PENRITH
CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0365
Proposed development:	Demolition of Existing Dwellings and Outbuildings, and Construction of a Six (6) Storey Residential Flat Building with 38 Apartments, 61 Car Parking Spaces in Two (2) Levels of Basement, and Roof Terrace on the Sixth Floor
Property address:	26 Hope Street, PENRITH NSW 2750 28 Hope Street, PENRITH NSW 2750 30 Hope Street, PENRITH NSW 2750
Property description:	Lot 35 DP 31239 Lot 36 DP 31239 Lot 34 DP 31239
Date received:	19 June 2020
Assessing officer	Sandra Fagan
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone R4 High Density Residential - LEP 2010
Class of building:	Class 2 , Class 7a
Recommendations:	Approve

Executive Summary

The proposed development is for a 6 storey 'residential flat building' containing 38 apartments and 61 parking spaces over 2 basement levels at 26-30 Hope Street. The proposal will exceed the 18m height control by 150mm, which is 0.83% over the development standard. The applicant's request to vary the height standard, made pursuant to Clause 4.6 of the LEP, is acceptable in this case. The registered architect is Zachary Hau, Registration Number 9914, and the landscape consultant is Contour Landscape Architecture.

The Local Planning Panel is the consent authority because the proposal is for a new residential flat building to which SEPP 65 applies.

For the most part, the planning assessment in this Report is concentrated on the discussion carried out under the section titled: SEPP 65 - Design Quality of Residential Apartment Development. This includes an assessment against the objectives and design criteria of the Apartment Design Guide and the comments from Council's Urban Design Review Panel.

This Development Application is the third attempt by the applicant to obtain consent for a residential flat building on the site. The previous application, number DA18/0488 was refused by the Local Planning Panel on 12 June 2019. The main reasons for refusal related to:

- the proposed placement of apartments in rear corner of the building, situated below natural ground level, and the resulting poor amenity outcome;
- the height non-compliance of 3.3m over (to the lift overrun) and 1.2m over (to the roof) was not supported;
- non-compliance with regard to solar access and cross ventilation; and
- overlooking from raised terrace areas and amount of excavation.

The applicant then requested a review of the refusal pursuant to Section 8.2 of the Act (DA18/0488.02). Although some amendments to the proposal were made, on 13 November 2019, the Local Planning Panel resolved to

maintain the original refusal of the application and again refused to grant consent to the proposed development.

Since that time, Council staff were involved in appeal proceedings in the Land and Environment Court in relation to the **adjoining** property to the west, at 32-36 Hope Street. This appeal was against the Local Planning Panel's refusal of DA17/1341 for a 6 storey residential flat building. The matter was resolved at a Conciliation Conference on 2 April 2020 with the Court allowing the proposal to be amended, the appeal being upheld and development consent subsequently granted. The approved development at the adjoining site is for a 6 storey building containing 41 apartments. The approved development is 1.2m over the 18m height control.

This approval is relevant to the subject proposed development at 26-30 Hope Street, given that; the two sites directly adjoin each other; both relate to residential flat buildings on the southern side of Hope Street; both exceed the development standard for height; and both include requests pursuant to Clause 4.6 to vary the height standard. In some respect, the recent approval at 32-36 Hope Street has become a 'blueprint' for the proposed development, particularly in relation to spatial planning, setbacks and waste arrangement. Nevertheless, this planning assessment considers the current proposed development on its own merit.

The proposed development, the subject of the current application before the Panel, was amended prior to the Development Application being lodged, to respond to and address the previous reasons for refusal. After the application was lodged, staff sought the advice of Council's Urban Design Review Panel (UDRP). The UDRP was generally supportive of the amended design and made further suggestions for how the design could be improved. The applicant then made further relevant amendments to the proposal in response to the urban design feedback.

The result is that the amended proposal before the Local Planning Panel is now considered to be acceptable on design and planning grounds. The main reasoning for this is as follows:

- suitable waste arrangements for on-site collection are incorporated into the building's design and are located at the rear of the building so as to not interfere with the building's presentation to Hope Street. The truck turn table was able to be reduced in size to suit Council's smaller 9.7m truck, and the floor level height clearance was able to be reduced. The proposed arrangement is similar to that approved for the adjoining site and Council's Waste Officer has no objection to the proposal;

- the rear setback complies with Council's controls and the Apartment Design Guide (ADG) and the landscaping has been amended to respond to the request from the UDRP that the area is planted out like an 'urban forest walk', which is a similar treatment approved at 32-36 Hope Street and thus allows a continuation of the green buffer at the rear;

- the sunken unit in the rear, south-eastern corner, has been removed and replaced with the common room (with a terrace/patio leading into the rear communal open space) and a space containing 30 individual storage cages;

- the overall number of apartments has been reduced from 40 to 38;

- the floor plan has been split into a 'split-level' which better suits natural ground levels, and still provides equitable access via the main lift;

- the foyer areas are more open and a window has been included. Most apartment entries are now more visible from the foyer;

- cross ventilation of apartments is compliant at 65%, and solar access is compliant at 84%;

- the previous roof level terrace has been removed entirely. An apartment from the top floor (Level 5) has also been removed and the space used as an open roof terrace with a pergola. The area of the Level 5 roof terrace is 133sqm in area and is within the height control; and

- the non-compliance with the development standard for height is minimal, at 150mm, representing the very top of the roofs of Units 35 and 36 (resulting from the cross-fall of the site and the ground floor clearance to permit waste truck access). All other structures, including the lift overrun and roof, are within the height control.

The application has attracted 4 unique submissions. The concerns raised relate to general development in the

area, narrow width of Hope Street, traffic, parking, lack of open space, overshadowing, and overlooking.

All internal units of Council have reviewed the amended proposal and have raised no objections, subject to conditions. These units include Engineers, Waste, Traffic, Environmental Management, Tree Management, and Landscape Team.

It is recommended that the Local Planning Panel accept and endorse the written request to vary the height development standard, and approve the Development Application subject to conditions.

Site & Surrounds

The subject site is known as 26 - 30 Hope Street, Penrith. It comprises three lots, being Lots 34, 35 and 36 in Deposited Plan 31239. The site is rectangular in shape with a northern (slightly north-east) orientation to Hope Street and a southern orientation to the rear boundary. The site's street frontage is 47 metres, and with a depth of 40 metres, the site is approximately 1,894 square metres in area. Each lot contains a single dwelling house, with outbuildings (shed / garage), all of which will be demolished. The site falls from the rear to the front, with a fall of 2m across the depth of the site towards Hope Street.

This part of Hope Street is being developed as a result of an uplift in permissible height and zoning in the Penrith LEP, in recognition of the locale's proximity to Nepean Hospital and the Penrith Health and Education Precinct. Existing detached dwellings in the street are being replaced with 5-6 storey residential flat buildings. In this regard, the following constructed buildings, approvals or applications, are relevant as they inform both the existing, and the desired, future character of the area:

- 38-40 Hope Street (to the west of the subject site and on the corner of Colless Street) is a constructed 5 storey residential flat building containing 24 apartments with basement car parking (approved under DA15/0683);
- 25-31 Hope Street (to the north and opposite the subject site) are two constructed 6 storey residential flat buildings containing 61 apartments with basement car parking (approved under under DA15/1185);
- 12-14 Hope Street (to the east) is a 5 storey residential flat building containing 27 apartments and basement car parking (approved under DA16/0123);
- 32-36 Hope Street (adjoining the subject site to the west) is a Development Consent for a 6 storey residential flat building containing 41 apartments (approved under DA17/1341); and
- 16-24 Hope Street (adjoining the site to the east) is a current Development Application for two, 6 storey residential flat buildings containing 60 apartments and 2 levels of basement car parking (this application, DA20/0164, is currently being assessed and is yet to be determined).

Proposal

The proposed development is for a new, 6 storey residential flat building containing 38 apartments and 61 parking spaces over two basement levels, with access from Hope Street. The building is generally shaped as a square and positioned central to the site, with appropriate setbacks along all property boundaries.

Communal open space and communal deep soil planted areas are located along the rear and eastern setbacks at ground level, with an additional communal space located in a roof terrace area on Level 5. The roof terrace is designed to provide landscaping in planters, with seating, passive recreation areas and an accessible toilet.

The proposed driveway is located on the western side of the site. The driveway is wider than a standard car access driveway as it will also accommodate Council's garbage truck and provide truck access to the onsite waste collection area which is located in the rear south-western corner of the building.

The proposal includes demolition of the three existing dwellings on the site and the consolidation of the three lots.

The proposal also includes removal of 9 of the 13 trees located on the site, and measures to ensure that 1 tree on the neighbouring property is maintained. The proposed landscaping includes 26 new trees (which will grow greater than 3m high) on site and 4 new trees on the Hope Street footpath, as well as new planting within all four building set backs (both sides, front and rear). New landscaping is also proposed within the building, located on a slab above the driveway, in planters on the roof terrace area, and within a cut-out on the first floor adjoining the building's foyer, and combining a planter box with a small green wall on levels 2 and 4.

The proposal has been amended following the previous refusal of DA18/0488 and following review of the current application by Council's Urban Design Review Panel. In particular, the rear, south-eastern corner of the building (in the area that is partly excavated) is used to provide storage spaces for the apartments, with a common room facing the eastern side setback and connected to an external terrace area providing access to the rear communal open space. The landscaping and design of the rear setback area has also been amended to provide denser vegetation and the feel of an 'urban forest walk'. This treatment provides continuity between the proposal and the recently approved development on the adjoining site at 32-36 Hope Street.

More specifically, the proposed development will contain the following:

- A total of 38 units, being 11 x 1 bedroom units (29%), 2 x 1 bedroom plus study units (5%), 19 x 2 bedroom units (50%), and 6 x 3 bedroom units (16%);
- A total of 61 parking spaces in the basement levels, comprising 10 visitor spaces, 50 resident spaces, and 1 service bay;
- The amount of landscaped areas provided will equate to 673sqm which is 35.5% of the site area. This is in the form of the front setback landscaped area being 185sqm and the rear setback landscaped area being 488sqm;
- The amount of deep soil planted areas provided will equate to 288sqm which is 15% of the site area (the ADG requires 7%);
- The amount of communal space provided will equate to 535sqm which is 28% of the site area (the ADG requires 25%). The communal spaces are in the form of the ground floor open space areas (332sqm), an internal common room (70sqm) and the Level 5 roof terrace area (133sqm); and
- The external materials proposed include painted render for the main walls, in an off white/cream colour. Some of the upper floors will be metal cladding in a darker monument colour. Balconies will contain glazed balustrades with timber-looking battens.

With regard to internal amenity of the proposed design, the following is noted:

- 32 of the total of 38 units will achieve compliant solar access, representing 84% of units (ADG requires 70%, or in this case 26.6 apartments);
- 25 of the total of 38 units will achieve cross ventilation, representing 65% of units (ADG requires 60%, or in this case 22.5 apartments - however further discussion on which apartments have been included in this calculation is contained in the ADG discussion table in the report);
- The 1 bedroom units range in size from 55sqm to 67sqm and have private open space areas that range in size from 8sqm to 23sqm (ADG requires 50sqm/8sqm);
- The 2 bedroom units range in size from 73sqm to 104sqm and have private open space areas that range in size from 10sqm to 85sqm (ADG requires 70sqm/10sqm); and
- The 3 bedroom units range in size from 108sqm to 128sqm and have private open space areas that range in size from 13sqm to 22sqm (ADG requires 90sqm/12sqm).

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in non-rural areas) 2017
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- ### Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016

The site is not identified on the Biodiversity Values Map as containing vegetation having biodiversity value. Council's Tree Management Officer has no objection to the proposed removal of trees, subject to conditions relating to retaining the services of a qualified arborist to oversee tree protection of the retained trees. Suitable conditions in this regard are recommended.

- ### Section 4.15 - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The matters requiring further discussion are contained in the body of this report.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

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

This Policy ensures the implementation of the BASIX scheme which encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants.

BASIX Certificate No.1106425M, dated 15 June 2020, was submitted with the Development Application demonstrating compliance with set sustainability targets for water, energy efficiency and thermal comfort. Relevant BASIX commitments have been nominated on the submitted architectural plans ensuring that the DA commitments have been met. They include; photovoltaic cells on the roof to generate at least 5.0KW; 5 star gas instantaneous hot water units for each apartment; water saving fittings; and insulation. The BASIX commitments will form part of the approval.

State Environmental Planning Policy (Vegetation in non-rural areas) 2017

The aims of this SEPP are to protect the biodiversity value of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of these areas through the preservation of trees and other vegetation. The proposal includes the removal of 9 trees from the existing 13 trees on site. Council's Tree Management Officer has reviewed the proposal and the accompanying aborist report. The proposed removal of 9 trees is acceptable because a variety of new trees and vegetation is proposed in the landscape plans as well as 4 new street trees. Therefore, the proposed development provides an appropriate balance between removing existing vegetation, developing the site for high density residential, and providing new trees and vegetation to preserve the amenity of the area.

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The subject site is located **outside** of the Western Sydney Aerotropolis. However, the new SEPP (Western Sydney Aerotropolis) 2020 contains a map that relates to wildlife buffer areas. This map is titled the "Wildlife Buffer Zone Map". The map shows that the subject site is within a 13 kilometre 'wildlife buffer zone' of the airport.

The Aerotropolis SEPP commenced on 1 October 2020, after the Development Application was lodged. The SEPP contains Savings Provisions which means that the SEPP does not strictly apply to the proposed development. Nevertheless, consideration has been given to Clause 21 of the SEPP and the proposed development. The objective of Clause 21 is to regulate development on land surrounding the Airport where wildlife may present a risk to the operation of the Airport (such as bird strikes). Certain types of development then trigger the requirements for further consideration under Clause 21. The proposed development, being a form of residential accommodation, is not one of the types of uses that warrant additional consideration under the SEPP with regard to wildlife and the operation of the Airport.

The subject site is also identified as being located within the Obstacle Limitation Surface Map. Clause 24 of the SEPP relates to development that would penetrate the prescribed airspace for the Airport and be a 'controlled activity'. The proposed development neither penetrates the prescribed airspace, nor is it a controlled activity, therefore not triggering any additional considerations under this clause.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 (Remediation of Land) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

There is no record that the subject site is contaminated. Council's Environmental Management Officer has reviewed the application and agreed that matters relating to contamination have been satisfied and conditions are recommended. The proponent has outlined that the site has been historically used for residential purposes while the surrounding area is also used for residential purposes. In this regard, given the residential use of the subject site and surrounding properties, it is not considered that further analysis is required as the proposal is not a change of land use being residential to residential. While so, should any 'unexpected findings' occur during demolition or excavation, work is to cease immediately and Penrith City Council is to be notified. Suitable conditions are recommended, including requirements for dealing with any asbestos that may be encountered.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

SEPP 65 aims to improve the design quality of residential apartment development in New South Wales. In particular, the Policy requires consideration of the design quality of the development when evaluated in accordance with the design quality principles, and the Apartment Design Guide (ADG).

Given its relevance to SEPP 65 and design quality, the comments from Council's Urban Design Review Panel are also discussed in this section.

The application is accompanied by a statement from a qualified designer, in accordance with Clause 50 (1A) and (1B) of the Regulations. This statement is to; verify that he/she has designed (or directed the design); explains how the development addresses achievement of the design quality principles; and shows how Parts 3 and 4 of the ADG have been achieved. The design has been made (or has been directed by) a Registered Architect, Zachary Hau, registration number 9914.

Council's Urban Design Review Panel (UDRP)

The proposal (as submitted - prior to amendments) was considered by Council's Urban Design Review Panel on 18 September 2020. The Panel's comments were forwarded to the applicant and the amended

proposal was subsequently submitted to address the points raised.

The following comments are the overarching statements from the Design Panel. They are positive in nature and recognise that the proposal has evolved in an acceptable direction.

- *In general, this amended proposal is well considered and demonstrates significant improvement of the previous scheme.*

- *Having regard for the overall level of design quality, minor non-compliance with building height is not unacceptable.*

- *However, the current proposal would benefit from minor further amendments that would improve design quality and would also achieve superior compliance with DCP provisions.*

- *Architectural documentation is clear and comprehensive.*

- *Side and rear setbacks, together with the proposed building form, conform fully with the ADG's numeric requirements.*

- *Notwithstanding minimum width of the front setback, effective landscaping comprises varied clusters of tree-species which extend into the wide eastern side setback: in this situation, desired character requirements of the DCP can be satisfied by canopy diameters of at least 6m without the need for wider-than-minimum setbacks, and the well-considered landscape design also provides reasonable screening for ground floor apartments.*

- *Note, however, that positive landscape character of the front setback must not be compromised by locations of building services such as fire boosters or substations: any requirement to provide services which are not shown on the current plans would demand a design quality review of plan amendments.*

- *Roof-top communal open space, together with ground level facilities which comprise a common room and terrace, offer higher amenity than typical ground level facilities which are squeezed into narrow setback areas with minimal or no direct sunlight: in this situation, strict adherence to the ADG's numeric requirement for common open space to cover 25% of the site area is not necessary.*

- *Building forms are well-articulated, facades are generally well-composed, and detailed sections together with notation provide comprehensive descriptions of proposed elements and finishes: in general, positive management of scale and bulk has been achieved by the four storey 'podium' with two visually recessive 'penthouse' levels.*

- *Apartment layouts are well-considered: satisfactory midwinter sunlight is achieved in part by stepping east-facing apartments, and effective cross-ventilation is achieved by corner apartments.*

- *Although design quality inevitably has been compromised by on-site garbage collection, the proposed development provides a best-possible solution via a side entrance to the turntable collection area.*

The Panel then suggested amendments to the proposal to improve the overall design and residential amenity as follows (with staff response):

- *Ground level landscaping should be amended to create a 'forest backdrop' along the rear setback: moderating impact of the garbage collection driveway, visually-separating neighbouring properties, and creating a green corridor which is a significant DCP requirement.*

Staff response: The architectural drawings and the landscape plans were amended to incorporate this change. The communal open space in the rear setback area is designed as a passive walk-through space, with a meandering path and some bench seating. The density and variety of planting species has also been increased to provide the 'forest backdrop' suggested by the Design Panel. A similar treatment was approved for the adjoining site at 32-36 Hope Street. Therefore, when both sites are developed, it is anticipated that the 'green forest backdrop' would continue along the rear boundary of the developments to Hope Street.

