Statement of Environmental Effects

28,30 and 32 Somerset Street, Kingswood

June 2016

urbis

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Report Number	SA5805_SEE_Somerset St, Kingswood_Final
Issue date	22 June 2016

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Executive Summary

This Statement of Environmental Effects (SEE) has been prepared by *Urbis Pty Ltd* on behalf of *Zeftco Pty Ltd* (the Proponent). This SEE accompanies a Development Application (DA) to Penrith City Council, prepared under Part 4 of the *Environmental Planning and Assessment Act 1979*, seeking approval for the development of 28-32 Somerset Street, Kingswood (the site).

The proposed development comprises construction of a six- storey mixed-use building, comprising 54 apartments and a commercial tenancy, with associated basement car-parking and landscaping.

This application has been the subject of a formal Urban Design Review Panel meeting on 16 September 2016, a formal pre-lodgement meeting on 10 November 2015 and additional informal meetings at Penrith City Council, which have resulted in amendments to the proposed design.

The proposal has been considered under the provisions of Section 79 C (1) of the *Environmental Planning and Assessment Act*. The proposal is considered acceptable and worthy of approval for the following reasons:

- **The proposal is consistent with State and subregional strategic planning objectives.**
- **The proposal satisfies the applicable local and state planning policies,** namely demonstrating high levels of compliance with the:
  - Land use zoning and objectives;
  - Residential density controls;
  - Apartment size and mix in accordance with the Apartment Design Guide, exceeding the minimum internal area; and
  - Development Control Plan objectives and controls, including deep soil planting and site coverage.
- **The proposal achieves a high level of residential amenity.**
- **The design responds positively to the site conditions and the surrounding urban environment.**
- **The proposal is in the public interest,** contributing to the liveability of the Penrith Health and Education Precinct through the provision of quality housing stock in proximity to Nepean Hospital and Penrith City Centre.

The proposed development provides a high quality outcome for the site, the neighbouring residential properties, and the future residents of Kingswood, and will have an overall positive social and economic impact. Specifically:

- The proposal will deliver high-quality residential development in an area accessible to public transport, the Penrith Health and Education Precinct, shops, community facilities, and employment It will contribute a number of jobs through the construction phase of the development, as well as on-going maintenance employment opportunities and operation of the commercial tenancy.
- The proposal will provide a mix of housing types, with varying layouts and sizes, which will accommodate a variety of households and meet a range of needs. Housing types include a range of one, two and three-bedroom apartments, as well as adaptable housing.
- The proposal will enhance the amenity and environment of the local area, providing generous landscape setbacks with deep soil tree planting.

- The proposal will maximise the use of existing public transport infrastructure, walking and cycling by locating residents and workers in an accessible location that is close to a range of public transport and other services.

- The proposal will improve the interface between the existing Penrith Health and Education Precinct to the west, and the low density residential properties to the north, south and east.

- The proposal will create an acceptable transition in scale, by providing a 2-4 storey podium like structure, with upper levels setback. The varying setbacks and highly articulated expression of facades using horizontal and vertical elements will break up the large expanses of facades. The intent of which is to minimise potential overshadowing, privacy and visual impacts on adjacent residential properties.

- Appropriate separation distances are provided to the adjacent residential properties, and will not unreasonably impede on future redevelopment opportunities for adjacent sites.

- The proposal will contribute towards the social and economic wellbeing of Kingswood and the wider Penrith Local Government Area.

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by *Urbis Pty Ltd* on behalf of *Zeftco Pty Ltd* (the Proponent). This SEE accompanies a Development Application (DA) to Penrith City Council, prepared under Part 4 of the *Environmental Planning and Assessment Act 1979*, seeking approval for the development of 28-32 Somerset Street, Kingswood (the site).

In summary, the following works are proposed:

- Demolition of the existing residential dwellings at 28 and 30 Somerset Street and removal of all vegetation and ancillary structures at 28, 30 and 32 Somerset Street
- Construction of a six-storey mixed use building, comprising 54 one, two and three bedroom apartments, 184m^2 commercial premises tenancy, two levels of basement car-parking, and associated landscaping at 28, 30 and 32 Somerset Street.

FIGURE 1 – PERSPECTIVE VIEW- LOOKING SOUTH-EAST FROM SOMERSET STREET

1.1 STRUCTURE OF THE REPORT

This SEE is based on the Architectural Drawings prepared by Plus Architecture (refer **Appendix A)** and other supporting technical information appended to this report (see **Table 1**), and provides the following:

- **Section 2**- provides a detailed analysis of background information;
- **Section 3**- provides a description of the site and context;
- **Section 4**- provides a detailed description of the proposed development;

- **Section 5 and 6**- provides an assessment of relevant matters under Section 79C (1) of the *Environmental Planning and Assessment Act 1979;* and
- **Section 7**- provides a summary and conclusion of the proposal.

1.2 PROJECT TEAM

A number of specialist consultants were engaged to assist in the preparation of the application, including

TABLE 1 – PROJECT TEAM

COMPANY	INPUT	REFERENCE
Coutts	Quantity Surveyor Report	Under separate cover
Plus Architecture	Architectural Plans (including Survey Plan and Sketch Plan of future development)	**Appendix A**
Plus Architecture	Architectural Statement including Design Verification Quality Statement and Apartment Design Guide Compliance Assessment	**Appendix B**
Arcadia	Landscape Plans and Report	**Appendix C**
Urbis	DCP Compliance Assessment	**Appendix D**
Urbis	Clause 4.6 Variation	**Appendix E**
Naturally Trees	Aboricultural Assessment	**Appendix F**
Douglas Partners	Phase 1 Contamination Report	**Appendix G**
Douglas Partners	Geotechnical Report	**Appendix H**
Leigh Design	Waste Management Plan	**Appendix I**
Northrop	Civil Plans	**Appendix J**
Northrop	Stormwater Management Report including WSUD Strategy and MUSIC Modelling	**Appendix K**
Northrop	Services and Utility Report	**Appendix L**
AED	Accessibility Report	**Appendix M**
SLR Consultants	Acoustic Report	**Appendix N**
The Transport Planning Partnership	Traffic Impact Assessment	**Appendix O**

COMPANY	INPUT	REFERENCE
Inhabit Group	BASIX Certificate	**Appendix P**
Inhabit Group	BASIX Stamped Drawings	**Appendix Q**
Inhabit Group	NatHERS and ABSA Certificates	**Appendix R**
Inhabit Group	Residential Thermal Performance Specification	**Appendix S**
Inhabit Group	BCA Section J Report	**Appendix T**
Olsson Fire and Risk Consulting Engineers	Fire Engineering Statement	**Appendix U**
Pure Projects	Construction Waste Management Plan	**Appendix V**

2 Background

2.1 URBAN DESIGN REVIEW PANEL

A Council Urban Design Review Panel meeting was held on 16 September 2016 with Council's Senior Assessment Officers. Following this meeting where advice was provided, the proposed concept plans were amended to address the matters raised. The relevant matters raised in the minutes produced by Council on 2 October 2015 and our responses to each is provided in **Table 2** below.

TABLE 2 – URBAN DESIGN REVIEW PANEL ADVICE MATTERS

ITEM	MATTER	RESPONSE	REFERENCE
1i	Context and compatibility with streetscape character requires further investigation.	The amended proposal is contingent upon the potential for redevelopment of neighbouring properties, whereby appropriate setbacks have been provided. In addition, the built form has been stepped and layered to achieve reasonable compatibility with the scale of the neighbouring single storey cottages, if redevelopment does not proceed in a timely manner.	Architectural Plans **Appendix A**
1ii	Potential for multi-storey redevelopment on the property that adjoins the site's north-western corner	The amended proposal has been designed to accommodate the potential redevelopment of 26 Somerset Street to the north. Although the development does not meet the numerical requirement by providing 3 metre setbacks to the northern boundary, appropriate privacy measures have been incorporated. It has also been demonstrated that redevelopment of 26 Somerset Street would be oriented to the north, away from the site.	Architectural Plans **Appendix A**
2i	Proposed setbacks appear to be suitable, however common areas at ground level require reconfiguration.	Private open space and landscaped planter boxes are provided within the frontage to Somerset Street, providing additional and reasonable residential amenity. Further a commercial tenancy is provided at the south-western corner of the site, to be accessed from the street. A communal open space is provided at ground level.	Architectural Plans- **Appendix A**
2ii	Setbacks from the northern and eastern boundaries are capable of accommodating deep soil landscaping which is necessary to provide appropriate backdrops to residential neighbours.	Deep soil landscaping is proposed to be provided along the northern and eastern boundaries.	Landscape Plan **Appendix C**

ITEM	MATTER	RESPONSE	REFERENCE
2iii	The entrance lobby should provide a wider 'line-of-sight' connection together with direct pedestrian access to the communal open spaces which is located next to the eastern boundary.	As discussed at the pre-lodgement meeting, the narrow east-west alignment of the development, and provision of the fire stairs, lift lobby and ramp, are a constraint, when trying to provide a direct line of sight from the communal open space to Somerset Street. The current proposal involves a more resolved solution, which attempts to incorporate sight lines and landscaping within the development at all levels. The proposal introduces a multi-storey planter and seating area, which provides a glazed outlook from inside the development onto Somerset Street, from the lift spaces on each level (refer to image below).  In addition, a linear planter box is provided which along the ground floor corridor from the Somerset Street entrance to the lift lobby space (refer to image below).  The outcome is improved amenity for residents at all levels.	Architectural Plans **Appendix A** and Landscape Plans and Report **Appendix C**

