

Statement of Environmental Effects



Residential Flat Building
(*State Environmental Planning Policy –
Affordable Rental Housing - 2009*)

Proposed Lot 3105, Lord Sheffield Circuit,
Thornton

January 2015

Client: Affordable Community
Housing Limited (trading as
Evolve Housing)

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1 Introduction

1.1 Overview

Stimson & Baker Planning has been engaged by Evolve Housing to prepare a Statement of Environmental Effects in relation to an affordable housing residential flat building development on the property known as Proposed Lot 3105 Lord Sheffield Circuit, Thornton. The subject site will be created by an approved subdivision of Lot 1198 DP 1171491.

The proposed development includes the construction of 302 dwellings across three buildings, in two stages, with car parking to be provided 'at grade' for 197 vehicles. There is the provision of 126sqm of retail and community use floor space attached to the north-eastern corner of Building C. Associated site works and landscaping are also proposed.

The site is currently zoned *B2 Local Centre* under *Penrith City Centre Local Environmental Plan 2008* with the proposal being permissible with consent.

Pre-development discussions regarding the proposal have been held with Penrith City Council officers and the Urban Design Review Panel. Responses to those matters are provided through this report.

The proposal is defined as *development* in Part 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Clause 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third party approvals are required.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 79C(1) of the EPA Act.

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.

- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 Introduction to Client

The proponent for this development proposal is Evolve Housing, partnering with both Folkestone and FDC.

Evolve Housing

Evolve Housing is a Tier 1 registered community housing provider that owns and manages 3,700 properties in Australia, and houses over 9,500 people who were homeless or in housing stress. Partnering within the housing sector, Evolve Housing works to deliver person-centered and sustainable housing to areas of high need such as social housing, the disability sector and affordable housing.

Evolve Housing is actively involved in housing projects and community initiatives that deliver sustainable design and provide for long term viability. Drawing on sector experience and knowledge, Evolve Housing ensure housing designs provide functional longevity by being energy efficient, greener, accessible and adaptable.

Folkestone

Folkestone is an ASX-listed real estate funds manager and developer providing real estate wealth solutions. Folkestone's funds management platform, with \$850 million under management, offers listed and unlisted real estate funds to private clients and select institutional investors, while its on balance sheet activities focus on value-add and opportunistic (development) real estate investments. Folkestone has broad experience in delivering residential apartment developments, having successfully built and sold 65 apartments in North Melbourne, Melbourne in 2013; with another 229 apartments currently under construction and completely sold out in West Ryde, Sydney.

FDC

FDC is a private tier-two nationwide builder established in 1990 and holds the accolade of most awarded builder in 2013 and 2014 by the NSW Master Builders Association. The FDC Construction portfolio includes greenfield and redeveloped buildings for commercial, residential, industrial, technology, telecommunication, education, health, science, hospitality, retail and specialised use. FDC recently

completed 66 residential apartments in the highly acclaimed 'Advanx' project in Rushcutters Bay, Sydney.

The Partnership

This project is proposed to be delivered in partnership between the three entities.

Evolve has successfully negotiated with the Federal and NSW State Government for the relocation of some 96 National Rental Affordability Scheme (NRAS) incentives to the site. These have been relocated from non-performing projects elsewhere in Sydney and are provided as a benefit to Penrith for the provision of affordable housing in the area. The commitment required for these NRAS incentives to be ultimately placed in Penrith is for the project to be completed and ready for completion (for NRAS allocated units) by June 2016. An additional 38 NRAS incentives are pending confirmation for relocation to this site. The State Government component of the NRAS incentive contribution amounts to approximately \$2.8million.

UrbanGrowth NSW, the developer of Thornton, proposed in their master plan an affordable housing component and this site was chosen as the site to deliver that component of the development. Evolve was successful in a tender process to deliver the affordable housing component.

1.4 Purpose of the Application

The application is submitted seeking consent for the construction of three eight storey residential flat buildings comprising 302 units, 'at grade' car parking and 126sqm, of retail/ community use floor space attached to the north-eastern corner of Building C.

The proposal contributes to the minimum required dwellings, and more specifically affordable dwellings, included in the UrbanGrowth NSW Statement of Commitments, for housing delivery within the original Concept Plan Approval for the site.

The proponent intends on delivering a high quality residential development that offers affordable housing that contributes significantly to housing diversity and accessibility to services and facilities, and specifically Penrith Railway Station and the Penrith City Centre.

1.5 Concept Plan Approval

On 9 November 2011, the Minister for Planning approved a Concept Plan for a master planned community in Thornton under Part 3A of the Environmental Planning and Assessment Act 1979. The Concept Plan approval was for 1,000 dwellings, 4,500sqm of retail floor space, 10,625sqm of commercial floor space, 7,000sqm of light industrial floor space, 7.2 hectares of open space, drainage and associated infrastructure.

The Concept Plan approval identified the subject site as part of a wider ‘opportunity site’ to deliver a range of land of high density land uses that promoted walking and cycling.



Figure 1: Illustrative Concept Plan (from North Penrith Design Guidelines 2013)

There was a commitment from UrbanGrowth NSW to deliver a component of the required dwelling targets as affordable housing. The proposal contributes significantly to delivering this.

1.6 History of the Application

The following key points of consultation have been undertaken with Penrith City Council through the preparation of the application.

1.6.1 Urban Design Review Panel Meeting

An Urban Design Review Panel Meeting was held on 19 November 2014. The following matters were raised in that meeting and have been considered in the final preparation of the application.

Summary of Issues to Address	Comment
Concern is raised that based on the current proposal only 11 out of 160 units in the Stage 1 building will be in private ownership. It is suggested that the affordable housing and social housing be accommodated in both buildings.	There is a mix of product across the whole site. The timeframes for NRAS require affordable units to be delivered by June 2016 – if they aren't then the incentives can be withdrawn by the Federal and State Governments. The staging of the development is proposed in that context.
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) applies to the proposal and it is unlikely to comply with solar access and cross ventilation requirements given the extent of single aspect, in particular south facing units.	SEPP 65 has been considered in the preparation of this application. The architect has provided a Design Verification Statement and this is appended to this report.

Summary of Issues to Address	Comment
The 70m long buildings proposed are too long in relation to the fine grain of the area. In this regard, the separation between the two buildings proposed is inadequate and does not provide for a functional, safe and useable space.	The design has been amended to break the building into three components. This results in better landscape opportunities at the podium level and a more articulated streetscape appearance.
The at-grade parking is not supported even if screened. Basement parking is recommended or, as a minimum, the street frontage should be sleeved with primarily residential and some retail uses. Any residential uses on the ground floor would need to include a terrace or courtyard space in the street setback with a grade differential to achieve acceptable privacy and amenity for residents as well as passive surveillance of the street.	Sleeving has been provided to the majority of the parking proposed. At-grade parking is proposed in a deliberate strategy to reduce costs in the construction of this building so that those savings can be passed on to the end purchaser.
The treatment to the interface with the commuter car park is minimal. One building has a zero setback and there appears to be no scope for landscaping. A buffer for residents to the public car park is required.	The full extent of the subject site has been utilised for the proposed development. The subject site is limiting in depth and so construction to the boundary is proposed. It is noted that the car park to the south is setback from the boundary with a landscape strip present. This 'borrowed landscaping' provides reasonable separation and setback from the commuter car park. It is unlikely that this area would be anything other than landscaping.
The ground floor level is proposed hard on the street with bedrooms off the car park, creating privacy impacts.	The final design presented in this application has considered this comment. Separation has been provided where possible between living areas and bedrooms, and vehicle movement areas.
The height of the development is to be reduced with regard to the context of the future character of the area in accordance with the North Penrith Design Guidelines 2013 and a transitional context from the tallest buildings in the village centre to 2-3 storey development to the north.	The proposed development satisfies the height limit within the LEP and the Draft LEP. The Design Guidelines are not a DCP and in any case, would need to be applied in a flexible manner. That said, other development in the Village Centre proposes similar heights.
The buildings have very little articulation horizontally. In order to reduce wind tunnelling and provide more interesting building tops, it is suggested that they be setback. The side wall treatments are also important in creating visual interest and relationships to street frontages and between buildings.	Building separation and articulation has been provide in this proposal. These comments were incorporated into the design.
It is recommended that useable common open space be provided to encourage a better sense of community.	A landscape plan accompanies the application showing the amenity provided for landscaped areas.
Lift overruns should be shown on the plans as they are included in the height of buildings.	Shown on the plans.
Shadow casting is not likely to have an impact on adjacent properties however this should be demonstrated with regard to anticipated future development as per the Design Guidelines.	Shadow diagrams have been provided with the plans.
Double snorkel bedroom configurations will work better than single configurations.	This has been addressed in the plans presented as part of this DA.

The proposed development was also reviewed by UrbanGrowth NSW as part of an established process for development applications being lodged in Thornton. Design amendments were made to further align the scheme with the Penrith Design guidelines. This proposal incorporates those changes into the submitted plans which have been approved by UrbanGrowth NSW.

1.6.2 Pre-lodgement Meeting

The proposal was discussed at a pre-lodgement meeting held on 19 November 2014 where a range of issues were discussed. The following matters were raised in that meeting and have been considered in the final preparation of the application.

Summary of Issues to Address	Section of SEE /Accompanying information
PLANNING MATTERS	
The application shall address, and demonstrate compliance with, the relevant provisions contained in the Penrith City Centre Local Environmental Plan (LEP) 2008, including Clause 51 (maximum building height of 30m).	Noted and addressed.
The subject land is proposed to remain zoned B2 Local Centre under the draft Stage 2 City-wide LEP. The provisions contained within the LEP will be matters for consideration in relation to the assessment of the proposal and should be considered and addressed as part of the application submission. The draft LEP is expected to commence early in 2015.	Noted and addressed.
The application shall address, and demonstrate compliance with, the relevant provisions contained in Division 1 (In-fill affordable housing) of State Environmental Planning Policy (Affordable Rental Housing) 2009.	Noted and addressed.
The application shall address, and demonstrate compliance with, the relevant provisions contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65). In this regard, the application shall be accompanied by the following documentation: Design verification statement from a suitably qualified designer. Written statement detailing the proposal's compliance with the SEPP 65 design quality principles. Compliance table detailing each apartment's compliance (or otherwise) with the controls contained in the Residential Flat Design Code. (n.b. draft Amendment No. 2 to SEPP 65 will be a matter for consideration in relation to the assessment of the proposal and should be considered and addressed as part of the application submission).	Noted and addressed.
The visual and acoustic privacy requirements contained in the Residential Flat Design Code shall be satisfied.	Considered in the Design Verification Statement.
Shadow diagrams shall be submitted demonstrating compliance with the daylight access requirements contained in the Residential Flat Design Code.	Provided.
The application shall demonstrate how the proposal responds to the master planning principles for the Thornton village centre and broader estate as outlined in the North Penrith Concept Plan approval and North Penrith Design Guidelines 2013.	The North Penrith Design Guidelines have been addressed in this report.