- *Security of common areas should be ensured by preventing unauthorised pedestrian access: the staircase at the southern end of the waste collection driveway should be deleted or secured by a tall palisade fence.*

Staff response: The amendments to the proposal included removal of this stair. The southern end of the waste collection driveway now has a 1.65m high wall to act as the barrier.

- *The ground level common room should be amended: the patio area within the eastern setback should be extended southwards to allow full-height east-facing windows along the full frontage of the common room, and the accessible toilet should be relocated to adjoin the bathroom of unit three in order to allow more flexible use of the proposed multi-purpose indoor space.*

Staff response: The amendments included extending the patio adjoining the common room to the south as suggested by the Design Panel. This creates a larger patio space for resident use. The eastern facing windows to the common room have also been increased to be full height glazing. This will improve the amount of light the room receives given its floor level is below street level. The accessible toilet within the common room space has not been relocated. However, the door to the toilet has been moved from within the common room to within the foyer area so that the bathroom looks to be separated from the common room space. In addition, a suggested furniture layout for the common room was included on the amended plan. This shows a kitchenette along the western wall of the common room, with ample open space in other areas of the room for sofas and seating.

- *The level five common open space should be amended: the accessible toilet should be moved to the western end of the stair shaft to enhance privacy, and also to eliminate safety concerns which are generated by the concealed sitting area.*

Staff response: The amendments do not include this change. However, the applicant has moved the toilet 700mm to the west so that it now lines up with the corner of the stair and provides a 2.75m external foyer area to the entry doors of the roof terrace. The applicant has stated that the concern with relocating the toilet to the western end of the stair is that it would impact on solar access to the balcony, living space and window of Unit 38. Further, moving the toilet to the western edge would increase the visible wall edge along the western facade of the building. On balance it is considered that the location of the toilet on the roof terrace is acceptable. A condition is recommended to require sensor lights specifically in the area of the bench seating that is tucked in the western nook of the roof terrace.

- *Unit one should be amended: the second bedroom which overlooks the driveway should be deleted to avoid undesirable impacts in relation to noise and air quality.*

Staff response: The drawings reviewed by the Design Panel showed that Unit 1 (on the western side of the ground floor, adjoining the car park driveway) was designed as a 2 bedroom apartment, 92sqm in area, and having a second 12sqm bedroom with a window adjoining (but at a higher level) than the driveway. This apartment also had a secondary kitchen window facing into the driveway. The proposal has been amended, in a compromised fashion, to address this concern. The bedroom has been deleted. A study room has been included in its place. However, the study room is smaller in area, 7.8sqm, has a tiled floor and will have a screen-style sliding door. In addition, the western alignment of the study has been set back from the building edge, giving greater separation between the study window and the driveway. Further, a larger and raised planter bed is included over part of the driveway, and adjoining the study room. Therefore, the amenity of the study is acceptable as the outlook will be to a planter bed and not directly onto a driveway. In addition, the internal layout of the apartment has changed so that the kitchen is now along the eastern wall of the apartment and the bathroom is relocated along the western wall, adjoining the driveway.

- *The roller shutter to the garbage collection area should be narrowed and the paved southern end of the driveway should be shortened and landscaped: swept paths indicate that these outcomes can be achieved.*

Staff response: The amendments include this change. The roller door opening to the waste turntable area has been shortened along the southern side. The space recouped as a result is used for additional landscaping.

- *Refinement of side and rear elevations is recommended in order to achieve superior architectural cohesion: scale and bulk should be moderated by more consistent use of vertically proportioned windows for these elevations, rather than horizontally proportioned windows with standard height spandrels that are visually repetitive and that tend to accentuate scale and bulk.*

Staff response: The amendments have responded to this by altering windows to use more vertically proportioned windows on the same areas of the building's facades. This has achieved more visual cohesion. In particular, the western side facade uses vertically proportioned windows in the first four floors, and horizontally proportioned windows in the two upper levels (except for sliding doors).

SEPP 65 and ADG Assessment

An assessment against the 'Design Quality Principles' of the SEPP is at **Table 1** below, and an assessment against the Apartment Design Guide is at **Table 2** below.

Table 1: Assessment Against Design Quality Principles		**Discussion**
Principle 1: Context and Neighbourhood Character	Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The proposal is for a 6 storey residential flat building in a R4 High Density zone. This is an appropriate land use for the neighbourhood as it complements the other residential developments in the street and is in accordance with the future vision of the area by providing denser housing commensurate with the uplift in zoning and height. The siting of the proposed building has taken its cue from the adjoining approval for a 6 storey residential building by continuing a front setback of 6m. Additional street tree planting is proposed and the proposal includes denser landscaping at the rear to provide a green buffer to the detached dwellings to the rear.

Principle 2: Built Form and Scale	Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook	The building has been sited to provide compliant setbacks from all property boundaries, including 6m for lower levels and 9m for the two upper levels. Although the proposed height of the building will exceed the development standard (by 150mm), the resulting bulk, scale and form of the building is similar to other developments in the area, both built and approved. This is discussed further in this report. The building alignment and presentation to Hope Street is designed with deep soil planting areas fronting the street, private courtyards behind and individual entries to the street level apartments.
Principle 3: Density	Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The development proposes 38 apartments on a site that is 1,894sqm in area. The building's envelope is restricted by controls relating to height, setbacks and deep soil planting. The proposed development complies with these core controls (except for the minor breach of height which is discussed in this Report). Therefore, the density of the development is acceptable for the host site.
Principle 4: Sustainability	Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The apartments are designed to have good solar access and cross ventilation. Solar panels are proposed on the roof. The proposal is accompanied by a BASIX certificate.

Principle 5: Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	The proposal has been amended to improve the landscape design of the development. A total of 288sqm of deep soil and 673sqm of landscaped area is provided. This is above the ADG numerical requirements. The landscaping within the rear setback has been improved to accommodate comments from Council's Urban Design Review Panel and Landscape Officer. This area will provide additional planting to serve as a passive 'walk-through' and seating area, and is a visual continuation of the treatment of the rear setback on the approved adjoining development at 32-36 Hope Street. The eastern side setback has more structured landscape elements adjoining the common room. This is a result of the change in site levels. The resulting design is still appropriate as the terrace area links the indoor common room to the outside, and then provides options for passive recreation (the hard surface terrace area, the deep soil planted area, and then the rear setback walk-through area). Disabled access to all these spaces will be refined at Construction Certificate stage and may require chair lifts. The Level 5 communal roof terrace area also contains planting on structure and provides suitable passive areas for entertaining and enjoyment.

Principle 6: Amenity	Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The resulting amenity of the amended proposal is acceptable. The proposed apartments comply with the core ADG controls, including cross ventilation, solar access, privacy / separation, apartment sizes, and storage. The apartment previously located in the rear south-eastern corner of the site, where the land will be excavated, has been removed and replaced with common space areas and individual storage areas. This is discussed further below. The communal room and adjoining communal open space has also been amended to respond to comments from Council's Urban Design Review Panel. Specifically, the toilet door is now located within the foyer area, a suggested furniture layout for the communal room is shown, and the external patio on the eastern side has been extended southwards to allow an increase in the east facing windows of the communal room.
Principle 7: Safety	Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	The building has been designed with three apartments fronting Hope Street, each having an access from the living room, to a private courtyard and then to the street. Deep soil planting is also located between the street boundary and each private courtyard. The front entry to the building is 3m wide, partially covered with a canopy roof, and includes some landscaping in planter boxes. Subject to additional lighting and possibly CCTV, this space is also considered to be designed well.

Principle 8: Housing Diversity and Social Interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	The proposal provides a suitable mix of 1 bedroom, 2 bedroom and 3 bedroom apartments, as well as 2 apartments which contain 1 bedroom plus study. Four apartments are designed to be adaptable.
Principle 9: Aesthetics	Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposed building will have a 4 storey street wall, with the fifth floor set back from the front building alignment, and the sixth floor set further back and with a reduced floor plate to accommodate the roof terrace. The materials and facade detailing also change according to these levels. The lower levels contain mostly painted and rendered walls, with glass balustrades and vertical batten screens. The fifth floor is a lighter weight metal cladding and the sixth floor is mostly vertically proportioned glazed doors, with smaller portions of painted render. The side elevations present as a combination of painted render and metal cladding. The window proportions have been amended to respond to comments from Council's Urban Design Review Panel. The windows have been designed as groups to provide some visual continuity to the facades.

Table 2: Assessment Against the Apartment Design Guide (ADG)			
Part 3	**Objective**	**Discussion**	**Complies**

3A-1	Design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A Site Analysis plan is included and has addressed the elements specified in Appendix 1 of the ADG. The proposal takes advantage of the site's northern orientation, provides suitable side and rear setbacks and continues the landscaped and open appearance of the rear setback of the adjoining, approved development.	Yes
3B-1	Buildings types and layouts respond to the streetscape and site while optimising solar access.	The building is orientated to front Hope Street which has an almost true north orientation. The 3 apartments fronting Hope Street have a direct and private access to the street, and there are no apartments on the ground floor facing south.	Yes
3B-2	Overshadowing of neighbouring properties is minimised during mid winter.	The discussion below under Parts 3D and 4A demonstrates that the proposed apartments meet the design guidance of the ADG, with 32 of the proposed 38 apartments (85%) achieving solar compliance. The application includes detailed information about which apartments receive sunlight at what times and elevatonal 'views from the sun'. Because of the northern orientation of the site and building, the shadows cast by the proposed development will not cause non-compliant shading of neighbouring properties. While some shadows are cast on properties to the rear of the site, these shadows have moved on by 12 noon and 3.00pm. In addition, the proposed development has compliant side and rear setbacks.	Yes

3C-1	Transition between private and public domain is achieved without compromising safety and security.	The ground floor will contain three apartments. All three apartments have direct frontage and access to Hope Street. The changes in level between the apartments and the street is managed by providing private courtyards (with a combination of hard surface and landscaping in a planter bed) with a portion of deep soil planting. Further, the apartments are set back 6m from the street. The front fencing along Hope Street is slat style fencing which allows some permeability. The main entry to the building is differentiated by a different design using a partial canopy roof, planting along the sides of the entry and a glazed security door. Upper level apartments facing Hope Street have windows orientated to the street to allow for passive surveillance.	Yes

3C-2	Amenity of the public domain is retained and enhanced.	As mentioned above, deep soil landscaping and planting on structure is proposed along the front of the building. The building is also set back 6m from the street alignment and will match the front setback of the adjoining approved development. Although the proposed driveway is wider than a standard two way driveway (to enable waste truck access), planting is provided on either side of the driveway. The building's main entry is at least 3m wide and is flanked by landscaping. A security door provides access to a well proportioned foyer. The proposed development will make use of the electricity substation approved in the adjoining development. Therefore, only a fire hydrant is required along the street frontage of the subject development. Suitable conditions to ensure access to the adjoining substation are recommended.	Yes

3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The ADG suggests a design criteria of communal open space equal to 25% of the site. The proposed development provides a total of 535sqm of communal open space which equates to 28% of the site area. These common spaces are in the form of an internal communal room (70sqm), ground floor common open space which is directly linked to the communal room (332sqm) and the roof terrace on Level 5 (133sqm). The second design criteria is that at least 50% of the principal open space achieves 2 hours of sunlight between 9am and 3pm at winter solstice. The communal open space along the eastern side boundary achieves this, as well as the Level 5 roof terrace. In addition, the communal areas have widths greater than 3m, have direct access to the common room and then foyer and are partially accessible to all. Because of the site levels, there are two sets of stairs located on the ground floor terrace common areas. Suitable conditions are recommended to ensure that equitable access is achieved at Construction Certificate stage. This is likely to require chair lifts to navigate the two sets of stairs. Whilst not an ideal design solution, it may be unavoidable given the levels of the site. Nevertheless, the areas affected are located at the rear of the site and other common areas (roof terrace, common room and attached ground floor terrace) are accessible.	Yes

3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	The design guidance in the ADG makes reference to providing seating for individuals and groups, barbeque and play areas and common rooms (amongst other suggestions). It also references winter sun, summer shade and concealing services. The proposed development meets these objectives. The rear setback contains denser landscaping with a meandering pathway and seating. The common room is linked to a paved terrace area that is then connected to a raised deep soil area with seating. These paved areas will receive sunlight in mid winter while the planting canopy in the rear will provide shading. The Level 5 roof terrace area will provide a BBQ and sink, toilet, tables and chairs and lounges.	Yes
3D-3	Communal open space is designed to maximise safety.	The communal open space areas on the ground floor are visible from the apartments in the first floor and above. Access to the rear setback area is only via the communal room and through the patio/terrace area. Access to the Level 5 roof terrace is only via the lift. Lighting and security will be in place to discourage unauthorised entry.	Yes
3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. The Design Criteria for this site is to provide deep soil zones equal to 7% of the site area and having a minimum dimension of 6m.	288sqm of deep soil planted areas are proposed. This equates to 15% of the site area, which exceeds the ADG design criteria. The deep soil zone is mostly along the eastern side boundary, the front setback and the rear setback area. These areas will contain suitable trees and landscaping. The rear setback area has a minimum dimension of 6m and its design has been amended to retain some existing trees which Council's Tree Management Officer considered worthy of retention.	Yes

3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. The Design Criteria requires the first 4 levels to be separated from side and rear boundaries by 6m, and for any levels between 5-8 to be separated by 9m (for habitable rooms).	<u>Eastern Side:</u> The eastern side of the proposed building (windows and/or balconies) is set back from the side boundary by between 6m and 7.1m, for the first four levels of the development. The two levels above are set back 9m, except for a very small portion of the balconies to Units 32 and 37, where the balcony slightly protrudes beyond the building line. This minor non-compliance is acceptable as adequate building separation is maintained and the area of non-compliant balcony is negligible. <u>Western Side:</u> The first four levels are set back 6m from the western side boundary with the two upper levels further set back to 9m. <u>Southern Rear:</u> The first four floors are set back from the rear boundary by 6m, except for a portion of the rear terrace to Unit 10 on the first floor. Part of this private terrace area protrudes beyond the rear building line and adjoins the common open space to the rear. This is acceptable in this instance as the rear terrace will contain a 1.5m high frosted glass edge. This will retain privacy both for the future occupants, and for users of the rear open space, and the adjoining dwelling to the rear. This non-compliance only occurs on Level 1. The two upper floors are further set back from the rear boundary by 9m, but again a small portion of the rear terraces to Units 33 and 38, which slightly protrude beyond the rear building alignment will encroach into the 9m set back. The area of non-compliance is negligible.	Yes - in part, but acceptable.
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space. The ADG design guidance then references: • separating communal open	The proposal is provided with landscaping and fencing to allow for appropriate separation. The communal areas on the ground floor are contained within the south-east and southern portions of the site. The previous apartment that was located in the south-east corner of the building has been	Yes - in part, but acceptable.

		space areas from private areas; • separating habitable rooms (bedrooms, living rooms) from other open gallery access spaces within the apartment; • positioning balconies in front of living rooms; • offsetting windows from adjacent developments; and • recessing balconies or using fins between adjacent balconies.	replaced with the common room and storage areas. This results in the whole rear of the site and most of the eastern portion being dedicated to shared facilities (and not private apartments). While the majority of apartments have a suitably designed access to bedrooms, because all of the apartments are single level spaces, some bedrooms are accessed directly from the living areas. For example this occurs on the ground floor at Units 1 and 2. However, in both cases, the bedrooms are deeper within the apartments and not located next to the kitchen and bathroom areas. Access to the second bedroom in Units 6, 7, 14, 22, and 23 is from the kitchen area. While this is not ideal, it only affects these specific apartments (5 out of the 38 total). Further, the affected apartments are larger than the ADG requirement for a 2 bedroom space. The apartments range in size from 74sqm to 86sqm and have private balconies ranging between 15sqm to 23sqm. While all balconies are positioned in front of living rooms, many of these balconies continue for the frontage of the particular apartment, so that the balcony space is also in front of a bedroom. Where this occurs in 1 bedroom apartments it is less of a concern. However, it also occurs in 2 bedroom apartments, such as Units 6, 7, 10, 13, 14, 17, 19, 22, 23, 26, 28, 29, 31, 33, and 36 (15 out of the 38 apartments). In this instance it is considered to be acceptable as the general layout of the apartments is good, with many achieving good solar access and cross ventilation. Most of the apartments and their balconies are also oversized when considered against the ADG (discussed below) and it is likely to be a poorer outcome for some of these balconies to be reduced in size so as to not adjoin bedrooms. Occupants are likely to prefer a larger sized balcony and any issues relating to use are likely to be managed by the future occupants	

		that make up the household when required. In addition, a similar layout has been approved for some apartments in the adjoining development at 32-36 Hope Street.	
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	The ground floor street frontage will contain individual entries to three ground floor apartments, via a private courtyard. The front setback area is also landscaped and fenced in front of each of these courtyards. The main entry to the building will be identifiable as it has an appearance and architectural treatment that is different from the private courtyards mentioned above. The entry will be via a 1 in 40 ramp, is 3m wide, is flanked by planting and partially roofed over. The roof over the entry (at first floor) will be a planter box that will contain vegetation that will continue to grow up a small side wall where the building entry contains a cut-out or void. This green wall is detailed in the landscape drawings and is made up of small pots attached to a fixed screen structure. The void space above the main entry runs from between Levels 1 and 4. Internally, and from within the foyer area, occupants will get a sense of openness associated with the main entry as there will be a highlight window facing the entry cut-out.	Yes
3G-2	Access, entries and pathways are accessible and easy to identify.	The building's main entry is clearly identifiable from the street and level access is provided. The access then opens up into a larger foyer space which provides good visibility to the lift.	Yes