ITEM	MATTER	RESPONSE	REFERENCE
2iv	In the event that provision for loading of garbage does not meet the Council's current requirements, reconfiguration of loading and storage areas would be necessary.	In response to feedback, reconfiguration of the loading and storage areas has taken place as per Council's requirements, and waste collection has been relocated to the basement.	Traffic Impact Assessment **Appendix O**
3ii and 3iv	Bonus height of 3.6m requires an aggregated height increase of 1m for ceilings on two levels (ie a nett benefit of 2.6m which is less than one storey). Alternatively a six storey development with ceiling heights of 2.7m and a roof garden could be achieved via a clause 4.6 variation.	The UDRP noted that increased floor to ceiling heights merely to achieve the 3.6m (20%) height bonus would have a negative impact on the overall height, and that a Clause 4.6 could be considered as an alternative given. A Clause 4.6 variation is submitted in support of the proposed development.	Clause 4.6 Variation **Appendix E**
4i	The proposed building form should be refined in order to demonstrate satisfactory scale relationships with neighbouring properties.	Further investigation and consideration of future redevelopments on neighbouring properties was undertaken to inform the final proposed development. A sketch plan of how adjacent properties might be developed has been provided as part of this Development Application, importantly highlighting the proposed development does not impede on future developments.	Architectural Plans- **Appendix A**
4ii	Setbacks that are less than specified by the ADG are not inherently unacceptable. This is subject to capability to accommodate deep soil landscaping at ground level, and appropriate orientations for apartments together with design solutions for facades that would permit outlooks and do not compromise mutual privacy for the site and its neighbours.	Although not all setbacks are compliant with the ADG, suitable provision of deep soil landscaping, in excess of the ADG, has been provided. Further a number of privacy mitigation measures are in place and include landscaping and planter boxes at ground level, screening and deep balconies to apartments which are orientated towards the common boundary. Further commentary on setbacks is provided at Section 6.2.2 of the SEE and in the Architect's statement.	SEE Section 6.2.2. and Design Verification Statement **Appendix B**

ITEM	MATTER	RESPONSE	REFERENCE
5i	Common hallways require reconsideration.	The proposed development has been amended to incorporate two light slots on all levels of corridors in the development, providing daylight and ventilation toward the northern and southern ends. The hallways and common areas of the project are generous in size and provide significant natural light, outlook, and seating/landscape areas and are considered exemplary in their quality for a project of this scale.	Architectural Plans **Appendix A**
6i	Detailed design of facades should respond to environmental constraints that relate to the character and residential amenity.	The treatment and materiality of the proposed facades are highly variable and softer than that originally proposed, including both vertical and horizontal elements, breaking up the 'solidity' of the facades. Screened elements such as balconies are also used at the building's corners.	Architectural Plans **Appendix A**
6ii	DA documentation is to include large scale sections and elevations together with thumbnail images of proposed materials and finishes in order to fully-describe the design of proposed facades.	Large scale sections, elevations, and a materials schedule has been provided as part of the lodgement material.	Architectural Plans **Appendix A**

2.2 PRE-LODGEMENT MEETING

A formal Pre-Lodgement meeting was held on 10 November 2015 with Council's Senior Assessment Officers. The relevant matters raised in the minutes produced by Council on 24 November 2015 and our responses to each is provided in **Table 3** below.

TABLE 3 – PRE-LODGEMENT ADVICE MATTERS

ITEM	MATTER	RESPONSE	REFERENCE
1	The final design shall address and respond to advice provided by Council's Urban Design Review Panel.	All matters raised by the Urban Design Review Panel have been appropriately addressed.	**Table 2**
2	The site is situated within the Medical Mixed Use Precinct of the DCP. A mixed use development rather than a residential flat building is considered more appropriate form of development for the site. The development would be entitled to benefit from 20% height bonus (i.e. a maximum height of	The development has been amended to accommodate a commercial tenancy, and thus meets Council's requirement for a mixed use development. The concept of providing a single tenancy was accepted in principle by Council staff during subsequent pre-lodgement	-

ITEM	MATTER	RESPONSE	REFERENCE
	21.6m) in accordance with Clause 7.11 of the Penrith LEP 2010.	discussions.	
3	The existing street trees adjacent to the site frontage are an important streetscape element and should as far as possible be retained as part of the development.	An Arboricultural Assessment has been prepared in support of the proposed development. All existing street trees adjacent to the site are to be retained and protected.	Arboricultural Assessment **Appendix F**
4	The application should demonstrate that the downstream stormwater system has adequate capacity to accommodate stormwater flows generated from the development. This may require the provision of on-site stormwater infrastructure to increase capacity.	A Stormwater Management Report has been prepared, demonstrating that the proposed development has adequate capacity to accommodate stormwater flows generated from the development using a pit and pipe network.	Stormwater Management Report **Appendix K**
5	Extension of the existing underground stormwater infrastructure in Hargrave Street will be required to service the proposed development. Alternatively, the development will require an easement(s) to drain stormwater over downstream properties. In this regard, written owner's consent from affected property owners for the provision of the easement(s) will be required as part of the Development Application.	The Stormwater Management Report prepared by Northrop demonstrates that the stormwater generated across the site will be captured and conveyed across the site via an in-ground stormwater pit and pipe network. Northrop have considered Council's comments made at the pre-lodgement meeting, and advise that the stormwater design of the pit and pipe network is in line with Penrith City Council's requirements, in particular Section 4.1 of the DCP, Section 4.1- Stormwater Drainage for Building Developments.	Stormwater Management Report **Appendix K**
6	The application shall be accompanied by a WSUD strategy prepared by a suitable qualified person. This is also to include MUSIC modelling and address water conservation, water quality, water quantity and operational and maintenance matters.	The Stormwater Management Report is accompanied by a WSUD Strategy, which includes MUSIC modelling, and addresses water conservation, water quality, water quantity and operational and maintenance matters. A digital MUSIC model file can be provided on request.	Stormwater Management Report including WSUD Strategy and MUSIC Modelling **Appendix K**
7	Waste management arrangements for the development shall be in accordance with the following parameters:	A Waste Management Plan has been prepared by Leigh Design. The waste solution complies with all of Council's requirements.	**Appendix I**

ITEM	MATTER	RESPONSE	REFERENCE
	(a) Dual (recycling/residual waste) garbage chute system with linear carousel and compactor. (b) Waste storage and collection room accommodating the requisite number of 1,100 litre bins. (c) Secure bulky waste storage and collection room. (d) On-site garbage truck loading bay for waste collection. Arrangements necessitating the reversing of garbage trucks will not be permitted.		
8	The basement car park will be required to accommodate secure access for future residents. Unimpeded access will also need to be maintained for visitor car spaces.	Residential, visitor and waste access will be granted via security pass or intercom.	-
9	The application shall be supported by a geotechnical report prepared by a suitably qualified person in relation to the basement car park and should include consideration of, but not limited to, groundwater movement salinity and contamination.	A Geotechnical Report has been prepared by Douglas Partners, which includes specific recommendations around basement design and construction, including groundwater.	Geotechnical Report **Appendix H**

2.3 SUBSEQUENT INFORMAL CONSULTATION : KEY ISSUES

Further informal meetings and discussions were held from February to April 2016 to seek to resolve three outstanding matters: waste, land use, and floor to ceiling heights.

2.3.1 ACCESS FOR WASTE VEHICLES

Further consultation with Council's waste and traffic officers resulted in the waste vehicle access solution being reworked. Various options were considered in detail, including a T-turn bay at ground level, a turntable at ground level, or basement loading via three point turn or turntable. The final decision was for basement loading with an appropriate loading bay which would accommodate vehicle movements. This impacted on the design of the ground floor and resulted in the loss of one apartment, but increased ground floor efficiency as the residential waste room is relocated to the basement. The change also increased the size of the basement, however the quantum of deep soil planting still satisfies the ADG and DCP.

2.3.2 LAND USE

A key issue explored during the pre DA phase was land use. The DCP calls for commercial development on the ground and first floors in large swathes of the Hospital Precinct. During pre-lodgement discussions, the applicant demonstrated that there is insufficient market depth to support such a large amount of commercial floor space outside certain core areas, and that this location and constrained site was not

appropriate for such intensity of use. The UDRP accepted this argument, however a more tempered opinion was expressed at the pre-DA meeting. Following further discussions and email correspondence, it was then agreed in principle with Council officers that the provision of a single ground floor commercial tenancy at the corner of Somerset and Hargrave Streets was a “reasonable response” to the DCP objectives.

2.3.3 FLOOR TO CEILING HEIGHTS AND BUILDING HEIGHT

The final matter to be resolved prior to DA lodgement was floor to ceiling heights and the ability to make use of the 20% height ‘bonus’ (ie alternate maximum building height, from 18m to 21.6m) through providing 3.5m floor to ceiling heights on the ground and first floors.

Both the UDRP and Council staff recognise that there is little likelihood of strata titled residential apartments being converted to non-residential uses. The UDRP commented that therefore, there is no benefit to providing 3.5m ceilings for residential uses on the ground and first floors, as it merely pushes up the overall height and bulk of the building, and that a Clause 4.6 objection would be better used to justify a breach of the height limit rather than increasing ceiling heights merely to qualify for the 20% bonus.

The scheme as tabled with Council at an informal meeting on 17 February 2016 exceeds the 18m height limit to varying extents, based on the fall of the land. The whole of the building, including rooftop plant level, fits within the alternate 21.6m height limit. Council staff indicated that it was open to the applicant to seek a variation under Clause 4.6 to address the breach. Staff advised that they were “relatively comfortable” with this approach, subject to merit assessment following DA lodgement.

3 Site and Locality

3.1 THE SUBJECT SITE

The subject sites are known as 28, 30 and 32 Somerset Street, Kingswood, and are legally described as Lots 59, 58 and 57 DP215146 respectively. The combined form of the sites is trapezoid in shape, and measure a total site area of approximately 1,694m^2 (refer to **Figure 2**).