Summary of Issues to Address	Section of SEE /Accompanying information
<p>The application shall address, and demonstrate compliance with, the relevant provisions contained in Penrith Development Control Plan (DCP) 2006, Draft Penrith DCP 2014 and the North Penrith Design Guidelines 2013. In this regard, a compliance table detailing compliance (or otherwise) with the controls contained in the DCPs and Design Guidelines shall be submitted. Any non-compliance shall be suitably justified via reference to the applicable objective(s) of the control.</p>	<p>Compliance against these provisions has been considered in this report.</p>
<p>The provisions contained in Section 2.2 (Crime Prevention Through Environmental Design) of Penrith DCP 2006 shall be satisfied. In this regard, low-level lighting shall be provided to common areas of the development and be in accordance with AS 4282 to ensure external light does not spill onto adjoining properties. The car parking areas will be required to accommodate secure access for future residents.</p>	<p>Compliance against this DCP section has been considered throughout this report.</p>
<p>A minimum of 10% of total units shall be designed to be adaptable for persons with a disability. Accessible units shall be provided with accessible car spaces.</p>	<p>Provided.</p>
<p>Building perspective plans and/or photomontages as well as a schedule of proposed external building materials, finishes and colours shall be submitted with the application.</p>	<p>Provided.</p>
<p>Plans and details of screening measures for any proposed rooftop plant and structures shall be submitted</p>	<p>Rooftop plant will not be readily viewed from the locality given the overall size of the building. Were it considered necessary, conditions of consent could require this.</p>
<p>The subject allotment will need to be registered prior to the issue of a Construction Certificate. This requirement will be imposed as a condition of consent.</p>	<p>Noted.</p>
<p>LAND MANAGEMENT</p>	
<p>The application is to address all relevant requirements under State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Council cannot consent to development unless these requirements have been satisfied. Should remediation be necessary, this will require development consent. The application is to demonstrate that the land is suitable for the proposed land uses.</p>	<p>Matters relating to SEPP 55 were considered in the original concept approval application assessed by the Department of Planning and Environment. The site is considered suitable for the proposed use.</p>
<p>WASTE MANAGEMENT</p>	
<p>A waste management plan addressing the construction and operational aspects of the proposal shall be submitted with the application.</p>	<p>Can be provided as a condition of consent.</p>
<p>The waste management plan should address waste quantities, storage locations and removal. Vehicular access for waste collection also needs to be addressed.</p>	<p>Can be provided as a condition of consent.</p>
<p>Communal waste storage areas are to be provided for the development. The waste storage areas are to be appropriately located and screened from the street.</p>	<p>Noted and provided.</p>
<p>It is strongly recommended that you contact Council's Waste Management Coordinator (ph. 4732 7987) for further advice in relation to waste management requirements for the development.</p>	<p>This office has attempted to contact Council's Waste Section several times without success. We will continue to try to liaise with them throughout the assessment of the application.</p>

Summary of Issues to Address	Section of SEE /Accompanying information
LANDSCAPE DESIGN	
A landscape plan prepared by a Category 3 landscape designer is to be provided in accordance with the landscaping provisions contained in Section 2.6 (Landscape) of Penrith Development Control Plan 2006.	Provided.
The landscape plan shall address, and respond to, the advice provided by Council's Urban Design Review Panel.	Noted.
NOISE AND VIBRATION	
In relation to potential noise and vibration impacts from the nearby commuter car park and/or the western railway line, a noise statement prepared by a suitably qualified acoustic consultant shall be submitted detailing dwelling design measures so as to achieve the following internal noise levels: 35 dB(A) LAeq in sleeping areas. 40 dB(A) LAeq in other living areas.	These sound levels would ordinarily need to be achieved in any case. An acoustic report is not considered to add any value to the assessment of the DA given the relative small scale of the car park. Compliance with the relevant Standards could be certified through the CC process.
SUBDIVISION	
Strata subdivision of the development would be permissible subject to Council's consent. Should strata subdivision be sought at this stage, a separate strata plan of subdivision will need to be submitted.	Noted. Not proposed at this time.
SECTION 94 CONTRIBUTIONS	
Section 94 contributions will apply to the proposed development in accordance with Council's District Open Space contributions plan.	Noted.
CONSULTATION	
Prior to lodgement of the Development Application, it is recommended that you consult with relevant government authorities, service providers, community groups and affected landowners. In particular, you should consult with the relevant energy provider and Sydney Water in relation to servicing requirements for the proposed development.	We are advised that consultation has occurred with various authorities. No specific augmentation of any infrastructure is required.
The application will be referred to Sydney Water for comment given the proposal includes in excess of 200 apartments.	Noted.
The application will be referred to Transport for NSW for comment given the site adjoins the Penrith railway station commuter car park.	Noted.
ENGINEERING MATTERS	
<i>General Matters</i>	
All plans for the site shall have levels and details to AHD (Australian Height Datum).	Noted.
An erosion and sediment control plan shall be submitted.	Noted.
Council's engineering requirements for developments, including policies and specifications listed herein, can be located on Council's website at the following link: http://www.penrithcity.nsw.gov.au/Our-Services/Planning-and-Development/Engineering-Requirements-for-Subdivisions-and-Developments/	Noted.

Summary of Issues to Address	Section of SEE /Accompanying information
<i>Stormwater Drainage</i>	
Stormwater drainage for the site shall be in accordance with the following: Penrith Development Control Plan 2006. Stormwater Drainage for Building Developments Policy. Water Sensitive Urban Design Policy and Technical Guidelines.	A concept stormwater plan accompanies the application.
A stormwater drainage concept plan shall be submitted with the application.	A concept stormwater plan accompanies the application.
The stormwater drainage concept plan shall be accompanied by a supporting report and calculations.	A concept stormwater plan accompanies the application.
<i>Access, Parking and Traffic</i>	
The application shall be supported by a parking and traffic impact assessment report prepared by a suitably qualified person. This report should justify the proposed on-site car parking provision and demonstrate that the additional traffic movements generated by the development can be accommodated by the surrounding road network in terms of safety, efficiency and access.	Provided.
On-site car parking shall be provided in accordance with the North Penrith Design Guidelines 2013 (refer to Section 3.11) and in accordance with Clause 14(2)(a)(i) of State Environmental Planning Policy (Affordable Rental Housing) 2009, as detailed below. 0.4 car spaces per 1 bedroom unit. 0.5 car spaces per 2 bedroom unit. 1 car space per 3 or more bedroom unit.	Noted.
Accessible car spaces are to be provided in accordance with AS 2890.6:2009.	Noted.
The application must demonstrate that access, car parking and manoeuvring details comply with AS 2890, Parts 1, 2 and 6, and Council's Development Control Plan.	Noted.
The application shall be supported by vehicle turning paths in accordance with AS 2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road network.	Noted.
The application will be referred to the Roads and Maritime Services (RMS) for comment pursuant to Clause 104 (Traffic-generating development) of State Environmental Planning Policy (Infrastructure) 2007 given the proposal includes in excess of 300 apartments.	Noted.
<i>Earthworks</i>	
No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater run-off passing through the site.	Noted.
Earthworks and retaining walls must comply with Council's Development Control Plan.	Noted.
Any proposed fill material must comply with Council's Development Control Plan.	Noted.

Summary of Issues to Address	Section of SEE /Accompanying information
BUILDING MATTERS	
The relevant provisions of the Building Code of Australia (BCA) shall be satisfied, including fire safety and accessibility requirements.	Noted.
The relevant provisions of the Disability (Access to Premises - Buildings) Standards 2010 shall be satisfied.	Noted.
An accessibility report prepared by a suitably qualified access consultant shall be submitted which provides an assessment of the proposal in relation to applicable accessibility requirements.	It is considered that such a report can be provided at CC stage.
A BASIX Certificate shall be submitted and all Development Application commitments shall be shown on the development plans.	Provided.

1.7 Supporting Documentation

The proposal is accompanied by the following documentation:

Documentation	Prepared By
Architectural drawings	HBO + EMTB
Hydraulic Report/ Stormwater Concept Design	Northrop
Erosion and Sediment Control Plan	Northrop
Landscape Concept Plan	Arcadia Landscape Architecture
Traffic Impact Assessment	Parking and Traffic Consultants
BASIX/NatHERs Certificate	HBO + EMTB

1.8 Legislation, Environmental Planning Instruments and Policies to be considered

This application has been prepared in the context of the following relevant and applicable strategic and statutory instruments and policies:

- *Environmental Planning and 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: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*

- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 -1997)*
- *Penrith City Centre Local Environmental Plan 2008*
- *North Penrith Design Guidelines 2013*

1.9 Consent Authority

This proposed development includes affordable housing and is proposed by a community housing provider. Schedule 4A of the *Environmental Planning and Assessment Act 1979* at clause 6 refers to *Private infrastructure and community facilities over \$5 million* and sub clause (b) makes a specific reference to *affordable housing*. Given the value of the development is well in excess of \$5 million (circa \$70 million) the schedule is triggered and therefore the Sydney West Joint Regional Planning Panel is the consent authority for this application.

2 The Site and Surrounds

2.1 Regional Context

The Metropolitan Strategy, A Plan for Growing Sydney was released on 14 December 2014. Some goals of the Plan is to create a city of housing choice with homes that meets needs and lifestyles and it be a great place to live with communities that are strong, healthy and well connected. The plan recognises the need to accelerate housing supply and local housing choices, particularly, in and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people.

Strategically, North Penrith has always been recognised as an opportunity for higher intensity housing and employment, contributing to choice regarding homes that are affordable and within well connected communities.

The proposal makes a significant contribution to the housing intensification expected in the area.