3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	The entry to the basement car park is adequately integrated into the building with access directly off Hope Street. The basement ramp is located just behind the front building line. Landscaping along the driveway edges and above the ramp (in the form of planter boxes) is included. The waste collection arrangement is located to the rear of the building and will not be readily visible from the street.	Yes
3J-1	Car parking is provided based on proximity to public transport.	The car parking spaces provided exceed the minimum requirements of Council's DCP, and are located within the basement levels. The proposal includes 50 residential spaces, 10 visitor spaces (1 space shared as the car wash bay) and 1 loading bay.	Yes
3J-2	Parking and facilities are provided for other modes of transport.	Twelve secure bicycle parking spaces are provided within the basement levels and 2 parking spaces are designated for motorbikes.	Yes
3J-3	Car park design and access is safe and secure.	The lift lobby areas within the basement levels have adequate circulation space and visibility. The storage cages within the basement are contained within an enclosed room and the bicycle racks are positioned away from vehicle circulation areas.	Yes
3J-4	Visual and environmental impacts of underground car parking are minimised.	The car parking layout is well organised and logical, with aisles clear of structure. The basement levels are located below ground.	Yes

4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. The design criteria then states that: • living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm mid-winter; and • a maximum of 15% of apartments receive no direct sunlight.	The drawings include plans showing solar access to individual apartments, a solar access schedule, and 'views from the sun'. These show that 32 of the total 38 apartments will achieve compliance with the design criteria. This equates to 84.21% which exceeds the 70% requirement. Six apartments face south and will not receive direct sunlight. This equates to 15.79%. These are apartments 10, 17, 18, 26, 27, and 33. However, the amenity of these apartments is still considered to be acceptable for the following reasons: • Unit 10 is a large 2 bedroom apartment (108sqm) with a large private terrace (42sqm) adjoining the landscaped communal open space in the rear setback; • Units 17 and 26 are both large 2 bedroom apartments (90sqm) with generous inbuilt storage areas (walk-in-robe, linen cupboard and store area); • Units 18 and 27 are 1 bedroom apartments with generous private balconies (16sqm); and • Unit 33 is also a large 2 bedroom apartment (77sqm) with a 19sqm private balcony.	Yes
4A-2	Daylight access is maximised where sunlight is limited. The design guidance makes reference to only using courtyards, skylights and high level windows as secondary light sources for habitable rooms, and using reflective and light coloured materials.	It is anticipated that the 6 apartments mentioned above will receive daylight because of the compliant setbacks from the rear boundary and the general sense of openness at the rear. However, it is also acknowledged that those 6 units sit behind the rear building line and have balconies facing into the rear, which may limit the amount of daylight received into parts of the space.	Yes

4A-3	Design incorporates shading and glare control, particularly for warmer months.	The north facing apartments include vertical battens on part of the balconies which will allow for shading. The balcony floor of upper apartments will also provide shade to the balconies below. The Level 5 roof terrace will include a vergola structure over part of the roof to provide choice in shaded areas. The apartments on Level 4 will also have vergolas over their balcony areas.	Yes
4B-1	All habitable rooms are naturally ventilated.	All habitable rooms have operable windows to allow natural breezes to flow through the spaces.	Yes
4B-2	The layout and design of single aspect apartments maximises natural ventilation. The design guidance then references limiting apartment depths relative to ceiling heights and that 8m is the maximum depth for a single aspect apartment (in an open plan scenario).	The single aspect apartments are no deeper than 8m in the areas that are open plan living (combining living, dining and kitchen).	Yes
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents. The design criteria then states that 60% of apartments are naturally ventilated and that inlet and outlet windows are approximately of the same size.	The drawings include a ventilation plan which indicates which apartments achieve cross ventilation. According to this drawing, the applicant shows that 25 of the total of 38 apartments achieve cross ventilation. This equates to 66% which complies with the 60% design guide (noting that 60% of 38 apartments would be 22.8 apartments). However, it is also acknowledged that of those stated 25 cross ventilated apartments, 4 are slightly questionable given the relative position of the inlet to outlet windows. For example, Units 2, 6, 13, and 22 are located on the northern side of the building (to the front) and adjoin the 3m wide cut-out void that sits over the building's main entry. While the 3m wide gap is adequate in terms of its width and sense of space, its position is likely to only be able to attract the same breezes that the apartments already receive from their northerly aspects. That is,	Yes/No

		the side window is not positioned to allow air to be drawn through the apartment using opposite air pressures on each side of the building. If these 4 apartments were then removed from the calculation, the proposal would achieve a compliance of 21 apartments, being 55%. Notwithstanding this detail, and on balance, it is still considered that the objective of the control is met. Natural cross ventilation has been maximised and the apartments are considered to provide a comfortable indoor environment for residents. In particular, those 4 apartments are north facing and are slightly larger than the minimum requirements for a 2 bedroom apartment. In addition, and for the most part, inlet and outlet windows for all apartments are approximately the same size. Notably, Unit 34 has corresponding windows on the southern elevation which are smaller than windows on the western side, but this is still deemed to be adequate to allow cross flow of air. Unit 35 achieves cross ventilation through operable skylights above the dining area. This design solution is acceptable provided the skylights open to the south, allowing the cross flow of air from north to south. A suitable condition is recommended.	

4C-1	Ceiling height achieves sufficient natural ventilation and daylight access. The design criteria references habitable rooms achieving a finished floor to ceiling height of 2.7m.	The drawings show floor to floor heights of 3.06m to achieve a floor to ceiling height of 2.7m. A suitable condition is recommended to require engineering certification of all services to ensure that the floor to floor height proposed is adequate to achieve a compliant floor to ceiling height. It is not unusual for the floor to floor height to be slightly less than the normal 3.1m, and the outcome can still be achieved with a more detailed services design. In this regard the applicant has also advised that the minimum slab thickness to comply with BCA fire rating is 200mm. The slab thickness used in other developments of the applicant's has been approximately 200mm to 220mm and the applicant has allowed for 250mm in this particular proposed development, which will achieve a 2.7m finished floor to ceiling height.	Yes
4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity. The design criteria states the following minimum internal floor areas: 1 bed – 50sqm 2 bed – 70sqm 3 bed – 90sqm Additional bathrooms increase minimum areas by 5sqm and all habitable rooms are to have BCA compliant windows in terms of size (glass area of not less than 10% of room size).	The proposed development includes 1, 2, and 3 bedroom apartments, as well as 2 apartments which are designed as a 1 bedroom plus study. All proposed apartments are larger than the design criteria set out in the ADG. The 1 bedroom apartments range in size from 55sqm to 67sqm. The 2 bedroom apartments range in size from 73sqm to 104sqm. The 3 bedroom apartments range in size from 108sqm to 128sqm. The 1 bedroom plus study apartments are 80sqm and 73sqm (both larger than the minimum for a 2 bedroom apartment).	Yes

4D-2	Environmental performance of the apartment is maximised. The design criteria references habitable room depeths limited to 2.5 x ceiling height, and open plan layouts have a maximum depth of 8m from the window.	The proposed apartment depths comply with this requirement. Apartment depth in the open plan layout is not greater than 8m, measured from the window to the kitchen bench.	Yes
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs. The design criteria specifies: • master bedrooms to be 10sqm and other bedrooms to be 9sqm; • Bedrooms have minimum dimensions of 3m; • Living rooms have minimum widths of 3.6m (for 1 bedders) and 4m (for 2/3 bedders); • cross-through apartments are at least 4m wide.	All apartments comply with this requirement.	Yes
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity. The design criteria states that all apartments are to have primary balcony areas of the following size:: • 1 bed – 8sqm (2m deep); • 2 bed – 10sqm (2m deep); and • 3 bed – 12sqm (2.4m deep). Ground floor apartments are to have at least 15sqm of private open space with a minimum depth of 3m.	All apartments either comply with or exceed the private open space size and area requirements. The private open space areas for 1 bedroom apartments range from 8sqm to 23sqm; for 2 bedroom apartments, from 10sqm to 85sqm; and for 3 bedroom apartments, from 13sqm to 22sqm. The three ground floor apartments have front courtyards measuring 23sqm, 26sqm, and 34sqm.	Yes
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.	Balconies are located adjacent to living areas, they predominantly face north, east, or west, and have their longer side (length) facing outwards, so are suitably proportioned.	Yes

4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building. The design guide suggests that front fence are visually permeable, full width-full height glass balustrades are avoided, operable screens are used, air-conditioning should be located on roofs or screened if on balconies.	The proposed development is acceptable as follows: • the front fence to private courtyards is permeable; • full height glass balustrades are not used; • vertical battens are positioned on some balconies to provide further facade interest and assist with shading; and • A/C motors will be placed on individual balconies. A condition is recommended to ensure that each motor is suitably screen and position close to the apartment's wall (away from the balcony edge).	Yes
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments. The design criteria states that no more than 8 apartments can be accessed off a circulation core. The design guidance suggests that greater corridor widths improve amenity, daylight and natural ventilation should be provided, and primary windows should not open onto the corridor.	Levels 1, 4, and 5 have less than 8 apartments accessed from the common foyer areas. Levels 2 and 3 have 9 apartments accessed from the common foyer areas. This is acceptable in this instance as the foyer is broken into two distinct foyer areas (split level). Each foyer space provides access to 4 and 5 apartments respectively. The foyer is designed as a more open space, not a linear corridor. The eastern foyer also has a highlight window which provides daylight and natural ventilation to the foyer space. There are no windows to apartments which open onto the communal foyer areas.	Yes
4F-2	Common circulation spaces promote safety and provide for social interaction between residents.	The proposed foyer areas are short, direct and provide legible access to all apartments, also having no tight corners or pinch points. The generally rectangular shape of the foyer areas would also allow residents to meet and greet each other in the space if desired.	Yes

4G-1	Adequate, well designed storage is provided in each apartment. The design criteria requires additional storage as follows: • 1 bed – 4 cubic metres; • 2 bed – 6 cubic metres; and • 3 bed – 10m cubic metres, with 50% of that space in the apartment.	The floor plans show a designated space allocated for this storage within each apartment. The volume of each space is also indicated on the floor plan. The capacity of the storage area either complies with or exceeds the 50% requirement.	Yes
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.	Thirty individual storage units are located on the ground floor in the south-eastern corner of the building. The storage units are easily accessed via a door at the end of the foyer, near the communal room. The storage volume provided here exceeds the controls and will increase amenity for future occupants. The design has included this storage space as a means of addressing previous concerns about locating a 'subterranean' apartment in this location on the site. A further 10 storage units are located in the lower basement level.	Yes
4H-1 and 4H-2	Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated with apartments through layout and acoustic treatments.	Compliant building separation is proposed in accordance with the ADG objectives. Windows within apartments are generally located to open out towards the property boundaries. Only Unit 1 has two windows which open out towards the driveway / car park ramp. The first window is to a bathroom (non-habitable room) and the second window is to a study space (habitable). To address this, the study space has been designed with a concertina style sliding door, is indented (set back) from the side building alignment, and fronts a raised planter bed. A suitable condition is recommended to ensure that acoustic treatments are detailed in the Construction Certificate plans.	Yes

4K-1 and 4K-2	A range of apartment types and sizes is provided to cater for different household types and into the future. The apartment mix is distributed to suitable locations within the building.	The development proposes a range of apartment sizes and configurations, the mix being: • 11 x 1 bedroom; • 2 x 1 bedroom plus study; • 19 x 2 bedroom; and • 6 x 3 bedroom apartments.	Yes
4L-1 and 4L-2	Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents.	Three apartments are located on the ground floor. All three have a direct access to Hope Street via an individual path to a private courtyard. Deep soil landscaping is located in front of each private courtyard and this will provide a green buffer between the living spaces and the street. The courtyards are also contained in a slat style fence.	Yes
4M-1 and 4M-2	Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the facade.	The building facades were amended to address comments made by Council's Urban Design Review Panel. Specifically, the variety of window choices was simplified and consolidated so that the side facades in particular looked neater and more cohesive. A variety of materials and finishes is proposed, the building entry is clearly defined, slab edges are used to frame sections of facade and lighter weight metal cladding is used for the upper levels.	Yes
4N-1, 4N-2 and 4N-3	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features.	The proposed roof is generally flat with an expressed slab edge that caps the building. The overall form of the roof steps down towards the west as the building steps down. Solar panels are proposed on part of the roof. Level 5 (top level) is designed to accommodate apartments and the communal roof terrace.	Yes

4O-1 and 4O-2 4P-1, 4P-2, and 4P-3	Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity. Planting on structures contributes to the quality and amenity of communal and public open spaces.	The proposal was amended to respond to comments from Council's Urban Design Review Panel. Specifically, the landscape design was altered to provide more planting in the rear setback communal open space. Deep soil landscaping in the front setback is also proposed and a variety of areas in the building contain landscaping on structure, including the Level 5 roof terrace, the main entry cut-out, and planter boxes around the driveway ramp and waste area.	Yes

4Q-1, 4Q-2 and 4Q-3	Universal design features are included in apartment design to promote flexible housing for all community members. The design guidance makes references to a 'silver level' in the Livable Housing Guideline and seven core design features.	It is considered that the proposed development achieves these principles as the following is included in the proposed development: • A safe continuous and step free path of travel from the street entrance to the apartment entrance; • There is at least one, level (step-free) entrance into an apartment; • Internal doors and corridors facilitate comfortable and unimpeded movement between spaces; • A toilet is provided on the ground level that provides easy access. This is located next to the communal room; • A bathroom contains a hobless shower recess. This is within the accessible apartments which will have the shower flush with the reminder of the floor tiles; • Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date. Although this level of detail is not clear at DA stage, it is likely that the accessible apartments will have this feature; and • Stairways are designed to reduce the likelihood of injury and also enable future adaptation. In this regard the internal spaces of apartments do not have stairs. Stairs are located within each foyer (to deal with the level changes) and on the eastern side communal patio and deep soil planting area. Each of these stairs are fairly wide and short, containing 4-5 steps.	Yes
4U-1, 4U-2 and 4U-3	Development incorporates passive environmental design. Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	Adequate natural daylight, sunlight and ventilation is provided to apartments as per the design criteria of the ADG discussed above. Shading is provided by balcony overhangs, landscaping and the roof terrace vergola.	Yes

4V-1, 4V-2, and 4V-3	Potable water is minimised. Urban stormwater is treated on site before being discharged to receiving waters. Flood management systems are integrated into site design.	The stormwater/civil drawings were amended to address initial concerns raised by Council's Waterways and Engineering Units. The amended and additional information submitted has satisfied the technical requirements of Council. On-site detention is proposed in the form of a tank beneath the driveway.	Yes
4W-1 and 4W-2	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by providing safe and convenient source separation and recycling.	The proposed development includes provision for on-site waste collection by Council's garbage trucks. This is in the form of a turntable located at ground floor level and in the rear south-western corner of the building. The driveway to Hope Street is wider so as to allow the waste truck to use the driveway along the western side boundary to access this turntable area. The waste access driveway is separated from the resident/visitor vehicle driveway. The streetscape appearance of the building is not compromised because the waste truck does not need access into the basement, eliminating the need for a clearance at street level. Further, the turntable is integrated into the building envelope and tucked away towards the rear corner of the building. The landscaping around the waste area also assists in screening the walls around that area. Council's Waste Officer raises no objection to the proposed arrangement for collection. This is a similar arrangement that has been approved for the adjoining development at 32-36 Hope Street. In addition, the building includes waste chutes on all upper floors, a bulky waste room on the ground floor and waste infrastructure in the basement, with a bin lift to move the bins to the ground floor collection area.	Yes

4X-1, 4X-2 and 4X-3	Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs.	To assist with long term maintenance, the proposal includes the following: • Robust materials such as tiles are used in the foyers on all levels; • Most windows can be cleaned from balconies; • The communal room also has tiles as the floor covering; and • The basement storage area contains a separate WC and cleaner's room.	Yes

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

This Regional Environmental Plan integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban development. The proposed development, subject to conditions, will adequately mitigate and manage impacts to the river system.

In addition, the proposed stormwater management, civil drawings have been amended to address matters raised by Council's Engineer and Waterways Officer. The drainage concept is now acceptable.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies - See discussion
Clause 4.3 Height of buildings	Does not comply - See discussion
Clause 4.6 Exceptions to development standards	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.2 Flood planning	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

The site is zoned R4-High Density Residential. The Penrith LEP permits residential flat buildings in this zone, with development consent.

Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

The consolidated site will be 1,894.4sqm in area, which meets the minimum lot size of 800sqm required by the LEP to host a residential flat building on the site. A condition is included in the recommendation to require the lots be consolidated prior to any Occupation Certificate being issued.

