

Development Application

Statement of Environmental Effects

Lot 2365, Empire Circuit PENRITH NSW 2750

North Penrith

Submitted to Penrith City Council
On Behalf of Landcom

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1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to Penrith City Council in support of a Development Application (DA) for a dwelling house as part of the North Penrith project.

This DA seeks approval for construction of a double storey dwelling with an attached garage and associated landscaping and parking;

The SEE has been prepared by Emma Smith of Eden Brae Homes, and is based on the Architectural Drawings provided by A&N Design Pty Ltd (see **Appendix B**) and other supporting technical information appended to the report (see Table of Contents).

This report describes the site, its environs, the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Planning Background

On 9 November 2011, the Minister for Planning approved a concurrent Concept Plan (MP 09-04536) and Project Application (MP 10-0078), which was followed by the gazettal of an amendment to the *Penrith City Centre Local Environmental Plan 2008* for the redevelopment of the North Penrith site.

1.1.1 Concept Plan and State Significant Site Listing

The Concept Plan and the Schedule 3 amendment were intended to facilitate the development of a transit oriented and cohesive mixed uses development incorporating residential, retail, commercial, business, civic, community, industrial and recreation uses.

The statutory elements of the approved Concept Plan are contained in the Instrument of Approval and the amendment to Schedule 3 of State Environmental Planning Policy (Major Development) 2005.

The Schedule 3 amendment replaced the former local environmental planning instruments applying to the land and rezoned the land to R1 General Residential, B2 Local Centre, B4 Mixed Use, IN2 Light Industrial, RE1 Public Recreation and R2 Low Density Residential (Thornton Hall and curtilage). The Amendment also identified:

- principal development standards that broadly guide yield and density of future development across the site;
- heritage items and nominated matters for consideration for future development to, on or within the vicinity of the heritage items must address; and
- the future consent role and approvals requirements/responsibilities.

The Concept Plan Approval included the following:

- land use type and distribution;
- approximately 900 – 1,000 dwellings, comprising a minimum of:
 - 100 seniors living/aged care dwellings;
 - 44 affordable/social housing dwellings; and
 - 44 adaptable dwellings;
- a range of dwelling typologies, building heights and densities;
- a Village Centre located adjacent to the Penrith Railway Station and centred around a public square;
- up to approximately 13,500m² of retail, business and commercial floor space;

- the retention and protection of land for Thornton Hall, a 19th Century homestead building and its associated curtilage;
- appropriate interpretation of the European and Aboriginal heritage values of the site including retention of Thornton Hall;
- an open space network (including water bodies) of approximately 7ha including the general location, level of embellishment and function of passive and active areas to serve the future residential and worker population;
- a road network and hierarchy for the site and a pedestrian, cycle and public transport network;
- a water cycle management strategy for the development; and
- strategies for the provision of other associated infrastructure including water and sewer (including a new sewer pumping station), power, telecommunications and gas.

1.1.2 Project Application

The Stage 1 Project Application granted approval for:

- subdivision to create 108 lots comprising:
 - 84 future residential lots;
 - 1 Village Centre lot;
 - 16 super lots;
 - 3 future open space lots, including 1 lot to accommodate the community centre;
 - 1 future industrial lot;
 - 1 sewer pumping station lot; and
 - 2 residue lots;
- site establishment and perimeter security measures;
- establishment of environmental and safety controls and traffic control measures;
- preparatory works, including small building demolition, trees/shrub removal, topsoil stripping and stockpiling for later reuse and the disposal of unsuitable topsoil material, and taking up and stockpiling existing concrete and asphalt hardstands and roads for later reuse in other stages of the construction works;
- bulk earthworks – cut and fill, including the importation of material to raise levels;
- sections of the retaining wall next to the Penrith Training Depot;
- roads and road intersections;
- drainage and stormwater management infrastructure;
- utilities servicing infrastructure, viz electrical, sewerage (including a sewer pumping station), telecommunications, potable water and gas;
- lots formation;
- minor works external to the site, such as footpaths;
- construction of the community pavilion;
- landscaping;
- erecting informative signage; and
- site de-establishment and handover.