FIGURE 2 – AERIAL PHOTO

SUBJECT SITE

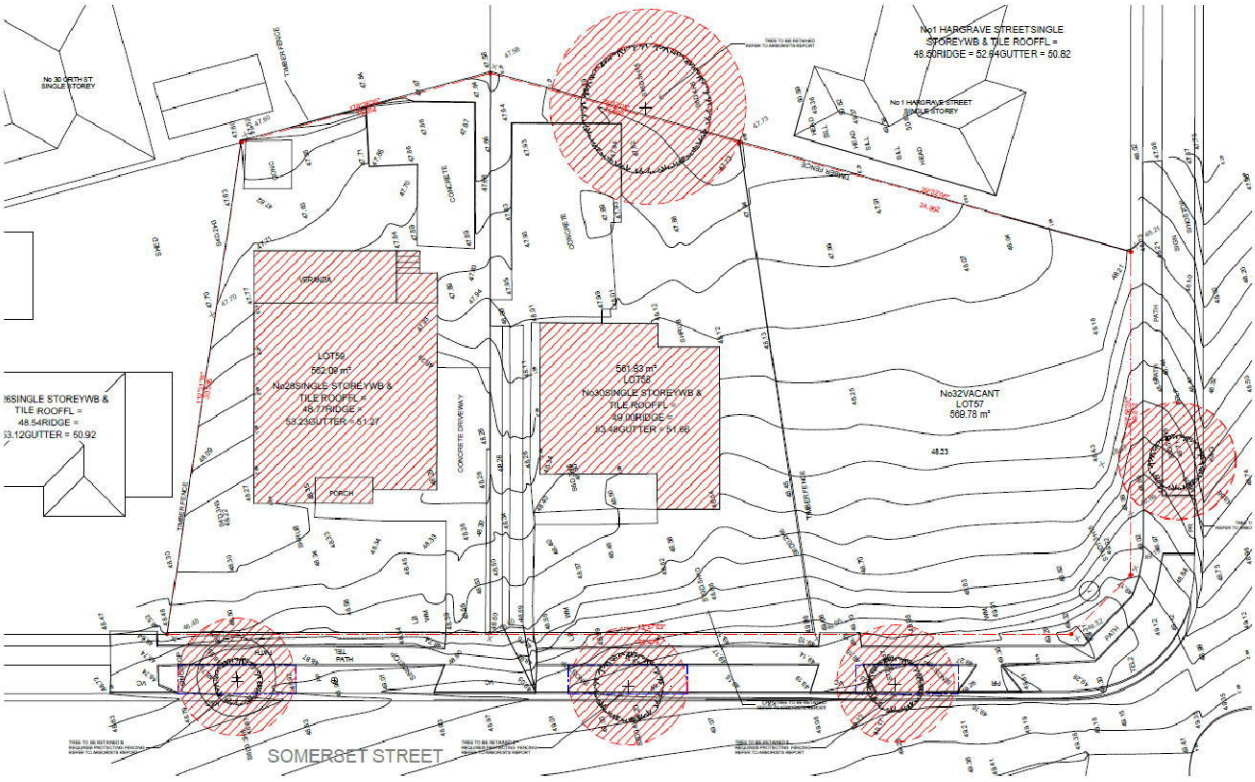
3.2 EXISTING SITE CONDITION

28 and 30 Somerset currently are occupied by single storey cottage style dwellings, and 32 Somerset Street is currently vacant. There are a number of mature trees and gardens on the site, which will be removed. All street trees and trees on adjacent land will be retained.

Figure 3 and Figure 4 demonstrate the existing condition of the site. A full site survey plan is included in the Architectural Plans at **Appendix A.**

FIGURE 3 – EXISTING SITE CONDITIONS- 28, 30 AND 32 SOMERSET STREET

FIGURE 4 – EXTRACT FROM SITE SURVEY



3.3 LOCAL CONTEXT

The site is located within the Penrith Health and Education Precinct, and specifically within the Medical Mixed Use character zone of the Hospital Precinct, as identified by Penrith Council's January 2015 amendments to the City's planning controls (refer **Figure 5).** The Nepean Hospital, which is directly west of the site, and surrounding medical services and facilities make this area the primary medical centre for the Penrith LGA.

FIGURE 5 – PENRITH DCP SECTION E12: HOSPITAL PRECINCT - CHARACTER AREAS

At present, the area is characteristic of a low-density residential area, particularly to the site's north, south and east. A locality plan is provided at **Figure 6,** and imagery of the surrounding and local context are provided in **Figure 7**. A radical change in the character, built form and density of the precinct is anticipated and supported through the planning controls.

The Health and Education precinct is located immediately east of, and in close proximity to the Penrith City Centre. The site is located in close proximity to public transport, including a number of bus services stopping within 200m walking distance of the site, with services running to Penrith, Claremont Meadows, Oxley Park, Mount Druitt, Erskine Park and St Clair. In addition, the site is located 650m walking distance from Kingswood Railway Station, which services the T1 North Shore Line and T5 Cumberland Line.

FIGURE 6 – EXTRACT FROM LOCALITY PLAN PREPARED BY PLUS ARCHITECTURE

FIGURE 7 – IMAGERY OF SURROUNDING AND LOCAL CONTEXT

PICTURE 1 – NEPEAN HOSPITAL- WEST OF THE SUBJECT SITE

PICTURE 2 – 26 SOMERSET STREET- NORTH OF THE SUBJECT SITE

PICTURE 3 – 26 SOMERSET STREET, 38 AND 40 ORTH STREET- NORTH OF THE SITE

PICTURE 4 – HARGRAVE STREET AND 34 SOMERSET STREET- SOUTH OF THE SUBJECT SITE

PICTURE 5 – 1 AND 3 HARGRAVE STREET- EAST OF THE SITE

4 Proposed Development

This section of the SEE contains a detailed description of the proposed development and its key features, which are provided under the relevant separate headings below.

4.1 OVERVIEW

In summary, the following works are proposed:

- Demolition of the existing residential dwellings at 28 and 30 Somerset Street and removal of all vegetation and ancillary structures at 28, 30 and 32 Somerset Street
- Construction of a six-storey mixed use building, comprising 54 one, two and three bedroom apartments, 184m^2 commercial premises tenancy, two levels of basement car-parking, and associated landscaping at 28, 30 and 32 Somerset Street

Architectural Plans prepared by Plus Architecture are included at **Appendix A** and Landscape Plans prepared by Arcadia Landscape Architects are included at **Appendix C.** Perspective views of the proposed development are provided overleaf**.**

4.2 CONSOLIDATION OF LOTS

The consolidation of Lots 57, 58 and 59 in DP215146 is invited as a condition of development consent.

4.3 DEMOLITION WORKS

All existing above ground structures will be removed to facilitate the proposed development. This includes two dwellings, out-buildings, fences and paved areas.

4.4 MIXED USE DEVELOPMENT

The proposed development involves a construction of two basement levels, above which is a six-storey mixed use development, which has a maximum building height of 21.6 metres, and gross floor area of 4753m^2, equating to an FSR of 2.81:1.

FIGURE 8 – PERSPECTIVE VIEWS OF THE PROPOSED DEVELOPMENT

PICTURE 6 – LOOKING SOUTH DOWN SOMERSET STREET

PICTURE 7 – LOOKING NORTH UP SOMERSET STREET

PICTURE 8 – FRONT VIEW

PICTURE 9 – STREET LEVEL VIEW ALONG SOMERSET STREET

4.4.1 DESIGN APPROACH

An Architectural Statement has been prepared by Plus Architecture and attached at **Appendix B**. The report provides a detailed outline of the design response and its consistency with the following key principles of SEPP 65 and the Apartment Design Guide.

Design Response

The proposed design has evolved as a response to the opportunities and potentials made available by the site specific conditions while complying to the relevant controls as outlined by the DCP, LEP and ADG. Initial sketch designs immediately identified a need to breakup the massing of the Somerset elevations to reduce the bulk of the buildings longest and most prominent elevation. To achieve this, the building entrance will extend up the full height of the façade effectively breaking the elevation in two. In addition to reducing the massing this cut in the façade will also provide natural light and ventilation to the common area corridors. Further articulation of the Somerset elevation is achieved through the façade treatment of the ground and level 1 apartments. The enclosure of the balconies at these levels is characterised by a stronger masonry architectural language that is unique to the remainder of the façade.

At the upper levels contrasting dark and light finishes are used to further articulate the façade by creating a wrapping effect. The white render finish alternates up the north and south facades, enveloping alternate balconies creating a dynamic treatment to the Hargrave and Somerset elevations. In this way the façade has been designed to be viewed in perspective as this articulation is not readily apparent in elevation.

The materiality of the proposal has been carefully considered with a variety of both applied finishes and façade types selected to help articulate the different elements of the building envelope. The materials selected will provide contrast across different façade elements while complementing each other through the use of concrete, timber, metals and rendered masonry.

Responses to the Key Design Principles

- **Context and Neighbourhood Character**

The broader context for the proposals site identifies its location within the hospital precinct of Penrith. Penrith is a suburb and major centre in the metropolitan area of Sydney. It is located in Greater Western Sydney 50 kilometres west of the Sydney central business district on the banks of the Nepean River.

Penrith has a retail precinct with Westfield, restaurants, cafes and supermarkets, community facilities including a public library, showground, swimming centre, sporting facilities, including gyms, sports grounds and Penrith Stadium.

The proposed development is located within close proximity of the Kingswood train station on the T1/ T5 lines with regular services providing access to the Parramatta and Sydney City centres. Penrith station is also a stop on the intercity Blue Mountains Line with its own bus interchange including night rider buses. Additionally the site is also located within close proximity to the M4 Western Motorway

In the immediate context the site is located within the hospital precinct. The close proximity to the Nepean Hospital brings obvious potential for the proposal to provide accommodation for hospital workers and the commercial tenancy to be occupied by medical services.

To the subject sites western and longest boundary is Somerset St, a two way local road with parking on either side shared with the Nepean Hospital. To the southern boundary is Hargrave Street, a 1 lane two way road that will be used for vehicle access to the site. To the sites eastern boundaries can be found number 1 Hargrave Street and number 40 Orth Street and to the north is number 26 Somerset Street. All three of these properties are currently occupied with 1 storey detached residences however as they have the same zoning, FSR and height controls as the subject site it is anticipated that they will be redeveloped to a similar scale as the proposed development in the short to medium term.

- **Built Form and Scale**

The floorplate of the proposal has been configured to maximise the number of apartments orientated towards Somerset St to take advantage of views towards the hospital, Penrith City and the Nepean River while utilising the access to natural light afforded by the north-westerly aspect.

The bulk of the Somerset St elevation has been broken up through the use of a light corridor that will also bring natural light to the common areas and ventilation to apartments locked into the East and West Facades.

The basement has been configured to occupy the footprint of the development to achieve the necessary deep soil planting areas.

The selected materials pallet will offer a contemporary addition to the local streetscape. Careful selection of contrasting finishes combined with different balcony details has enabled an articulated facade with a wrapping effect permeating through the height of the facade. Screening elements to both balconies and glazing have been utilised to break up the elevation by creating a variety of architectural languages.