Clause 4.3 Height of buildings

The Penrith LEP permits a maximum building height of 18m at the subject site. The proposed development will have a maximum building height of 18.15m, which exceeds the height control by 150mm (0.15m) or 0.83%. The area of non-compliance is limited to the very top portion of the roofline above Units 35 and 36, and is mainly due to the cross-fall of the site and the elevation of the ground floor to allow for waste trucks to access the site from the street. The application includes a written request, pursuant to Clause 4.6 of the Penrith LEP, to vary the development standard. This is discussed in further detail below. The variation to the height development standard is acceptable in the circumstances of this case.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the Penrith LEP allows the applicant to make a written request to vary the applicable development standard that is contravened. In this case, the development standard contravened is the maximum building height of 18m, at Clause 4.3 of the Penrith Local Environmental Plan 2010. The height control is written as a development standard and can therefore be varied pursuant to Clause 4.6. In addition, Clause 4.6(8) of the LEP does not exclude the operation of Clause 4.6 from the height development standard.

The proposal will have a maximum building height of 18.15m, which is **150mm over the control**. This equates to a **non-compliance of 0.83%**. (Although the written request incorrectly states that the non-compliance equates to 2.8%, Council staff have confirmed with the applicant that the breach is 150mm which equates to 0.83%). The non-compliance only occurs over a portion of the roof of Units 35 and 36, which are positioned in the central and north-eastern corner of the site facing Hope Street. Because of the natural slope of the land, and the corresponding 'slope' of the height control, it is only a portion of the roof of two apartments that breaches the height control. The remainder of the roof structure, including the lift overrun, is within the height envelope because of the slope of the land.

Of some comparable relevance is the approved development of the adjoining property at 32-36 Hope Street, which endorsed a 6 storey residential flat building at 1.2m over the 18m height control. In that case, the Court considered the written request to vary the height control and noted the following in the written request:

- that the height exceedance is limited to a lift overrun and part of the roof;
- that higher elements of the building are recessed;
- that building facades are highly articulated; and
- that there is no visual impact, disruption of views, loss of privacy, or loss of solar access as a consequence of the exceedance.

The Development Application includes a written request to seek a variation of the height control, made pursuant to Clause 4.6 of the LEP. This request is contained at Appendix 1 in the Statement of Environmental Effects.

The objective of Clause 4.6 is contained at sub-clause (1) and is; "*to provide an appropriate degree of flexibility in applying certain standards to particular development*"; and "*to achieve a better outcome for and from the development by allowing flexibility in particular circumstances*". Clause 4.6(3) requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating the following:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
(b) That there are sufficient environmental planning grounds to justify contravening the development standard.

In this regard the applicant has submitted a written request that seeks to justify the contravention, makes

statements about recent case law and states why compliance is considered to be unnecessary or unreasonable in this instance. The written Clause 4.6 request makes the following statements:

- In relation to the current proposal, the keys are; demonstrating that the development remains consistent with the objectives of the maximum building height control and on that basis that compliance is unreasonable or unnecessary; demonstrating consistency with the R4 zoning; demonstrating that there are sufficient environmental planning grounds to vary the standard; and satisfying the relevant provisions of Clause 4.6;

- The request references a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118*. It states that the Commissioner of the Court confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore, this must be considered when evaluating the merits of the building height departure;

- The request then states that the key tests arising from various judgements are that the consent authority be satisfied the proposed development will be in the public interest because it is "*consistent with*" the objectives of the standard and zone; it is not a requirement to '*achieve*' those objectives;

- The request states that establishing '*compliance with the standard is unreasonable or unnecessary in the circumstances of the case*' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1);

- Using the first test as per the *Wehbe v Pittwater Council*, the written request states that the underlying objectives of the height control are met and therefore the control is unnecessary and unreasonable in the circumstances of this case. The locality is in a state of transition from existing low density to high density development. The current planning controls attempt to create a new character. The proposed development is not incompatible with the existing character of the locality, being one of divergent building heights, bulks and scales. The development, being surrounded by generous landscaped areas is also consistent with the character of landscaping in the local area;

- The building height is compatible with the height, bulk and scale of the desired future character when having regard to recent development constructed in the locality and to the suite of planning controls. The desired future character for the precinct, as evidenced by the planning controls and zone objectives, is high density residential development surrounded by generous landscaped areas;

- The 5th and 6th storey of the proposal is recessed behind the main building alignment to reduce visual dominance of the building when viewed from the public domain and adjoining residential properties. The step in the facade provides for visual relief to the street as it presents a 4 storey street wall with recessed upper levels. This is a similar design approach adopted in other recent development in the locality. The resulting development has a height, bulk and scale that is harmonious and sympathetic in the Hope Street streetscape;

- The additional height does not generate any additional amenity impacts with regard to overshadowing, visual privacy, acoustic privacy or view loss. The development's top floors are stepped in;

- In regards to visual impact, the area of the development which contravenes the development standard is not perceptible at street level given the upper level of the building is setback behind the lower levels, and the departure is to a small part of the roof to Units 35 and 36. A development of a wholly compliant height would have the same visual appearance when viewed from the public domain and adjoining properties;

- The additional building height will not impact on views enjoyed from the public domain and adjoining properties;

- The subject site is not on the interface with an area of lesser intensity, with surrounding and nearby properties being similarly zoned and having similar restrictions on height. Therefore, the subject height has not been nominated to provide a transition on the subject property to an area of lesser intensity;

- There are sufficient environmental planning grounds to vary the development standard, including that

the variation permits the creation of the roof top communal area on Level 5, which is a good planning outcome; the variation does not generate unacceptable adverse impacts; the variation allows a development of a suitable bulk and scale, compatible with other development in the streetscape; and the proposal ensures that the area is provided with high density residential development to support the growth of Penrith, which also meets the zoning objectives of the R4 zone.

Clause 4.6, sub-clause (4) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied of the following:

(i) The applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3); and
(ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The discussion below is provided to the Local Planning Panel so that the Panel may be satisfied that the requirements of Clause 4.6(4) have been met and that development consent can therefore be granted to the proposed development notwithstanding the contravention of the development standard for height.

Has the applicant's written request adequately addressed the matters required to be demonstrated by sub-clause (3)?

Yes, it is considered that the applicant's request (summary outlined above) follows a sound line of argument for justifying why the height control is unreasonable or unnecessary in this particular case. The statement has used recent court judgements as guidance for requesting the variation to the height control and has outlined why it is believed the control is unnecessary or unreasonable in this instance, primarily because the objectives of the height and zone controls are still met, notwithstanding the non-compliance. In addition, the written request outlines the environmental planning grounds to justify the contravention, primarily that the breach of height does not result in any adverse impacts and will allow a suitable form of development to occur in the R4 High Density Residential zone.

Is the proposed development consistent with the objectives for the standard relating to building height contained in the LEP?

The height of buildings control is at Clause 4.3 of the LEP. It contains four objectives, being:

(a) To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality;
(b) To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes;
(c) To minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance; and
(d) To nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

With regard to the above objectives, it is considered that the proposed development will still meet these objectives because of the following:

- The overall height and massing of the building will still appear as a 6 storey structure, with a 4 storey street wall, notwithstanding a portion of the building being 150mm over the height control;
- The resulting scale is similar to recently completed residential flat buildings in Hope Street, as well as the recently approved application for the adjoining site at 32-36 Hope Street;
- The proposed building will be compatible with the desired future character of the area, which provides for 5-6 storey residential flat buildings in a landscaped setting;
- The portion of the building that will breach the height control is limited to a small part of the roof of Units 35 and 36, which is 150mm over the 18m height limit;
- This breach is relatively minor, both in quantity and position, and will not cause any additional adverse impacts;
- There are no heritage items or conservation areas near the site, and therefore the proposed breach will not have an adverse impact to the historic qualities of the area; and

- The proposed development will achieve a high quality urban form which has received general support from Council's Urban Design Review Panel.

Is the proposed development consistent with the objectives for development within the R4 High Density Residential zone?

The R4 High Density Residential zone has six objectives as follows:

- 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; and
- To ensure that development reflects the desired future character and dwelling densities of the area.

With regard to the above objectives, it is considered that the proposed development will meet the relevant objectives and not detract from the achievement of those objectives. The proposal will provide suitable residential apartments that comply with the amenity provisions outlined in SEPP 65 and the Apartment Design Guide. The apartments are varied in terms of size, apartment mix and design.

Given that the proposed development is consistent with the objectives for height and also consistent with the objectives for development in the R4 High Density Residential zone, it follows, and is considered that, the proposed development will be in the public interest.

In addition, Clause 4.6(4)(b) requires the concurrence of the Planning Secretary. In this regard, a standard delegation was issued by the Planning Secretary in Planning Circular 20-0002 issued on 5 May 2020 (this replaces previous circulars relating to concurrence to vary development standards). This Circular provides assumed concurrences. For development that would contravene a standard by less than 10%, the assumed concurrence applies to a delegate of Council (staff). Given that the non-compliance is 0.83%, both Council staff and the Local Planning Panel have the assumed concurrence of the Planning Secretary to determine the application. The Local Planning Panel is the appropriate consent authority because the proposed development is for a new residential flat building to which SEPP 65 applies.

In conclusion, it is considered that the applicant's written request has satisfied the requirements of Clause 4.6 of the LEP, and that the Local Planning Panel, having regard to this request, and the other matters pursuant to Clause 4.6, can vary the development standard for building height.

Clause 7.1 Earthworks

The site naturally falls from the rear south-east corner (RL 47.63) towards the north-western corner of Hope Street (RL 44.23), with a cross-fall of 3.4m. The proposal therefore includes some excavation, which is most apparent at the eastern sides of the building. The depth of excavation will vary across the site from between 220mm to 1600mm, which exceeds the suggested maximum depth of fill in the DCP of 1m. Notwithstanding this, the excavation is an appropriate design solution to provide more uniform levels on which to establish the new building.

In the previous Development (and Review) Application, the main concern appeared to be the position of a residential apartment in the south-eastern corner of the building, and the resulting poor amenity given the position of floor levels below natural ground level, rather than the actual excavation itself.

To address this, the current proposal incorporates the communal room and 30 storage units in the eastern and south-eastern portion of the building at ground floor level. The eastern setback also contains a combination of deep soil landscaping for communal use and a shared common patio area. This design response is appropriate in this case.

Further, and although parts of Unit 3 (mostly along the eastern side boundary) are also below natural ground level, the amenity of this apartment is acceptable as it has a primary frontage to Hope Street facing north, and has 2 areas of private open space, both with deep soil planting between the site boundaries and the private patio areas.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

In February 2021, the Department of Planning, Industry and Environment (DPIE) exhibited an Explanation of Intended Effect (EIE) for a new State Environmental Planning Policy, called the 'Design and Place SEPP'. The exhibition period for the EIE is to 31 March 2021. The proposed new SEPP seeks to integrate and align good design and place considerations into planning policy. It will apply to subdivision of new residential estates and residential flat buildings. Its focus is to start with Connecting with Country as a foundation for place-based design, and to then create 5 guiding principles:

1) Design places with beauty and character;
2) Design inviting public spaces;
3) Design productive and connected places;
4) Design sustainable and greener places; and
5) Design resilient and diverse places.

The EIE refers to how the COVID-19 pandemic has changed how people live and work, such as the community's need for public space, recreation and destinations that are walkable from their homes, and areas in their homes from which to work from.

The proposed SEPP will replace SEPP 65 - Design Quality of Residential Apartment Development, and SEPP (Building Sustainability Index: BASIX) 2004. The new SEPP will be accompanied by two (revised and new) guidance documents; a revised Apartment Design Guide (ADG) and a new Urban Design Guide (UDG). Some of the changes indicated in the Draft EIE are as follows:

- Clarifying that the design criteria are mandatory;
- Simplifying the method for calculating solar access, and increasing the range of hours a development may achieve solar access;
- Requiring ceiling fans for habitable rooms with 2.7m ceiling heights;
- Increasing natural cross-ventilation requirements to 70% of units;
- Increasing the number of units suitable for a growing ageing population and families with children through Livable Housing targets;
- 20% of 2 (or more) bedroom units are to be 'family units' providing a minimum 12sqm bedroom size for all bedrooms (this is relating to flexible and varying layouts);
- Decreasing the amount of storage to be provided within the units from 50% to one-third;
- Decoupling criteria for communal open space and common rooms to provide flexibility in the provision of both, based on the size of the development and households, such as removing the 25% of site area control with a unit mix / occupancy metric; and
- Requiring natural light and ventilation to common circulation spaces.

Section 6.4 of the EIE states that there will be savings provisions and it is expected that the SEPP will be made by the end of 2021. Therefore, the current proposal before the Panel is to be considered under the current State planning controls (BASIX and SEPP 65). However, having regard to the future Draft SEPP, the proposed development is still considered to result in a good design outcome. Many of the residential apartments exceed the size criteria in the ADG, solar access and cross-ventilation is fully compliant, the amount of communal open space exceeds the ADG criteria, and suitable landscaping is provided in the setback areas.

In addition to the above, there are two further relevant Draft SEPPs. They are:

- Draft SEPP (Environment) - This policy will simplify the planning rules for a number of water catchments, waterways, and urban bushland. The proposed development will not contradict the aims of this policy.
- Draft SEPP (Remediation of Land) - The aim and controls in this draft policy will not alter the assessment and requirements for contamination investigation and remediation. This policy will expand the categories of remediation work which requires development consent.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.5 Residential Flat Buildings	Complies

Section 4.15(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety are imposed as conditions of consent where applicable. Further, the application is accompanied by a statement from the qualified designer in accordance with Clause 50 (1A) and (1AB) in relation to SEPP 65.

Section 4.15(1)(b)The likely impacts of the development

Much of the planning assessment of the likely impacts of the development is contained in the discussion under the heading SEPP 65 - Design Quality of Residential Apartment Development. That section dealt with amenity impacts, character of the area, setbacks, overshadowing and solar access, landscaping, design, and scale. Other matters requiring further discussion are detailed below.

Access, Traffic and Parking

The application is accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning P/L. This report assesses the development in terms of the existing and proposed traffic conditions, traffic generation, access arrangements, roads, car parking, and public transport accessibility.

Hope Street is a local, unclassified road which is primarily used to provide vehicular and pedestrian access to property frontages. Kerb side parking is generally permitted on both sides of the road and the legal speed limit is 50km per hour. Hope Street allows vehicle movements to be left-in and left-out at Parker Street (The Northern Road).

The proposal includes 61 car parking spaces, being 50 resident spaces (4 of which are accessible), 10 visitor spaces (1 of which doubles up as the car wash bay), and 1 dedicated service bay. The Penrith DCP would require 44 spaces for resident parking, 7.6 spaces for visitors, 1 car wash bay and 1 service bay. The proposal fully complies with the DCP controls for parking numbers.

The Traffic Report uses the Roads and Maritime Services (RMS) Technical Direction 2013/04a to determine

the traffic generation rates for the proposed development. The RMS Guidelines state that the traffic generation rates for high density residential flat dwellings are:

- In the AM morning - 0.19 peak hour vehicle trips per unit; and
- In the PM afternoon - 0.15 peak hour vehicle trips per unit.

However, the traffic consultant goes on to state that because the site is located outside the 800m radius to both Penrith and Kingswood railway stations, the more conservative traffic generation rate nominated in the RMS Guidelines of '0.29 peak hour vehicle trips/dwelling' will be used. Using this rate, the proposed development will generate approximately **11 vehicle trips per hour** during the weekday morning and afternoon commuter peak periods. The traffic consultant then factors in the current use of the site as 3 detached dwellings, using the RMS Guideline of 0.85 peak hour vehicle trips per dwelling, stating that the existing use of the site generates approximately 2.55 vehicle trips per hour. Therefore, the **net increase** in traffic generation as a result of the proposed development will be approximately **8.47 vehicle trips per hour** in the peak periods.

Council's Traffic Engineer has reviewed the proposal and stated that the existing road network can accommodate the expected increase in traffic as a result of the proposed development. Council's Engineer has also reviewed the driveway and basement design and has confirmed that these areas are acceptable and conditions have been recommended.

Noise

The application is accompanied by an acoustic assessment prepared by Acoustic Logic. This report reviewed the noise sources, including traffic noise, garbage chute, garbage collection trucks and lift noise. The report makes recommendations to mitigate noise using particular construction materials and methods, such as specific seals for all glazing, window thicknesses, insulation between the lift shafts and adjoining walls, and particular methods for bracing the garage chute. The report states that the internal noise goals will be achieved with windows open.

To mitigate noise impact for adjoining properties, the acoustic report recommends barriers/screens along the western side and southern rear boundaries. A 2.1m high acoustic screen is recommended along the western side boundary and a 1.8m high acoustic screen along the southern rear boundary. Given that the heights of the recommended acoustic screens are similar to a standard fence height of 1.8m, the screens are acceptable. In particular, the higher screen of 2.1m along the western boundary will adjoin the recently approved residential flat building at 32-36 Hope Street. The report suggests that the screens can be made of standard fencing material, such as colorbond metal, lapped and capped timber or 6mm fibre cement.

The report has been reviewed by Council's Environmental Management Team and is considered acceptable. Suitable conditions are recommended to ensure the noise mitigation recommendations are detailed in the Construction Certificate application and adhered to.

Accessibility

The proposal includes 4 accessible car parking spaces in the basement which are located near the lift. Four apartments have been designed as accessible units and these are located throughout the building (2 on the ground floor, and 1 each on Levels 1 and 3). All areas of the building, including the split level foyer, are accessible. The foyer lift has dual doors which open onto each split level as required.