1.1.3 Repeal of Part 3A

The NSW Government repealed Part 3A of the EP&A Act in October 2011. However, Schedule 6A of the EP&A Act sets out the transitional arrangements for projects that were subject the now repealed Part 3A. Clause 3B of Schedule 6A provides for development that is subject of a Part 3A Concept Plan approval. The relevant provisions of Clause 3B are:

- if Part 4 of the EP&A Act applies to the carrying out of the development, the development is taken to be development that may be carried out with development consent under Part 4 (despite anything to the contrary in an environmental planning instrument),
- any development standard that is within the terms of the approval of the concept plan has effect,
- a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan,
- the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan,
- any order or direction made under section 75P (2) when the concept plan was approved continues to have effect.

1.1.1 Amendment of North Penrith LEP

In November 2011 the NSW Minister for Planning made the State Environmental Planning Policy Amendment (North Penrith) 2011 which amended the Penrith City Centre Local Environmental Plan 2008 to include provisions that relate to North Penrith.

1.2 Project Background

Landcom had discussed the inclusions of this estate with Penrith Council at the subdivision of the land. Eden Brae Homes is complying with the agreement of 7 homes in one stage.

2.0 Site Analysis

2.1 Site Location and Context

The North Penrith site is located approximately 50 km to the west of Sydney CBD on the northern side the Penrith CBD. The North Penrith site's southern boundary adjoins the Penrith Railway Station. The North Penrith site is between Lemongrove Road to the east and Castlereagh Road to the west both of which are accessible via Coreen Avenue to the north – see **Figure 1**.