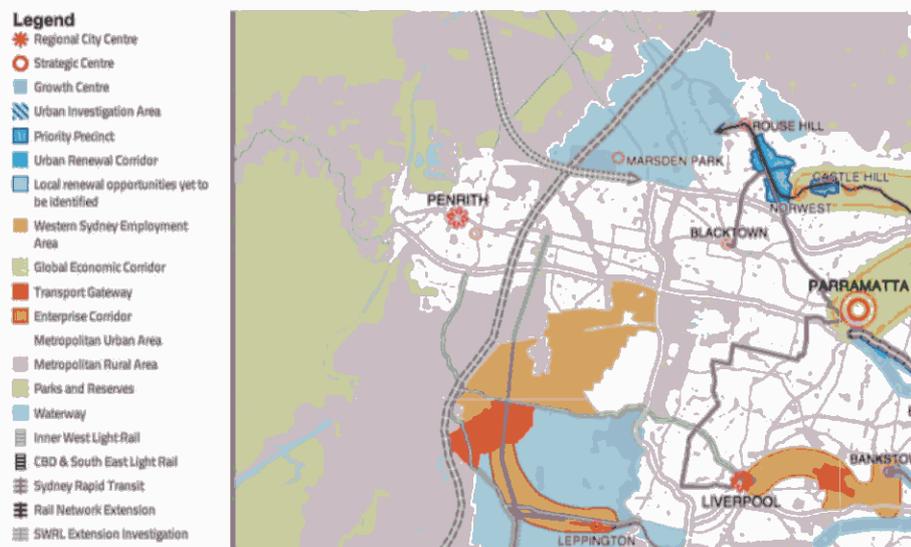


Figure 2: A Plan for Growing Sydney

2.2 Local Context

The subject site, directly adjacent to the North Penrith commuter car park is accessible by walking/cycling to public transport, both rail and bus, the Penrith City Centre, recreation and employment areas.

The subject site is central to regional nodes within the LGA such as Penrith Lakes, Penrith Panthers Sporting, Leisure and Recreation Precinct, the Nepean River and Penrith Health and Education Precinct.

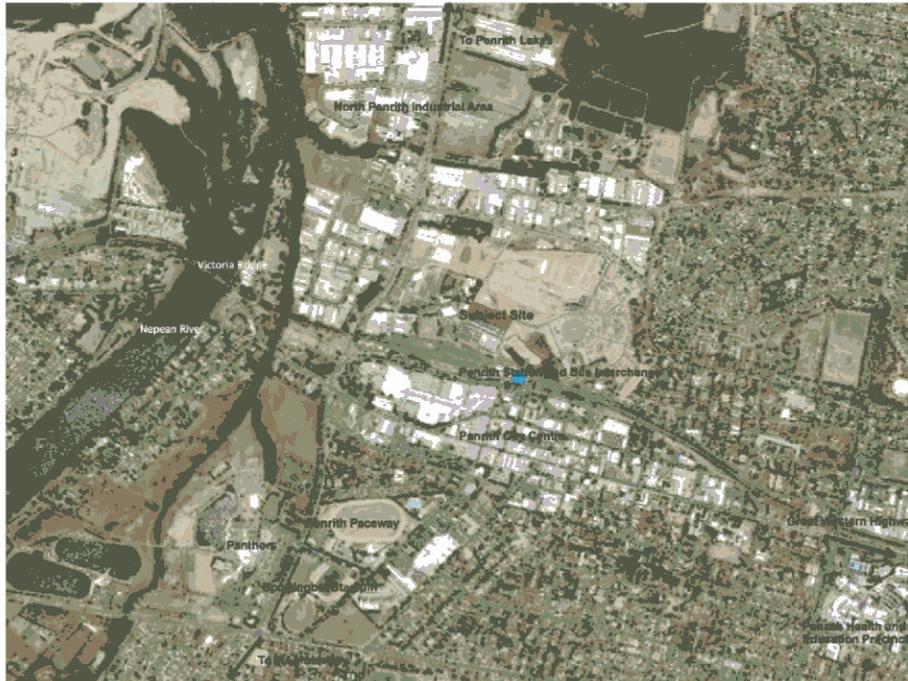


Figure 3: Local Context

2.3 The Subject Site

The site is undeveloped land part of the new mixed development and housing estate known as Thornton. The site has three road frontages and a commuter carpark to the south. The site is located on the southern side of Lord Sheffield Circuit, eastern side of Coombewood Avenue and western side of Dunshea Street with frontages of 154.485m, 36.045m and 34.9m, respectively. The site also backs onto the North Penrith Commuter Car Park, which is located to the south of the subject site.

The site is known as Lot 3105, Lord Sheffield Circuit and is (at the time of writing this report) legally described as Lot 1198, DP1171491. The property, whilst fronting in a northerly direction, is narrow and effectively orientated in an east-west direction. The site has an area of 6370m².



Figure 4 Subject site

Topography

The site is relatively level with a very minor fall from the south east corner of the property to the north-west corner of less than 0.5m.

Vehicular Access

When the road works are finalised there will be direct vehicular access to the site from Lord Sheffield Circuit, Coombewood Avenue and Dunshea Avenue.

Pedestrian Access and Public Transport

There is a pedestrian pathway proposed across the frontage of the site on Lord Sheffield Circuit.

Penrith Railway Station is some 250m walking distance from the site, with the Penrith bus interchange 350m walking distance from the site.

The site has frontage to the future Strategic Bus Corridor proposed throughout the estate.

Utilities and Services

Reticulated sewer, water and electricity services will be provided to the site.

Vegetation

The site is currently vacant and awaiting future development.

3 Development Proposal

3.1 Objectives of the Proposal

The objectives of the proposal is to seek consent for the construction of a residential flat building using the Affordable Housing SEPP, in two stages and across three buildings. The buildings will be 'sitting' on a podium level that will contain at-grade car parking spaces.

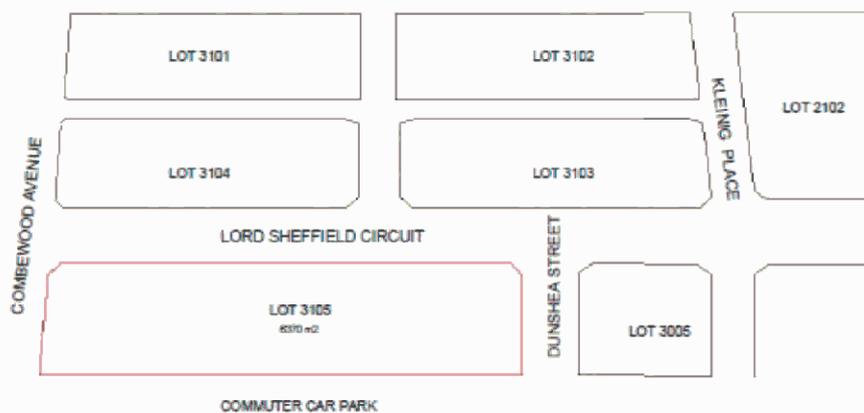


Figure 5: Location Plan

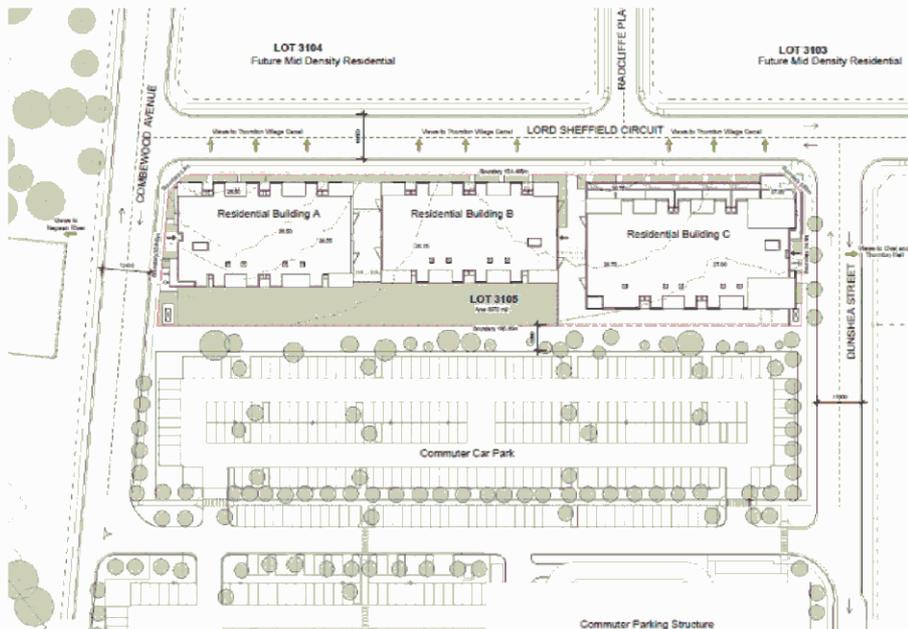


Figure 6 Site context

3.2 Details of the Proposal

Design Principles

The subject site was identified by UrbanGrowth NSW as being able to accommodate an affordable housing project, in turn contributing to the affordable housing commitments made at the time of the Concept Plan approval.

Some of the design principles of the project identified by the architect include:

- *The project has been designed to respond to the form of proposed future development envisaged in the planning controls and development standards promoted by Penrith Council through the LEP and DCP documents and public consultation processes.*
- *The Buildings will read as eight storey flat roofed building when viewed from all elevations of the building. Elements of the building have been recessed to read slimmer buildings with each building separated. This scale is consistent with the future scale, bulk and height of this precinct particularly with the grain of future development proposed on the northern side of Lord Sheffield Circuit.*
- *The buildings have adopted a staggered set back along the southern boundary of the site, which forms the rear boundary of the neighbouring commuter car park associated with Penrith Rail Station.*
- *The building has been carefully sculpted to directly respond to its location with its main axis running east west. Consequently units are oriented north south and adopt a single aspect orientation.*
- *The building is designed in a contemporary feel yet grounded in cost effective materials including precast panels with limited lightweight steel framing and applied finished panel. Finishes are proposed as simple, elegant and sophisticated. The use of the punctuating framed window and balcony elements along both the northern and southern facade is used to create a sophisticated, rhythmic aesthetic, yet creating strong visual interest.*
- *The development is entirely aimed at providing affordable housing accommodation consistent with the future community of this precinct. Justification of minor departures from the SEPP65 “rules of thumb” have been argued on the basis of potential impact on the affordability of the end product produced within this proposal.*



Figure 7 Building Elevation - North



Figure 8: Artists Impression

Detailed Elements of the Proposal

The following detailed elements form the proposed development.