The one area of non-compliance is the path of travel from the communal patio on the eastern side, to the communal deep soil planted area, and then into the rear setback landscaped space. This area will require further resolution during design development for the Construction Certificate stage. The applicant has indicated that chair lifts would be required to navigate the two sets of stairs in this area. Although not ideal, chair lifts would be a reasonable solution as equitable access to the rear landscaped setback is important. Although there is a level path of travel via the foyer lift and through the back service walkway into the rear landscaped area, this should not be designated as the primary means of equitable access as it really is the 'back-of-house', service pathway. A suitable condition is recommended to require design development to provide equitable access from the eastern patio area to the rear landscaped setback space.

Demolition

The proposal includes the demolition of all of the buildings on the site. This includes the three single detached dwellings and their outbuildings (sheds and garages). The dwellings and ancillary structures do not have any historic or cultural significance. Their removal is acceptable.

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

Once the three lots are consolidated, the site will have a frontage of 47m to Hope Street and a depth of 40m, with an approximate northerly aspect to Hope Street. These attributes make the site suitable for the proposed residential development. The land is not considered to be contaminated or flood prone. The civil stormwater design has been amended to satisfy Council's Engineer and on-site waste collection is addressed. Therefore, subject to conditions, the site is suitable for the residential use and the scale of building proposed.

Section 4.15(1)(d) Any Submissions

Community Consultation

The application was publicly exhibited and notified to surrounding landowners and occupiers in accordance with Council's community consultation policy. This included a site notice, notification letters and a notice in the local newspaper. Four submissions have been received.

Submission Comment:	**Response:**
Penrith Council and NSW Planning do not care about the people of Penrith and it's only about the money. There is enough high-rise in this vicinity.	The land is zoned R4 High Density Residential, which allows the type of residential flat building being proposed. It is acknowledged that the area is changing from traditional single dwellings to higher density living. The location of the site near Nepean Hospital, two train stations and the Penrith commercial centre, makes it suitable for increased residential density.

The street already has 4 mid-rise apartment blocks with more being built. The road is very narrow which causes traffic congestion. Another building would cause more congestion.	Council's Traffic Engineer has reviewed the proposal and stated "*It is anticipated the additional traffic generated by this development can be accommodated within the surrounding road network*". The Traffic Report submitted with the application is discussed in this report. The proposed development will likely generate 11 vehicle trips per hour in the morning and afternoon peak periods. This is a net increase of 8.47 vehicle trips per hour (above that already generated by the three existing dwellings on the site). It is also acknowledged that Hope Street is a narrow road and that oncoming cars will need to practice etiquette in order to pass each other. However, this in itself is not an overriding reason to refuse the application, particularly given that suitable access for cars and Council's waste truck is incorporated into the design. Further, the adjoining property at 32-36 Hope Street has recently been approved with a similar outcome and design and the site's R4 High Density Residential zoning envisages outcomes such as the one proposed.
Street parking is already very limited.	The proposal includes on site parking for 61 cars, comprising 10 visitor spaces, 50 resident spaces and 1 service bay. It is acknowledged that street parking in Hope Street and other nearby streets is at capacity. This is likely because of the site's proximity to health services in the area. However, the proposed development makes suitable provision for on-site parking to cater for the number of apartments proposed. This also complies with Council's Development Control Plan.
The reduction in open spaces in the area is detrimental to the suburb.	It's believed that the 'open spaces' referred to are references to the front and back yards of traditional detached dwelling lots. It is agreed that these open spaces and sense of openness are reduced as a result of detached dwellings being replaced with residential flat buildings. However, the proposed development includes fully compliant setbacks, with deep soil landscaping in the front, rear and eastern side in order to provide some visually soft buffers to the site's edges.

Disturbance during basement excavation and construction process - noise, dirt, impacts to health.	The excavation and construction stages of a development do cause disturbance while those processes are occurring. Council uses standard conditions of consent and regulations to mitigate these impacts. In addition, the excavation and construction phases are limited in time and will come to an end. Concerned residents can contact Council's Development Compliance Unit who are able to investigate and take action if warranted. The development site will also contain the contact details of the building firm and the Principal Certifying Authority, who is the first point of contact, and in most cases would be better positioned to act quickly on receiving concerns.
Loss of sunlight to backyard.	Some loss of sunlight to properties on the southern side of a development site will be expected. Both NSW state (through SEPP 65) and local Council controls (Penrith DCP) try to limit this impact by restricting the duration and amount of overshadowing proposed developments can cast. While the proposal will cast additional overshadowing to back yards of dwellings adjoining the site to the rear, it is considered that the shadows cast comply with the controls for solar access to neighbouring properties. It should also be noted that the adjoining properties to the rear (fronting Derby Street) are also located in the R4 High Density Residential zone and therefore there might be some expectation that these dwelling lots may develop in the future.
Overlooking from apartments.	In a similar manner to the response above, there will be a change to the sense of overlooking experienced by the dwellings to the south of the site. This is because a single dwelling will be replaced with a multi-storey residential flat building. However, the proposed building is fully compliant with SEPP 65 with regard to setbacks. The lower floors of the building will be set back 6m from the rear boundary, and the two upper floors will be further set back by 9m. In addition, the proposal was amended to include more dense vegetation and tree planting in the rear setback and this will act as a visual green buffer between properties.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	No objections - subject to conditions

Section 4.15(1)(e)The public interest

The proposal is considered to be in the public interest as it will provide an increased supply of housing in the area, with apartments having a good level of amenity, and the resulting building being of a suitable bulk and scale with landscaped edges.

Section 94 - Developer Contributions Plans

The proposal attracts a total contribution amount of **$200,797.00** pursuant to Section 7.11 of the Act and Council's Contributions Plans. This is levied towards Local and District Open Space as well as Cultural Facilities. A credit for the three existing dwellings on the site has been applied.

Conclusion

The proposed development represents the applicant's third attempt to gain development consent for a 6 storey residential flat building at the site. This Development Application has now addressed and resolved issues relating to the previous proposals. The proposed development is a well thought out design that provides appropriate setbacks, landscaped edges, good quality communal areas and ADG compliant apartments.

In addition, the proposed development provides for appropriate on-site waste collection which has been designed as an integral part of the building. The bulk and height of the proposal has been reduced by removing the roof top terrace, reducing the number of apartments, and providing a roof level communal terrace on part of Level 5 (the top floor). The proposed breach of the height control is now only 150mm which is relatively insignificant and occurs only for a small portion of the roof above Units 35 and 36.

Council's Urban Design Review Panel has commented on the proposed development to state that the amended design is generally supported and is an acceptable response to the development potential of the site. Suggestions by the Panel on how to improve the development have been taken up by the applicant in further refinements and amendments to the proposal.

The proposed development is acceptable on planning and design grounds. Other internal units of Council (Environmental Management, Waste, Engineering, Waterways, Landscape Team, Traffic, and Tree Management) have raised no objection to the amended design, subject to conditions. The Development Application is therefore recommended for approval.

Recommendation

It is recommended that:

1. The request made pursuant to Clause 4.6 of the Penrith LEP 2010 to vary the development standard at Clause 4.3 of the Penrith LEP relating to building height, is granted; and
2. Development Application DA20/0365 for demolition of existing structures and construction of a residential flat building at 26-30 Hope Street, Penrith, be approved subject to conditions.

General

1 A001 - Approved plans table

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, and the following supporting documents submitted with the application (except as may be amended by the conditions of this consent):

- DA Acoustic Report (ID: 20171633.2), prepared by Acoustic Logic, dated 10 June 2020;
- Traffic and Parking Assessment Report, prepared by Varga Traffic Planning Pty Ltd, Reference 20305, dated 12 June 2020;
- Waste Management Plan, prepared by Mark Makhoul, dated 10 April 2018;
- Nationwide House Energy Rating Scheme - Certificate by BDAV Assessor #12/1472, issued June 2020;
- Aboricultural Impact Assessment and Tree Management Plan, reference 3568.2, prepared by Redgum Horticultural, dated 17 November 2020;
- BASIX Certificate No. 1106425M; and
- The following drawings:

Drawing Title	Drawing No.	Revision Number	Prepared By	Dated
Site Analysis Plan & Location Plan	DA0.01	B	Building Design & Technology	11/11/2020
Proposed Upper Basement Plan	DA1.01	A	Building Design & Technology	01/06/2020
Lower Basement Plan	DA1.02	A	Building Design & Technology	01/06/2020
Basement Driveway Sections	DA1.02A	B	Building Design & Technology	11/11/2020
Proposed Ground Floor Plan	DA1.03	B	Building Design & Technology	11/11/2020
Proposed Plan Level 1	DA1.04	B	Building Design & Technology	11/11/2020
Proposed Plan Level 2	DA1.05	B	Building Design & Technology	11/11/2020
Proposed Plan Level 3	DA1.06	B	Building Design & Technology	11/11/2020
Proposed Plan Level 4	DA1.07	B	Building Design & Technology	11/11/2020
Proposed Plan Level 5	DA1.08	B	Building Design & Technology	11/11/2020
Proposed Roof Plan	DA1.09	A	Building Design & Technology	01/06/2020
Elevations 1 (North & East)	DA1.10	B	Building Design & Technology	11/11/2020

Elevations 2 (South & West)	DA1.11	B	Building Design & Technology	11/11/2020
Elevation Models	DA1.11A	A	Building Design & Technology	01/06/2020
Section AA & Front Fence Elevation	DA1.12	B	Building Design & Technology	28/07/2020
Section BB & CC	DA1.12A	B	Building Design & Technology	11/11/2020
Section D	DA1.12B	A	Building Design & Technology	01/06/2020
Ventilation Plan	DA1.13	B	Building Design & Technology	11/11/2020
Solar Access Plan	DA1.14	A	Building Design & Technology	01/06/2020
9AM-Noon Sun Views	DA1.14A	A	Building Design & Technology	01/06/2020
1PM-3PM Sun Views	DA1.14B	A	Building Design & Technology	01/06/2020
June 21 Winter Shadow Plan	DA1.15	A	Building Design & Technology	01/06/2020
Site Management Plan	DA1.16	A	Building Design & Technology	01/06/2020
Site Plan	C0_BDT	D	Contour Landscape Architecture	04 December 2020
Ground Floor Landscape Plan (Sheet 1)	C1_BDT	D	Contour Landscape Architecture	04 December 2020
Ground Floor Landscape Plan (Sheet 2)	C2_BDT	D	Contour Landscape Architecture	04 December 2020
Rooftop Landscape Plan	C3_BDT	D	Contour Landscape Architecture	04 December 2020
First Floor Landscape Plan	C4_BDT	D	Contour Landscape Architecture	04 December 2020
Second & Thirds Floor Landscape Plan	C5_BDT	A	Contour Landscape Architecture	26 May 2020
Landscape Details	C6_BDT	A	Contour Landscape Architecture	26 May 2020
Cover Sheet SW18025	SWDP01	K	Capital Engineering Consultants	03 December 2020

Level 2 Basement Plan SW18025	SWDP02	K	Capital Engineering Consultants	03 December 2020
Level 1 Basement Plan SW18025	SWDP03	K	Capital Engineering Consultants	03 December 2020
Site Stormwater Plan SW18025	SWDP04	K	Capital Engineering Consultants	03 December 2020
Level 1 Floor Plan SW18025	SWDP05	K	Capital Engineering Consultants	03 December 2020
Level 2 Floor Plan SW18025	SWDP06	K	Capital Engineering Consultants	03 December 2020
Level 3 Floor Plan SW18025	SWDP07	K	Capital Engineering Consultants	03 December 2020
Level 4 Floor Plan SW18025	SWDP08	K	Capital Engineering Consultants	03 December 2020
Level 5 Floor Plan SW18025	SWDP09	K	Capital Engineering Consultants	03 December 2020
Roof Plan SW18025	SWDP010	K	Capital Engineering Consultants	03 December 2020
MUSIC Model Catchment Plan SW18025	SWDP011	K	Capital Engineering Consultants	03 December 2020
MUSIC X Results SW18025	SWDP012	K	Capital Engineering Consultants	03 December 2020
Details Sheet SW18025	SWDP013	K	Capital Engineering Consultants	03 December 2020
KIP Design + Details SW18025	SWDP014	K	Capital Engineering Consultants	03 December 2020
Council Standard Details SW18025	SWDP015	K	Capital Engineering Consultants	03 December 2020

2 A014 - LOT CONSOLIDATION

All three lots that make up the subject development site, being Lots 34, 35, and 36 in Deposited Plan 31239, are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with NSW Land Registry Services is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from NSW Land Registry Services is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

The development shall not be used or occupied until an Occupation Certificate has been issued.

4 A038 - LIGHTING LOCATIONS

Prior to the issue of any Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).

5 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

6 A Special (BLANK)

Prior to a Construction Certificate being issued for any part of the development above ground, the applicant is to develop a means of providing equitable access to the landscaped rear setback area from the patio adjoining the communal multi-purpose room. The equitable access details are to be shown on the Construction Certificate drawings.

7 A Special (BLANK)

The operable skylights in Unit 35 are to open to the south so as to achieve cross-flow ventilation, given that the windows have a northerly aspect.

8 A Special (BLANK)

All air conditioning motors to be placed on individual apartment balconies are to be suitably screened from view and set back from the outer edge of the balcony. No Occupation Certificate is to be issued until such suitable screening is installed.

9 A Special CPTED Requirements

The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.
- In particular, the bench seating area located near the toilet, on the Level 5 roof terrace, is to include sensor lighting of a suitable luminance to address safety for users given the seating is in a visually concealed part of the roof terrace.

Basement Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.
- The storage facilities must be well secured with durable hardware.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the building and resident only areas within the building.
- Australian Standard 220 door and window locks must be installed in all dwellings.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- The letter boxes should be located within the foyer (not along the entry footpath), accessible to residents only. Redesign of this element is recommended.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls, etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Demolition

10 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 “The Demolition of Structures”. **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

11 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement"; and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environment Protection Authority to receive asbestos wastes.

Heritage/Archaeological relics

12 C003 - Uncovering relics

If any archaeological relics are uncovered during the course of the works, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

13 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be installed and maintained in accordance with the Department of Housing's "*Managing Urban Stormwater: Soils and Construction*" 2004.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

14 D004 - Dust

Dust suppression techniques are to be employed during during demolition and construction works to reduce any potential nuisances to surrounding properties.

15 D005 - Mud/Soil

Mud and soil from vehicular movements to and from the site during demolition and construction works must not be deposited on the road.

16 D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered, and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

17 D009 - Covering of waste storage area

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

18 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

19 D014 - Plant and equipment noise

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

20 D020 - Vehicle wash bay

All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the property shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

21 D132 - Approved noise Level 3

The recommendations provided in the acoustic report prepared by Acoustic Logic, dated 10/06/2020 (reference 20171633.2/1006A/R0/KB) shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

22 D Special BLANK

The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

(a) All on-site waste collection infrastructure, doors and access points (waste collection room, bulky goods collection room, loading bay, turn table, boom gate and roller door) are to be locked/accessed through Council's Abloy key system. System specifications are outlined in Section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document;
(b) All on-site waste collection infrastructure (waste collection room, bulky goods collection room and loading bay) are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing is to be installed to support the use of hose facilities;
(c) Amended swept path models are to be provided in accordance with Section 2.2.3 of the 'Residential Flat Building Waste Management Guideline' document and illustrate line marked on-street parking during the proposed ingress/egress maneouvres;
(d) The bin lift and system specification is to be provided in accordance with Section 3.5.4 of the 'Residential Flat Building waste Management Guideline' document;
(e) The chute inlets on each residential level are to be located within bin cupboards. The cupboards are to have a maximum depth of 150mm and incorporate dual self-closing and sealed doors to inhibit the permeation of odour within the residential corridors; and
(f) The chute room is to be provided in accordance with Sections 3.5.1 and 3.7.1 of the 'Residential Flat Building Waste Management Guideline' document.

23 D Special BLANK

Prior to the issue of an Occupation Certificate, the following is to be submitted to and approved by Penrith City Council:

(a) The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's waste collection service. This is to include Council being provided with indemnity against claims for loss and damage. Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement;
(b) The turn table is to be provided in accordance with Sections 2.2.7 and 2.4 of the 'Residential Flat Building Waste Management Guideline' document. A site inspection is to be organised with Council's Waste and Resource Recovery Department to calibrate the system with Council's standard waste collection vehicle. A minimum two weeks notice is required to be given to Council to organise a collection vehicle to visit the site and conduct the test with the turn table manufacturer; and
(c) Council's Waste and Resource Recovery Department is to conduct a site inspection of the on-site infrastructure to permit a safe and efficient waste collection service.

24 D Special BLANK

Council's bin infrastructure and collection service will be provided/commenced for the development on the completion of all on-site waste collection infrastructure and the attainment of an Occupation Certificate.

BCA Issues

25 E006 - Disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

26 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by either complying with the deemed to satisfy provisions, or formulating an alternative solution (which either complies with the performance requirements or is shown to be at least equivalent to the deemed to satisfy provision, or a combination of both.

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

27 E01B - EXTERNAL WALLS AND CLADDING FLAMMABILITY

The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

(b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Utility Services

28 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92. The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

29 G004 - Integral Energy

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Specifically, a pad mounted substation has not been approved as part of this development consent. The landowner / developer is to ensure that suitable provisions are in place for the subject development to use the substation approved for the adjoining property at 32-36 Hope Street.

Any changes in relation to requiring a substation within the subject site will require further approval from Penrith City Council through a Section 4.55 modification to the development consent.

30 G006 -

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

31 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

32 H002 - All forms of construction

Prior to the commencement of demolition or construction works, the following must be provided on site:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

33 H041 - Hours of work (other devt)

Construction works and demolition works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm;
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm; and
- No work is permitted on Sundays and Public Holidays.

