 2 car wash spaces.

The development provides a total of 97 spaces and therefore readily achieves the required parking requirements.

The development is also required to provide 15 bicycle parking spaces and actually provides 24 bicycle spaces and exceeds the relevant requirement.

Experience with developments in Hope St have raised concern that the movement of waste collection vehicles to and from the proposed site access driveway will result in the removal of up to three existing marked parallel parking spaces along the northern side of Hope Street. However, the expected loss of three spaces along the northern kerb alignment of Hope Street will be off-set by the proposed rationalisation of site access driveways, whereby an additional three parallel parking spaces are to be provided along the southern Hope Street kerb alignment adjacent

to the site. This is represented in Appendix 2 of the accompanying Traffic and Parking Impact Assessment.

Finally, a detailed analysis that accompanies the development proposal demonstrates that the car parking area and driveway ramps are capable of providing for safe and efficient internal manoeuvring.

## **C12. NOISE AND VIBRATION**

The development is not exposed to any significant noise sources such as major road or railways.

The development generally meets all setbacks between apartments that will ensure high levels of acoustic amenity are achieved for both on residents on site and in adjoining sites.

Similarly, all mechanical plant etc shall be located on the roof and provided in accordance with relevant acoustic standards to maintain a suitably amenity within the development.

## **C13. INFRASTRUCTURE AND SERVICES**

The site is located in an established urban area and as such enjoys access to full suite of urban infrastructure and services including, water, energy utilities, telecommunication.

<b>D2 RESIDENTIAL DEVELOPMENT</b>			
<b>2.5 Residential Flat Buildings</b>			
<b>DCP Control</b>	<b>Required</b>	<b>Provided</b>	<b>Comment</b>
<b>2.5.3 Minimum lot width in R4 zone</b>	20m	80m	Complies
<b>2.5.5 Landscaped Area in R4 zone</b>	35%	39.7%	The development provides substantial landscaping across the site and well exceeds the required landscaped area.  The development also exceeds the SEPP 65 Deep Soil landscaping requirements.
<b>2.5.6 Front and Rear Setbacks</b>			
<b>Rear setback</b>	6m	6m	
<b>Front setback</b>	5.5m	6.8m	
<b>Secondary setback</b>	5.5m	Not applicable	

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## **6.4 IMPACT ON NATURAL ENVIRONMENT**

### **6.4.1 FLORA AND FAUNA**

The subject site represents a large parcel of land within an established urban area and as such has experienced significant site works as part of previous development over many decades. Accordingly, it accommodates no natural or ecological features of any significance.

Several mature, non-indigenous trees, will be removed as part of the development, however, the proposal will provide larger landscaped areas inclusive, generous areas of deep soil landscaping that provide good opportunity to provide large trees that will provide a better landscaped response than the existing site.

### **6.4.2 WATER MANAGEMENT**

The development is accompanied by a detailed stormwater plan that manages all waste-waters in a manner consistent with Council policies and controls inclusive of WSUD outcomes.

This ensures no adverse impact is caused to local or broader water quality.

### **6.4.3 SOIL MANAGEMENT**

Refer to Section 6.1.2 for the SEPP 55 assessment with regard to potential soil contamination.

Further, an Erosion and Sedimentation Control Plan accompanies the development application and ensures the development provides appropriate soil management and sedimentation control.



#### **6.4.4 NOISE & VIBRATION**

The development is not exposed to any significant noise sources such as major road or railways and does not generate any significant new noise sources.

Short term noise impacts will be generated throughout the construction phase, however any significantly adverse impacts can be managed as part of the preparation and implementation of a construction noise management plan.

#### **6.4.5 AIR AND MICROCLIMATE**

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions.

#### **6.4.6 SUSTAINABILITY**

Sustainability has been a fundamental objective of the entire design process and as such a raft of energy and water efficiency measures have been integrated into the development proposal.

The development will achieve all BASIX targets for the residential components.

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This demonstrates that the development will present an ecological footprint of a far lesser scale than traditional housing, more commonly provided for within the LGA.

## 6.5 IMPACT ON BUILT ENVIRONMENT

### 6.5.1 LOCAL CHARACTER

The site has recently been up-zoned in recognition of its potential to create a valuable new urban renewal opportunity that capitalises on its proximity to the Nepean Hospital and therefore integrate transport and land use outcomes.

Accordingly, the site sits within a precinct that is undergoing significant change as demonstrated by the numerous emerging apartment development in the local area as well as approved development on both sides of the site.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

***Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.***

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The proposed development of the site has been undertaken with due consideration of the future development of the neighbouring properties. As discussed above, the proposed development 'shares' the obligations as specified in SEPP 65 and the ADG with regard to building separation and ensuring neighbouring properties have the opportunity to achieve solar access and privacy.