The varying setbacks to the street and side elevations in combination with this material pallet have been used to break down the bulk of the massing further with different languages being used for the ground and level 1 balconies at Somerset St before setting back further at the higher levels. The resulting effect is similar to the massing of a tower on a podium with the verticality broken down and a more appropriate scale of architecture offered at street level.

- **Density**

The proposed development provides a total of 54 apartments and 184m2 of commercial tenancy on ground level. The basement has been configured to occupy the footprint of the development to achieve the necessary deep soil planting areas.

The proposal has a density appropriate for the site location within the precinct planning policies. The development is within FSR's and HOB controls that are applicable to the site.

A higher density of development than is currently characteristic of the precinct is being encouraged through current planning controls. This higher density of architecture is appropriate due to the access to existing infrastructure and its proximity to Penrith City services.

Proximity to extensive public transport and road networks capable of quickly connecting residents to key parts of Sydney as well as employment opportunities at Nepean Hospital and the Penrith CBD has driven a need for higher density living that is emerging in the area.

- **Sustainability**

The proposal has been designed in accordance with the ESD principles outlined in the AGD with 70% of the apartments receiving cross ventilation and 74% receiving minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.

In order to minimise heatload on the glazing and subsequent dependence upon air conditioning shading devices have been applied to glazing across the façade. In addition to these screens, no apartment will have a solely southerly aspect reducing the buildings reliance upon artificial environment controls for heating.

The extent of glazing and material selection has been designed in conjunction with the BASIX consultant with window sizes to the eastern and western facades reduced to minimise summer heat loading. Materials and insulation have also been coordinated with BASIX to further reduce the residents reliance upon air conditioning for thermal comfort.

The deep soil areas for the site have been maximized where possible. The landscape design has attempted to incorporate as much hardscaping to the areas over the basement in order to minimize the impact upon the areas available for the planting for large trees.

- **Landscape**

The proposals landscape design has been prepared by Arcadia Landscape Architecture. The landscape design prepared will encourage street activation by providing direct access to ground level apartments to Somerset Street allowing for the opportunity for interaction at the apartment balconies. The landscaping has also been used to provide privacy to the living areas to ground level apartments through use of buffer zones and dense planting within planter boxes where necessary. These planters have been held back at the commercial tenancy to encourage a greater street exposure.

To the rear of the site common area facilities have been provided for residents. These areas are kept secure through gated access. The siting of these areas will allow for private open spaces with deep soil planting and good solar access while their design provides screening to the boundary and the ground level apartments for improved privacy.

Following discussions with the UDRP it was decided that vehicle loading including waste trucks and similar would be required to be provided onsite and that trucks would need to enter and leave the site traveling in a forwards direction. To achieve this the basement has been substantially redesigned to allow for truck loading areas to be accommodated within eliminating the need for large sealed areas required for trucks to maneuverer.

For more details refer to the landscape plans submitted with the DA prepared by Arcadia.

- **Amenity**

The proposal has undergone extensive planning analysis in relation to the amenities. The design results from carefully considered solar access, cross ventilation, external spaces, storage and access to building services, all of which comply with the guidelines established in the ADG.

Balcony proportions and locations have been designed to improve privacy and usability of the apartment resident. They have also been located with direct access to living areas and proportioned with suitable depth to allow for the placement of outdoor furniture.

All 1 bedroom balconies are between 8m^2 and 18m^2, all 2 bedroom balconies are between 10m^2 and 24m^2, and all 3 bedroom balconies are between 14m^2 and 15m^2. All 1 and 2 bedroom balconies are a minimum 2m deep and all 3 bedroom balconies are a minimum of 2.4m deep, although many exceed the minimum requirement with a square configuration preferred for improved usability of the outdoor space. Most balconies are also configured so that they are accessible by both living and master bedrooms to improve the quality of both spaces.

The apartments within the proposal have incorporated area requirements for storage, bedrooms and living. Several apartments have significantly greater storage than the minimum requirements that can be accessed from the apartment living areas as outlined in the ADG such as apartments 310, 207, 209 and 107.

The living areas have been designed with a maximum depth of 6m to the glazing line and the overall apartment sizes are in accordance with the appropriate areas (50m^2 for 1 bedroom, 70m^2 for 2 bedrooms etc.) Each bedroom has an operable window sufficient to provide adequate amounts of natural light and ventilation.

The floorplate has been designed to maximise access to natural light so that none of the 54 apartments have a southern aspect. Two light corridors have been cut into the facade, 1 to the east and another to the west ensuring that 40 (74%) of the apartments receive adequate natural light, 38 (69%) receive cross ventilation and that each common area corridor has sources of natural light and ventilation.

The building section and finished floor levels have been designed with structure and services in mind to accommodate 2700mm ceilings to the living areas and 2400mm ceilings to the wet areas while maintaining a parapet level under the LEP height limit.

- **Safety**

The proposal has a clearly defined pedestrian access point located on the more heavily trafficked Somerset Street. The pedestrian entrance will have secure swipe card access and will benefit from both active surveillance through the use of security cameras and passive surveillance through apartments and common areas that overlook the pedestrian entrance. Appropriate lighting and secure access will be provided to the common areas including basement and car park entrance on Hargrave Street. The building pedestrian entrance will also be glazed with clear lines of sight to improve security.

Each ground floor apartment fronting Somerset Street will feature secure pedestrian entrances direct from the street. This will generate street activation as well improving the residents interactivity with Somerset street. The interaction of residents at street level will create a greater local presence at ground level improving security.

Due to the natural fall of Somerset the commercial tenancy will be at ground level at the corner of Hargrave and Somerset Streets resulting in the ground level apartments being elevated by up to 800mm above street level towards the northern edge of the building. This combined with the planters will enable privacy for the ground level residents will allowing for passive surveillance at street level.

Ground level common areas are to be kept secure through gated access. This has been indicated in the landscape plan prepared by Arcadia.

- **Housing Diversity and Social Interactions**

The proposal provides a range of unit typologies and sizes that will appeal to different price points. All levels will provide 1, 2 and 3 bedroom options. The variety of apartment types, all of which are offered in adaptable configuration.

The transport network that is easily accessed from the proposed development will also encourage a wide demographic of residents with convenient access to Nepean Hospital and UWS as well as people attracted by the east commute to business districts including Penrith, Parramatta and the CBD by rail, car or bus.

Raised gardens to street level will provide a positive contribution to the neighbourhood street character while ground level apartments will create an opportunity for resident interaction within the neighbourhood.

Facilities such as outdoor BBQ areas are to be provided to further encourage communal environment within the development itself.

- **Aesthetics**

The architectural treatment of the facade has been carefully considered to achieve a development that is sensitive to its context and makes a positive contribution to the local urban character of Kingswood, both in its present form and its projected future.

The challenge of maintaining an appropriate scale for the existing context and the proposed higher density future for the development has been addressed through the massing and materiality of the architectural languages prevailing in the design. Detailing and materiality to Somerset St varies from ground level to the buildings higher levels. The appearance of 2 storey massing and masonry construction to ground and level 1 reduces the massing and gives a contextually suitable scale to Somerset and Hargrave Streets. At higher levels areas of full height glazing, light weight screening and exposed balconies dominate the architectural language more suitable for high density apartment living.

The planning and articulation of the design has also been carefully considered to ensure that the development provides for an appropriate street level activation. The proposed configuration of the ground floor is for a mix of apartments as well as commercial space cornering Somerset and Hargrave Street, with the provision of a landscaped transition zone between the apartment living areas and the public areas.

4.4.2 RESIDENTIAL COMPONENT

The residential component of the proposed development is summarised as follows:

- 54 residential apartments consisting of 12 one-bedroom, 39 two-bedroom and 3 three-bedroom apartments
- Internal apartments sizes:
  - One-bedroom- 53m^2-60m^2
  - Two-bedroom- 74m^2-92m^2
  - Three- bedroom- 95m^2-106m^2
- Private open space sizes:
  - One- bedroom- 8m^2-18m^2
  - Two-bedroom- 10m^2-24m^2
  - Three-bedroom- 14m^2-15m^2
- 6 adaptable dwellings
- 70% of apartments are naturally cross ventilated
- 74% of apartments will receive a minimum of 2 hours direct natural sunlight at mid-winter

4.4.3 COMMERCIAL COMPONENT

The commercial component of the proposed development consists of a 184m^2 commercial premises at ground level. The tenancy will be designed and constructed to accommodate a Class 5 or 6 use. It is anticipated that a Complying Development Certificate will be obtained for the fitout and use of the premises.

4.5 LANDSCAPING AND OPEN SPACE

The proposed development consists of generously landscaped areas, including 174m^2 of deep soil planting (equating to 10.27% of the site area), and a communal open space area of 272m2 (16% of the site area). The site coverage is 69%, such that soft and hard landscaping equates to 31% of the site area.

Landscaping includes:

- New street trees that will complement existing retained trees (Lophostemon confertus)
- Planted setbacks from Somerset and Hargrave Streets
- Raised planters with native and exotic screen planting

- Spilling groundcover planting in upper level planter boxes
- Internal planter boxes at ground and upper levels within the lift lobby spaces

Further details of the landscaping are detailed within the Landscape Plans at **Appendix C.**

The landscaped area also accommodates a communal open space area for residents. This area can be accessed by residents from the main lobby circulation space, or from either street by way of a secure gated access. The communal area has been designed for the recreation of residents, including tables for outdoor dining and a BBQ, and is also suitable for quiet reflection.

4.6 ACCESS AND PARKING

Details of pedestrian, vehicular and bicycle access to the site are outlined in the following sections.

4.6.1 VEHICULAR ACCESS

Vehicle access to the basement car park is via a new 6.5 metre wide two-way driveway to Hargrave Street. The access driveway will provide for all vehicles accessing the site, including servicing/garbage collection purposes.

4.6.2 CAR AND BICYCLE PARKING

The proposal includes 2 levels of basement car parking, with a total of 74 car spaces, including 58 residential car spaces, 11 visitor spaces, 6 accessible spaces, 5 spaces for the commercial tenancy and 1 car wash bay. It is also proposed to provide 15 bicycle spaces. The basement will also incorporate a waste truck loading area and a residential bin room to Council's requirements.