Development Summary

- Total of 302 units across 3 buildings. Buildings are referred to as Buildings A, B and C (west to east).
- Total of 197 car parking spaces.
- To be constructed in 2 stages – Stage 1 will include Buildings A and B, Stage 2 will include Building C.
- Component of the units to be accessible.
- Bike storage areas.
- Waste storage areas.
- Associated communications and plant rooms.
- 1 lift core (2 shafts each core) servicing each building.
- Landscaped open space at ground and podium levels.

Building A and B

- Building A total of 99 units comprising 2 x studios, 16 x 1b/r, and 81 x 2b/r.
- Building B total of 99 units comprising 3 x studios, 16 x 1b/r, and 80 x 2b/r.
- 100 car parking spaces, including 20 accessible spaces.

Building C

- Total of 104 units comprising 6 x studios, 14 x 1b/r, 84 x 2b/r.
- 97 car parking spaces – 34 on ground including 8 accessible spaces, and 63 on Level 1.

The affordable housing component

The building includes an affordable housing component of 151 units and this comprises the following:

- 10 social housing units, to be owned and managed by Evolve Housing in perpetuity to be available for those most in need in the community.
- 141 affordable units. Of these, 96 have NRAS funding allocated and 38 have NRAS funding pending (at the time of writing this report) and will be offered to the private investor for sale. Seven affordable units do not have NRAS funding but will be offered to investors.

Those units owned by Evolve Housing will be managed by Evolve. The remaining affordable units are required to be managed by a registered community housing provider and such a requirement would be a condition of consent.

Land Uses

The residential flat building, retail and community facility components of the proposal are permissible land uses both under the existing LEP and the Draft LEP. Separate development applications would be required for the future use of the retail/commercial tenancy.

Access and Internal Circulation

An appropriate level of access is provided to the site, both for vehicular and pedestrian traffic. Vehicular access is provided to the site via a common driveway servicing the car parking at grade from Coombewood Avenue for Buildings A and B and Dunshea Avenue for Building C.

There is a lift that services each residential flat building from all levels. A lobby entrance is provided to each of the 3 buildings. There is access to the street directly from the 1 bedroom villas that sleeve the development and front the street.

Accessible requirements in accordance with the provisions of the Disability (Access to Premises) Standard 2010 have been incorporated into the design of the building.

The proposal provides for adaptable and accessible units and accessible car parking spaces.

Traffic and Parking Provision

A Traffic Impact Assessment accompanies the application.

Parking is provided over two levels at grade. One hundred and ninety-seven (197) car spaces including disabled access spaces are proposed over the three buildings.

There is also provision for bicycle parking spaces in various ground level locations.

Landscaping and Private Open Space

Landscaping is provided to the development that improves the streetscape and the amenity of the site. A Landscape Concept Plan accompanies the application and demonstrates high quality landscaping outcomes.

Open Space is provided to the residents via a private balcony to each unit. There is communal open space located on the podium level of Buildings A and B and on the podium level of Building C.

Stormwater Drainage

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls.

Utilities

The site will be appropriately serviced to accommodate the proposed use. Some electrical upgrades are likely to be required.

Crime Prevention through Environmental Design

Crime Prevention through Environmental Design has been incorporated into the design of the proposed development. This has been undertaken in such a way that publicly accessible common areas can be viewed from multiple vantage points within the development. Access to the residential units will be via security key pass.

An assessment of the CPTED principles are addressed later in this report.

Tree Removal

The site is ready for future development and consequently there are no trees or vegetation on the site.

Civil Works

Some minor civil engineering works are required and these are detailed in the accompanying plans.

Waste Management Strategy

Waste bins will be provided for each of the units in each of the buildings and to be stored in a dedicated waste storage area on the ground level. These will be transferred to the street when required for collection and organised through the Body Corporate.

Contamination

The property is currently vacant and has been previously assessed and considered suitable for future residential development. Matters relating to potential contamination were addressed by UrbanGrowth NSW in their original Concept Plan approval.

National Construction Code Compliance

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.

Built Form

The proposed development will provide a built form that will contribute to the benchmark for emerging higher densities expected in Thornton. The proposal is an 8 storey residential flat building over 3 buildings that provides for 302 units with a mix of floor areas and configurations, including retail/commercial tenancies on the corner of Lord Sheffield Circuit and Dunshea Avenue.

An Architect's Design Statement accompanies the application.

Staging

As detailed above, the development is to be constructed in two stages. Stage 1 will comprise Buildings A and B, while Stage 2 will see the construction of Building C.



Figure 9 Perspectives looking south east

4 Statutory Context

The following section provides an assessment of the proposed development against the relevant planning instruments and policies.

4.1 State Environmental Planning Policy No 55 – Remediation of Land

The aims and objectives of *State Environmental Planning Policy 55 (SEPP 55)* are to provide a statewide planning approach to contaminated land remediation. It also promotes the remediation of contaminated land to reduce the risk of harm. SEPP 55 applies where consent is being sought for works on potentially contaminated land and/or where remediation works are proposed.

Clause 7 of SEPP 55 requires Council to consider prior to determination whether contamination may be present and if contamination is present if it is suitable for the proposed use. This assessment is applied through consideration of a contamination assessment as specified by SEPP 55.

There is no known contamination on the site. The site was previously used as an Army Base, which was remediated as part of the site being decommissioned to make way for residential development. The property currently is vacant and unlikely to generate contaminants that would hinder future development. Any review of contamination was considered in the preparation and finalisation of the Concept Plan for the Thornton estate.

It is submitted that Council can consent to the carrying out of development on the land.

4.2 State Environmental Planning Policy 65 - Design Quality of Residential Flat Development & Residential Flat Design Code

The aims of the policy are:

- (1) *This Policy aims to improve the design quality of residential flat development in New South Wales.*
- (2) *This 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.*
- (3) *Improving the design quality of residential flat development aims:*

- (a) *to ensure that it contributes to the sustainable development of New South Wales:*
 - (i) *by providing sustainable housing in social and environmental terms, and*
 - (ii) *by being a long-term asset to its neighbourhood, and*
 - (iii) *by achieving the urban planning policies for its regional and local contexts, and*
- (b) *to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
- (c) *to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
- (d) *to maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
- (e) *to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.*
- (4) *This Policy aims to provide:*
 - (a) *consistency of policy and mechanisms across the State, and*
 - (b) *a framework for local and regional planning to achieve identified outcomes for specific places.*

This SEPP applies to the proposed development under Clause 4 in that it involves:

- (a) *the erection of a new residential flat building*

Part 2 of the SEPP contains a range of design quality principles that are to be applied to the proposed development.

Clause 8 contains the following introduction to the design quality principles:

Good design is a creative process which, when applied to towns and cities, results in the development of great urban places: buildings, streets, squares and parks.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges.

The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Clause 9 details the following design principles for consideration and these are addressed below.

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

The proposal addresses this principle in that it is responding to Council's future direction of this area as an area that provides for residential flat buildings with a mix of uses and of high intensity. This area is well located to Penrith Railway Station and Penrith City Centre and recreational and cultural activities within the area. The general compliance achieved with the planning controls ensures that the development is consistent with the desired future character of the area. The local and regional context of the proposal is addressed in Section 2 above.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

The general compliance achieved with the planning controls demonstrates that the proposal is of a scale and bulk that is compatible with the existing and intended built form for this locality. This building, along with those proposed as part of the Thornton village centre will create a precinct of high density buildings centres around the railway station.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The building is designed in a contemporary feel yet grounded in cost effective materials including precast panels with limited lightweight steel framing and applied finished panel. Finishes are proposed as simple, elegant and sophisticated. The use of the punctuating framed window and balcony elements along both the northern and southern facade is used to create a sophisticated, rhythmic aesthetic, yet creating strong visual interest.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

The density proposed as part of this development is representative of the site opportunities and the proposed built form in the locality.

There is a range of floor space yields and apartment mix that fits well within the urban context in proximity to infrastructure public transport, community facilities and other natural features.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Appropriate energy saving and water efficiency measures have been included into the design of the building. This is confirmed in the accompanying BASIX assessments.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

The landscaping proposed on the site is sympathetic to the built form and site coverage facilitated through applying the SEPP and planning controls. A Landscape Concept Plan accompanies the application.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor

space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

The proposed design facilitates the outcomes sought by this design principle. This is shown on the accompanying plans and site analysis.

The proposal provides for a range of units that provide appropriate dimensions, access to sunlight, visual and acoustic privacy, a variety of indoor and outdoor space and accessibility. The proposal includes accessible units within the mix.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

There are no areas of the design that would pose a safety or security risk. In this regard it is noted that there are no entrapment zones or spaces that have poor sight lines. Passive surveillance opportunities have been maximised where possible. There is direct access and frontage to the street with the balconies fronting the street to add to the activation and liveliness of the area. There are “garden” apartments that have the benefit of being accessed directly from the street.

Principle 9: Social dimensions and housing affordability

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

The mix of units proposed responds to the current affordable market demands and SEPP 65. This document contains aims and objectives aspiring to provide a good mix of housing product and one that could be regarded as being affordable. The proposed development satisfies these design outcomes. There is variation of floor areas, bedroom numbers and adaptability.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly

to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

It is apparent in the plans presented to Council that there is a high level of quality in the finishes and materials proposed as part of this development. It is submitted that the design outcome has been achieved. The proposal has been referred to Council's Urban Design Review Panel where positive feedback was provided and has been addressed throughout this report.

The SEPP also requires the consent authority to take into consideration the *Residential Flat Design Code*. While the contents of the Code are not development standards, they provide additional detail and guidance for applying the design principles above.