In particular, the built form is recessed at the upper level setback to minimise bulk and maintain building separation. However, the use of visually recessive materials and colours at levels 4-5 also assists creating an appearance of a recessed built form at those levels.

The proposal is a suitable development option of the site, which is consistent with the desired future character of the precincts high density residential zoning. The quality of the design response is also considered to enhance the streetscape fronting Hope St.

***Is the proposal's appearance in harmony with the buildings around it and the character of the street?***

The immediate locality comprises a mix of residential developments, including apartment buildings up to 5 storeys in height. Some of the adjoining properties along Hope St are yet to be developed to their full potential, however numerous adjoining sites have apartment development that has either been approved or is currently under construction. The development is therefore representative of both the desired future and future character of the area.

Future streetscape images are provided at Figure 10 and demonstrate the development harmony with that streetscape.

FIG 10: EXISTING AND PROPOSED STREETScape VIEWS



STREETSCAPE ELEVATION 1 - 17-35 HOPE ST  
1 : 300



STREETSCAPE ELEVATION 2 - No.12-26  
1 : 300

## 6.5.2 BUILDING ENVELOPE

The built form itself provides site planning, massing and building modulation that responds to both the key natural assets of the site and inclusive the sites broad northern aspect across the Hope St frontage.

The splitting of the development into two built forms also assists in breaking up the mass and volume of the built form across the site as well as providing additional amenity through solar access and natural light penetration to future residents.

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The use of basement car parking with separate vehicle access and entry at the perimeters of the site reduces the visibility of these features and also allows for significant landscaping (39.7%) of the site.

The design is sensitive to maintaining the amenity of current and future neighbouring developments by providing a built form, which enables suitable building separation, placement of habitable rooms and windows and private open space. The building separation is compliant with the ADG's and particularly with the side and rear boundaries where the potential for adverse impacts of are the greatest.

The landscaping plan also seeks to maximise opportunities for large canopy trees in the front setback to screen the building and reduce the visual scale of the built envelope.

The landscaping plan and use of large canopy trees will also return along the side and rear boundaries to further screen the development and enhance privacy and amenity of adjacent development.

### **6.5.3 DESIGN AND AESTHETICS**

The proposal provides a contemporary built form, which is appropriate in terms of bulk, density and scale in the desired local context. This is achieved by providing a residential development which responds and reflects recent approval on adjacent and nearby sites.

The built forms incorporate a mixture of architecture detailing which creates an interesting and attractive relationship with the surrounding streetscape and proposed landscaping.

The development proposal relates to the street by providing a direct pedestrian access to Hope St as well as large ground floor terraces that will activate that street edge.



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This design and appearance of both buildings is also enhanced by the use of varying façade elements across all sections including variations in height of solid and transparent elements and corresponding variations in colour and materials as identified in the accompanying schedule of external finishes.

#### **6.5.4 SOLAR ACCESS**

The sites aspect provides a broad northern frontage to Hope St, which provides excellent opportunity to afford excellent solar access to the development. The development responds to this orientation by providing all units at this frontage with deep balconies and terraces as well as providing internal living areas locate directly adjacent to these private open space.

Over 70% of apartments will achieve the 2 hours or more solar access between 9AM-3PM in mid-winter.

Further, the central Communal Open will also receive excellent solar access throughout the year therefore affording excellent amenity to residents of the site.

#### **6.5.5 OVERSHADOWING**

Shadow diagrams that demonstrate that the development results in additional overshadowing due to the increased scale of the development compared to the existing single storey dwellings located on the subject site have accompanied the proposed development.

As shown on the shadow diagrams on June 21 the buildings will primarily cast shadows over the rear yard area of the adjacent dwellings

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which have a frontage to Derby St. Nevertheless, these dwellings will still receive solar access in their rear yards throughout the day particularly in morning and afternoon periods. The split of the development into two building also assists provides solar access slots through to the rear yards of those adjacent sites.

It is also important to note that the overshadowing as a result of the proposal predominantly relates to the compliant built form. As shown in the accompanying shadow diagrams, any overshadowing as a result of the height breach is negligible when compared to the shadows generated from the lower 5 levels of the proposed built forms. This is because the entire development across all levels achieves the rear setback requirements of the ADG's.

The shadow diagrams also demonstrate that development will not cause any adverse overshadowing impacts to existing or approved development located to the west or east of the site.

