



Statement of Environmental Effects

Proposed Demolition of Existing Structures and Construction of Residential

Flat Building

36-38 Rodley Ave, Penrith

March 2020

Inglow Investment Two Pty Ltd

Statement of Environmental Effects

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Client and Land Details

Client: Inglow Investment Two Pty Ltd
Subject Site: Lot 58 and Lot 59, DP33490, 36-38 Rodley Ave, Penrith
Proposal: Proposed Demolition of Existing Structures and Construction of Residential Flat Building



Warwick Stimson RPIA
Director



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1 Introduction

1.1 Project Overview

Stimson & Baker Planning has been engaged by Inglow Investment Two Pty Ltd to prepare a Statement of Environmental Effects in relation to a proposed residential flat building on the property known as 36-38 Rodley Avenue, Penrith.

The proposed development includes the demolition of all existing structures and the construction of a new 5 storey flat building. Associated basement car parking and landscaping also form part of the application.

The site is zoned R4 High Density Residential under Penrith Local Environmental Plan 2010 with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the Act. The 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 4.15 of the 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: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 History of the Application

The development of this site has been the subject of extensive planning assessment since 2018. DA18/0890 was refused by the Local Planning Panel on 22 May 2019, mainly for reasons relating to compliance with SEPP 65 and the ADG’s, and the perceived potential impacts on the adjoining property.

A request to review the determination under Section 8.2 of the Act (DA18/0890.01) was subsequently refused by the Local Planning Panel on 13 November 2019. The Panel provided the following comments:

While the Panel supports refusal of the review, it notes that the site meets the minimum lot size required under PLEP 2010 but is unable to achieve a compliant development due to the Council’s (on-site) Waste Collection Policy. The Panel recommends that the site should be allowed to be developed in accordance with the DCP with an alternate (on-street) waste collection solution, as this is likely to bring about a better design solution for the site and with the context of this streetscape.

Since that decision, there have been a number of further consultative meetings with Council, including an Urban Design Review Panel meeting.

1.3.1 Urban Design Review Panel Meeting

The proposal was discussed at an Urban Design Review Panel Meeting held with the relevant officers at Penrith Council on 21 February 2020.

Key Issue	Consideration
The Panel was generally supportive of the amended development proposal noting that the vast majority of recommended amendments have been reflected within the revised plans considered. Notwithstanding that, a number of matters will need to be resolved and reflected on the plans submitted as part of any development application pursued. These matters are outlined below:	Noted.
The waste management arrangement and intercom / driveway design items outlined by Council’s Development Assessment Coordinator in email correspondence dated 21 January 2020 remains unresolved. Please refer to this email and ensure that Items 1 – 4 of that advice are resolved as recommended.	The proposal includes an arrangement that has evolved from the original application. Kerbside collection is proposed from a dedicated bay. Waste will be managed from Basement Level 2 but held at ground level on day of collection.
The spatial arrangement of the floor plans, noting the 4.0m side setbacks, are supported and is considered to reflect the grain of the streetscape and ensure that suitable levels of privacy and amenity is maintained to adjoining land owners as well as occupants of the future development. Design treatments to the external walls at the 4.0m setback points was discussed and opportunities for façade design treatments are available to negate presentation of side facing blank walls.	This has been addressed in the current design.
The architectural treatments of the built form require further refinement. During the course of various amendments, some of the design quality expressed in earlier iterations has been lost. The Panel suggested key changes that maintain the floor plate arrangements as proposed but improve the design quality presentation of the built form. A sketch of a recommended façade treatment was provided to the applicant at the conclusion of the Panel meeting. The design language in the recommended front façade should be replicated to the other elevations of the proposal.	This has been addressed in the current design.

Key Issue	Consideration
The communal open space should be amended to provide an indoor and outdoor offering. Minor changes to corridors and fire stairs would enable the provisions of a communal room (underneath the projecting upper floor) that gains solar access in the morning. Opportunities would exist for bi-fold doors or similar to open the indoor space as an extension of outdoor space.	This has been addressed in the current design.
The duplication of pedestrian pathways to the terrace of Unit 1 is discouraged in combination with the substation.	Noted and responded to.
The landscape design plan must ensure that a layering of tree canopy spread is provided being either end of the waste collection bay) and within the front setback zone.	Provided for in the design.