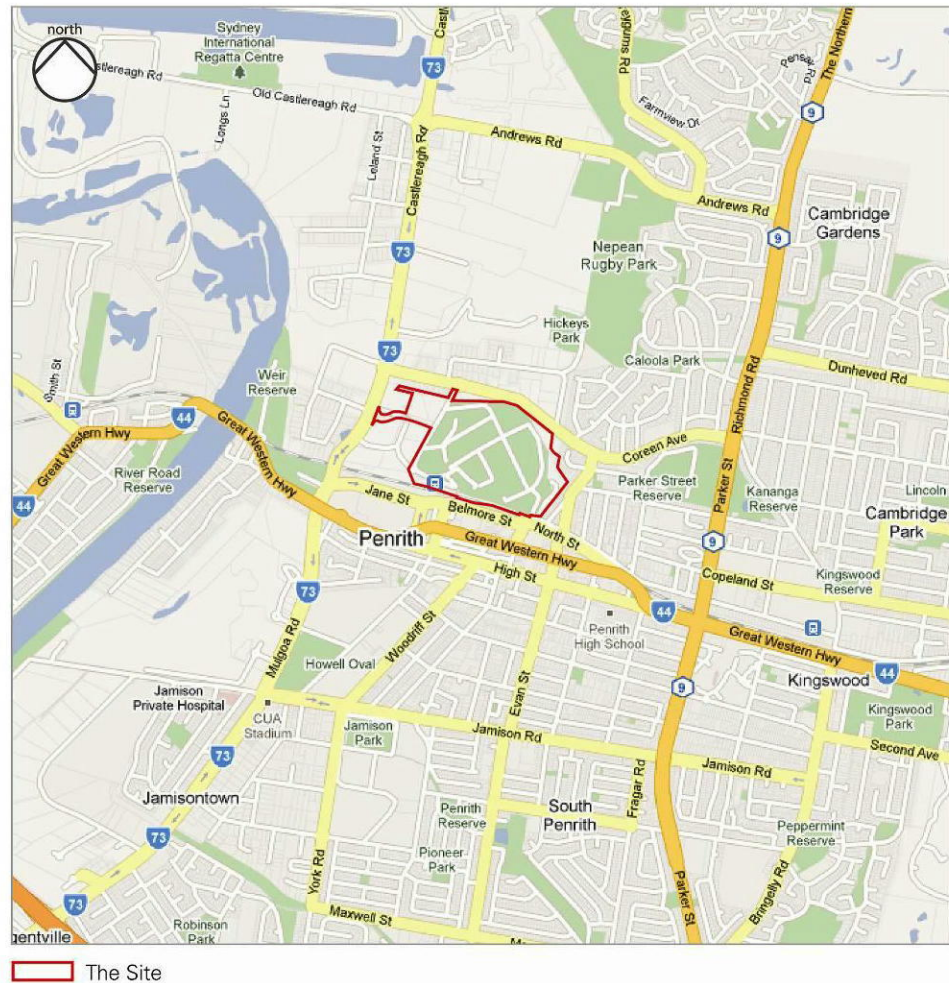


Figure 1 – Location of North Penrith site

2.2 Site Description

The proposed development site is located at Lot 2365, Empire Circuit PENRITH NSW 2750.

The location of the site of the proposed development is within residential precinct E1 as established within the Concept Plan and shown in **Figure 2**. The site is shown on the Location Plan at **Figure 3**.



Figure 2 – Location plan

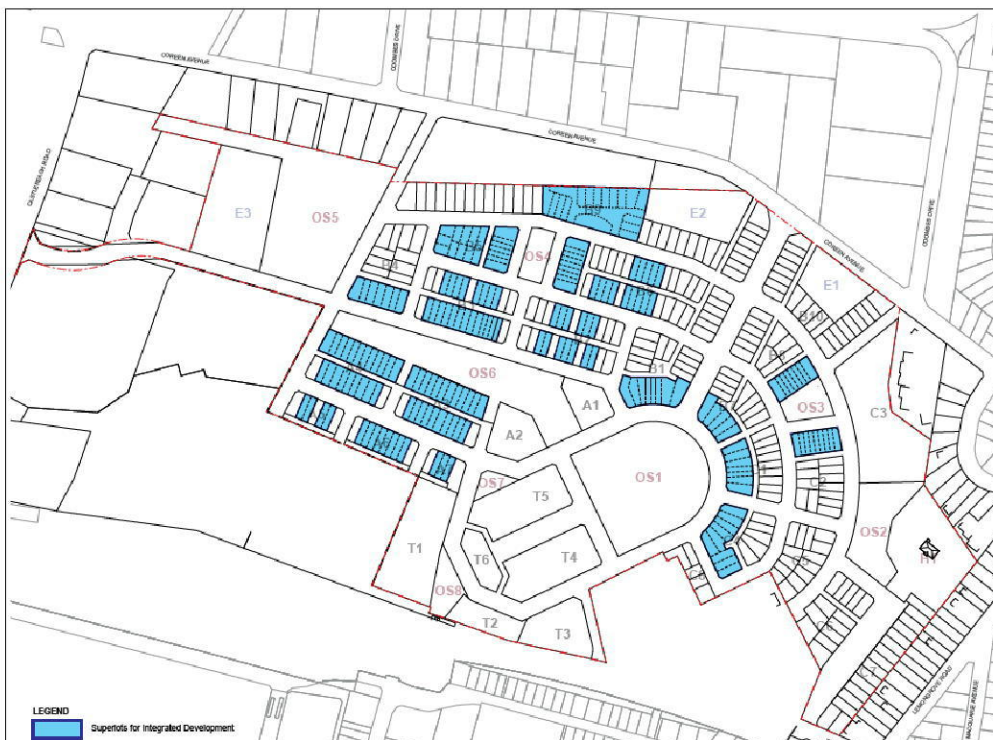


Figure 3 – Location of site

The site of the proposed development is 212.1m² in area and is legally described as Lot 2365, Empire Circuit PENRITH NSW 2750 and is owned by Landcom.

The site's levels are prepared as part of the Stage 1 Project Application earth works. Once completed the site will have a gradual slope to the west. The site is cleared of existing vegetation and does not contain any existing structures.

The site has direct frontage to Cricketers Avenue.

2.3 Surrounding Development

To the north of the site is road to the east is further land to be developed, to the west is further land to be developed and to the south is further land to be developed.