Other construction and demolition works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

Engineering

34 K101 - Works at no cost to Council

All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

35 K201 - Infrastructure Bond

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website. Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

36 K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
b) Concrete footpaths
c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
d) Road occupancy or road closures
e) The placement of hoardings, structures, containers, waster skips, signs, etc in the road reserve
f) Temporary construction access
g) Temporary ground anchors (for basement construction)

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note: Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

37 K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of a new kerb inlet pit over the existing stormwater drainage line fronting Hope Street.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

38 K210 - Stormwater Management

The stormwater management system shall be consistent with plans lodged for development approval, prepared by Capital Engineering Consultants, project number SW18025, revision K, dated 03/12/2020.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policies.

39 K211 - Stormwater Discharge – Basement Car parks

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

40 K222 - Access, Car Parking and Manoeuvring – General

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, maneuvering, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

41 K224 - Construction Traffic Management Plan

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

42 K225 - Performance Bond

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for provision of a new kerb inlet pit over the existing stormwater drainage line fronting Hope Street. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges Schedule. Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

43 K226 - Basement Geotechnical Testing/ Dilapidation Report

Prior to the issue of a Construction Certificate, a geotechnical investigation report and strategy shall be submitted to the Certifying Authority to ensure stability of Council's infrastructure and the surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by Transport for NSW (as amended).

No excavation by the use of hydraulic rock hammers has been approved in this development consent. Should the use of hydraulic rock hammers be required, the applicant may be required to lodge a modification application accompanied by a suitable and relevant Geotechnical Report and Acoustic Report.

44 K228 - Dilapidation Report

The developer shall undertake dilapidation report/s for all adjoining properties / surrounding buildings, **and** Council owned infrastructure, that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority, the dilapidation report relating to Council owned infrastructure shall be submitted to Council prior to Construction Certificate issue and then updated and submitted prior to any Occupation Certificate issue. A copy of the report/s relating to surrounding private properties shall be given to each relevant landowner. The appropriate and relevant landowners consent is to be obtained prior to entry onto private property.

45 K405 - Turf to Verge

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

46 K501 - Penrith City Council clearance – Roads Act/ Local Government Act

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval have been inspected and signed off by Penrith City Council.

47 K503 - Works as executed – General and Compliance Documentation

Prior to the issue of any Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments Policy.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifying Authority.

48 K504 - Stormwater Compliance

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)
b) Basement pump out systems

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed systems shall be provided as part of the works-as-executed drawings.

49 K505 - Restriction as to User and Positive Covenant

Prior to the issue of any Occupation Certificate, a restriction as to user and positive covenant relating to the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)
b) Basement pump out systems

shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Developments Policy.

50 K515 - Maintenance Bond

Prior to the issue of any Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for provision of a new kerb inlet pit over the existing stormwater drainage line fronting Hope Street. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges Schedule. Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.

51 K Special (BLANK)

All car spaces are to be sealed, line marked and dedicated for the parking of resident or visitor vehicles only. They shall not be used for the storage of materials, products, waste materials and the like.

52 K Special (BLANK)
Subleasing of car parking spaces is not permitted by this development consent. Any future strata subdivision of the development is to incorporate the relevant and appropriate resident car parking spaces to residential apartments and visitor spaces to common property.

53 K Special (BLANK)
The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage

54 K Special (BLANK)
All vehicles are to enter/exit the site in a forward direction

55 K Special (BLANK)
A minimum of 9 car parking spaces are to be allocated for the sole use of visitors.

56 K Special Condition BLANK
Prior to the issue of any Construction Certificate, certification from an appropriately qualified structural engineer is to be obtained that confirms that the approved floor to floor height of 3.06m is adequate to provide for all services and still achieve a finished floor to ceiling height in all habitable rooms of residential apartments of 2.7m. Any subsequent details are to be included in the Construction Certificate plans.

Landscaping

57 L001 - General
All landscape works are to be constructed in accordance with the stamped approved plans noted at Condition 1 and in accordance with Chapter C6 of the Penrith Development Control Plan. Landscaping shall thereafter be maintained in accordance with the approved plans, in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property. If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed. Any such replacement planting must occur within 6 months of the former vegetation dying or being removed, or within the next relevant seasonal cycle.

58 L003 - Report requirement
The following series of reports relating to landscaping are to be submitted to the nominated Principal Certifying Authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional.

i. Implementation Report
Upon completion of the landscape works associated with the development and prior to the issue of any Occupation Certificate for the development, an Implementation Report must be submitted attesting to the satisfactory completion of the landscaping works for the development.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report
On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

59 L006 - Aust Standard
All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

60 L Special (BLANK)
Tree Protection:

(a) The applicant shall engage a qualified arboricultural consultant with a minimum Level 5 qualification (AQF – Australian Qualification Framework) or the equivalent to be retained for the duration of the demolition and construction of the development.
(b) The consultant shall be engaged to prepare a site-specific Tree Protection Plan and Drawing in accordance with the conditions of this consent and Section 5 of AS 4970 – 2009, Protection of Trees on Development Sites. All relevant trees to be retained and protected, and trees located on adjoining properties, within 5m of the subject property boundary, are to be covered by this report.
(c) An individual Tree Protection Plan and Drawing shall be required for each stage of the development where changes within the Tree Protection Zone (TPZ) are required.
(d) In addition, the consulting arborist is to identify key stages where monitoring and certification will be required as outlined in AS 4970 – 2009, Section 5.
(e) The relevant Tree Protection Plan and Drawing is to be retained and implemented on site at all times.
(f) The consultant arborist shall be present on-site during demolition and any of the key stages identified in the schedule required in the condition point above.
(g) A written account of the satisfactory completion of each of these stages as assessed by the consulting arborist is to be reported to the Principal Certifying Authority.

61 L Special (BLANK)
Tree Protection Plan and Drawing:

(a) The applicant shall engage a qualified arboricultural consultant with a minimum Level 5 qualification (AQF – Australian Qualification Framework) to prepare a site-specific Tree Protection Plan and Drawing in accordance with the conditions of this consent and Section 5 of AS 4970 – 2009, Protection of Trees on Development Sites.
(b) The Tree Protection Plan shall also specifically address (but not be limited to) the following points:

i. All stages of the demolition/construction process;
ii. Specific tree protection requirements, especially when intrusion into the Tree Protection Zone (TPZ) or when trunk and branch protection is required;
iii. A requirement/specification stating that all underground services to be installed within the designated TPZ of a tree to be retained must be installed using directional drilling/thrust boring techniques;
iv. An individual Tree Protection Plan and Drawing for each stage of the development where changes within the Tree Protection Zone (TPZ) are required (i.e. prior to commencement, demolition, during construction, post construction and landscaping).

(c) In addition, the consulting arborist is to identify key stages where monitoring and certification will be required as outlined in AS 4970–2009, Section 5.
(d) The completed Tree Protection Plan and Drawing is to be provided to the Manager of Development Services for final approval prior to the issue of a Construction Certificate.
(e) The approved Tree Protection Plan shall be retained and implemented on site at all times.

Development Contributions

62 N001a - Section 7.11 contribution (apply separate condition for each Contribution Plan)
This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **$15,371.00 is to be paid to Council prior to a Construction Certificate being** issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

63 N001b - Section 7.11 contribution (apply separate condition for each Contribution Plan)
This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **$136,201.00 is to be paid to Council prior to a Construction Certificate being** issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

64 N001c - Section 7.11 contribution (apply separate condition for each Contribution Plan)
This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **$49,225.00 is to be paid to Council prior to a Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Certification

65 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)
Prior to the commencement of any earthworks or construction works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement
Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

66 Q06F - Occupation Certificate (Class 2 - 9)
An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

PROPOSED UNIT DEVELOPMENT 26-30 HOPE ST PENRITH

LOCATION PLAN
Scale: NTS

SITE CALCULATIONS

SITE AREA:	1894.4sqm
LANDSCAPED/DEEP SOIL AREAS:	
LANDSCAPED AREA AT REAR:	488sqm
LANDSCAPED AREA AT FRONT:	185sqm
TOTAL LANDSCAPED AREA:	673sqm (35.5% OF TOTAL SITE AREA)
REQUIRED AREA:	663sqm (35% OF TOTAL SITE AREA)
GROUND FLOOR COMMUNAL:	380sqm(70sqm INTERNAL)
LEVEL 5 COMMUNAL:	133sqm
TOTAL COMMUNAL:	513sqm (27% OF SITE AREA)
CAR PARKING:	
VISITOR:	10 (INCLUDES 1 WASHBAY)
RESIDENT:	50 (INCLUDES 4 ACCESSIBLE)
SERVICE VEHICLE:	1
TOTAL REQUIRED:	52
TOTAL PROVIDED:	61
BIKE PARKING:	12
MOTORBIKE PARKING:	2

BASIX INCLUSIONS CERT 1106425M:

HOT WATER UNIT
5.5 STAR GAS INSTANTANEOUS HOT WATER UNIT FOR EACH UNIT
TO BEST LOCATION BY OTHERS.

WATER SAVING FITTINGS
MIN 4 STAR SHOWER HEADS, WATER SAVING FITTINGS & DUAL FLUSH 4 STAR
TOILETS ARE TO BE INSTALLED TO EACH UNIT.
2.5 STAR DISHWASHER TO BE INSTALLED.

INSULATION
R2.0 BATT INSULATION TO CEILINGS BELOW ROOF SLAB.
R1.0EPS TO EXTERNAL AFS WALLS, L1-3 & 5 LOBBY & GARBAGE ROOM.
R2.0EPS TO EXTERNAL AFS WALLS UNITS 10,19.
R1.0 TO INTERNAL WALLS TO GROUND FLOOR LOBBY, STAIR WALLS & GARBAGE ROOM.
R1.5EPS TO U/SIDE SLAB OVER CARPARK, GARBAGE BAY.
R2.0 IN CEILINGS BELOW SLAB.

HEATING & COOLING
1 PHASE DUCTED A/C WITH A 2.5 STAR RATING FOR COOLING & 3.0 STAR FOR HEATING WITH
ZONING TO LIVING & BEDROOM AREAS FOR ALL UNITS.

KITCHEN APPLIANCES
GAS COOKTOP WITH ELECTRIC OVEN TO BE INSTALLED IN ALL KITCHENS.
WELL VENTILATED FRIDGE SPACES.
3.5 STAR DISHWASHER + 1.5 STAR CLOTHES DRYER.

VENTILATION
ALL BATHROOMS, ENSUITES, LAUNDRY & KITCHEN ARE TO HAVE DUCTED MECHANICAL
VENTILATION WITH MANUAL ON/OFF SWITCH.

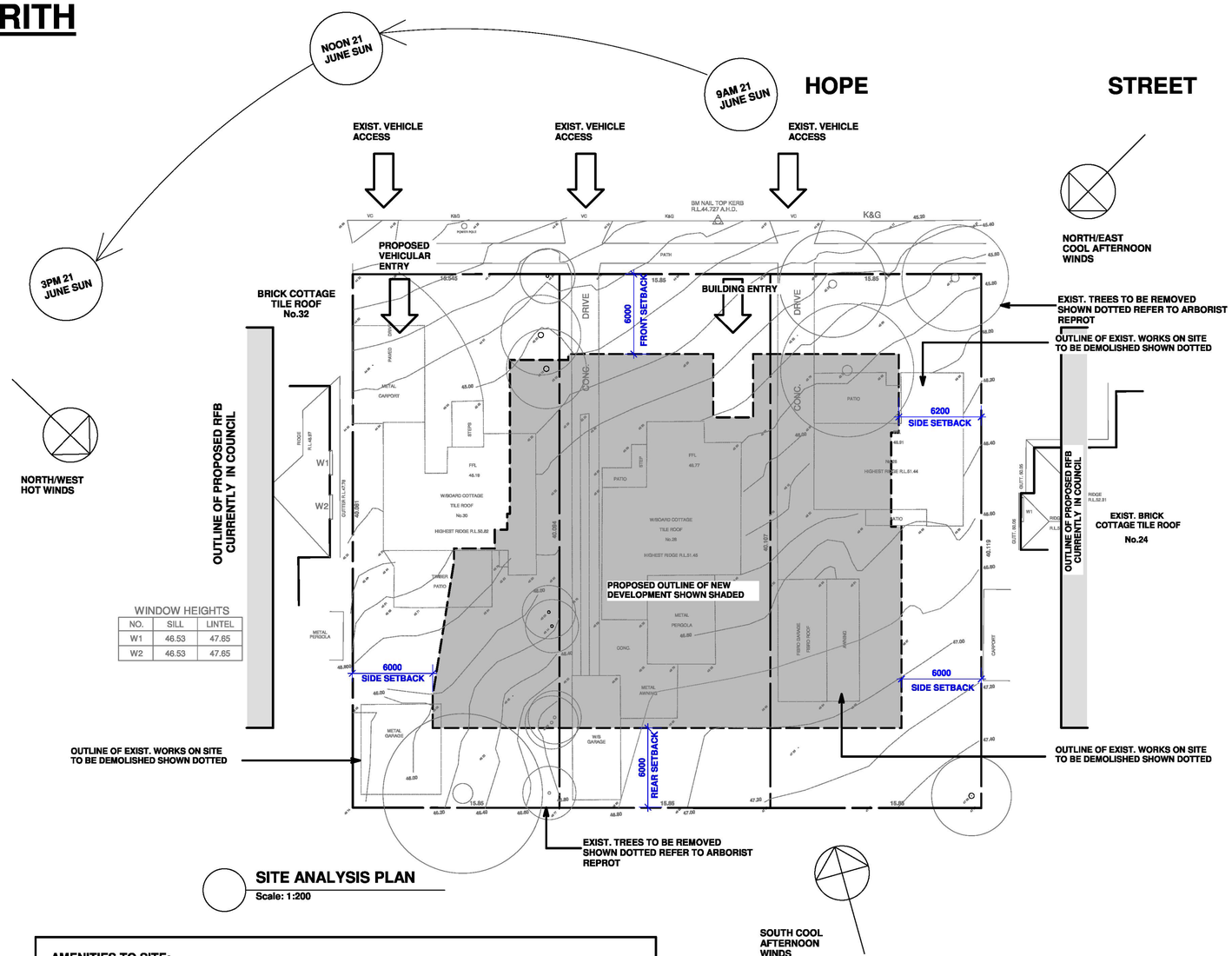
ALL FRIDGE SPACES TO BE WELL VENTILATED.

ARTIFICIAL & NATURAL LIGHTING
PRIMARY TYPE OF LIGHTING TO BE LED OR FLUORESCENT TO ALL AREAS.
NATURAL LIGHTING REQUIRED TO BATHROOMS/KITCHENS FOR EACH UNIT AS FOLLOWS,
UNITS 7,14,23,29,35,37- 1 BATHROOM
UNITS 1,4,11,20- 1 KITCHEN

PHOTOVOLTAIC (SOLAR PANEL) SUPPLY
A PHOTOVOLTAIC SYSTEM TO BE INSTALLED WITH A CAPACITY TO GENERATE MIN 5.0KW.

WINDOWS & SKYLIGHTS
WINDOWS TO BE ALUMINIUM FRAMED WITH Uw VALUE 6.70 & SHGCw 0.57 FOR AWNING
WINDOWS, Uw VALUE 6.70 & SHGCw 0.70 FOR FIXED,SLIDING WINDOWS & DOUBLE HUNG.
UNIT 10 TO HAVE Uw VALUE 4.8 & SHGCw 0.59, UNIT 18 TO HAVE Uw VALUE 5.4 & SHGCw 0.58,
UNIT 19 TO HAVE Uw VALUE 4.1 & SHGCw, UNIT 37 TO HAVE Uw VALUE 5.4 & SHGCw 0.58 +
Uw VALUE 5.4 & SHGCw 0.49 FOR AWNING WINDOWS IN ACCORDANCE WITH BASIX CERTIFICATE.

SKYLIGHTS TO BE TIMBER FRAMED DOUBLE GLAZED LOW E ARGON FILLED
Uw VALUE 2.6 & SHGCw 0.21 FOR UNIT 35.



SITE ANALYSIS PLAN
Scale: 1:200

WINDOW HEIGHTS

NO.	SILL	LINTEL
W1	46.53	47.65
W2	46.53	47.65

AMENITIES TO SITE:

1. CLOSE PROXIMITY TO PENRITH TRAIN STATION
2. CLOSE PROXIMITY TO NUMEROUS BUS STOPS ALONG DERBY ST, PARKER ST & GREAT WESTERN HIGHWAY.
3. THE SITE IS LOCATED IN CLOSE PROXIMITY TO NEPEAN HOSPITAL, WESTERN SYDNEY UNI & NAPEAN TAFE.
4. THE SITE IS LOCATED IN CLOSE PROXIMITY TO PENRITH WESTFIED, PENRITH PANTHERS & INDUSTRIAL PRECINCT.
5. CLOSE PROXIMITY TO SEVERAL PRIMARY & HIGH SCHOOLS.
6. CLOSE PROXIMITY TO M4 FREEWAY & GREAT WESTERN HIGHWAY.