1.4 Supporting Documentation

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Survey	John Lowe & Associates
Architectural Drawings	Morson Group
Hydraulic Report/Stormwater Plans	SGC Consulting Engineers
Erosion and Sediment Control Plan	SGC Consulting Engineers
Landscape Plan	Paul Scrivener Landscape
Traffic Impact Assessment	Stanbury Traffic
Access Report	Vista Access Architects
BASIX/NatHERs	Partners Energy Management
Waste Management Plan	Morson Group

1.5 Legislation, Environmental Planning Instruments and Policies to be considered

- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 - 1997)*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.6 Consent Authority

The consent authority for this application is Penrith City Council.

2 The Site and Surrounds

The subject site and its surrounds has the following characteristics.

Site Address	36-38 Rodley Ave, Penrith
Lot/DP	Lot 58 DP 33490 & Lot 59 DP 33490
Site Area	1112.8 sqm (by survey)
Local Government Area	Penrith City Council
Zoning	R4 High Density
Current Land Use	Residential
Proposed Land Use	Residential
Surrounding Land Uses	Residential, transitioning from low density to high density.
Topography	Generally flat
Terrestrial Biodiversity	Not mapped in LEP
Vegetation	Not mapped in LEP
Heritage	None within the vicinity
Flooding/Overland Flow	Noted. Details in Pre DA advice
Bushfire	Not mapped



Figure 1 Subject Site - Aerial

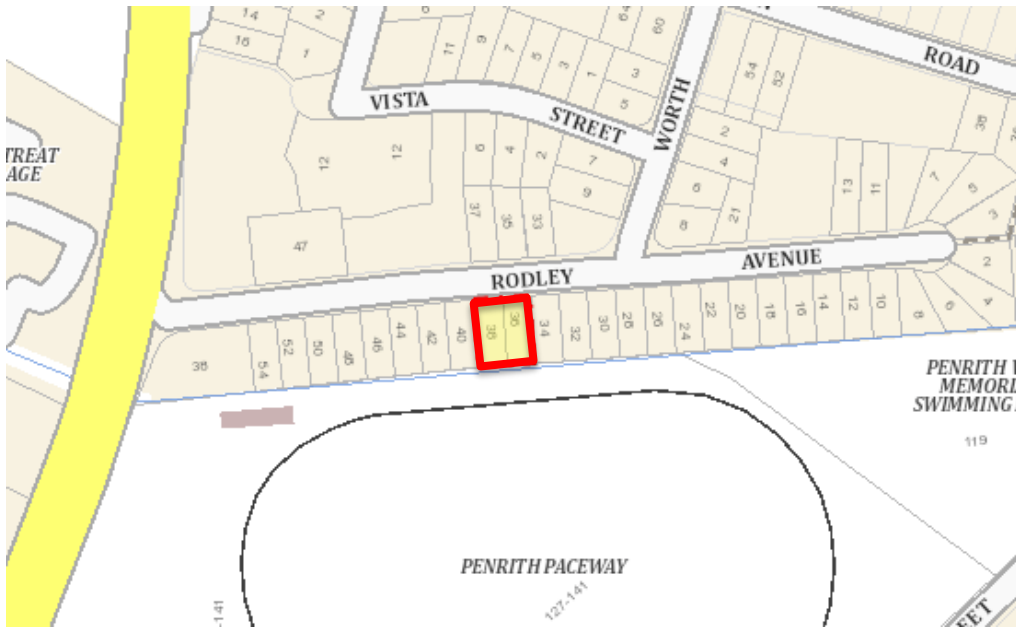


Figure 2 Subject Site - Cadastre

3 Project Description

3.1 Overview

The proposal is for the demolition of all existing structures, site clearing and preparation, and the construction of a residential flat building and associated basement car parking, stormwater and landscape works.

3.2 The Proposed Development

The development comprises the following elements.

Basement Level 1

- 21 Car Spaces, inclusive of 3 stacked (6 in total) spaces, 2 accessible spaces and 2 visitor spaces.
- Wash Bay
- Lift core. Lobby, bicycle parking

Basement Level 2

- Storage cages
- Bicycle parking
- Lift core
- Waste room

Ground Level

- 2 x 2 bedroom adaptable units
- Internal communal open space room for residents
- Ground level waste holding room
- Lift lobby, services and plant rooms
- Two way vehicular access to the basement level (via a single lane ramp)
- Common open space, deep soil landscaping and external private open space

Levels 1-3

- 3 x 2 Bedroom units
- 1 x 3 Bedroom units

Level 4

- 2 x 2 Bedroom Units

In summary, a total of 16 units are proposed, along with 22 car parking spaces (inclusive of a visitor/wash bay).