4.6.3 PEDESTRIAN

Pedestrian street access for the residential apartments will be provided from the entry along Somerset Street, allowing residents to access the core circulation space and lift. Apartments G02, G03, G04 and G05 can also be accessed from private entries along Somerset Street.

The commercial tenancy at ground level has its own separate entry along Somerset Street, separate from the residential street access. The tenancy also has access to the internal circulation space, leading to the lift and staircase to the basement below.

4.6.4 ACCESSIBILITY

The proposal is consistent with BCA requirements for disabled access; refer to the Accessibility Report attached at **Appendix M**.

4.7 WASTE AND SERVICING

The following waste and servicing areas are provided within the development:

- Servicing rooms at both levels of the basement
- Residential bin room and bin shute at basement level 01
- Bulk waste room at basement level 01
- Waste and servicing loading bay at basement level 01

- Commercial waste room on ground level, with direct access to the basement ramp on Hargrave Street
- Bin shutes at all levels, made accessible for all future residents

4.8 MATERIALS AND FINISHES

The proposed development consists of the following external materials:

- White applied finish to masonry
- Dark façade panel
- Dark applied finish to masonry
- Metal screen- vertical
- Glazing
- Metal cladding black

Refer to the Materials and Finishes Schedule provided in the Architectural Plans at **Appendix A**.

5 Section 79C Assessment

The proposed development has been assessed in accordance with the matters of consideration listed in Section 79 (C) of the *Environmental Planning and Assessment Act* (EP&A Act), as described below.

5.1 ENVIRONMENTAL PLANNING INSTRUMENTS

Under Section 79 (C) of the EP&A Act the consent authority is required to take into account the relevant provisions of any environmental planning instrument, draft instrument, or development control plan in their assessment of a DA. The following legislation is considered relevant to the proposed development:

- *State Regional Environmental Plan 20- Hawkesbury-Nepean Rivers*
- *State Environmental Planning Policy No 55- Remediation of Land;*
- *State Environmental Planning Policy No 64- Advertising and Signage;*
- *State Environmental Planning Policy No 65- Design Quality of Residential Apartment Development and Apartment Design Guide*;
- *State Environmental Planning Policy (Building Sustainability Index*: *BASIX) 2004;*
- *Penrith Local Environmental Plan 2010; and*
- *Penrith Development Control Plan 2014.*

5.1.1 STATE AND REGIONAL PLANNING POLICIES

The DA's consistency and compliance with the relevant strategic and statutory plans and policies is summarised below in **Table 4** below.

TABLE 4 – SUMMARY OF CONSISTENCY WITH KEY STATUTORY PLANS AND POLICIES

INSTRUMENT/ POLICY	COMMENT
State Planning Instruments	
State Regional Environmental Plan 20- Hawkesbury-Nepean River	*State Regional Environmental Plan 20- Hawkesbury River* (SREP 20) aims to protect the environment of the Hawkesbury Nepean River system. The proposal is consistent with the general planning considerations under SREP 20.
State Environmental Planning Policy No 55- Remediation of Land	*State Environmental Planning Policy No.55* requires that the consent authority considered whether the land is contaminated prior to issuing consent. A Phase 1 Site Contamination Report has been prepared by Douglas Partners and is included at **Appendix G.** The assessment confirms that the site can be made suitable for the proposed development, subject to the completion of further investigations prior to the commencement of construction.
State Environmental Planning Policy No 64- Advertising and Signage	*State Environmental Planning Policy No 64- Advertising and Signage* regulates signage and aims to ensure that signage is of high quality, compatible with the desired amenity and visual character of an area. The subject DA proposes to establish signage zones for the commercial tenancy,

INSTRUMENT/ POLICY	COMMENT
	identifying appropriate locations from an architectural perspective which also reflect the changing character of the area. It is not possible to undertake a detailed assessment pursuant to SEPP 64 because the final signage has not been determined. A future DA or CDC for signage will be required to demonstrate compliance with SEPP 64 and Council's DCP, where relevant.
State Environmental Planning Policy No 65- Design Quality of Residential Apartment Development	A Design Verification Statement has been prepared by Plus Architecture and is included in the Architectural Statement at **Appendix B.** The Statement also addresses the 10 Design Quality principles outlined in Clauses 9-18 of SEPP 65 as well as the relevant provisions of the NSW Apartment Design Guide. Further discussions regarding the Apartment Design Guide is provided at **Section 6.1.**
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The development is required to meet the provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX)*. A BASIX assessment and certificate is included at **Appendix P**, which confirms compliance with the minimum energy and water efficiency target and thermal comfort criteria for a development of this scale.
Local Planning Instruments	
Penrith Local Environmental Plan 2010	Further discussion in relation to the proposed development's consistent with the Penrith LEP 2010 is provided in **Section 5.1.2**.
Penrith Development Control Plan 2014	Consistency with Penrith DCP 2014 is provided at **Appendix D.**

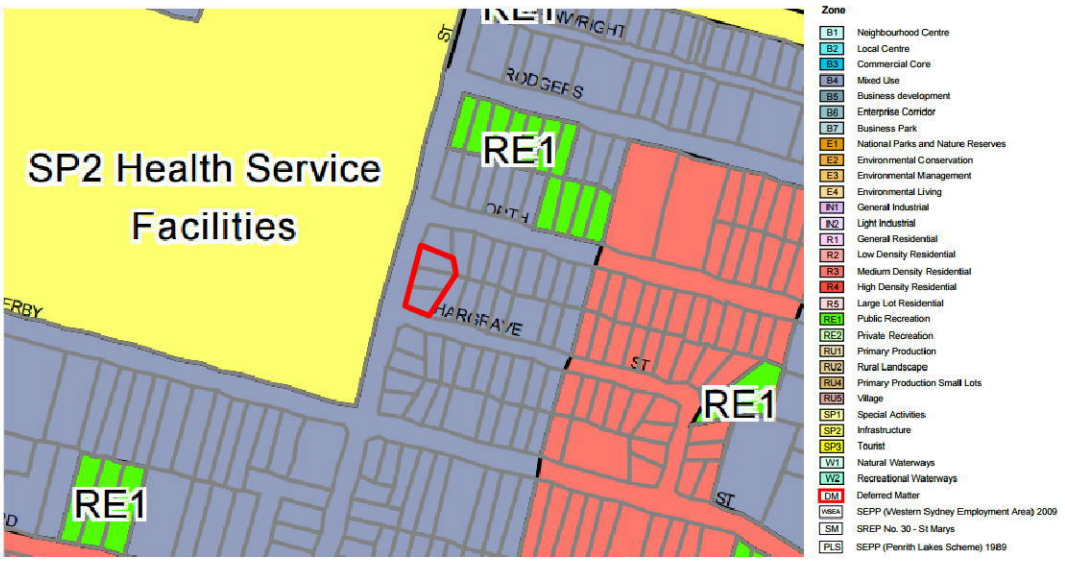
5.1.2 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The principal environmental planning instrument applicable to the site is Penrith Local Environmental Plan (LEP) 2010. The proposed development achieves a generally high level of consistency with the relevant provisions of the LEP 2010, as described below. Justification to support the proposed variation to the maximum building height control has been provided in accordance with the requirements of Clause 4.6 of the Penrith LEP 2010.

5.1.2.1 LAND USE ZONING AND PERMISSIBILITY

The subject site is zoned B4 Mixed Use (refer to **Figure 9**), and the proposed land uses being 'commercial premises' (covering business, office and retail premises) and 'shop top housing' are permissible with consent within this zone. Notably, residential flat buildings are also permissible in the zone.

FIGURE 9 – LAND USE ZONING MAP, PENRITH LEP 2010



SUBJECT SITE

The objectives of the B4 Mixed Use zone, and commentary relating to the proposed development are as follows:

- *To provide a mixture of compatible land uses.*

Response: The proposed mixed use development, which includes commercial and residential uses, is compatible with the health facilities (Nepean Hospital) to the east of the site, and the residential neighbourhood to the north, south and east of the site.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Response: The proposed mixed use development incorporates residential apartments and a commercial tenancy, and is in an accessible location within proximity to a number of bus stops and Kingswood Railway Station.

- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

Response: The proposed development and uses are entirely consistent and compatible with existing development, including the hospital and residential uses, hence eliminating any conflicts.

- *To create opportunities to improve public amenity.*

Response: The proposed architectural response and generous landscaping is considered to be of high quality, which will attempt to integrate the interface of the built form with the public realm, not only to make it visually pleasing, but also to make it a highly attractive space for the pedestrian.

- *To provide a wide range of retail, business, office, residential, community and other suitable land uses*

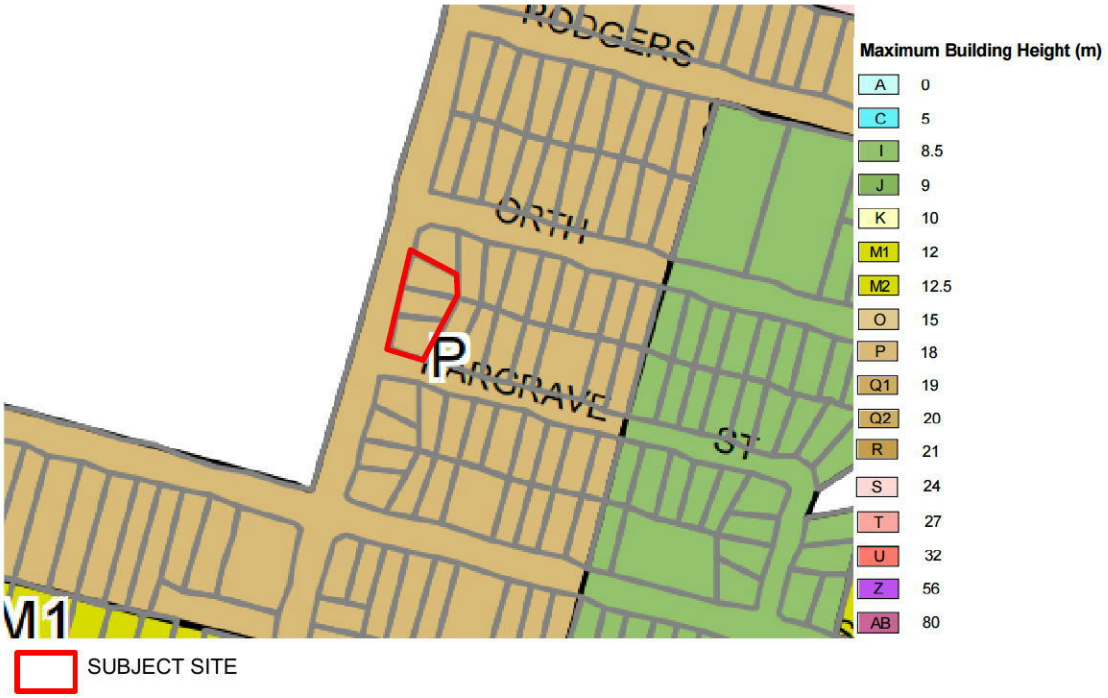
Response: The proposal development incorporates both commercial and residential land uses, suitable within the locality.