ADG COMPLIANCE TABLE

CONTROL	REQUIRED	PROPOSED
BUILDING SEPARATION	6-12m	6-12m
LIVING ROOM WIDTH	MIN 3.6m 1BR, 4m 2+ BR	3.7m 1 BR, 4.3m 2+ BR
BEDROOM SIZE	MIN 9-10sqm MIN 3m CLEAR	MIN 11sqm + 3m
COMMUNAL OPEN SPACE 25% OF SITE AREA + 3m	473sqm	GROUND FLOOR 402sqm (332sqm + 70sqm)+ MIN 3m
		5TH FLOOR - 133sqm + MIN 3m
		TOTAL COMMUNAL AREA 535qm
SOLAR ACCESS (2HR 9AM-3PM)	MIN 85% OF 38 UNITS = 32 UNITS	32 UNITS
LANDSCAPING	1 LARGE TREE OR 2 MEDIUM TREES + 80sqm	2 LARGE TREES + 10+ MEDIUM TREES + 373sqm
DEEP SOIL AREA 7% + 6m	133sqm	288sqm + 6m
PRIVATE OPEN SPACE- GROUND FLOOR	15sqm + 3m	MIN 23sqm + MIN 3m
PRIVATE OPEN SPACE- BALCONY	8-12sqm MIN 2-2.4m	10sqm + 2m
CROSS VENTILATION	60% OF 38 UNITS = 22.8 UNITS	25 UNITS
CEILING HEIGHTS	MIN 2700mm	MIN 2700mm
APARTMENT SIZE	STUDIO 35sqm, 1BR 50sqm,	STUDIO 35sqm, 1BR MIN 50sqm
	2BR 70sqm, 3BR 90sqm	2BR MIN 83sqm, 3BR MIN 115sqm
STORAGE	STUDIO 4m3, 1BR 6m3, 2BR 8m3, 3BR 10m3	STUDIO 4m3, 1BR 6m3, 2BR 8m3, 3BR 10m3

DATE	REV	AMENDMENTS
11.11.20	B	AMENDED ADG TABLE
01.08.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED FOR REFERENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

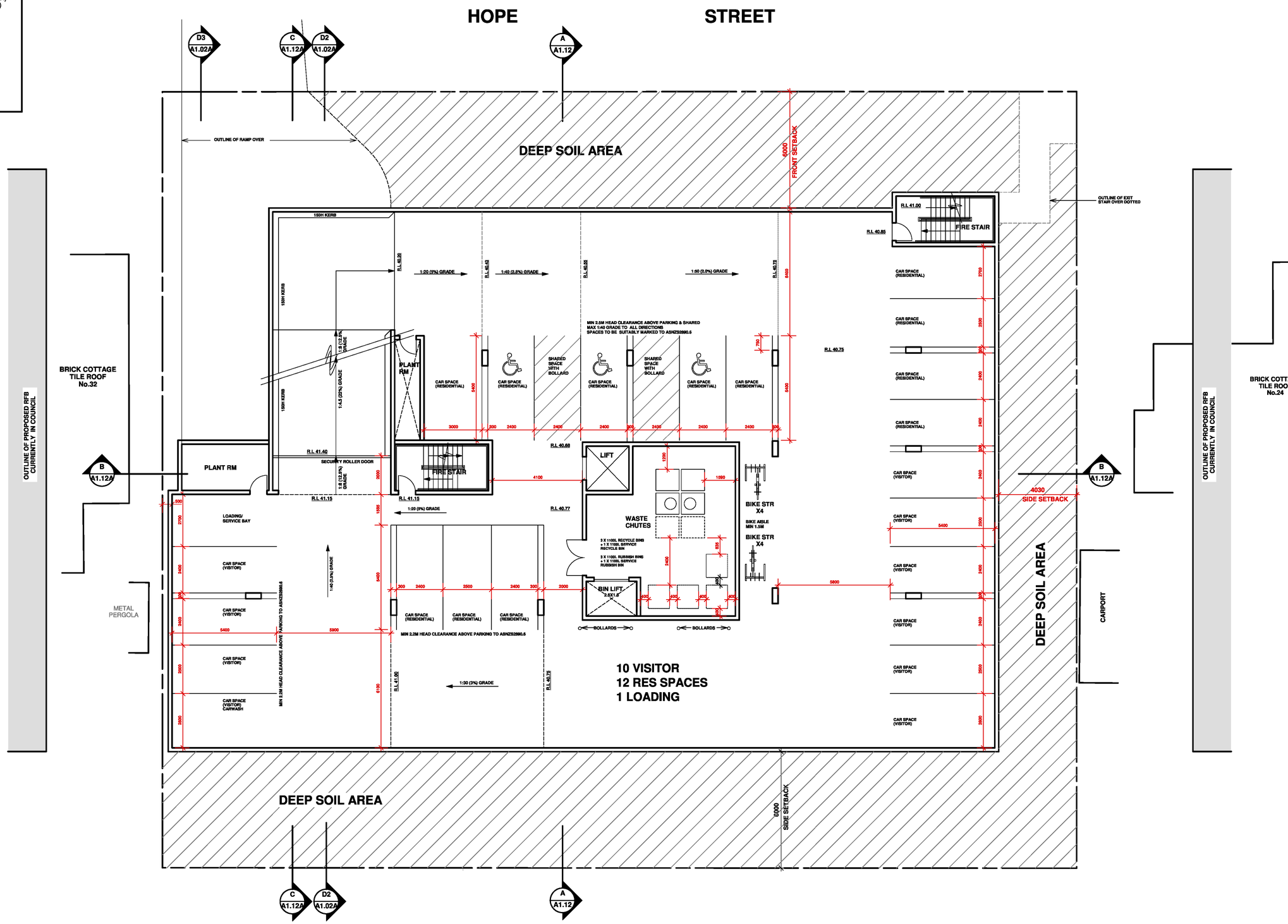
BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 106 758
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 9814

PROJECT :	PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH
TITLE:	SITE ANALYSIS PLAN & LOCATION PLAN
SCALE :	A1 @ 1:200
DRAWN :	MM
PROJECT DATE :	FEB 2020
CHECKED :	ZH
REV :	B
PROJECT No.	201727
DWG No.	DA0.01

T.N M.M

SITE CALCULATIONS

SITE AREA:	1894.4sqm
LANDSCAPED/DEEP SOIL AREAS:	
LANDSCAPED AREA AT REAR:	488sqm
LANDSCAPED AREA AT FRONT:	185sqm
TOTAL LANDSCAPED AREA:	673sqm (35.5% OF TOTAL SITE AREA)
REQUIRED AREA:	663sqm (35% OF TOTAL SITE AREA)
GROUND FLOOR COMMUNAL:	380sqm(70sqm INTERNAL)
LEVEL 5 COMMUNAL:	133sqm
TOTAL COMMUNAL:	513sqm (27% OF SITE AREA)
CAR PARKING:	
VISITOR:	10 (INCLUDES 1 WASHBAY)
RESIDENT:	50 (INCLUDES 4 ACCESSIBLE)
SERVICE VEHICLE:	1
TOTAL REQUIRED:	52
TOTAL PROVIDED:	61
BIKE PARKING:	12
MOTORBIKE PARKING:	2



PROPOSED UPPER BASEMENT
Scale: 1:100

DATE	REV	AMENDMENTS
01.08.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE INFORMATION & DATA CONTAINED ON THIS DRAWING ARE SUPPLIED IN REFERENCE FORMAT ONLY TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY:

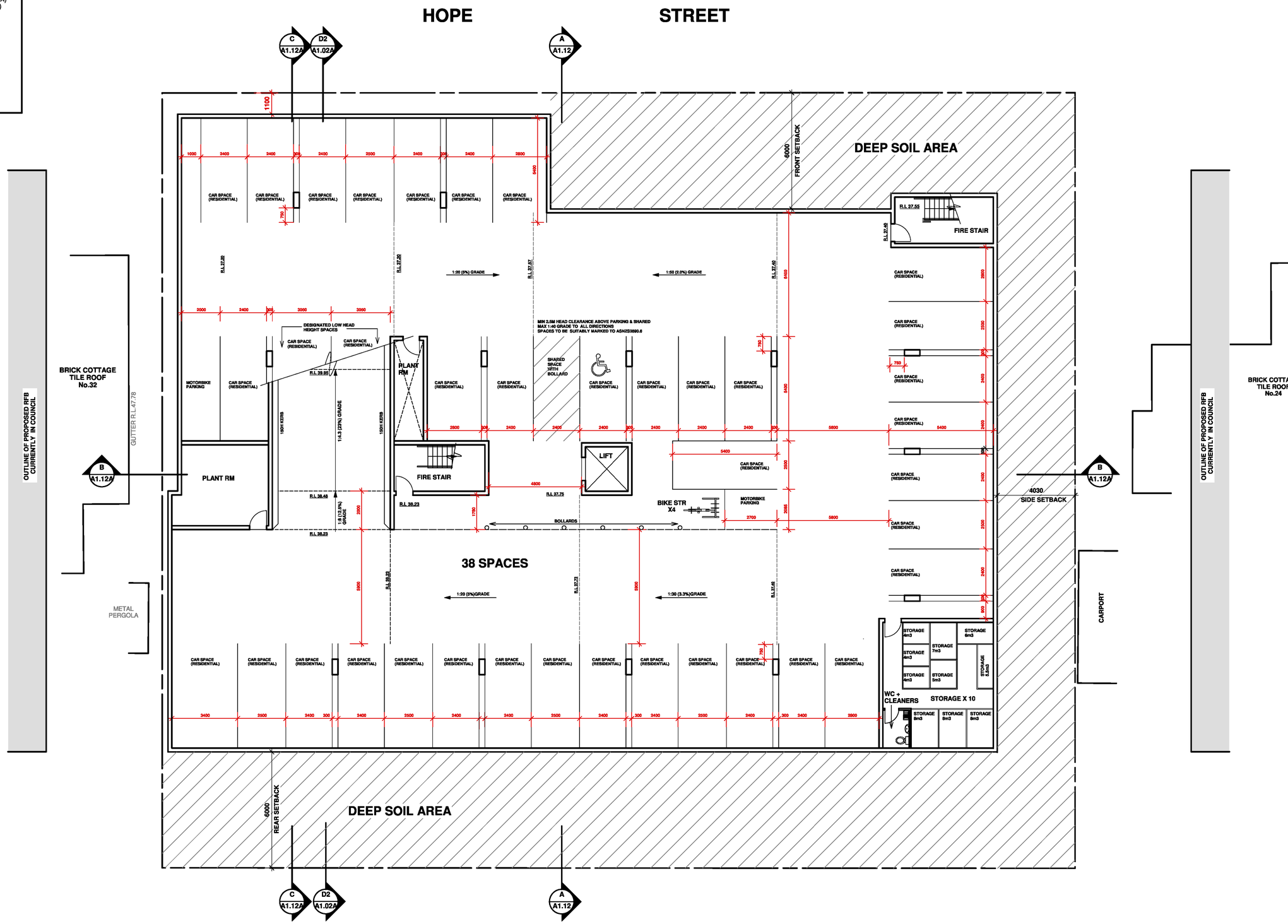
BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2, 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 106 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY RAD 6914

PROJECT:	PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH
TITLE:	PROPOSED UPPER BASEMENT PLAN
SCALE:	A1 @ 1:100
DRAWN:	MM
PROJECT DATE:	FEB 2020
CHECKED:	ZH
REV:	A
PROJECT No.	201727A
DWG No.	DA1.01

T.N M.M

SITE CALCULATIONS

SITE AREA:	1894.4sqm
LANDSCAPED/DEEP SOIL AREAS:	
LANDSCAPED AREA AT REAR:	488sqm
LANDSCAPED AREA AT FRONT:	185sqm
TOTAL LANDSCAPED AREA:	673sqm (35.5% OF TOTAL SITE AREA)
REQUIRED AREA:	663sqm (35% OF TOTAL SITE AREA)
GROUND FLOOR COMMUNAL:	380sqm(70sqm INTERNAL)
LEVEL 5 COMMUNAL:	133sqm
TOTAL COMMUNAL:	513sqm (27% OF SITE AREA)
CAR PARKING:	
VISITOR:	10 (INCLUDES 1 WASHBAY)
RESIDENT:	50 (INCLUDES 4 ACCESSIBLE)
SERVICE VEHICLE:	1
TOTAL REQUIRED:	52
TOTAL PROVIDED:	61
BIKE PARKING:	12
MOTORBIKE PARKING:	2



PROPOSED LOWER BASEMENT

Scale: 1:100

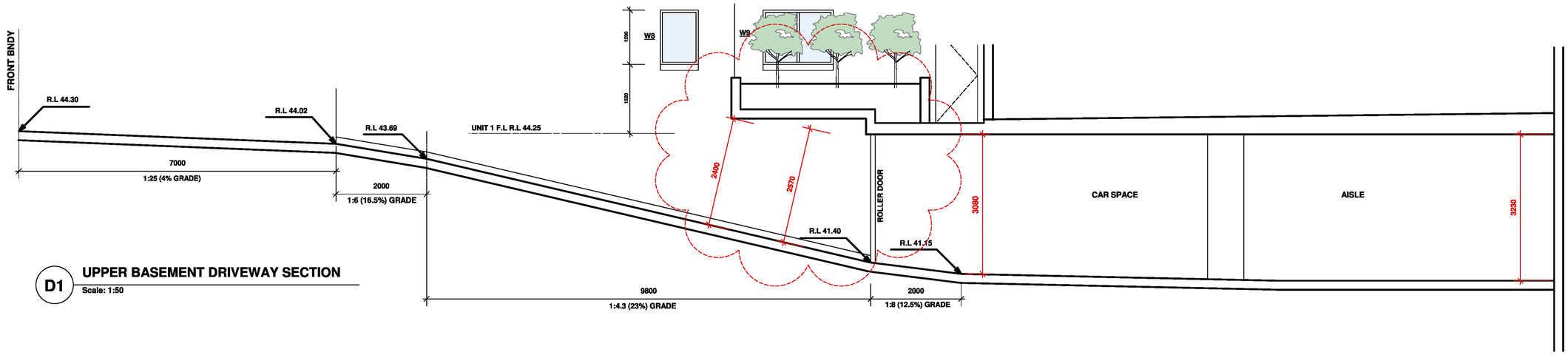
DATE	REV	AMENDMENTS
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGN & DETAILS CONTAINED ON THIS DRAWING ARE COPYRIGHT AND SHALL NOT BE USED TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2, 15 Bransgrove St Wentworthville 2145,
PO Box 765 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 106 758
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 9814

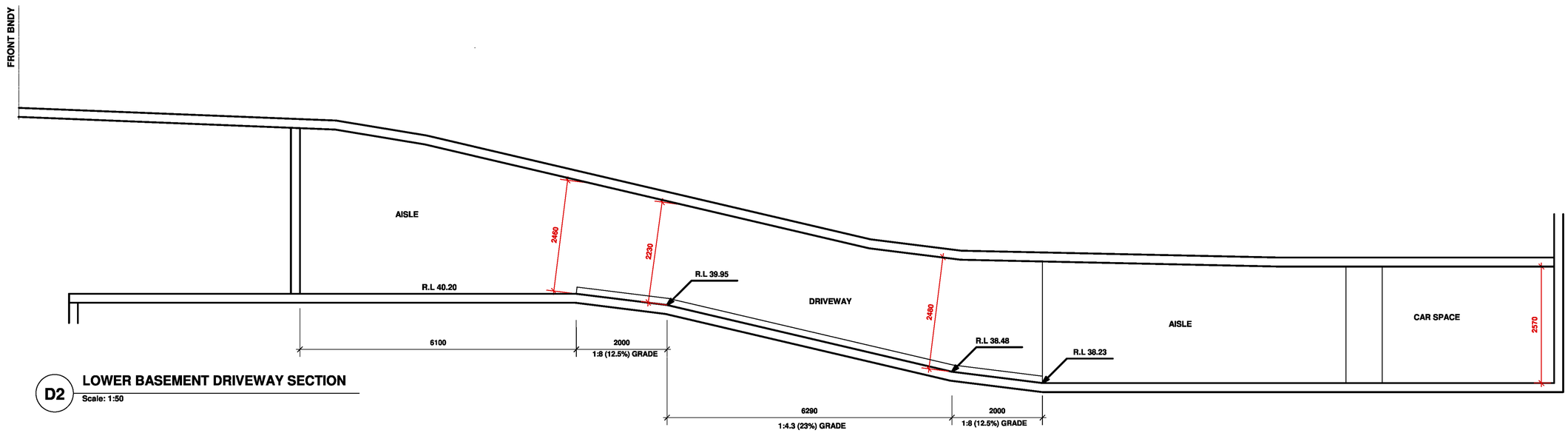
PROJECT:	PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH
TITLE:	LOWER BASEMENT PLAN
SCALE:	A1 @ 1:100
DRAWN:	MM
PROJECT DATE:	FEB 2020
CHECKED:	ZH
REV:	A
PROJECT No.	201727A
DWG No.	DA1.02