3.3 Vehicular Elements

The proposal includes the provision of 22 car spaces comprising 2 accessible spaces, 1 motorcycle space, 17 residential spaces (including 6 in a 'stacked' configuration), 1 service (wash bay) space and 3 visitor spaces. The DCP controls require 22 spaces to be provided in total.

The proposed parking spaces are to be provided over a single basement level and are accessed via a two way signalised driveway with priority given to vehicles entering the site.

In terms of waste collection, the proposal includes an indented bay in Rodley Street, providing street pick up. Garbage would be stored internally on Basement level 2 but transferred to a ground floor holding room on collection day.

3.4 Landscaping and Open Space

A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes. We note the following aspects of the proposed landscaping approach:

- The easement and flood storage requirements have determined the type of species and location.
- Because of the above, large planter boxes on the basement are proposed in order to provide larger trees on site.

3.5 Stormwater Drainage

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls. This includes the provision of a stormwater easement along the western boundary.

Further information is appended to this report in regards to the stormwater management on the site. MUSIC modelling has been carried out and accompanies the application.

3.6 Utilities

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority. We note the proposed waste collection arrangements will require the relocation of a power pole.

3.7 Waste Management Strategy

Waste bins will be provided for each of the tenancies in dedicated waste storage areas within Basement Level 2. Waste will be transferred to a ground level holding room ready for collection. Waste will be collected by commercial contractors and organised through the owners/managers of the building or the body corporate if subject to strata subdivision in the future.

3.8 Contamination

The site has historically been used for residential purposes and so contamination is highly unlikely. Consideration of SEPP 55 is provided later in this report.

3.9 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.

4 Statutory Considerations

The applicable statutory planning instruments and relevant guidelines have been considered below.

4.1 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

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

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.

4.2 State Environmental Planning Policy No 55 – Remediation of Land

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated.

The historic use of this site for residential purposes suggests there have been no uses that could potentially pose a contamination risk on the land, and therefore not triggering the SEPP. Further studies are therefore not required.

4.3 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

The objectives of the SEPP are as follows:

- (1) *This Policy aims to improve the design quality of residential apartment development in New South Wales.*
- (2) *This Policy recognises that the design quality of residential apartment 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 apartment 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, and*

- (f) *to contribute to the provision of a variety of dwelling types to meet population growth, and*
- (g) *to support housing affordability, and*
- (h) *to facilitate the timely and efficient assessment of applications for development to which this Policy applies.*
- (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.*

A full assessment of the proposal against the SEPP and the Apartment Design Guidelines (ADG's) are within the architectural set of plans. Compliance with the ADG's has been achieved.

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

The application is accompanied by the required BASIX documentation.

4.5 Penrith Local Environmental Plan 2010

The Penrith LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
- (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*
- (f) *to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- (g) *to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
- (h) *to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

It is submitted that the proposed development is not inconsistent with these objectives.

The subject site is zoned *R4 High Density Residential* with the following zone objectives applying to that zone.

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

The proposed development is consistent with the objectives of the zone in that:

- The additional high-density development in this locality is consistent with the zoning controls and will contribute to the housing needs and diversity in the area.
- As the proposal largely satisfies the planning controls, SEPP 65 and AGD provisions, a high level of amenity will be provided for.
- The proposal is consistent with the future character of this high-density locality.