The Code has been considered as follows:

PRIMARY DEVELOPMENT CONTROLS

Building Height

Control Checklist

Test height against FSR	✓	There is no FSR control relating to the site however the proposal is within the height limit. Appropriate ceiling heights are proposed.
Test height against ceiling heights	✓	

Building Depth

Control Checklist

Resolve depths in plan and elevation	✓	The proposal is consistent with development that is promoted through the planning controls. The depth of the building is generally compliant, and good cross flow ventilation is proposed where possible and demonstrated on the site analysis plans.
Generally apartment depth of 10-18m. If a greater required demonstrate daylight and natural ventilation requirements achieved.	✓	

Building Separation

Control Checklist

Design and test building separation controls in plan and section	✓	Proposal is for similar separation and coverage to nearby and adjoining development. Appropriate sunlight access provided in accordance with the Code that takes advantage of the site location and orientation. Internal separation is considered acceptable.
Suggested Dimensions: A. Up to four storeys/12m: <ul style="list-style-type: none"> ▪ 12m between habitable rooms/balconies ▪ 9m between habitable rooms/balconies and non-habitable rooms ▪ 6m between non-habitable rooms B. Five to eight storeys/up to 25m: <ul style="list-style-type: none"> ▪ 18m between habitable rooms/balconies ▪ 13m between habitable rooms/balconies and non-habitable rooms ▪ 9m between non-habitable rooms C. Nine storeys and above/over 25m:	✓	

<ul style="list-style-type: none"> ▪ 24m between habitable rooms/balconies ▪ 18m between habitable rooms/balconies and non-habitable rooms ▪ 12m between non-habitable rooms 		
Building separation may be varied in response to site and context constraints, must demonstrate daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.	✓	Variations are justified on these grounds. The site is uniquely configured yet amenity, both internal and external, has been preserved.

Street Setbacks

Control Checklist

Identify streetscape character	✓	The proposed development is consistent with the planning intent of this area.
Relate to street hierarchy	✓	
Identify landscaping	✓	
Test setback to envelope Note: Setbacks can range from zero to 10m. In typical suburban areas the setback can range 5m to 9m.	✓	
Test control on facades and massing Note: no encroachment into setback area except for: <ul style="list-style-type: none"> ▪ underground parking structures no more than 1.2m above ground and consistent with the streetscape ▪ awnings ▪ balconies and bay windows 	✓	

Side and Rear Setbacks

Control Checklist

Respect existing street patterns	✓	Consistent with existing street pattern and desired future character. Appropriate provision of open space has been provided for landscaping and the like considering the type of development. Further details regarding overshadowing can be found in the discussion below.
Test open space and planting zones	✓	
Test overshadowing	✓	

Floor Space Ratio

Control Checklist

FSR to be consistent with height, footprint envelope and open space	✓	There is no FSR control for the site.
Test lot sizes	✓	

SITE CONFIGURATON		
Deep Soil Zones		
Rules of Thumb		
25% of site to be deep soil zone	✓	Opportunities for deep soil zones are limited for this dense, urban locality. High quality landscaping will be provided throughout the development.
Open Space		
Rules of Thumb		
Communal open space to be 25-30% of the site and relevant	✓	Communal open space is proposed on the podium level. Private courtyards and balconies service all units.
If unable to achieve communal open space, must demonstrate that residential amenity is provided in increased private open space and/or contribution to public open space	✓	
Minimum private space to ground floor apartments is 25m ² with a preferred minimum dimension of 4m in one direction.	✓	
Planting on Structures		
Rules of Thumb		
Recommended as a minimum standard for a range of plant sizes: <ul style="list-style-type: none"> • Large trees (canopy diameter 16m), min. 150m³, 1.3m depth and soil area of 10m x 10m. • Medium trees (canopy diameter 8m) min. 35m³, 1m depth and soil area of 6m x 6m. • Small trees (canopy diameter 4m) min. 9m³, 800mm depth and soil area 3.5m x 3.5m. • Shrubs, min. soil depth 500-600mm • Ground Cover min. soil depth 300-450mm • Turf min soil depth 100-300mm, subsurface drainage are in addition to minimum soil depths 	✓	Plantings will be chosen according to their suitability for this type of environment and development.
Safety		
Rules of Thumb		
Formal crime risk assessment for all residential development of more than 20 new dwellings	✓	Consideration against CPTED principles has been provided through this report.
Visual Privacy		
Rules of Thumb		
Refer to Building separation requirements	✓	Addressed above.

Pedestrian Access

Rules of Thumb

Identify the access requirements from the street or car parking area to entrance of apartment	✓	Appropriate access is provided to the development.
Accessibility Standard AS1428 (parts 1 and 2)	✓	
Barrier free access to at least of 20% of dwellings	✓	

Vehicle Access

Rules of Thumb

Limit widths of driveways to max 6m	✓	Can be satisfied and provided for in the design.
Locate vehicle entries away from pedestrian entries	✓	

BUILDING DESIGN

Apartment Layout and Mix

Rules of Thumb

Single aspect units depth limit 8m from a window	✓	Apartment design generally satisfies these criteria. The majority of units provide reasonable ventilation.
Back of kitchen no more than 8m from a window	✓	
Cross over/cross through apartments over 15m deep should be 4m or greater to avoid deep narrow layouts		
Demonstrate satisfactory daylight access to light and natural ventilation	✓	
Apartment sizes should not exclude affordable housing. Minimum apartment sizes recommended for contribution to affordable housing: <ul style="list-style-type: none"> • 1 bedroom – 50m² • 2 bedroom – 70m² • 3 bedroom – 95m² 	✓	
Provide for a variety of apartment types across levels and levels of accessibility.	✓	

Balconies

Rules of Thumb

Minimum 2m depth	✓	Appropriate balcony depth provided, most units exceed this depth.
Scale plans of balcony with furniture layout to confirm adequate useable space when alternate balcony depth proposed.	✓	

Ceiling Heights

Rules of Thumb

Ceiling heights at a minimum: <ul style="list-style-type: none"> • Mixed Use 3.3m ground floor and first floor residential for future commercial • RFB in mixed use areas 3.3m for ground floor • RFB or other residential in mixed use development: <ul style="list-style-type: none"> ○ 2.7m habitable rooms, 2.25m - 2.4m non habitable ○ two storey unit, 2.4m for second storey if 50% or more of the apartment has 2.7m ○ two storey with two storey void space, 2.4m ○ Attic space, 1.5m wall height at edge with 30 degree minimum ceiling slope 	✓	Appropriate ceiling heights are provided.
Variation to ceiling height must demonstrate satisfactory daylight access	✓	

Ground Floor Apartments

Rules of Thumb

Optimise number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units.	✓	Ground floor units have been provided.
Ground floor apartments with access to private open space, preferably as a terrace or garden	✓	

Internal Circulation

Rules of Thumb

Eight units to be access from a single corridor. Exceptions when: <ul style="list-style-type: none"> • Adaptive reuse of building • Desired streetscape and entry response • High level of amenity with common lobbies, corridors and units 	✓	A reasonable number of units can be accessed from a single corridor.
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Storage

Rules of Thumb

Volume requirements in addition to kitchen cupboards and wardrobes: <ul style="list-style-type: none"> • Studios – 6m³ • 1 Bedroom – 6m³ • 2 Bedroom – 8m³ • 3 bedroom + - 10m³ 	✓	Suitable opportunities for storage are available both within dwellings and the basement levels.
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Daylight Access

Rules of Thumb

At least 70% of apartments should receive 3 hours sunlight to living rooms at winter solstice. 2 hours acceptable in denser areas.	✓	Solar access has been addressed in the Design Verification Statement.
Limit southern access units to a max of 10% of total units. Must address energy efficiency and cannot comply.	✓	

Natural Ventilation

Rules of Thumb

Building depth to support natural ventilation typically range from 10m -18m	✓	Provided for in the design. The majority of units provide reasonable flow ventilation.
60% of units to be cross ventilated	✓	
25% of kitchens within the development to have access to natural ventilation	✓	
Demonstrate how natural ventilation is achieved in habitable rooms if cannot comply	✓	

Water Conservation

Rules of Thumb

Rainwater is not connected from roof coated with lead- or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris	✓	
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A Design Verification Statement from the architect accompanies the application

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

The aim of this policy is to ensure consistency in the implementation of the BASIX Scheme throughout the State. A BASIX assessment accompanies the development application demonstrating that the proposal is committed to environmental sustainable measures. BASIX commitments are detailed on the accompanying architectural drawings.

4.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides for specific controls on specified developments and compliance with these controls is detailed below.

Clause 87 of the ISEPP identifies that any development for specific developments, including residential development, adjacent to a rail corridor or frontage to a classified road must meet certain performance standards. Although within the vicinity of the Western Railway Line it is not adjacent to a railway corridor and therefore a noise and vibration assessment is not required.

The proposal for over 300 units will require a referral to the Roads and Maritime Services in accordance with *Schedule 3 Traffic generating development to be referred to the RTA*. This will form part of Council's referral and assessment process.

4.5 State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is considered and assessed under Division 1 of the State Environmental Planning Policy (Affordable Rental Housing) 2009. There are 151 units proposed to be affordable and managed by a community housing provider. An assessment under the relevant clauses of the SEPP 2009 is provided below:

Part 4 Principal Development Standards	
Provision	Comment
<p>10 Development to which Division applies</p> <p>(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</p> <p>(a) the development concerned is permitted with consent under another environmental planning instrument, and</p> <p>(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 <i>Heritage Act 1977</i>.</p> <p>(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.</p> <p>(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 B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.</p>	<p>The subject site is within an 'accessible area', being within 800m walking distance of Penrith railway station, Residential Flat Buildings are a permissible land use in the existing zone, and there is no heritage item. The Division can therefore be applied to the proposed development.</p>
<p>11, 12 (Repealed)</p>	

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.
- (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:

There is no floor space ratio control on the site and so this clause is not applicable.

14 Standards that cannot be used to refuse consent

(1) Site and solar access requirements

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 450 square metres,
- (c) **landscaped area**
if:
 - (i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or
 - (ii) in any other case—at least 30 per cent of the site area is to be landscaped,
- (d) **deep soil zones**
if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) 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
 - (ii) each area forming part of the deep soil

For the proposed development:

- The site has an area in excess of 450sqm.
- An acceptable level of landscaping is proposed given the highly dense nature of the locality – being some 27%¹ of the site area.
- Given the orientation of the site, the proposal aims to maximise the number of units that receive solar access. In this development, some 56% of units receive a minimum 3 hours direct sunlight between 9am and 3pm mid-winter.²

Notwithstanding it is noted that these are not standards to achieve, rather they can't be used to refuse consent. Council is able to consider the proposed development even if compliance is not achieved.

