

Statement of Environmental Effects

SECTION 4.55(1A) MODIFICATION TO APPROVED RESIDENTIAL FLAT BUILDING
GRANTED CONSENT UNDER DA20/0365 AT 26-30 HOPE STREET, PENRITH



Prepared by: Think Planners Pty Ltd
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Consent Authority: Penrith City Council

QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects – S.455
ADDRESS: Lot 34, 35 and 36 DP 31239: 26-30 Hope Street, Penrith
COUNCIL: Penrith City Council
AUTHOR: Think Planners Pty Ltd
ARCHITECT: Building Design and Technology

Date	Purpose of Issue	Rev	Reviewed	Authorised
Section 4.55	Final Issue	Draft	JW	JW

<i>Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?</i>	
<i>Fisheries Management Act 1994</i>	<i>No</i>
<i>Heritage Act 1977</i>	<i>No</i>
<i>Mine Subsidence Act 1992</i>	<i>No</i>
<i>Mining Act 1992</i>	<i>No</i>
<i>National Parks and Wildlife Act 1974</i>	<i>No</i>
<i>Petroleum (Onshore) Act 1991</i>	<i>No</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>No</i>
<i>Roads Act 1993</i>	<i>No</i>
<i>Rural Fires Act 1997</i>	<i>No</i>
<i>Water Management Act 2000</i>	<i>No</i>
<i>Concurrence</i>	
<i>SEPP 1- Development Standards</i>	<i>No</i>
<i>SEPP 64- Advertising and Signage</i>	<i>No</i>
<i>SEPP 71 – Coastal Protection</i>	<i>No</i>
<i>SEPP (Infrastructure) 2007</i>	<i>No</i>
<i>SEPP (Major Development) 2005</i>	<i>No</i>
<i>SREP (Sydney Harbour Catchment) 2005</i>	<i>No</i>

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Executive Summary

This Statement of Environmental Effects has been prepared in support of a Section 4.55 Modification application in relation to the construction of a residential flat building at 26-30 Hope Street, Penrith. This relates to the development consent issued under DA20/0365.

The modifications to the development are arising as part of the detailed design development of proposal and the changes are primarily limited the 2nd floor of the development to adjust the configuration of Unit 18 and Unit 19 as follows:

- Unit 18: Was approved as a 1 bedroom unit being 55m² in size. This unit has now been adjusted to be a 75m² 2 bedroom unit.
- Unit 19: Was approved as a 3 bedroom unit being 110m² in size. This unit has now been adjusted to be an 89m² 2 bedroom unit.

In addition to the above the proposal adjusts the location of the storage cages previously in the south eastern corner of the ground floor. There were 30 storage cages and there are now 11 and a future space created for a medical tenancy (which is subject to a separate DA as set out below). This has resulted in the relocation of the storage areas to the basement to ensure that the storage for each unit remains compliance with the ADG. This has provided for 11 storage cages in the upper basement and 8 storage cages in the lower basement in the location of a prior motorcycle parking space.

It is noted that a concurrent Development Application (amending DA) is lodged that seeks to introduce a medical suite at the south eastern corner of the ground floor- in the place of the previous storage areas. This is done as a separate application given it is not likely that the introduction of such a use could be 'substantially the same development'. However they are submitted concurrently so they can be determined concurrently and the plans do show the general configuration of the

There are no further changes to the proposal and the remaining elements of the proposal are as approved.

It is noted that the revised Unit Mix is now:

- 12 x 1 bedroom units
- 21 x 2 bedroom units
- 5 x 3 bedroom units

The changes are minor in the context of the prior development, and are defined as 'substantially the same development' and would be considered to be of 'minimal environmental impact' on the basis that the changes are within the building footprint.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

Site and Locality

The subject site is legally described as Lots 34, 35 and 36 DP 31239, known as 26-30 Hope Street, Penrith.

Located within proximity to Nepean Hospital, a large regional hospital servicing Western Sydney, the subject site resides along the southern side of Hope Street, approximately 200m west of the intersection of the Northern Road and Hope Street. Nestled between Penrith CBD to the north west, Kingswood Train Station and commercial strip to the north east, the site is also within walking distance to a small neighbourhood shop, medical centres, Penrith High School and local parks. Bus stops with services between Penrith and Mt Druitt (774, 775 & 776) is within a 250m radius of the development site.