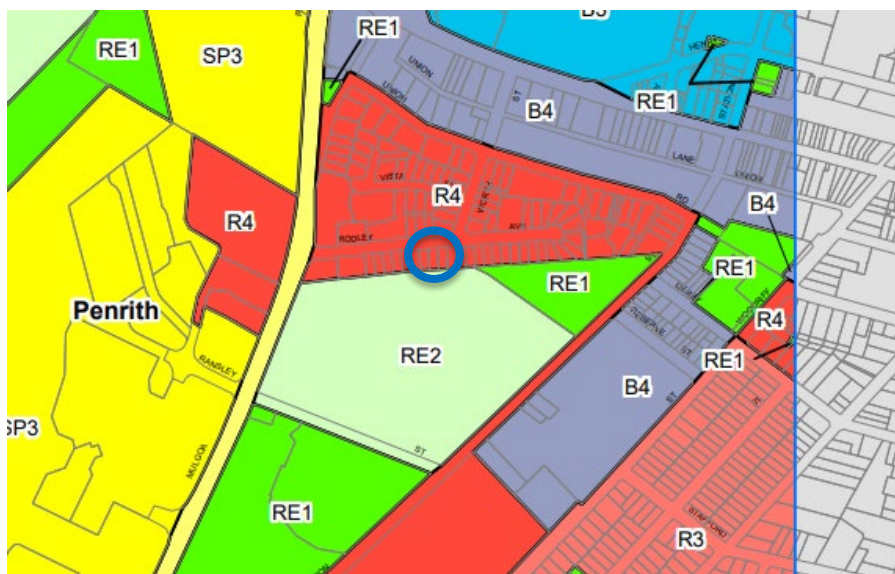


Figure 3 Subject Site – Zoning Map

The Land Use Table of the LEP nominates *residential flat building* as a permissible form of development in the zone. The Dictionary definition of *residential flat building* is:

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

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

Part 4 Principal Development Standards:

Standard	Permitted	Proposed	Comment
4.1A Minimum lot size	800sqm	1112sqm	Complies
4.2 Rural Subdivision	N/A	N/A	
4.3 Height of Buildings	18m	17.8	Complies
4.4 Floor Space Ratio	N/A	1.42:1	

Part 5 Miscellaneous Provisions

Provision	Comment
5.1 Relevant acquisition authority	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory—maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A

Part 7 Additional Local Provisions

Provision	Comment
7.1 Earthworks	The proposal includes the excavation of a basement car park. Extracted fill will be disposed of to an appropriate location that will be able to accept it.
7.2 Flood planning	<p>A flood analysis has been undertaken on the site and accompanies the application. The design accommodates the required freeboard, and flood storage requirements. As a result of the accompanying assessment, it is considered that:</p> <ul style="list-style-type: none"> Flood risk to life and property has been minimised; if required, safe excavation could occur; and the existing flood regime and conveyance is not impacted by the development. <p>The required flood levels have been achieved and in this context the development can be supported.</p>
7.3 Development on natural resources sensitive land	N/A
7.4 Sustainable development	A 'whole of building' approach has been taken with the design of the proposed building. It is also noted that compliance is achieved with both the ADG's and the development can satisfy the BASIX requirements
7.5 Protection of scenic character and landscape values	N/A
7.6 Salinity	N/A
7.7 Servicing	The site can be appropriately serviced to accommodate the proposal.
7.8 Active street frontages	N/A
7.9 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
7.10 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11 Penrith Health and Education Precinct	N/A
7.12 Maximum gross floor area of commercial premises	N/A
7.13 Exhibition homes limited to 2 years	N/A
7.14 Cherrywood Village	N/A
7.15 Claremont Meadows	N/A
7.16 Glenmore Park Stage 2	N/A
7.17 Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
7.18 Mulgoa Valley	N/A
7.19 Villages of Mulgoa and Wallacia	N/A
7.20 Orchard Hills	N/A
7.21 Twin Creeks	N/A
7.22 Waterside	N/A

7.23	Location of sex services premises and restricted premises	N/A
7.24	Sydney Science Park	N/A
7.25	Warehouses and distribution centres on land zoned B7 Business Park	N/A
7.26	Serviced apartments	N/A

4.6 Penrith Development Control Plan 2014

The following assessment has been made in respect of the industrial development controls within the DCP.

Part C1: Site Planning and Design Principles

The design methodology is explained on the accompanying plans. The site has been responded to with the proposed development and a Context and Site Analysis Plan accompanies the application.

Part C2: Vegetation Management

A Landscape Concept Plan accompanies the application and provides for a mix of planting that integrates with the development and surrounding area. Good deep soil areas can accommodate deep rooted tree planting. The required flood storage and easements have been incorporated into the design.

Part C3: Water Management

Appropriate initiatives are proposed for on-site stormwater management and a BASIX assessment has been carried out. These have been incorporated into the design of the development. A Stormwater Concept Plan accompanies the application demonstrating suitable management of stormwater quality and quantity. A WSUD Strategy also accompanies the application and addresses the requirements of the DCP.

Part C4: Land Management

Appropriate measures will be put in place to ensure the site is protected from erosion and sedimentation. An erosion and sedimentation control plan is provided. It is submitted that there are no concerns around potential contamination of the site given the historical residential use.

Part C5: Waste Management

The provision for waste management on site is considered satisfactory and there is provision for a waste chute, waste room sufficient for the scale and size of the building. A Waste Management Plan accompanies the application outlining the waste requirements. The collection arrangements are consistent with the Panel comments in November 2019.