The broader surrounding land uses to North Penrith as shown in **Figure 1** comprise residential, business and industrial uses including:

- industrial development north of Coreen Avenue and east ;
- the Penrith Railway Station and the Penrith Town Centre CBD to the south; and
- the existing residential suburb of Lemongrove to the east.

3.0 Description of Proposed Development

This chapter of the report provides a detailed description of the proposed development. Architectural drawings showing the proposed dwelling are located at **Appendix B**. Landscape plans showing the proposed landscape works are located at **Appendix D**.

This DA seeks approval for construction of a double storey dwelling with an attached garage and associated landscaping and parking.

3.1 Development Overview

The proposed development seeks approval for the construction of a double storey dwelling with an attached garage. **Table 1** provides an overview of the key development information.

The proposed development will connect to the electricity, stormwater, water, sewer, gas and telecommunication services within the road reserve which were provided as part of the Stage1 Project Application.

Table 1 - Key development information

Component	Proposal
GFA (m ²)	86.3
Height (m and storeys))	6.96m and 2 storey
Front Setback (m)	3.36m
Rear Setback (m)	13.139m
Landscape Area (m ²)	427.7
Private Open Space (m ²)	24
Car Spaces	1

3.2 Development Form and Orientation

The architectural character of the proposed dwelling has been designed in accordance with the development principles included in the North Penrith Design Code. As such the proposed dwelling:

- is of contemporary architectural style and character;
- is appropriately designed to respond to the microclimate including sun, shade, breeze and general weather;
- relates well to and form a good interface with the overall subdivision, road and open space layout approved for the North Penrith site;
- incorporates appropriate durable and high quality materials, textures, forms and colours that will also complement the local landscape;
- includes opportunities for indoor/ outdoor relationships; and
- incorporates energy efficient measures.

The predominant bulk of the dwelling is situated within the front half of the allotment facing the street and has family rooms to the rear, opening directly onto the rear outdoor courtyards and open space.

3.3 External Materials and Finishes

The proposed external materials and finishes are shown on the plans at **Appendix B** have been selected from the Residential Design Palette included in the North Penrith Design Code to provide a contemporary appearance and ensure use of modern and lightweight materials.

3.4 Landscape and Open Space

The proposed landscape treatment is shown in the Landscape Plans at **Appendix D** and has been designed to contribute to the overall form of the dwelling and to provide versatile and functional outdoor living areas.

3.5 Access and Parking

The dwelling will be accessed from Cricketers Avenue road, which it fronts, via a direct driveway.

The development has a single. Sufficient driveway space has been provided to accommodate a second car space.

3.6 Stormwater

The drains will connect to the stormwater drainage infrastructure within the road, as approved as part of the Stage 1 Project Application. The lot drains directly to the street. All stormwater will ultimately drain into the overall integrated stormwater management system for the broader North Penrith site.

3.7 Utility Services

Telephone, electricity, gas, water and sewer services will be installed underground within each of the adjoining road reserves. These services will be installed within trenches in the road reserves.

3.8 Erosion and Sediment Control

Erosion and sedimentation control measures will be implemented during construction in accordance with the erosion and sediment control plan included at **Appendix H**.

4.0 Assessment of Planning Issues

This chapter contains our assessment of the environmental effects of the proposed development as described in the preceding chapters of this report.

Under Section 79C(1) of the EP&A Act, in determining a development application the consent authority has to take into account a range of matters relevant to the development including the provisions of environmental planning instruments; impacts of the built and natural environment, the social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

A number of planning issues which would usually be considered as part of a DA were addressed as part of the Concept Plan and Project Application Environmental Assessments. As the proposed development is consistent with the Concept Approval these issues do not require further assessment (see Section 4.2). These issues include:

- Social and Economic Issues
- Community Services and Facilities
- Transport and Accessibility
- European Heritage
- Indigenous Heritage
- Geotechnical, Soil and Contamination
- Biodiversity
- Visual Impact
- Water and Hydrology
- Ecological Sustainable Development
- Utilities and Infrastructure
- Crime and Public Safety

Pursuant to Section 75P(1)(a) of the EP&A Act, Schedule 3 of the North Penrith Concept Approval sets out specific future environmental assessment requirements that apply to future development under Part 4 of the EP&A Act.