Therefore, the proposed development is considered to be entirely consistent with the objectives of the B4 Mixed Use zone.

5.1.2.2 HEIGHT OF BUILDING

Pursuant to Clause 4.3, a maximum building height limit of 18 metres applies to the site (refer to Figure 4).

FIGURE 10 – HEIGHT OF BUILDINGS MAP, PENRITH LEP 2010



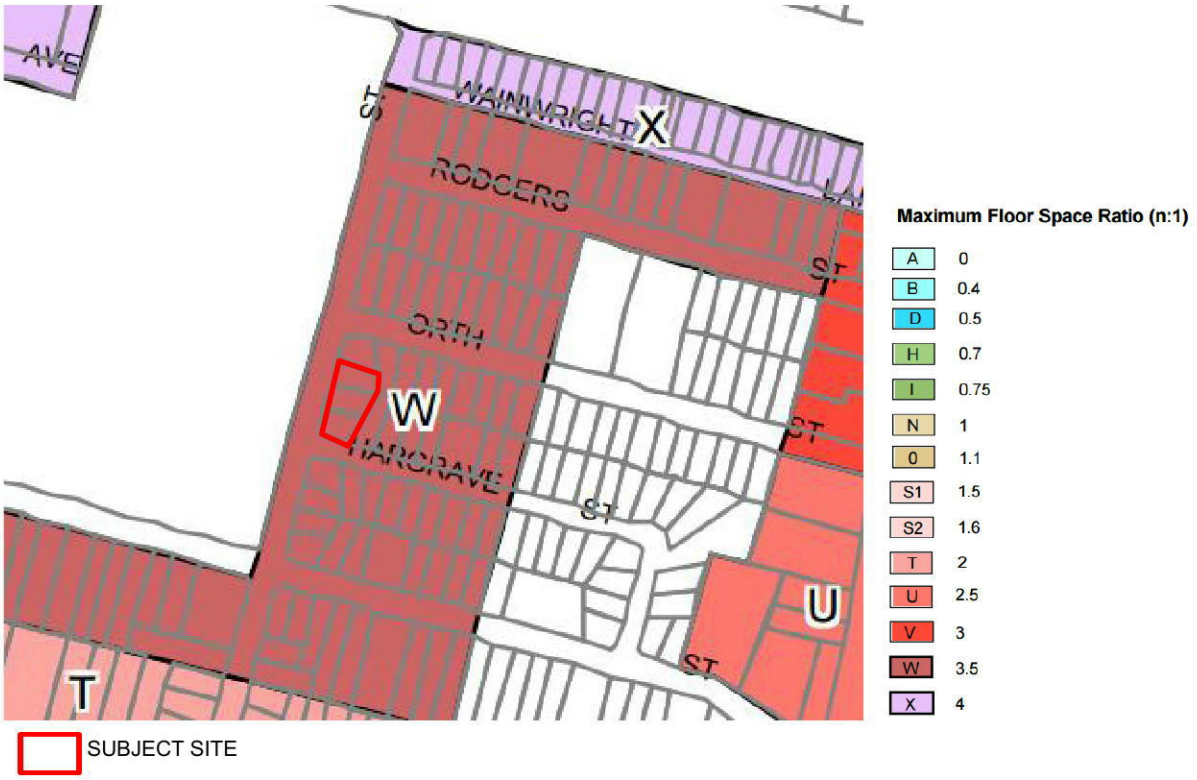
Despite the provisions of Clause 4.3 (Height of Buildings), pursuant to Clause 7.11 (Penrith Health and Education Precinct), development consent may be granted to development within the Penrith Health and Education Precinct, that exceeds the maximum height by up to 20%, if the floor to ceiling height of both the ground and first floor levels are equal to or greater than 3.5 metres. By applying the bonus, the maximum height increases from 18 metres to 21.6 metres.

The proposal intends to maximise the building height to a maximum of 21.6 metres. However, the proposed floor to floor heights at ground (3.5 metres) and first (3.1 metres) floors, do not strictly meet Council's provision. Justification to support the proposed variation to the floor to ceiling heights has been prepared in accordance with the requirements of Clause 4.6 of the Penrith LEP 2010. This assessment is contained within **Appendix E.**

5.1.2.3 FLOOR SPACE RATIO

Pursuant to Clause 4.4, the maximum floor space ratio of 3.5:1 is applicable to the site (refer to **Figure 11**). The proposed floor space ratio is 2.81:1 and therefore complies with the standard.

FIGURE 11 – FLOOR SPACE RATIO MAP, PENRITH LEP 2010



5.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

None relevant to this proposal.

5.3 DEVELOPMENT CONTROL PLANS

Penrith Development Control Plan (DCP) 2014 contains the general provisions which relate to all residential development with Penrith City Council, as well as detailed provisions which relate to certain types of residential development, in addition with site specific controls within the Penrith Health and Education Precinct. An assessment against the controls is provided within **Appendix D.**

In summary, the proposal is highly compliant with the DCP controls.

5.4 ANY MATTERS PRESCRIBED BY THE REGULATIONS

None relevant to this proposal.

5.5 LIKELY IMPACTS OF THE DEVELOPMENT

Refer to **Section 6** of this report

5.6 SUITABILITY OF THE SITE

Refer to **Section 6.13** of this report.

5.7 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Council will notify this Development Application in accordance with its usual processes. A review of submissions will be made after the public exhibition period and a response will be prepared if necessary.

5.8 THE PUBLIC INTEREST

Refer to **Section 6.13** of this report.

6 Environmental Impacts

This section of the SEE identifies potential environmental impacts which may occur as a result of the proposed development and are relevant matters of the consideration of the DA under Section 79C(1)(b) to (e) of the *Environmental Planning and Assessment Act*. These are considered in the following sections.

6.1 RESIDENTIAL AMENITY

The proposed development has been designed with regard to the 10 Design Quality Principles outlined in Clause 9-19 of *State Environmental Planning Policy No 65- Design Quality of Residential Apartment Development* as well as the relevant provisions of the Apartment Design Guide.

The Apartment Design Guide sets out objectives, design criteria and design guidance of the siting, design and amenity of residential apartment development. The proposed development achieves a high level of compliance with the relevant provisions of the Apartment Design Guide, as detailed in the Architectural Statement and Apartment Design Guide Compliance Assessment included at **Appendix B**, and summarised as follows:

- Living rooms and private open spaces of 74% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.
- All apartments within the development receive direct sunlight between 9am and 3pm mid-winter.
- 70% of apartments are naturally cross ventilated.
- Ceiling heights are provided in accordance with the minimum floor to floor levels.
- Apartment layouts maximise useability and functionality, and all apartments meet or exceed the minimum internal and external areas specified.
- The common circulation space has generously sized corridors and lobby space, with access to daylight, natural ventilation, and outlook from the lift lobby on every level.
- Storage is provided for each apartment in accordance with the minimum volumes. At least 50% of the required storage is located in the apartment, with the remaining area provided in the basement.
- Acoustic and visual privacy has been maximised with adequate building separation provided, and windows/door openings oriented away from noise sources or adjacent habitable areas.
- A wide variety of apartment types are provided, including one, two and three bedroom apartments, as well as six adaptable dwellings.
- Ground floor apartments fronting Somerset Street are provided with large landscaped terraces and direct access to the street, maximising street activation and passive surveillance of adjacent public spaces.
- A communal landscaped area at ground level is provided for the recreation of residents. This communal area provides facilities to meet the needs of future residents, including outdoor dining spaces and a BBQ, and is also suitable for quiet reflection.
- Deep soil zones (10.27% of the site area) are provided within the eastern communal landscape area, and along the eastern and northern boundaries which will accommodate substantial trees adding to visual privacy and amenity.

6.2 BUILT FORM AND SCALE

6.2.1 BUILDING BULK, HEIGHT AND SCALE

The proposed built form has been designed with specific regard to the future character of development within the Penrith Health and Education Precinct.

The 'base' building height limit applying to the site is 18 metres. However, the proposed built form has been guided by the Floor Space Ration for the site along with Clause 7.11 Penrith Health and Education Precinct provision within the Penrith LEP 2010, which permits an alternate height on the site. Clause 7.11 facilitates an additional 20% in height (ie maximum of 21.6m) for developments which provide commercial spaces within the development, and achieve floor to ceiling heights at 3.5 metres or greater. Whilst the development does not provide the required floor to ceiling heights, it does ensure that the development provides a commercial space and building height that is in line with the future desired character of the area. The Clause 4.6 Variation at **Appendix E** demonstrates that the Height of Buildings standard is unnecessary and unreasonable in the circumstances of the case, and that strict compliance will not result in a better planning outcome. The proposed development is entirely consistent with the vision of the precinct, future redevelopment of adjacent sites, will not result in any perceptible environmental effects, and is consistent with the underlying planning objectives.

Further, the proposed gross floor area is entirely consistent with Clause 4.4- Floor Space Ratio of the Penrith LEP, proposing a maximum floor space ratio of 2.8:1, which is 20% below the maximum allowed on the site. The proposed additional height to the development, realises the potential for gross floor area on the site, whilst ensuring it is compliant with Council's standard.