The site comprises of 3 separate allotments and once consolidated will result in creating a regular shaped land parcel with a frontage of 47m to Hope Street, a site depth of 40m, resulting in a with a total site area of 1894.4m² with a dwelling currently located on each lot. The site falls from the rear south east corner (RL 47.63) towards the north western corner of Hope Street (RL 44.23), with a cross-fall of 3.4m. Located within an established residential area, the subject site currently accommodates 3 older style residential dwellings and associated structures, as demonstrated by Photograph 1 below.

Photograph 1: Shows 26 Hope Street, Penrith



Description of Proposal

The Section 4.55 Modification application in relation to the construction of a residential flat building at 26-30 Hope Street, Penrith. This relates to the development consent issued under DA20/0365 that was granted consent by the Local Planning Panel and granted consent for:

Demolition of Existing Dwellings and Outbuildings, and
Construction of a Six (6) Storey Residential Flat Building with 38
Apartments, 61 Car Parking Spaces in Two (2) Levels of
Basement, and Roof Terrace on the Sixth Floor

The modifications to the development are arising as part of the detailed design development of proposal and with an intention of providing a small medical suite at the ground floor that is being addressed by a separate DA. A description of the changes is provided below.

Changes to Unit Layouts & Unit Mix

The changes are primarily limited the 2nd floor of the development to adjust the configuration of Unit 18 and Unit 19 as follows:

- Unit 18: Was approved as a 1 bedroom unit being 55m² in size. This unit has now been adjusted to be a 75m² 2 bedroom unit.
- Unit 19: Was approved as a 3 bedroom unit being 110m² in size. This unit has now been adjusted to be an 89m² 2 bedroom unit.

It is noted that the revised Unit Mix is now:

- 12 x 1 bedroom units
- 21 x 2 bedroom units
- 5 x 3 bedroom units

Changes to Storage Areas at Ground Floor and Basement Levels

In addition to the above the proposal adjusts the location of the storage cages previously in the south eastern corner of the ground floor. There were 30 storage cages and there are now 11 and a future space created for a medical tenancy (which is subject to a separate DA as set out below). This has resulted in the relocation of the storage areas to the basement to ensure that the storage for each unit remains compliance with the ADG. This has provided for 11 storage cages in the upper basement and 8 storage cages in the lower basement in the location of a prior motorcycle parking space.

Concurrent DA for Medical Use

It is noted that a concurrent Development Application (amending DA) is lodged that seeks to introduce a medical suite at the south eastern corner of the ground floor- in the place of the previous storage areas. This is done as a separate application given it is not likely that the introduction of such a use could be 'substantially the same development'. However they are submitted concurrently so they can be determined concurrently and the plans do show the general configuration of the layout. In addition the basement allocates 7 spaces for this use which meets the DCP whilst also enabling compliance with the residential and resident visitor parking.

Consideration of Relevant Planning Matters

The following summarises the relevant planning controls in relation to the proposal and the compliance of each- noting the minor nature of the changes means that the majority of planning provisions are not relevant to the amended scheme.

Section 4.55 Environmental Planning and Assessment Act 1979

Pursuant to S.4.55 of the Act, Council may consider an application to amend a development consent provided that it is of minor environmental impact and is substantially the same development.

The application is substantially the same as the approved development, with the development concept continuing to incorporate a residential flat building with the same appearance, number of units and the like.

The extent of changes are minor in the scheme of the total development with the primary change being the storage relocation and the adjustment to Unit 18 and 19 to create 2 x 2 bedroom units in the place of a 1 bedroom and 3 bedroom unit.

These changes are considered to be of minimal environmental impact relative to the approved scheme- and the 'impact' of the changes are not likely to be fundamentally altered relative to what was previously approved.

Accordingly they would be considered to be both substantially the same development and of 'minor environmental impact'.

State Environmental Planning Policy BASIX

The proposal does alter Unit 18 and Unit 19 however there are no changes to the approved windows and hence there is no need for a revised BASIX certificate to be prepared for the amended proposal.

State Environmental Planning Policy No. 55 - Remediation of Land

Given the historical use of the site for urban purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary given the residential use of the site and no indication of potentially contaminated materials on the site.