Accordingly, the assessment provided in this SEE includes the aforementioned matters in addition to other potential planning issues which are relevant to the detailed design of the building under the Concept Approval.

4.1 Compliance with Relevant Strategic and Statutory Plans and Policies

The following legislation, strategies and planning instruments, which are relevant to the proposed development to be addressed:

- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (State and Regional Development Development) 2005 (S&R SEPP);
- State Environmental Planning Policy (BASIX) 2008 (SEPP BASIX);
- Sydney Regional Environmental Plan Hawkesbury Nepean River;
- Penrith City Centre Local Environmental Plan 2008; and
- North Penrith Design Code 2011.

The DA's consistency and compliance with the relevant statutory plans and policies is located in **Table 2** below and in the detailed Tables of Compliance at **Appendix J**. Variations to, and non-compliance with, the key standards and guidelines highlighted in the table are discussed in detail in the following sub-sections of this environmental assessment.

Table 2 – Summary of consistency with key strategic and statutory plans and policies

Instrument/Strategy		Comments
State Planning Instruments and Controls		
SEPP 55		The Stage 1 Project Application will undertake the necessary works to ensure the site is suitable for the proposed residential use.
S&R SEPP		Clause 11 of Schedule 2 sets out certain types of development in North Penrith that is State Significant Development. The proposed development for a dwelling is not a type of development specified. As such it would not be State Significant Development and is therefore a DA to Council.
SEPP (BASIX)		BASIX Certificate is included at Appendix C .
SREP No. 20 Hawkesbury Nepean River		The proposed development complies with the broad aims and objectives of the SREP in that it will not have any direct impact on any environmentally sensitive areas, or the water quality or quantity of the aquatic ecosystem on the site, which the SREP seeks to preserve. Consideration of the impacts of proposed development has been undertaken in accordance with the aims of the SREP and its strategies. Impacts of this proposal were considered Concept Plan and Stage 1 Project Application before the preparation of this application.
Local Planning Instruments and Controls		
Penrith City Centre LEP 2008 (Part 7)	Clause 49 - Zoning	The site is zoned as R1 General Residential
	Clause 50 – Land Use Table – Zone R1 General Residential	All kinds of residential accommodation are permissible in the R1 General Residential Zone.
	Clause 51 - Height of Buildings (7.39m - Check SEPP Map for height limit at specific lot)	The proposed development will have a maximum height of 7.39m and therefore complies with the maximum height specified by this clause.
	Clause 53 – Architectural Roof Features	The development does not include an architectural roof feature that exceeds the height limit set out in clause 51.
	Clause 54 – Heritage Conservation	The site is not on land where a heritage item is located or in the vicinity of a heritage item.
	Clause 55 - Earthworks	The proposal does not include substantive earthworks, which have been completed as part of the subdivision works.
North Penrith Design Code	Building Envelopes	The proposed development complies with the building envelope controls in Section 3.3 of the Design Code. See Section 4.3.3 below.
	Building Design and Articulation	The proposed development complies with the Building Design and Articulation controls in section 3.4 of the

Instrument/Strategy	Comments
	Design Code. See Section 4.3.1 below.
Private Open Space and Landscaping	The proposed development complies with the Private Open Space and Landscaping controls in section 3.5 of the Design Code. / See Section 4.4 below.
Fencing	The proposed fencing has been provided in accordance with Section 3.6 of the Design Code.
Garages, Site Access and Parking	The proposed development complies with Section 3.7 of the Design Code.
Visual and Acoustic Amenity	The proposed development complies with Section 3.8 of the Design Code.
Specific Provisions - Key Sites	The proposed site is not identified in Figure 14 of the Design Code.
Specific Provisions - Ancillary Dwellings	The proposed development does not comprise any ancillary dwellings.

4.2 Consistency with the Concept Plan

The North Penrith Concept Plan Approval established the vision and planning framework to be used by Penrith Council to assess the detailed design of the future buildings on the site. The Concept Plan Approval contains:

- Terms of Approval;
- Future Environmental Assessment Requirements;
- Statement of Commitments; and
- North Penrith Design Code.