1

Landscaping on the site comprises the following:

- Communal open space at 1717sqm (27%)
- Private open space at 2986sqm (47%)
- Combined total – communal and private at 4703sqm (74%)

2

- All north facing units (50% of total units) will receive in excess of three hours of direct sunlight to the living area of the unit during mid-winter.
- All south facing units on the upper level (19 units – 6.3%) will receive in excess of three hours of direct sunlight to the living area of the unit during mid-winter due to the inclusion of skylights to these apartments.
- All south facing corner units (40 units – 13.24%) will receive in excess of two hours of direct sunlight to the living area of the unit during mid-winter and will receive ample daylight.
- 91 units (29.9%) are single aspect south facing units.
- The site size, proportions and orientation do not allow for this rule of thumb to be met. All of the 91 units will have ample access to daylight and an acceptable thermal comfort level. The use of a double loaded corridor dictates that this portion of the guideline cannot be achieved yet still meet Affordable Housing financial imperatives.
- 56.3% apartments will receive 3 hours direct sunlight between 9am and 3pm in mid-winter.
- Almost 70% of apartments will receive 2 hours or more of sunlight over the same.

<p>zone has a minimum dimension of 3 metres, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p> <p>(e) solar access if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	
<p>(2) General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) parking if:</p> <p>(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or</p> <p>(ii) in any other case—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 bedrooms,</p> <p>(b) dwelling size if each dwelling has a gross floor area of at least:</p> <p>(i) 35 square metres in the case of a bedsitter or studio, or</p> <p>(ii) 50 square metres in the case of a dwelling having 1 bedroom, or</p> <p>(iii) 70 square metres in the case of a dwelling having 2 bedrooms, or</p> <p>(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.</p>	<p>The unit mix proposed generates a car parking demand of 145 spaces. The development proposes 197 spaces and so this part of the SEPP is satisfied.</p> <p>Dwelling sizes also satisfy the provisions of the SEPP.</p>
<p>(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).</p>	<p>Noted. For this development, a combination of this SEPP, SEPP 65 and the North Penrith Design Guidelines is to be used to assess the proposal.</p>
<p>15 Design requirements</p> <p>(1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.</p> <p>(2) This clause does not apply to development for the purposes of a residential flat building if <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> applies to</p>	<p>This proposed residential flat building has been considered against the provisions of SEPP 65 and a Design Verification Statement accompanies the application.</p>

the development.	
16 Continued application of SEPP 65 Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> to any development to which this Division applies.	Noted.
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.	The proposal is of a nature that is expected in the Thornton estate. The proposal satisfies the height limit as applied under the LEP, and is of a scale that is consistent with other current development applications in the Thornton village precinct.
17 Must be used for affordable housing for 10 years (1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that: (a) for 10 years from the date of the issue of the occupation certificate: (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i> , that will ensure that the requirements of paragraph (a) are met. (2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.	Noted, however a number of units will be owned by Evolve and offered as affordable housing in perpetuity. The delivery of affordable housing on the site is also ensured through the provisions of the Section 88B instrument applicable to the land.
18 Subdivision Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Subdivision is not sought at this time.

4.6 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

The aim of SREP 20 (a deemed SEPP) is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The site is located in the Middle Nepean and Hawkesbury River Catchment Area and not within an area of local or regional scenic significance. There are also no specific development controls within the SREP in relation to the construction of residential flat buildings. Any nominated strategies in relation to water quality and management is addressed throughout this report. Appropriate conditions of consent would normally

be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

4.7 Penrith City Centre Local Environmental Plan 2008

The LEP is the primary environmental planning instrument relating to the proposed development. The objectives of the LEP are as follows:

- (a) *to strengthen the regional position of the Penrith city centre as a multifunctional and innovative centre that encourages employment and economic growth,*
- (b) *to provide a planning framework for Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (c) *to promote employment, residential, recreational and leisure, cultural, social and tourism opportunities within the Penrith city centre,*
- (d) *to respond to the economic and social needs of the region by providing centrally located services and facilities,*
- (e) *to facilitate new commercial and residential development in the Penrith city centre that is consistent with the desired future character of the area as described in the Penrith City Centre Development Control Plan 2007,*
- (f) *to protect and enhance the cultural identity and diversity of the Penrith city centre,*
- (g) *to encourage development that contributes to the provision of alternative and sustainable access to the city centre,*
- (h) *to enhance access to the city centre, particularly by public transport, walking and cycling,*
- (i) *to facilitate the development of building design excellence appropriate for a regional city and improve the quality of urban design and ensure the public domain is safe and attractive,*
- (j) *to encourage responsible management, development and conservation of resources and to ensure that the Penrith city centre achieves sustainable social, economic and environmental outcomes,*
- (k) *to protect and enhance environmentally sensitive areas, and the natural and cultural heritage, of Penrith city centre for the benefit of present and future generations.*

The proposed development is consistent with the above relevant objectives.

The subject site is zoned *B2 Local Centre*. The objectives of the B2 zone listed in the LEP are:

- *to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area,*
- *to encourage employment opportunities in accessible locations,*
- *to maximise public transport patronage and encourage walking and cycling.*

The proposal is consistent with these objectives in that:

- The proposal provides a mixed use development that provides for retail and community uses
- The proposal provides opportunity for retail and community uses which opens up direct and indirect employment opportunities
- The proposal contributes to the range of housing type and mix that is in close walking and cycling distance to the Penrith Railway Station and the Penrith City Centre.

The Land Use Table of the LEP nominates *community facilities, residential flat building and retail premises* as permissible forms of development in the zone, given the notation on the zoning. The definitions include:

community facility means a building or place owned or controlled by a public authority and used for the physical, social, cultural or intellectual development or welfare of the community.

residential flat building means a building containing 3 or more dwellings.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards	
Provision	Comment
30. Ecological Sustainable Development	N/A
31. Serviced Apartments	N/A
32. Exceptions to Development Standards	N/A
Part 5 Miscellaneous Provisions	
33. Land Acquisition within certain zones	N/A
34. Development on proposed classified road	N/A
35. Classification and reclassification of public land	N/A
36. Community use of educational establishments	N/A
37. Classified roads	N/A
38. Development in proximity to a rail corridor	N/A – the site is outside the 60m distance cited in the clause.
39. Preservation of trees or vegetation	N/A
40. Heritage conservation	N/A

41. Bush fire hazard reduction	N/A
42. Development for group homes	N/A
43. Crown development and public utilities	N/A
Part 6 Local Provisions	
Provision	Comment
44. Location of sex services premises and restricted premises	N/A
Part 7 North Penrith	
Provision	Comment
51. Height of Buildings	The LEP indicates a height limit of 30m and the proposal is well within that.
52. Development near zone boundaries	N/A
53. Architectural roof features	The proposed development sits within the height limit on the subject site.
54. Heritage conservation	There are no matters of heritage conservation that are relevant to the proposed development or the subject site.
55. Earthworks	Site works proposed are very minor in nature. There will be no significant impacts in this regard.
56. Savings provision relating to pending applications	N/A

There are no other clauses relevant to the proposal.

4.8 Development Control Plans

There are no development control plans relevant to the proposal. Whilst not having the same weight as a DCP, the North Penrith Design Guidelines form the basis for the assessment of most types of applications in the Thornton estate.

4.9 North Penrith Design Guidelines

Whilst not a Development Controls Plan, the North Penrith Design Guidelines were adopted as part of the Concept Plan approval when Thornton was originally approved.

The subject site is on the periphery of the Village Centre and is nominated as an 'opportunity site' within the Guidelines. Aspects of the Village Centre controls are not considered applicable to this site given its location and configuration.

Notwithstanding, the objectives of the Guidelines have been satisfied where possible.

Provision	Comment
2.0 Concept Plan	
2.2 Outcomes The expected outcomes of the North Penrith Precinct are:	
Transport and Accessibility <ul style="list-style-type: none"> • A residential density, urban structure and parking provision that supports the establishment of a model transit oriented development. • An integrated and legible network of open space and pathways to encourage pedestrian and cyclist activity, particularly to and from the train station. 	Proposal is consistent with this objective.
Urban Design <ul style="list-style-type: none"> • A dense and interconnected mixture of land uses which include residential, recreational, employment, retail, office and business services. • Create a transit oriented, cohesive development incorporating retail, commercial, business, civic, community, recreation, residential and employment uses. • Create a safe and convenient pedestrian network formed by a closely spaced grid of streets interconnected with public open spaces. 	Proposal is consistent with this objective.
Housing and Community <ul style="list-style-type: none"> • A vibrant urban community of around 900 to 1,000 dwellings. • Meet the growing and ageing population of Penrith through the provision of a diverse range of housing types and sizes. • Around 7ha of open space / canals including a new oval with outdoor recreational facilities, canal edge boardwalk and local parks. 	Proposal is consistent with this objective.
Economic <ul style="list-style-type: none"> • Generate up to 770 direct jobs on the site and over 1,100 flow-on jobs. • Deliver a high level of self containment in terms of employment generation and retail expenditure, reducing the trip generation of residents, workers and commuters visiting North Penrith. • Cater for the daily needs and services of the North Penrith community and commuters using Penrith Railway Station. • Provide opportunities for employment generating development within a close proximity to public transport services. 	Proposal is consistent with this objective.
Environmental <ul style="list-style-type: none"> • Retention of identified key stands of existing trees. • Mitigation and management of existing flooding issues on the site. 	Not applicable – the site contains no vegetation of any significance.
Heritage <ul style="list-style-type: none"> • Enhance the heritage characteristics of Thornton Hall. • Respect the Coombewood curtilage. • Protection of environmental heritage by incorporation of the heritage features and vistas into the road and open space network. 	There are no heritage matters associated with the site or the proposed development.