Council can be satisfied that the provisions of Clause 7 of the SEPP is satisfied. If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

SEPP 65 Design Quality of Residential Apartment Development and the Apartment Design Guide

The modification application relates to the basement configuration and changes to Unit 18 and 19 only meaning that the majority of the provisions of SEPP 65 and the ADG have limited relevance as the works are below ground level or internal.

However in relation to relevant matters they are considered below.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 4 – Designing the Building			
4A Solar Access	<u>Design Criteria:</u> Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	No Change	No Change
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	No Change	No Change
4B Natural Ventilation	<u>Design Criteria:</u> 60% of Units are cross ventilated in a building up to 9 storeys	No Change	No Change
	Overall width of a cross over or cross through apartment is < 18m <u>Design Guidelines:</u> The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	No Change	No Change

4C Ceiling Height	<u>Design Criteria:</u> 2.7m for habitable and 2.4m for non-habitable.	Complies	Yes
4D Unit Sizes	<u>Design Criteria:</u> 35m ² 50m ² 70m ² 90m ²	All units comply with many units exceeding. Unit 18 is 75sqm and Unit 19 is 89sqm which achieves ADG compliance.	Yes
+ 5m ² for each unit with more than 1 bathroom.			
Habitable Room Depths	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
Bedroom sizes Master Other			
Living rooms/dining areas have a minimum width of: 3.6m 4m	<u>Design Guidelines:</u> Limited to 2.5m x Ceiling Height	N/A as open plan layouts provided and kitchen and living areas <8m from window.	Yes
Open plan layouts that include a living, dining room and kitchen.	Master Bed 10m ² Other Bed 9m ²	Comply Comply	Yes Yes
	8m to a window	Complies given unit depths and design layouts and Unit 18 is 7.7m and Unit 19 is 7.8m deep to useable parts of kitchen and living.	Yes
4E Private Open Space	<u>Design Criteria:</u>		
Balcony Sizes 1 bed 2 bed 3 bed Ground level/ podium apartments	8m ² & 2m depth 10m ² & 2m depth 12m ² & 2.4m depth 15m ² & 3m depth	Unit 18 is 16sqm and Unit 19 is 20sqm and complies.	Yes

4G Storage	<p>1 bed 6m³ 2 bed 8m³ 3 bed 10m³</p> <p>Min 50% of required storage is within the apartment</p>	<p>The proposal provides: 1 bed: >6m³ 2 bed: >8m³ 3 bed: >10m³</p> <p>This is provided within the basement/ground floor and within the units themselves, with a minimum of 50% of storage to be provided within each individual unit.</p> <p>The proposed development is considered to offer storage space that aligns with the provisions of the ADG.</p>	Yes
4K Apartment Mix	A variety of apartment types is provided	<p>A diversity of apartments is proposed as follows:</p> <p>12 x 1 bedroom unit 21 x 2 bedroom unit 5 x 3 bedroom unit.</p> <p>The proposed unit mix will offer a variety of housing choice. The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes

Penrith Local Environmental Plan 2010

The subject site is zoned R4 High Density Residential under the provisions of the Penrith LEP 2010 as indicated on the zoning extract map below.