Development for the purposes of residential dwelling on this lot is consistent with the Concept Plan Terms of Approval and Statement of Commitments.

4.3 Urban Design and Built Form

The proposed design and layout for development is considered suitable given that:

- the provision of more compact and efficiently shaped allotments enables affordable, yet amenable dwelling designs to be constructed;
- the subdivision pattern maximises the opportunity for a greater number of dwellings to obtain views across the public open space and the public domain; and
- the dwelling designs endeavour to ensure that a high quality product continues to be delivered within the North Penrith site.

4.3.1 Design Quality

The proposed dwelling design is a high quality product that generally accords with the objectives and outcomes sought by the North Penrith Design Code. The proposed dwelling will have a positive impact upon the built environment and streetscape in that:

- the proposed dwelling is sympathetic in terms of scale, height, bulk and design in accordance with that envisaged in the Design Code;
- the dwelling is appropriately designed to respond to the microclimate including sun, shade, breeze and general weather;
- the dwelling offers the ability to form a good interface with the public domain;

- the dwelling incorporates appropriate materials, textures, forms and colours that complement the local landscape and other future residential development;
- the dwelling incorporates energy efficient measures; and
- the dwelling has private outdoor spaces in the form of courtyards or soft landscaped areas.

4.3.2 Streetscape

As shown in the proposed architectural drawings at **Appendix B**, the proposed design for the dwelling will have a positive impact on the North Penrith site as a whole and the local streetscape for the following reasons:

- the proposed design will contribute to an attractive and varied streetscape;
- the proposed design is of a high quality contemporary architectural design which will contribute to the character of the local environment and provide an attractive visual outlook;
- the proposed dwelling will use high quality and durable finishes to ensure that it fits in with the residential character of the estate and provides visual amenity for this part of the North Penrith site;
- the dwelling is designed to address the street frontages;
- the driveway colour finish matches external border paving of the dwelling; and
- the use of architectural elements help define the dwelling entries and facades.

4.3.3 Building Envelopes

The proposed dwelling fully complies with the minimum required building envelope controls at Section 3.3 of the North Penrith Design Code.

Variations to these requirements for the proposed dwelling is considered acceptable.

4.3.4 Overshadowing

The Architectural Plans at **Appendix B** include shadow diagrams depicting the shadows cast by each dwelling at 9am, 12noon and 3pm during the winter solstice. These diagrams show that the development is able to achieve the required 3 hours of solar access between 9am and 3pm during the winter solstice.

The reduced provision of solar access to is considered acceptable for the following reasons:

- the other private open space areas on each lot receives adequate solar access between 9am and 3pm during the winter solstice;
- the north facing front yards could also be used as private open space given their relationship with the central open space median opposite each of the lots;
- the private open space areas are directly accessible from the living rooms, maximise privacy for the occupants and neighbours and are suitably positioned away from the road;
- the aims and objectives of the Design Code are not compromised.

4.3.5 Privacy

The proposed dwelling has been designed to minimise the potential for adverse visual and acoustic privacy impacts on the adjacent dwellings. The dwelling has been designed to ensure windows are off-set against windows of neighbouring dwellings.

Furthermore, the main living rooms are located on the ground floor – opening to the rear of the lot - and bedrooms are located on the first floor.

The dwelling provides adequate setbacks, (as discussed above) so as not to impact on the visual privacy of neighbouring dwellings.

4.3.6 Internal Amenity

The internal layouts of the dwelling provides open plan layouts for ease of movement and efficient use of space. All bedrooms are adequately sized, have built in storage and have easy access to bathrooms.

4.3.7 Energy Efficiency

A BASIX certificate has been prepared for the proposed dwelling and this is included at **Appendix C**. The certificate indicates that the BASIX scores meet or exceed the BASIX target rates for water, thermal comfort and energy.

The BASIX commitments that form part of this proposal include the use of water efficient fixtures and energy efficient cooling, heating and ventilation systems and appliances, and the provision of a rainwater tank and insulation.