3.0 Residential Development	
3.3 Building Envelopes	
<p>Controls</p> <ol style="list-style-type: none"> (1) The maximum number of storeys for residential development is shown at Figure 8. (2) For all residential development (excluding residential flat buildings), the floor area of the third storey is to be no more than 60% of the second storey. (3) The location and siting of the third storey is to ensure adequate solar access and privacy for the lot and adjacent residential lots. (4) Development adjacent to a laneway (ie ancillary dwelling) is to be no more than 2 storeys. (5) A minimum floor to ceiling height of 2,700mm is to be provided for all ground floor living spaces. 	<p>The site has a 30m height limit that is adopted under the imminent Draft LEP. Discussions with both UrbanGrowth NSW and the Council indicate that increased heights beyond the Guidelines and up to the LEP height limit are acceptable. The proposal will not result in any negative impacts in the locality as a result of the increased height limit and the development is proposed on that basis.</p>
3.8 Visual and Acoustic Amenity	
<p>Controls</p> <ol style="list-style-type: none"> (1) Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping. (2) Habitable room windows with a direct sightline to the habitable room windows in an adjacent dwelling within 3m are to: <ul style="list-style-type: none"> • be obscured by fencing, screens or appropriate landscaping, or • be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window, or • have sill height of 1.5m above floor level, or • have fixed opaque glazing in any part of the window below 1.5m above floor level. (3) A screening device is to have a maximum of 25% permeability to be considered effective. (4) The design of attached dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas. (5) In attached dwellings, bedrooms of one dwelling are not to share walls with living spaces or garages of adjoining dwellings, unless it is demonstrated that the shared walls and floors meet the noise transmission and insulation requirements of the Building Code of Australia. (6) Residential development in close proximity to the railway corridor, Coreen Avenue, the east and west sides of the Boulevard, the upgraded commuter car park and those flanking the entry road from Coreen Avenue to the commuter car park, are to include design measures so as to achieve the following internal noise levels at these residences: <ul style="list-style-type: none"> • a target internal noise level of 35 dB(A) LAeq is to apply in the sleeping areas, and • a target internal noise level of 40 dB(A) LAeq in other living areas. 	<p>Units in the development have been designed to not result in any privacy, visual or acoustic impacts. General amenity of units will be maximised with the design presented.</p>

3.9 Development in Proximity to a Rail Corridor																			
<p>Controls</p> <p>(1) The siting and design of developments on land sited on or within 60m of an operating rail corridor or land reserved for the construction of a railway line is to address matters raised in the Interim Guidelines for Applicants – consideration of rail noise and vibration in the planning process (RailCorp) and where appropriate, incorporate any recommendations into the design of the development.</p> <p>(2) In assessing applications for development on land sited on or within 60m of an operating rail corridor or land reserved for the construction of a railway line, the consent authority is to have regard to the matters raised in the Interim Guidelines for Councils – consideration of rail noise and vibration in the planning process (RailCorp) and where appropriate, any matters raised by Rail Corporation New South Wales to the development.</p>	<p>The site is beyond these distances and so the clause does not apply.</p>																		
3.11 Specific Provisions - Residential Flat Buildings																			
<p>Controls</p> <p>(1) Residential flat development is to be generally consistent with the guidelines and 'rules of thumb' set out within the NSW Residential Flat Design Code and the development controls in the table below. If there is any inconsistency, the development controls below prevail.</p> <table border="1" data-bbox="304 976 815 1711"> <thead> <tr> <th>Element</th> <th>Control</th> </tr> </thead> <tbody> <tr> <td>Min. lot size</td> <td>650m²</td> </tr> <tr> <td>Max. building height</td> <td>Maximum 6 storeys, except for Block C3 which is 3 storeys</td> </tr> <tr> <td>Max car parking rates</td> <td>Studio 0.5 space / dwelling 1-2 bedroom 1 space / dwelling 3+ bedroom 2 spaces / dwelling Visitor parking on street</td> </tr> <tr> <td>Car parking location and design</td> <td>At grade or within basement levels. At grade / undercroft parking is to be visually attractive, easily accessible to the dwelling entry and incorporate passive surveillance</td> </tr> <tr> <td>Universal dwellings</td> <td>Min 10% to be in accordance with the Landcom Universal Housing Guidelines</td> </tr> <tr> <td>Maximum site cover</td> <td>100% - for Blocks A1, A2 and T1 - T5 50% - for Block C3</td> </tr> <tr> <td>Minimum deep soil zone</td> <td>0% for Blocks A1, A2 and T1 - T5 15% for Block C3</td> </tr> <tr> <td>Minimum communal open space</td> <td>0% for Blocks A1, A2 and T1 - T5, 20% for Block C3</td> </tr> </tbody> </table>	Element	Control	Min. lot size	650m ²	Max. building height	Maximum 6 storeys, except for Block C3 which is 3 storeys	Max car parking rates	Studio 0.5 space / dwelling 1-2 bedroom 1 space / dwelling 3+ bedroom 2 spaces / dwelling Visitor parking on street	Car parking location and design	At grade or within basement levels. At grade / undercroft parking is to be visually attractive, easily accessible to the dwelling entry and incorporate passive surveillance	Universal dwellings	Min 10% to be in accordance with the Landcom Universal Housing Guidelines	Maximum site cover	100% - for Blocks A1, A2 and T1 - T5 50% - for Block C3	Minimum deep soil zone	0% for Blocks A1, A2 and T1 - T5 15% for Block C3	Minimum communal open space	0% for Blocks A1, A2 and T1 - T5, 20% for Block C3	<p>The following comments are provided in respect of the proposals compliance with these controls.</p> <ul style="list-style-type: none"> Complies with the minimum site area. The height of the proposed development satisfies the LEP height limit. Car parking for the site complies with the requirements of the Affordable Rental Housing SEPP. Component of the units will be accessible. A reasonable amount or usable communal open space is proposed in the scheme. <p>Generally, it is submitted, the Design Guidelines are satisfied in this regard.</p>
Element	Control																		
Min. lot size	650m ²																		
Max. building height	Maximum 6 storeys, except for Block C3 which is 3 storeys																		
Max car parking rates	Studio 0.5 space / dwelling 1-2 bedroom 1 space / dwelling 3+ bedroom 2 spaces / dwelling Visitor parking on street																		
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<p>(2) Development on the residential flat development sites nominated at Figure 15 is to achieve the desired outcomes specified below.</p> <p><i>Note: Residential flat buildings may occur on sites other than those nominated at Figure 15</i></p>																			

<p>Blocks A1-A6</p> <ul style="list-style-type: none"> • Front buildings onto streets with active uses where possible. • A range of retail, business, and commercial premises should be provided at the ground level to activate the street frontages within the Opportunity Site particularly. • Development is to include or facilitate public pedestrian/cycle connections. Public access and connections to public access is to be provided at development application stage. A staging plan showing how the proposed development will connect to the public access should be provided with each development application. • The ground floor level and front yard / private open space of the dwellings is to be raised above the level of the canal / street to provide privacy for the dwellings. • Buildings are to take advantage of the location overlooking the canal and oval with front balconies and terraces. • Parking should be screened from the street and canal interfaces. Underground parking is preferred. • Block A2 should include a ground floor cafe / neighbourhood shop adjacent to the oval. • Streets and lanes are to: <ul style="list-style-type: none"> • be clear and direct throughways for pedestrians with paving finishes, lighting etc. that are appropriate for a pedestrian route. • provide public access at all times, and • have signage indicating public accessibility. 	<p>The following comments are provided in respect of the proposals compliance with these controls.</p> <ul style="list-style-type: none"> • Active frontages have been provided with the retail/commercial tenancy on the north-eastern corner of the building, and the sleeving of the building with residential units. Artistic screening is otherwise provided to screen openings. • Strong public entry points are provided to the building. • Clear signage will be provided where required.
<p>4.0 The Village Centre</p>	
<p>4.1 Built Form Controls</p>	
<p>Controls</p> <ol style="list-style-type: none"> (1) The location of preferred land uses within the Village Centre is to be generally consistent with the Figure 18. The nominated 'Opportunity Site' may be developed for commercial, educational uses and the like should the demand arise. (2) Building heights within the Village Centre are to be a minimum of 2 storeys, excluding the supermarket, and a maximum of 6 storeys. (3) The ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential. (4) Building setbacks / build-to lines within the Village Centre are to be consistent with Figure 19. Buildings are generally to be built to the street / square alignment. No upper level setbacks are required. (5) Building frontage types within the Village Centre are to be generally consistent with Figures 20 - 21 and the table below. (6) Street frontages are required at ground level of buildings 	<p>The subject site has been nominated as an 'opportunity site' and has been selected by UrbanGrowth NSW as being an affordable housing site.</p> <p>The site also sits on the periphery of the village centre and as such, it has adopted a more 'blended' outcome in terms of development characteristics. It is submitted that it is more appropriate to focus commercial and retail activities within the Village Centre proper. Notwithstanding, the proposed development is sympathetic to the controls within the Guidelines. In this proposal:</p> <ul style="list-style-type: none"> • Buildings are built close to or on the street boundary. • Floor to ceiling heights respond to the proposed use of the building. • Awnings are provided on the north-eastern corner of the building at the location of the retail/commercial tenancy, as well as main entry points to the building. • Residential units 'sleeve' the car park at street level, providing varied and individual addresses, as well as adjoining private and public domain.
<p>4.2 Access, Parking and Servicing</p>	<p>Parking for this development is proposed under the Affordable Housing SEPP.</p>

5 Section 79C Assessment

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

5.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

The following Draft Environmental Planning Instruments have been considered in the preparation of this application.

5.2.1 Draft Penrith Local Environmental Plan 2013

Penrith LEP 2010 (Stage 2) has been exhibited, finalised and sent to the Minister for Planning to be legally made. It is advised that this plan is imminent and certain and is expected to be made within the next month. Under that Draft LEP, a *B2 Local Centre* zone is proposed for the subject site. The zone remains unchanged due to the draft LEP absorbing the controls applied under the *Penrith City Centre Local Environmental Plan 2008*. This type of development proposed is permissible in the zone with development consent.

It is considered that the proposed development would be in keeping with the objectives of the precinct and would facilitate the realisation of Council's vision for the locality. There will be no planning implications for the development under the proposed changes under the draft LEP.