#### **6.5.6 VEHICLE MOVEMENT AND ACCESS**

The site proximity to major transport and land uses nodes will reduce the demand for private vehicle car trips with many residents likely to use public and active transport options for many of their journeys.

Nevertheless, the development will attract some additional traffic although modelling demonstrates that these additional volumes well not have an adverse impact upon the operation of the key intersections within the vicinity of the site.

All parking demands of the development can be expected to be met on site, in the two basement levels, and on the broad street frontage street frontage to Hope St.

All vehicle movements within the basements, driveways and ramps can achieve the relevant engineering standards.

## **6.6 ECONOMIC IMPACT**

The development will confirm the sites roles as part of the important Nepean health and education precinct and therefore assist realise the economic advantages that precinct will bring to the region.

The proposal is considered to have only positive impacts on the local economy through the creation of new employment opportunities during both the construction stage of the development.

## **6.7 SOCIAL IMPACT**

### **6.7.1 HOUSING CHOICE**

The development seeks to provide new diverse and affording housing opportunities by providing studio, 2 and 3 bedroom units that are currently not widely available within the LGA.

### **6.7.2 CRIME AND SAFETY**

Crime Prevention through Environmental Design (CPTED) is a recognised model, which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. The proposal has been designed to take into consideration these principles as follows:

**Surveillance:** This principle provides that crime targets can be reduced by effective surveillance, both natural and technical. The scale of the development together with dwelling orientation will ensure that development provides passive surveillance opportunities to the street and its public domain area.

The layout of the development also provides lines of sight between public and private spaces, which will be maintained during the night by a suitable lighting scheme.

**Access Control:** This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.

Secure access to all lobby areas, lifts and car park will be provided by the use of proximity cards and card readers. These cards and the car reader system will be able to provide differing access for individual users and will also be sensitive to different access and security regimes at different times throughout the day and over weekend and holiday periods.

**Territorial Reinforcement:** This principle provides that the 'ownership' of spaces increases the likelihood of safety of that space as well-used places reduce opportunities for crime and increase risk to criminals.

There is a clear delineation between the public street and footpath verge, and private areas through the use of both fencing and landscaping. This provides an access barrier and therefore security to the site and reinforces the distinction between the public and private domain.

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**Space Management:** This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.

The development proposes to be supported by a detailed Strata Management Scheme that provides a management regime that allows for the on going maintenance of lighting, and security systems and will also provide for the swift removal of graffiti etc.

### 6.7.2 ACCESSIBILITY

Penrith Council requires the provision of 10% Adaptable units and therefore the development proposes 6 (10%) Adaptable units and 6 (10%) adaptable units. A total of 6 Accessible parking spaces have been provided in the development.

The development complies with the requirements of Access Code of Disability (Access to Premises-Building) Standards 2010, the Disability Access relevant sections of Building Code of Australia 2016, the requirements of SEPP 65 related to Objective 4Q1 - Livable Housing and the essential criteria of AS4299-Adaptable Housing.

## 6.8 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject site is not exposed to flood, bushfire, contamination or any other known hazard and enjoys access to a full suite of urban services and utilities.



It is a large and under-developed parcel of land within close proximity to major transport nodes, including Nepean Hospital and the Penrith central business district.

The site has recently been up-zoned in recognition of its potential to create a valuable new urban renewal opportunity that capitalises on its ability to integrate transport and land use outcomes.

It is therefore considered that the subject site is ideally suited to the proposed development.

## 6.9 THE PUBLIC INTEREST

The redevelopment of the site provides an important urban renewal opportunity that will provide the following public interest benefits:

- Diverse housing
- Affordable housing
- Accessible housing
- Integration of land use and transport

The benefits provided by the proposed development outweigh any potential impacts and is therefore in the public interest.

## 7.0 CONCLUSION

The application seeks council consent to the redevelopment of the site for a new apartment development.

The development proposal responds to both state and local planning strategies inclusive of the metropolitan strategy, by integrating transport and land use outcomes.

The report provides an assessment against the relevant planning framework and demonstrates general consistency with the aims, objectives and provisions of that framework inclusive of Penrith LEP 2010 and SEPP 65 Apartment Design Guide.

A request to vary a development standard is provided in response to a building height non-compliance and demonstrates that strict compliance with the standard is unnecessary and unreasonable in the circumstances of the case.

The development, will cause no significantly adverse environmental impact, provides a positive impact upon the built environment and makes an efficient and economic use of existing land and infrastructure.

As such it is considered there is good reason for Council to approve the subject Development Application.