C6: Landscape Design

A detailed Landscape Concept Plan accompanies this application. The provisions of SEPP 65 have been considered in respect of the landscaping proposed and the stormwater requirements for the site have also been accommodated.

The plants that will be used in the landscaping will be varieties that require low levels of maintenance and are drought resistant to reduce water use within the development. The proposal also includes rooftop communal space.

C7: Culture and Heritage

The site is not a heritage item and does not adjoin a heritage item or precinct.

C10: Transport, Access and Parking

A Traffic Impact Assessment accompanies the application. The report concludes that the proposed development is satisfactory in terms of car parking, vehicular access and traffic generation.

There is also provision for bicycle parking areas.

C12: Noise and Vibration

There is no anticipated noise or vibration generated from the proposed development. However, the adjoining Paceway Club has been considered in the Acoustic Impact Assessment that accompanies this application. The proposal is considered to be satisfactory.

C13: Infrastructure and Services

As stated previously, the subject site is already serviced to accommodate the proposed development and any augmentation required will be confirmed with the relevant service providers.

D2 – Residential Development

2.5 Residential Flat Buildings

The proposal generally satisfies the SEPP 65 and ADG requirements and these are detailed within the architectural plans.

5 Key Planning Issues

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

5.1 Flora and Fauna

There are no significant examples of vegetation on the site, nor any evidence of any fauna communities. No negative impacts are expected in this regard.

5.2 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. An easement has been accommodated along with the required on-site flood storage.

5.3 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.

5.4 Traffic Generation and Parking

The proposed development does not propose any significant increase in traffic generation as a result of the proposed development. On site car parking is also considered to be adequate and this is supported in the accompanying Traffic Impact Assessment.

The Assessment also supports the kerbside collection of household waste.

5.5 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 a residential environment. Notwithstanding an acoustic report has been commissioned and accompanies the application giving consideration to the adjoining Paceway Club. No unacceptable impacts are expected.

5.6 Heritage Issues

There are no unacceptable heritage impacts arising from the proposed development.

5.7 Visual Impact

The proposed development is designed with a high level of architectural merit that exceeds that of nearby and adjoining properties. Its visual impact will be imperceptible from the public domain given the setbacks and the central location of the building.

5.8 Services

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

5.9 Overshadowing

There will be no unacceptable overshadowing impacts as a result of the proposed development. This is largely due to the central location of the building and the substantial setbacks that are proposed.

5.10 Social and Economic

There are no negative economic or social impacts considered relevant to the proposed development.

5.11 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 4.15 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.

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 basement level will be via lockable roller door.

Overall access to the building will be managed by the on-site manager.

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. In this case, the on-site manager will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

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.

5.12 Waste Management

Appropriate waste management measures would be put in place on the site that are consistent with the Local Planning Panels comments in November 2019. The alternative solution proposed by this development arises out of ongoing discussions with Council.

6 Section 4.15 Assessment

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report. These include the following:

- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

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

6.2 Section 4.15(1)(a)(ii) – Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no known draft Environmental Planning Instruments specifically relevant to the subject proposal.

6.3 Section 4.15(1)(a)(iii) – Any Development Control Plan

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

6.4 Section 4.15(1)(a)(iia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 7.4

There are no known planning agreements that apply to the site or development.

6.5 Section 4.15(1)(a)(iv) – The Regulations

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

6.6 Section 4.15(1)(a)(v) – Any coastal zone management plan

Not relevant to the proposed development.

6.7 Section 4.15(1)(b) – The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The potential impacts of the development have been considered throughout this report. There are no unacceptable environmental impacts. In terms of built environment impacts the development is compliant with the relevant controls, and it has been demonstrated that the potential impacts on adjoining properties has been minimised. There are no negative social or economic impacts expected as a result of this proposal.

6.8 Section 4.15(1)(c) – The suitability of the site for the development

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the residential development would not result in any unacceptable impact on any adjoining landowners or buildings.

The site is considered to be suitable for the development for the reasons outlined below:

- The proposal is permissible with consent in the R4 zone.
- The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land uses which include similarly sized and designed residential flat buildings.

6.9 Section 4.15(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 any submissions that are made.

6.10 Section 4.15(1)(e) – The public interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

7 Conclusion and Recommendation

The proposed residential flat building has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed 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 consistent with nearby and adjoining development.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.