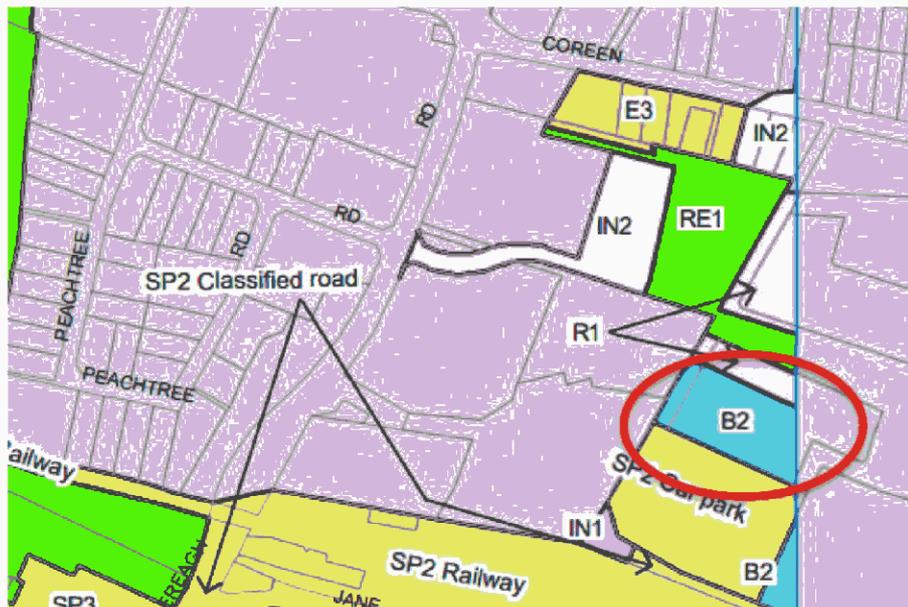


Figure 10: Draft Penrith Local Environmental Plan 2010 (Stage 2) Land Zoning Map

5.2.2 Draft Amendment to State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development

There are key changes proposed for SEPP 65 that aim to improve both the design and affordability of apartments. The draft SEPP was exhibited until 31 October 2014. The proposal will generally still satisfy the proposed changes within the Apartment Design Guide.

Of relevance to this proposal, and of note, is that reduced car parking within close proximity to transport nodes is being seriously considered for future residential flat buildings due to the impact parking can have on the affordability and feasibility of developments. So in this regard, the draft SEPP proposes the removal of parking in the inner and middle ring areas of Sydney, that is within walking distance to public transport and in particular railway stations and light rail services. It is considered that by reducing the rate of parking, walking, cycling, use of public transport and reduction of car dependence will result.

Although Penrith is not listed as an inner or middle ring area of Sydney where no parking rate is applied, the principles are the same and should be considered as the site is in walking distance to Penrith Railway Station, bus services, medical and tertiary institutions and facilities, open space and recreation, so a reduction in parking is considered reasonable for this proposal. The reduced parking rates in the Affordable Housing SEPP act as a similar 'incentive' for the provision of affordable housing in accessible locations.

5.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

Although not required to be considered in a statutory sense, it is important to note that draft DCP 2014 was public exhibition and concluded on 14 November 2014. There will be an introduction of a new chapter (E11 – Part C) that relates to North Penrith and adapts the North Penrith Design Guidelines. The provisions will remain largely unchanged. The proposal generally aligns with the objectives and intent of this new DCP chapter which has already been addressed elsewhere in this report.

5.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site that would be directly relevant to this proposal.

5.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

5.6 Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered in the preparation of this development proposal.

5.6.1 Flora and Fauna

There are no flora or fauna issues associated with the site.

5.6.2 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard and is consistent with the discussions held at the pre-lodgement meeting. Moreover, it is considered to be consistent with the overall approach to the development of the Thornton estate.

A Regional Flood Assessment was undertaken as part of the Concept Plan approval where it was concluded that the works on the site to create future residential lots will

not result in adverse impacts on the surrounding area in relation to flooding and local drainage flooding.

5.6.3 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.6.4 Traffic Generation and Parking

A traffic impact assessment has been prepared addressing car parking requirements and a traffic impact assessment. An assessment against the planning provisions in relation to access, parking and traffic have concluded that no unacceptable impacts are expected as a result of the proposal and any variation is reasonable in the circumstances of the proposal.

5.6.5 Noise Impacts

Whilst there will be some noise associated with the construction of the development, longer term there is not expected to be any noise impacts above and beyond what might normally be associated with high density urban environment.

5.6.6 Heritage Issues

There are no heritage issues associated with this site or the proposed development.

5.6.7 Visual Impact

The proposed development is designed with a high level of architectural merit that exceeds that of nearby and adjoining properties. Any perceived visual impact would be minimal and innocuous. The proposal was presented to the Urban Design review Panel and this design has responded to the comments provided at that meeting.

The proposal has been assessment against State and local policies in regard to urban design and is considered to have minimal visual impact.

It is considered that the proposal does not compromise the existing character of the area, in fact it positively contributes to it and sets the benchmark for the future planning direction of this area. Photo montages are provided with the application.

5.6.8 Services

The site is appropriately serviced to allow for the proposed development.

5.6.9 Overshadowing and Solar Access

A shadow diagram accompanies the application and is included in the architectural drawings. It is noted that the Penrith railway station commuter car park is situated on the southern side of the development and that no negative impacts are anticipated.

In terms of solar access to units, the project architect has provided the following commentary:

- *All north facing units (50% of total units) will receive in excess of three hours of direct sunlight to the living area of the unit during mid-winter.*
- *All south facing units on the upper level (19 units – 6.3%) will receive in excess of three hours of direct sunlight to the living area of the unit during mid-winter due to the inclusion of skylights to these apartments.*
- *All south facing corner units (40 units – 13.24%) will receive in excess of two hours of direct sunlight to the living area of the unit during mid-winter and will receive ample daylight.*
- *91 units (29.9%) are single aspect south facing units.*

The site size, proportions and orientation do not allow for this rule of thumb to be met. All of the 91 units will have ample access to daylight and an acceptable thermal comfort level.

The use of a double loaded corridor dictates that this portion of the guideline cannot be achieved yet still meet Affordable Housing financial imperatives.

56.3% apartments will receive 3 hours direct sunlight between 9am and 3pm in mid-winter.

Almost 70% of apartments will receive 2 hours or more of sunlight over the same.

5.6.10 Social and Economic

Positive social impacts will arise as a result of this development with the increase of affordable housing in the Penrith LGA.

There are no negative economic impacts considered relevant to the proposal.

5.6.11 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the “*Crime Prevention and Assessment of Development Application Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979*” published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.

- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all frontages allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active communal areas at the front and rear of the building are well positioned.
- Clear visual pathways within resident areas as well as from public streets to private entrances.
- Areas of entrapment are limited due to multiple exit points from around the development.
- CCTV should be incorporated into the basement level.



Figure 11 Perspectives

Access Control

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to the building can be effectively managed through lockable entry doors. Common areas at all locations and

levels should have access control measure in place. With respect to fire escape points and building services rooms, the location of these access points, the use of lockable doors and other environmental cues will make it clear that these are not public entry points. Access to the car parking will be via lockable roller door.

Territorial Reinforcement

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

Space Management

For most modern residential developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems such as light globe replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project.

Site cleanliness is also a factor that influences the perceived and actual level of care of an area.

Cleanliness of the project is dependent upon the management practices of individual tenants as well as the implementation of waste removal and street cleaning processes. This will be overseen by the on-site manager. The selection of lighting should also be vandal proof, and materials facilitate ease of maintenance in the long-term, to delay the appearance of decay.

5.6.12 Waste Management

Appropriate waste management measures would be put in place on the site that are consistent with Council's requirements and those arrangements in place for the similar type development in the Thornton estate.

5.7 Section 79C(1)(c) – The Suitability of the Site

The proposal is permissible in the zone and is generally consistent with the planning controls that apply in the zone. Moreover, the objectives of the zone have been satisfied, ensuring that the advancement of development consistent with Council's planning direction would not result in any unacceptable impact on any adjoining landowners or buildings.

The site of the proposed development is considered suitable for a number of reasons including: -

- A significant addition of affordable housing in the area;

- The proposal is an anticipated form of development as envisioned in the North Penrith Concept Plan Approval and it is contended that the development would ensure that the vision for the precinct would positively contribute to the realisation of the strategic vision for the area;
- The site is well located with regard to its proximity to the Penrith City Centre, Penrith station, tertiary education facilities and adequately services with numerous public transport routes and options;
- The site is well located in the context of the local and regional community with regard to providing and accessing employment opportunities close to home.
- The proposed development is of a scale that would be compatible with the existing residential context and would provide a design benchmark for future development anticipated in the estate
- The proposal is consistent with the provisions of the applicable planning instruments;

For the reasons above, and in this report, the site is considered suitable for this development proposal.

5.8 Section 79C(1)(d) – Any Submission Made

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.9 Section 79C(1)(e) – The Public Interest

The proposed development would positively contribute towards the ongoing growth and development of the Thornton estate and its support the ongoing need for affordable housing options in the City Centre.

The proposed development is considered to provide a modern building with contemporary finishes that would enhance and embellish the surrounding built environment. The proposed development incorporates high quality architectural merit, which is designed to ensure that the site displays substantial visual interest within the existing and proposed future character and use of the estate.

The proposal would be in the interest of the public.

5.10 Section 79C(3A) – Development Control Plans

The recently gazetted section 79C(3A) has been considered below in respect of this application.

Clause	Clause Summary	Proposed Development
79C(3A)(a)	<p>If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:</p> <p>(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</p>	<p>The proposal is satisfactory when considered against the provisions of the DCP.</p>
79C(3A)(b)	<p>(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</p>	<p>The provisions in the DCP do not significantly impact on those within the LEP.</p>
79C(3A)(b)	<p>(c) may consider those provisions only in connection with the assessment of that development application.</p>	<p>Council will undertake its assessment accordingly.</p>

6 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the relevant State Planning Policies, Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed residential development would not result in any unacceptable impact on the locality. The site is considered quite suitable for a use of this nature and is compatible with nearby and adjoining development. The site is also well suited to the planning directions intended for this area.

The proposed development provides for an affordable housing offering in close proximity to the station and City Centre and clearly satisfies the objectives of the Affordable Housing SEPP, and the objectives of UrbanGrowth NSW to provide affordable housing in the Thornton estate.

The proposed development is considered to provide a modern building with contemporary finishes that would enhance and embellish the surrounding built environment. The proposed development incorporates high quality architectural merit providing visual interest from the public domain.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising. Minor variations have been sought in relation to car parking which are considered reasonable in the context of the overall benefit and design of the building and the future development direction of the area.

Accordingly it is recommended that the proposed development for a residential flat building (incorporating affordable housing) be approved, at proposed Lot 3105, Lord Sheffield Circuit, Thornton.