6.2.2 SETBACKS

As identified in the Design Verification Statement and Apartment Design Guide Compliance Assessment provide at **Appendix B**, the proposed separation distances are partially compliant. Detailed compliance is outlined in **Table 5**.

TABLE 5 – SEPARATION DISTANCES ANALYSIS

LEVEL	ORIENTATION	REQUIREMENT (METRES)	PROPOSAL (METRES)	COMPLIANCE (Y/N)
Ground Floor	East	Car park ramp wall: 0 Apartments: 6	1 6	Y Y
	North	6	3.2	N
Level 1	East	6 6	3 6	N Y
	North	6	3	N
Level 2	East	6 6	3 6	N Y
	North	6	3	N
Level 3	East	6	3	N

LEVEL	ORIENTATION	REQUIREMENT (METRES)	PROPOSAL (METRES)	COMPLIANCE (Y/N)
		6	6	Y
	North	6	3	N
Level 4	East	9	3	N
		9	6	N
	North	9	3	N
Level 5	East	9	6	N
	North	9	3	N

Although a number of separation distances provided to the common boundary are not compliant with the design criteria in the Apartment Design Guide, the objective of achieving reasonable levels of external and internal visual privacy is still ensured. A number of privacy mitigation measures have been designed and these include:

- Generous landscaping at the boundaries of the development which act as buffer zones, providing privacy to ground floor living area apartments
- Planter boxes at ground level also acting as buffer zones
- Deep balconies for apartments which are orientated towards the boundaries
- Glazing and screening for appropriate portions of the facades

These measures are considered to be appropriate given Penrith Council's clear density targets for the precinct, noting that the proposed development is not able to achieve the maximum FSR (being 20% below). Additional privacy measures will be considered at detailed design stage.

Further, the Sketch Plan provided at **Appendix A** demonstrates the likelihood of future development at 26 Somerset Street, 40 Orth Street, and 1-3 Hargrave Street. Importantly the plan establishes that development at 26 Somerset Street and 40 Orth Street is likely to be orientated towards the west, towards Somerset Street, and north to Orth Street. In order to maximise solar and daylight access, it is highly unlikely that any south facing apartments will be provided, and thus the services area will probably be located towards the south of the site. Development at 1-3 Hargrave Street will be orientated towards Hargrave Street, to the south, and north towards the common boundary. Therefore, the Sketch Plan demonstrates that the proposed separation distances will have minimal impact on future redevelopment of the adjacent sites, particularly in relation to visual privacy.

In addition, the proposed development is considered to be of high quality, delivering and elevating the quality of apartment living for Kingswood, whilst reflecting the future vision of the Penrith Health and Education Precinct.

6.2.3 OVERSHADOWING

Shadow diagrams provide within **Appendix A** have been prepared to assess the proposed impact on solar access to neighbouring properties between 9am and 3pm for the Winter Solstice (June 21). The

shadow diagrams have been prepared at hourly intervals in order to clearly identify the impact of existing and proposed development.

The shadow diagrams demonstrate that overshadowing to adjacent sites is at an acceptable level considering the significant uplift recently afforded to the precinct.

The majority of overshadowing will occur between 1pm at 1 Hargrave Street, 2pm at 1-3 Hargrave Street, and 3pm at 1-5 Hargrave Street. These sites are still afforded sunlight to open space, private open space and living areas between 9am to 1pm. The shadow diagrams also demonstrate overshadowing to sites along Hargrave and Somerset Streets to the south of the site, which are currently the subject of a Development Application before Council. Overshadowing to these sites will be acceptable, and will move along the northern façade for the course of the day from 10am to 1pm. Thus overshadowing impacts are considered acceptable.

6.3 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

A BASIX Certificate, BASIS Stamped Drawings, NatHERS and ABSA Certificates and Residential Thermal Performance Specification has been prepared by Inhabit Group and is provided at **Appendix P, Appendix Q, Appendix R** and **Appendix S**. The assessment demonstrates that the proposed development will achieve the targets for water and energy consumption set by the BASIX scheme, and in this regard will achieve a high level of sustainability. Key inclusions of interest on the BASIX report are:

- 15,000L rain water tank
- Dishwashers - 4 star water, 4.5 star energy.
- Air conditioning- split system 4 star rating for heating and cooling
- Instant gas solar hot water - 5 stars.

A BCA Section J Report has been prepared by Inhabit Group and is included at **Appendix T**. The report provides analysis of the deemed to satisfy (DTS) glazing study of the commercial tenancy. The report finds that the DTS process provides compliant systems. A further review would be required

6.4 TRAFFIC AND PARKING

A Traffic Impact Assessment has been prepared by The Transport Planning Partnership and is included at **Appendix O**. The assessment documents the existing traffic conditions of the surrounding road network, assesses the parking requirements and traffic impacts of the development, and discusses the access and internal design arrangements. The conclusions of the assessment are summarised as follows:

- The proposed development is required to provide 73 spaces under the Penrith DCP 2012.
- The proposed supply of 74 spaces is consistent with Council's requirements and is considered appropriate.
- The proposed parking layout is consistent with the dimensional requirements as set out in the Australian Standard for Off Street Car Parking (AS2890.1:2004 and AS2890.6:2009).
- The provision of loading facilities has been designed to accommodate the 10.5 metre Penrith City Council Garbage Truck and is consistent with the requirements of the Australian Standard (AS2890.2:2002). A swept path assessment has been prepared and indicates that there is sufficient space for vehicles to enter and exit the site in a forward motion, via Hargrave Street.

- The provision of 15 bicycle facilities meets the NSW Planning Guidelines for Walking and Cycling suggested rates of between 14 and 24 bicycle racks provided within the basement car park.

- The proposed development is expected to generate up to 14 and 12 additional vehicle movements in the weekday AM and PM peak hours, respectively.

- Against existing traffic volumes in the vicinity of the site, the traffic generation of the proposed development is not expected to have a significant impact on surrounding road networks.

6.5 NOISE

An Acoustic Report has been prepared by SLR and is included at **Appendix N.** The assessment addresses the noise impact from the existing road and other ambient sources on the amenity of the residential apartments, sets criteria for noise emissions from the development with respect to mechanical plant and establishes appropriate acoustic design requirements for sound insulation between residential apartments.

Unattended noise monitoring was conducted between Friday 16 October and Monday 26 October 2015, in order to quantify the existing acoustical environment of the area. The results indicated that L01 located at 30 Somerset Street (at the front of the site) has higher noise levels during the daytime of the two monitoring locations. This is likely due to traffic movements on Somerset Street, including those accessing the adjacent hospital car parking area. The measured night-time levels at both locations (front and rear of the site) are significantly lower than daytime noise levels.

The proposed development has also been assessed against noise intrusion, noise emissions, external noise criteria, intrusiveness criterion, amenity criterion, area classification, modifying factors, project specific noise criteria and internal sound insulation, and has been considered acceptable. Further design recommendations have been made including to the roof/ceiling construction, external wall construction, glazing and mechanical plant noise emissions.

Overall, the assessment concludes that the proposed development appears satisfactory in terms of its general planning arrangement. Acceptable internal noise levels can be achieved within residential apartments with the incorporation of the recommended controls, to be finalised prior to issuing the Construction Certificate.

6.6 ACCESSIBILITY

An Accessibility Report has been prepared by AED and is included at **Appendix M**. The report identifies the compliance status of the design documentation with the relevant accessibility related deemed to satisfy requirements of BCA 2016 and Premises Standards. The report highlights that the current design is readily capable of compliance with the above requirements and standards at the Construction Certificate design phase.

6.7 TREE REMOVAL AND TREE PRESERVATION

An Arboricultural Report has been prepared by Naturally Trees and is included at **Appendix F**. The report summarises that *all the trees that could be affected and list their details in Appendix 2. Based on this information, I provided guidance to project architect on the constraints these trees impose on the use of the site. The current layout is a result of this detailed consultation and has evolved taking full account of these constraints. One high category tree and seven low category trees will be lost because of this proposal. The proposed changes may adversely affect a further four high category trees and one low category tree if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal will have no adverse impact on the contribution of trees to local amenity or character.*

6.8 STORMWATER MANAGEMENT

A Stormwater Management Report including the WSUD Strategy and MUSIC Modelling, and concept Stormwater Management Plan provided within the Civil Plans has been prepared by Northrop and is included at **Appendix K** and **Appendix J**. The report provides an outline of the stormwater management strategy developed for managing stormwater runoff from the proposed development, developed to meet Council's specifications and requirements with Penrith DCP 2014, as well as Stormwater Drainage for Building Developments. The assessment includes analysis of the site's existing conditions, which includes the existing stormwater infrastructure, existing services and utilities and ground water. The assessment then proceeds to evaluate the overland flow study, stormwater management and stormwater quality.

It is proposed that stormwater generated across the site will be captures and conveyed across the site via an in-ground stormwater pit and pipe network. The pit and pipe arrangement will collect/convey site runoff via outlets to the kerb. Only one connection point per 15m street frontage will be provided as per Council's requirements and will see a maximum of 25L/s per outlet. The proposed stormwater design aligns with Penrith City Council's requirements, specifically Penrith DCP 2014 Section 4.1- Stormwater Drainage for Building Developments.

Overall the report concludes that the findings of the report and associated concept designs indicate effective stormwater management measures that can be integrated into the proposed development in accordance with Penrith City Council's engineering standards, and that no major factors relating to stormwater management would preclude the proposed development of the site.

6.9 WASTE MANAGEMENT

A Waste Management Plan has been prepared by Leigh Design and is included at **Appendix I**. The Waste Management Plan details the operational waste generation volumes and management procedures. The key considerations are summarised as follows:

- The operator will have overall responsibility for managing the waste system and for developing and implementing adequate safe operating procedures.
- Waste shall be stored within the development (hidden from external view).
- Users and staff shall sort their waste and dispose garbage and recyclables via chutes and/or directly into collection bins located within the basement (residential) and ground floor (commercial).
- Waste shall be located at the basement Loading Bay for collection
- Council shall collect residential waste.
- A private contractor shall collect commercial waste.