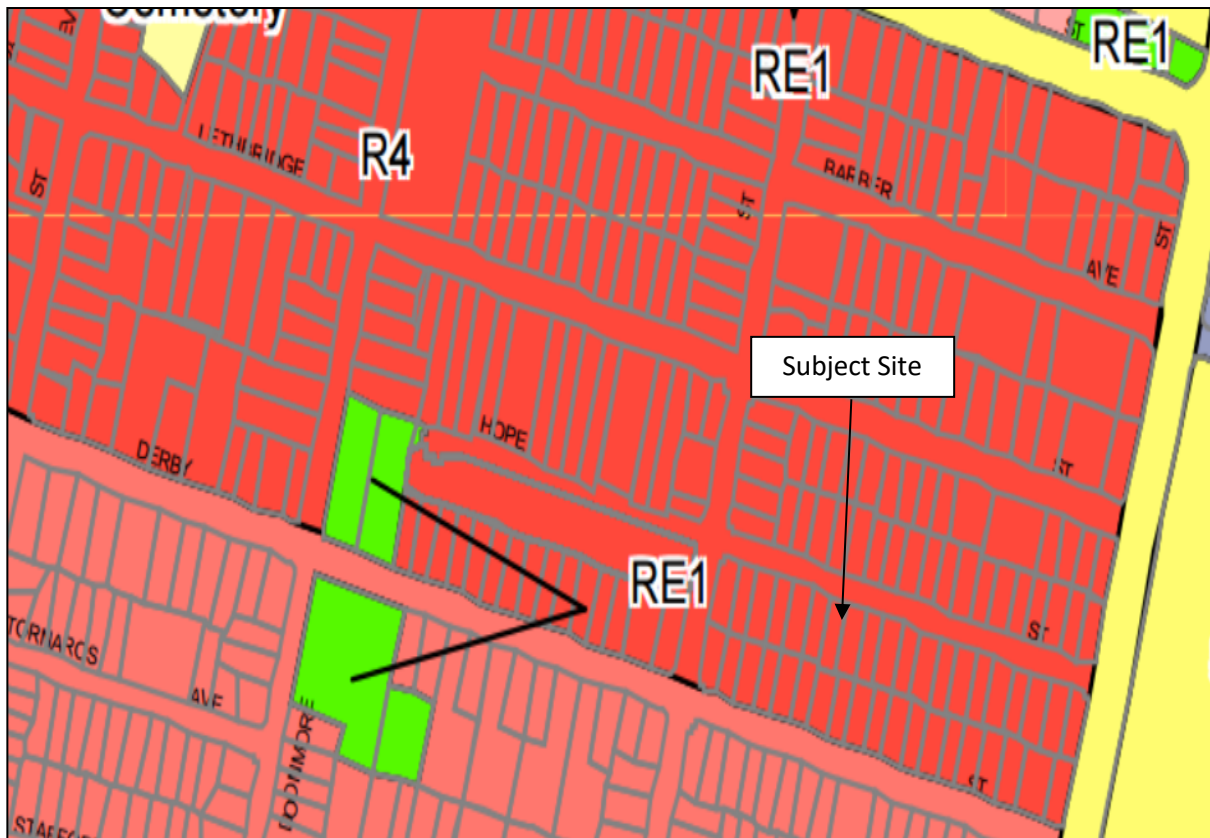


Figure 1: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)

A Residential Flat Building is permissible with consent and the proposal is consistent with the definition contained within the LEP:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The development proposal is also consistent with the prescribed R4 zone objectives that are stipulated as:

- *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.*

The proposed development provides a residential flat building that will provide a variety of housing types and contribute towards increasing the housing stock of Penrith, while being consistent with the emerging high-density character of the subject area. The site is well located and provides access to essential services, public transportation, schools, shops and recreation opportunities.

The changes to Unit 18 and 19 and configuration of the basement which has changed does not result in a need for further reassessment of the LEP provisions given the changes proposed.

Penrith Development Control Plan 2014

The key DCP controls are contained in the table below noting the nature of the change is such that there is limited need to re-assess the proposal and discussion on the amended parking requirements and storage is provided below.

Penrith Development Control Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
C10 Transport, Access and Parking			
10.5	Parking, Access and Driveways Parking Rates 1 space per 1 or 2 br unit (33 spaces required) 2 spaces per 3 br unit (10 spaces required) Resident: 43 spaces required. Visitor: 1 space for every 5 dwellings: 8 Total: 43 resident and 8 visitor. 1 space per 40 units for car washing =1	Proposed dimensions for car parking spaces are consistent with Council control. See plan for detail. Utilising the DCP rates, the development requires: Resident Spaces: 43 Visitor Spaces: 8 Carwash bays: 1 Service bay: 1 Total: 53 (including car wash bay) The proposal provides a total of 61 spaces composed of: - 45 residential spaces - 8 visitor space - including 1 visitor/wash bay. - 1 service bay. - 7 x medical spaces (for concurrent DA) Therefore the proposal complies and in relation to the medical application the 2 consulting rooms and 1 support staff generate the need for 7 spaces which is accommodated noting a separate roller door is introduced in the upper basement to prevent unauthorised access to the resident visitor and residential parking areas.	Yes
C11 Subdivision			
D2 Residential Development			
2.5.20	Accessibility and Adaptability 10% of dwellings must be adaptable	10% adaptable units are provided. Proposal has been designed to provide access to and from the site for people with a disability.	Yes

2.4.22	Storage and Services 10m ³ of storage per unit	The proposal provides >8m ³ of storage through a combination of basement storage areas and areas within the units and is compliant with the ADG.	Yes – complies with ADG
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Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent including amendment to Condition 1 to reflect the amended plans.