4.4 Landscape Design

The dwelling will be landscaped in accordance with the Landscape Plans included at **Appendix D**. These plans have been designed in accordance with the development controls for private open space and landscaping included at Section 3.5 of the North Penrith Design Code.

Based on the site's characteristics and proposed dwelling design, the landscape design is appropriately structured to take into consideration:

- views;
- northerly aspects;
- prevailing westerly winds; and
- the location of easements and on-site services.

As a result of these considerations the development includes:

- gardens that are compatible in scale and form with the dwelling;
- a microclimate suited to seasonal conditions; and
- reduced water consumption through
 - the provision and use of rainwater tanks that can be used for garden watering; and
 - the use of water efficient plants;
- integration with the proposed landscaping for public areas and road reserves.

4.5 Construction and waste management

Construction activity involves disturbing soils during construction of dwellings and landscaping. Accordingly, there is some potential for unconsolidated soils to be eroded by water and wind action.

The sediment and erosion plan submitted and included at **Appendix H**, will provide the necessary measures to ensure that soil and sediment remains on site and is prevented from entering the broader stormwater system for the North Penrith site.

Further, all waste material resulting from construction on the site will be disposed of, recycled or reused in accordance with the parameters set out in the Waste Management Plan included **Appendix I**.

4.6 Stormwater management

Stormwater will run into the broader integrated stormwater system for the North Penrith site as approved under the respective Project Application. This integrated approach to the stormwater management will:

- protect natural systems – including the rehabilitated lake system and further downstream, the protected wetland and the greater Hawkesbury- Nepean Catchment;
- integrate stormwater management with the provision of open space;
- add value while maintaining development costs in its construction and long term maintenance.

4.7 Contamination

Investigations undertaken as part of the Concept Plan assessment have concluded that the site is suitable for the proposed development without need for further investigations or remediation. Hence, the site is suitable for the proposed development with regard to the issue of contamination.

4.8 Social and Economic Impacts

This proposal will further commence the transformation of vacant and disused land into a functioning and attractive residential community.

During construction, construction personnel are likely to patronise local shops and services - providing a temporary economic benefit to these businesses. New residents will also patronise local shops and services and start to develop a residential community as envisaged.

4.9 Site Suitability

The site is considered suitable for the proposed development on the basis that it:

- does not contain any heritage items, nor is it associated with heritage values;
- contains the necessary services to support development such as water, sewer reticulation, electricity and telecommunications;
- will include the necessary infrastructure to support residential development including the provision of roads and stormwater measures.

The proposed development is suitable for the site in that it:

- is permissible with consent pursuant to SEPP Major Development;

- adds to the diversity of residential development to be delivered throughout the North Penrith site;
- provides a more affordable housing typology to that of single freestanding dwellings;
- will provide diversity in the design outcomes for the streetscapes throughout the North Penrith site;
- the development generally complies with the relevant built form development controls within the North Penrith Design Code; and
- will provide additional housing choice for local populations.

4.10 Public Interest

The development proposed in this application will contribute to the overall delivery of a unique residential development that will complement and support the Penrith Town Centre as envisaged by the approved Concept Plan and North Penrith DC. Hence, no element of the proposal will be detrimental to the public interest.

5.0 Conclusion

This DA seeks approval for construction of a double storey dwelling with an attached garage and associated landscaping and parking.

The proposed development is consistent with the approved Concept Plan. Furthermore, the development:

- is consistent with the objectives of SREP No.20 – Hawkesbury – Nepean River;
- is generally consistent with the provisions of SEPP Major Development and the North Penrith Design Code ;
- will implement suitable sediment and erosion measures will be used during construction to ensure minimal impact to stormwater quality;
- will further progress the transformation of predominantly vacant land into a functioning and attractive residential community which will have economic and social benefits to the wider community;
- has a design that is of a high quality contemporary architectural design and generally complies with Design Code built form development controls; and
- will add to the varied and diverse streetscape within North Penrith site.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, we have no hesitation in recommending that the application be approved subject to standard conditions of consent.