6.10 UTILITY AND SERVICE PROVISION

A Utilities and Services Report has been prepared by Northrop and is included at **Appendix L.** The report outlines the existing services and utilities available for the proposed development, including an assessment of the potable water supply, recycled water supply, sewer, stormwater drainage, telecommunications, gas and power. Overall, the report identifies that there is suitable infrastructure in place for utility and service provisions for the proposed development.

6.11 CONTAMINATION

A Stage 1 Preliminary Site Investigation Report has been prepared by Douglas Partners and is attached at **Appendix G.** The Preliminary Site Investigation (PSI):

- Reviews current and historical information, to gain an understanding of likely current and past land uses, and hence site activities which may be potentially contaminating

- Develops a conceptual site model (CSM) based on the available desktop information, site walkover and limited soil analysis program. This involved assessing potential contamination source- pathway-receptor linkages

- Provides an opinion on the suitability of the site for the proposed development

The PSI was conducted and reported in general accordance with the National Environment Protection Council (NEPC) *National Environment Protection (Assessment of Site Contamination) Measure 1999* (amended 2013) (NEPC, 2013) and included a review of desktop information, a site walkover, development of a CSM, drilling of six test bores, collection of soil samples and analysis of selected samples for various contaminants of concern.

The report concludes that based on field and analytical results presented, it is considered that the site can be made suitable for the proposed residential development, subject to the following being undertaken:

- A hazmat survey of existing buildings/structures prior to demolition and the site being cleared by an occupational hygienist post demolition works

- Confirmation of the contamination status (and waste classification) of the soils under the existing buildings

- Development of an unexpected finds protocol for implementation during construction works.

The report also recommends that the vacant lot (number 32) be cleared for asbestos during the stripping of the grass coverage and/or the demolition, and clearance documentation completed for the removal of the former house are obtained and reviewed.

In addition, regarding the provisional *General Solid Waste (no putrescible)* classification for the filling and the VENM classification for the underlying natural material, should material be identified during works which does not reflect those described herein or shows signs of contamination (e.g. results of testing under the existing buildings, odours, staining, asbestos), this material is to be segregated and an appropriately qualified environmental consultant engaged to confirm the classification of the material.

6.12 CONSTRUCTION MATTERS

6.12.1 CONSTRUCTION MANAGEMENT PLAN

A detailed Construction Management Plan will be prepared prior to commencement of work on site, in accordance with best practice and any relevant conditions of consent.

6.12.2 GEOTECHNICAL

A Geotechnical Report has been prepared by Douglas Partners and is attached at **Appendix H.** The investigation included the drilling of six cored boreholes and the installation of one groundwater well. The report provides commentary, earth pressure design, passive resistance, ground anchors, excavation induced ground movements, groundwater and seepage, foundations and seismic loading, recommending that the proposed development is considered appropriate for the site. Any recommendations made in the report will be taken into consideration, prior to carrying out excavation works.

6.12.3 GROUNDWATER AND SEEPAGE

The Geotechnical Report prepared by Douglas Partners, attached at **Appendix H** also provides commentary relating to groundwater and seepage. The report states the following:

The basement excavation is expected to be above the groundwater table, however, seepage should be expected along the top of rock and along bedding planes and defects in the rock, particularly after periods of wet weather.

During construction and in the long term, it is anticipated that seepage into the excavation should be readily controlled by perimeter drains connected to a "sump-and-pump" system. A drained basement will require permanent subfloor drainage below the basement floor slab to direct seepage to the stormwater drainage system.

It is possible that iron oxides will precipitate from any seepage, possibly leading to a build-up of an iron-oxide sludge. Allowance for periodic cleaning of such sludge should be made in the long-term maintenance requirements.

Excavations for pile foundations / shoring will likely encounter some seepage inflows and allowance should be made to remove water prior to cleaning and pouring concrete, or to 'tremie' pour/pump concrete to the base of the pile excavations.

Douglas Partners has separately advised that based on their findings, no approval is likely to be required from the Office of Water.

6.12.4 EROSION AND SEDIMENT CONTROL

Civil Plans has been prepared by Northrop and are included at **Appendix J.** Specifically drawing numbers DA-C2.01 and C2.02 relate to the sediment and erosion control plan. The plans illustrate the indicative locations of the stockpile and the stabilised site area, and demonstrates the location to construct the temporary vehicular crossing and layback. This will ensure the protection to Council assets and utility services as required.

6.12.5 CONSTRUCTION WASTE MANAGEMENT

A Construction Waste Management Plan has been prepared by Pure Projects and is included at **Appendix V.** The plan has been prepared to Penrith City Council's requirements and includes details of how the proposed development will minimise the amount of waste produced, maximise re-use and recycling and store, transport and dispose of waste safely and thoughtfully.

6.13 ECONOMIC AND SOCIAL IMPACTS

The proposed development will have an overall positive social and economic impact on the surrounding area and local community. Specifically:

- The project will increase housing supply and diversity in an area accessible to public transport, community facilities, and employment that would contribute towards meeting the strategic objectives and housing targets identified in *A Plan for Growing Sydney* (2014).

- The site is not subject to specific unit mix requirements. Nevertheless, the project will provide a mix of housing types, with varying layouts and sizes, which will accommodate a variety of households and meet a range of needs including adaptable housing. Housing types include a range of one, two and three-bedroom apartments, as well as adaptable housing. Extensive research has indicated that at this stage, there is limited market depth and viability for three-bedroom apartments in Kingswood, and as such the number of three-bedroom apartments has been limited to appropriate locations within the development, responding to the small market opportunity that exists.

- The project will maximise the use of existing public transport infrastructure, walking and cycling by locating residents and workers in an accessible location that is close to a range of public transport and other services.

- The project will enhance the amenity and environment of the local area through improved streetscapes to Somerset and Hargrave Streets, including landscaped setbacks with deep soil tree planting along the eastern and northern perimeter of the site.

- The project will improve the interface between the existing Nepean Hospital to the west of the site.

- The project will contribute towards the social and economic wellbeing of the Penrith Health and Education Precinct, Kingswood, and the wider Penrith Local Government Area.

6.14 SAFETY AND SECURITY

The proposed development ensures that all matters for consideration under Crime Prevention Through Environmental Design (CPTED) principles are optimised through safety and security measures. This includes:

- Passive and natural surveillance, with multiple residents able to overlook Somerset Street, Hargrave Street and the communal open space area. Balustrade materials, being both solid and transparent, and the orientation and location of private open spaces encourage overlooking to these spaces.

- A secure building entrance is to be located at Somerset Street to the lift lobby space, requiring card access.

- Secured gates to the landscaped and communal open space area will be provided at the Somerset Street and Hargrave Street frontages.

- The basement will feature secured access. A swipe card or security pin would be required , alternatively intercom access would be available.

6.15 SUITABILITY OF THE SITE AND THE PUBLIC INTEREST

The proposed development provides a high quality outcome for the site, the neighbouring residential properties, and the future residents of Kingswood, and is considered in the public interest for the following reasons:

- The proposed development represents a site responsive and logical approach to a unique opportunity for urban infill, surrounded by lower scale residential properties and the Nepean Hospital.

- The proposal provides 54 generously sized and quality apartments in an accessible location, close to jobs. This is consistent with both State and local planning policies.

- The proposal provides a commercial space which will adequately meet the vision for the Penrith Health and Education Precinct.

- The proposal will create significance amounts of jobs during the construction phase.

- The proposal will replace a vacant site and derelict houses, providing a contemporary development that will enhance and correspond with the vision for the Penrith Health and Education Precinct.

7 Conclusion

This proposal has been considered under the provisions of Section 79C (1) of the *Environmental Planning and Assessment Act*. The proposal is considered acceptable and worthy of approval for the following reasons:

- **The proposal is consistent with State and subregional strategic planning objectives**. The proposal will deliver a high-quality residential development in an area accessible to public transport, shops, community facilities, and employment. It will contribute a number a jobs through the construction phase of the development, as well as on-going maintenance employment opportunities and operation of the commercial tenancy.

- **The proposal satisfies the applicable local and state planning policies.** The proposal achieves a high level of consistency with Council's key planning controls, which aim to encourage and provide for mixed use development in the hospital precinct. Where the proposal does not fully comply with the numeric provision, it is considered that the objectives and intent of the numeric provision has been met and therefore achieves compliance.

- **The proposal achieves a high level of residential amenity.** The proposed development has been designed in accordance with SEPP 65 and the Apartment Design Guide. The proposed development provides a minimum of 2 hours solar access to 74% of apartments, while 70% of apartments are cross ventilated.

- **The design responds positively to the site conditions and the surrounding urban environment.** The design has been formulated having close regard to the existing site conditions and the desired future built form character and density of the Penrith Health and Education Precinct.

- **The proposal is in the public interest.** The proposal will enhance the amenity and environment of Somerset Street and Hargrave Street. The development will encourage passive surveillance of the street and development, encouraging safe spaces for residents and pedestrians. Further, the development will encourage the activation and enhancement of the public domain, providing an attractive pedestrian space, and encouraging a visually pleasing streetscape.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that upholds Council's vision for the Penrith Health and Education Precinct and winder Penrith Local Government Area. The proposal therefore is considered well-worthy of Council support and ultimately approval.

Disclaimer

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A Architectural Plans (including Survey Plan and Sketch Plan of future development)

Appendix B

Architectural Statement including Design Verification Quality Statement and Apartment Design Guide Compliance Assessment

Appendix C Landscape Plans and Report

Appendix D DCP Compliance Assessment

Appendix E Clause 4.6 Variation

Appendix F Arboricultural Assessment

Appendix G Phase 1 Contamination Report

Appendix H Geotechnical Report

Appendix I Waste Management Plan

Appendix J Civil Plans

Appendix K

Stormwater Management Report including WSUD Strategy and MUSIC Modelling

Appendix L Services and Utility Report

Appendix M Accessibility Report

Appendix N Acoustic Report

Appendix O Traffic Impact Assessment

Appendix P BASIX

Appendix Q BASIX Stamped Drawings

Appendix R NatHERS and ABSA Certificates

Appendix S Residential Thermal Performance Specification

Appendix T BCA Section J Report

Appendix U Fire Engineering Statement

Appendix V Construction Waste Management Plan

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