T.N M.M



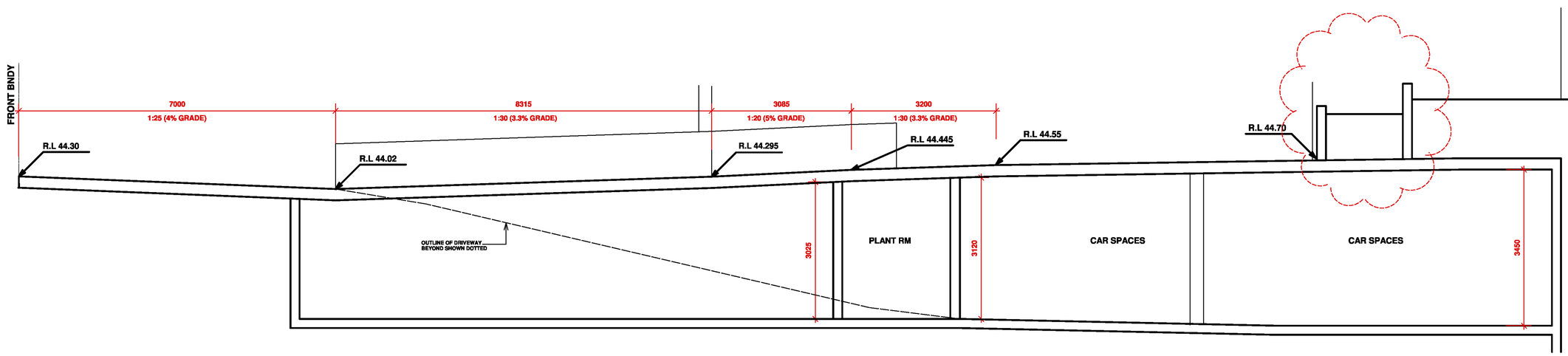
D1 UPPER BASEMENT DRIVEWAY SECTION

Scale: 1:50



D2 LOWER BASEMENT DRIVEWAY SECTION

Scale: 1:50



D3 GARBAGE TRUCK DRIVEWAY SECTION

Scale: 1:50

DATE	REV	AMENDMENTS
11.11.20	B	AMENDMENTS AS CLOUDED
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE COPYRIGHT OF BDT & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 106 758
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 9814

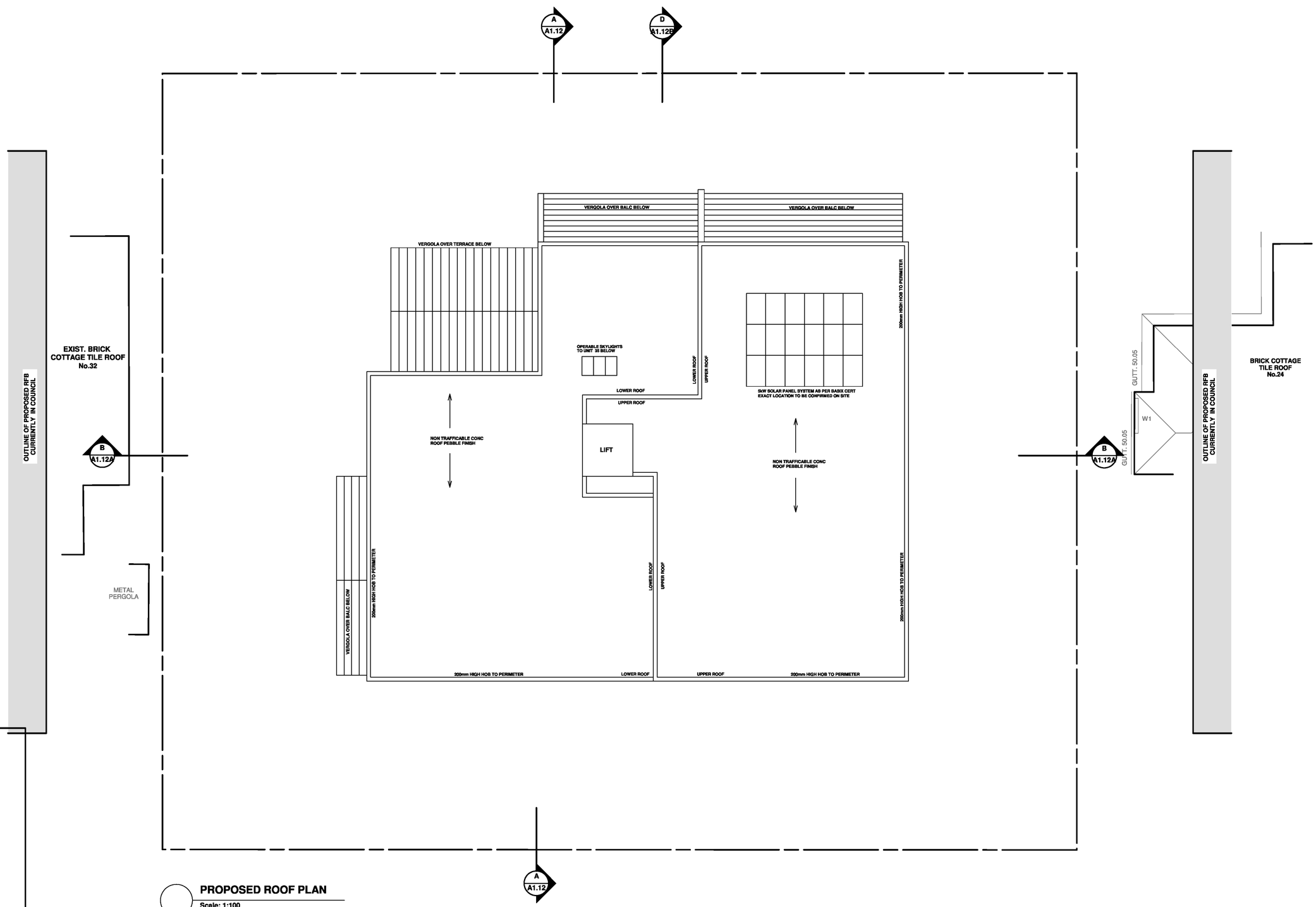
PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH

TITLE: BASEMENT DRIVEWAY SECTIONS

T.N M.M

SCALE :	A1 @ 1:50	DRAWN :	MM
PROJECT DATE :	FEB 2020	CHECKED :	ZH REV : B
PROJECT No.	201727A	DWG No.	DA1.02A

HOPE STREET



PROPOSED ROOF PLAN

Scale: 1:100

BASIX INCLUSIONS CERT 1106425M:

HOT WATER UNIT
5.5 STAR GAS INSTANTANEOUS HOT WATER UNIT FOR EACH UNIT
TO BEST LOCATION BY OTHERS.

WATER SAVING FITTINGS
MIN 4 STAR SHOWER HEADS, WATER SAVING FITTINGS & DUAL FLUSH 4 STAR
TOILETS ARE TO BE INSTALLED TO EACH UNIT.
2.5 STAR DISHWASHER TO BE INSTALLED.

INSULATION
R2.0 BATT INSULATION TO CEILINGS BELOW ROOF SLAB.
R1.0EPS TO EXTERNAL AFS WALLS, L1-3 & 5 LOBBY & GARBAGE ROOM.
R2.0EPS TO EXTERNAL AFS WALLS UNITS 10,19.
R1.0 TO INTERNAL WALLS TO GROUND FLOOR LOBBY, STAIR WALLS & GARBAGE ROOM.
R1.5EPS TO USIDE SLAB OVER CARPARK, GARBAGE BAY.
R2.0 IN CEILINGS BELOW SLAB.

HEATING & COOLING
1 PHASE DUCTED A/C WITH A 2.5 STAR RATING FOR COOLING & 3.0 STAR FOR HEATING WITH
ZONING TO LIVING & BEDROOM AREAS FOR ALL UNITS.

KITCHEN APPLIANCES
GAS COOKTOP WITH ELECTRIC OVEN TO BE INSTALLED IN ALL KITCHENS.
WELL VENTILATED FRIDGE SPACES.
3.5 STAR DISHWASHER + 1.5 STAR CLOTHES DRYER.

VENTILATION
ALL BATHROOMS, ENSUITES, LAUNDRY & KITCHEN ARE TO HAVE DUCTED MECHANICAL
VENTILATION WITH MANUAL ON/OFF SWITCH.

ALL FRIDGE SPACES TO BE WELL VENTILATED.

ARTIFICIAL & NATURAL LIGHTING
PRIMARY TYPE OF LIGHTING TO BE LED OR FLUORESCENT TO ALL AREAS.
NATURAL LIGHTING REQUIRED TO BATHROOMS/KITCHENS FOR EACH UNIT AS FOLLOWS,
UNITS 7,14,23,29,35,37- 1 BATHROOM
UNITS 1,4,11,20- 1 KITCHEN

PHOTOVOLTAIC (SOLAR PANEL) SUPPLY
A PHOTOVOLTAIC SYSTEM TO BE INSTALLED WITH A CAPACITY TO GENERATE MIN 5.0KW.

WINDOWS & SKYLIGHTS
WINDOWS TO BE ALUMINIUM FRAMED WITH Uw VALUE 6.70 & SHGCw 0.57 FOR AWNING
WINDOWS, Uw VALUE 6.70 & SHGCw 0.70 FOR FIXED,SLIDING WINDOWS & DOUBLE HUNG.
UNIT 10 TO HAVE Uw VALUE 4.8 & SHGCw 0.59, UNIT 18 TO HAVE Uw VALUE 5.4 & SHGCw 0.58,
UNIT 19 TO HAVE Uw VALUE 4.1 & SHGCw, UNIT 37 TO HAVE Uw VALUE 5.4 & SHGCw 0.58 +
Uw VALUE 5.4 & SHGCw 0.49 FOR AWNING WINDOWS IN ACCORDANCE WITH BASIX CERTIFICATE.

SKYLIGHTS TO BE TIMBER FRAMED DOUBLE GLAZED LOW E ARGON FILLED
Uw VALUE 2.6 & SHGCw 0.21 FOR UNIT 35.

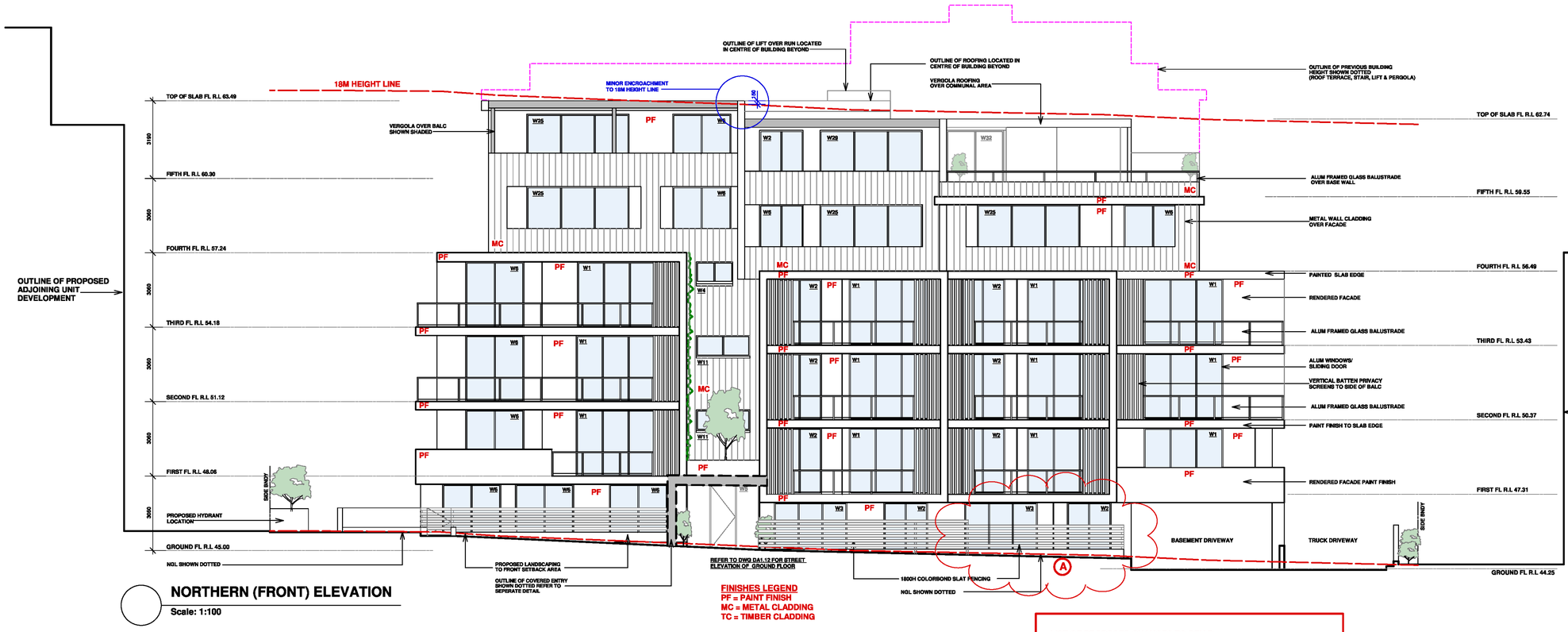
DATE	REV	AMENDMENTS
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE DESIGN COMPLIES WITH ANY RESTRICTIONS, CONDITIONS & EASEMENTS ON THE TITLE
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 106 758
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 9914

PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH
TITLE: PROPOSED ROOF PLAN
SCALE : A1 @ 1:100 DRAWN : MM
PROJECT DATE : FEB 2020 CHECKED : ZH REV : A
PROJECT No. 201727A DWG No. DA1.09

T.N M.M



NORTHERN (FRONT) ELEVATION

Scale: 1:100

FINISHES LEGEND
PF = PAINT FINISH
MC = METAL CLADDING
TC = TIMBER CLADDING

LIST OF PROPOSED CHANGES TO REV B

A =AMENDED WINDOWS TO UNIT 1,
B =ADDITIONAL W7 TO GROUND FLOOR COMMUNAL ROOM,
C = AMENDEDD STEPS TO SIDE COMMUNAL AREA,

EASTERN (SIDE) ELEVATION

Scale: 1:100

FINISHES LEGEND

MAIN WALL COLOUR PAINTED FINISH
= DULUX LIMED WHITE OR SIMILAR

SECONDARY WALL COLOUR PAINT FINISH
= DULUX WHITE WATSONIA OR SIMILAR

METAL CLADDING COLORBOND MONUMENT OR SIMILAR

WINDOWS = POWDERCOAT MONUMENT

BATTEN SCREENS = TIMBER FINISH

DRIVEWAYS / PATHS
= COLORBOND SHALE GREY

COLORBOND FENCING = MONUMENT

DULUX WHITE WATSONIA

COLORBOND MONUMENT

DULUX LIMED WHITE

WINDOW SCHEDULE

WINDOW NO	WIDTH	HEIGHT	TOTAL	TYPE
1	3250	2720	20	SLIDING DOOR
2	1800	2720	10	SLIDING DOOR
3	3000	2720	2	SLIDING DOOR
4	1500	900	5	SLIDING WINDOW
5	3000	2720	1	GLAZED HINGED DOOR WITH SIDE LITE
6	2400	2720	33	SLIDING DOOR
7	3370	2720	2	SLIDING DOOR
8	850	1200	1	AWNING WINDOW
9	1550	1200	1	SLIDING WINDOW
10	1800	1800	3	SLIDING WINDOW
11	2200	850	2	SLIDING WINDOW
12	2400	850	3	SLIDING WINDOW
13	600	850	3	AWNING WINDOW
14	2100	1200	3	SLIDING WINDOW
15	2160	2720	3	SLIDING DOOR
16	1800	2720	1	GLAZED HINGED DOOR WITH SIDE LITE
17	2400	1200	12	SLIDING WINDOW
18	2600	2720	3	SLIDING DOOR
19	3200	2720	3	SLIDING & FIXED WINDOW
20	850	1800	20	AWNING WINDOW
21	1800	1200	2	SLIDING WINDOW
22	1600	2720	2	GLAZED HINGED DOOR WITH SIDE LITE
23	2400	1550	18	SLIDING WINDOW
24	2770	1200	0	SLIDING WINDOW
25	4210	2720	4	SLIDING DOOR
26	3200	2720	1	SLIDING DOOR
27	3500	2720	2	SLIDING DOOR
28	1800+1300	1200	1	SLIDING CORNER WINDOW
29	4000	2720	3	SLIDING DOOR
30	3600	2720	2	SLIDING & FIXED WINDOW
31	600	1200	2	AWNING WINDOW
32	2150	2720	1	FIXED WINDOW
			152	

DATE	REV	AMENDMENTS
11.11.20	B	UPDATED ISSUE AS CLOUDED
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BDt
BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2, 15 Grangegrove St Westmetrville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 106 750
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 9814

PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH

TITLE: ELEVATIONS 1 (NORTH & EAST)

T.N M.M

SCALE : A1 @ 1:100 DRAWN : MM

PROJECT DATE : FEB 2020 CHECKED : ZH REV : B

PROJECT No. 201727A DWG No. DA1.10

SOUTHERN (REAR) ELEVATION

Scale: 1:100

FINISHES LEGEND
PF = PAINT FINISH
MC = METAL CLADDING
TC = TIMBER CLADDING

WESTERN (SIDE) ELEVATION

Scale: 1:100

FINISHES LEGEND

MAIN WALL COLOUR PAINTED FINISH
= DULUX LIMED WHITE OR SIMILAR

SECONDARY WALL COLOUR PAINT FINISH
= DULUX WHITE WATSONIA OR SIMILAR

METAL CLADDING COLORBOND MONUMENT OR SIMILAR

WINDOWS = POWDERCOAT MONUMENT

BATTEN SCREENS = TIMBER FINISH

DRIVEWAYS / PATHS
= COLORBOND SHALE GREY

COLORBOND FENCING = MONUMENT

DULUX WHITE WATSONIA

DULUX LIMED WHITE

COLORBOND MONUMENT

WINDOW SCHEDULE

WINDOW NO	WIDTH	HEIGHT	TOTAL	TYPE
1	3250	2720	20	SLIDING DOOR
2	1800	2720	10	SLIDING DOOR
3	3000	2720	2	SLIDING DOOR
4	1500	900	5	SLIDING WINDOW
5	3000	2720	1	GLAZED HINGED DOOR WITH SIDE LITE
6	2400	2720	33	SLIDING DOOR
7	3370	2720	2	SLIDING DOOR
8	850	1200	1	AWNING WINDOW
9	1550	1200	1	SLIDING WINDOW
10	1800	1800	3	SLIDING WINDOW
11	2200	850	2	SLIDING WINDOW
12	2400	850	3	SLIDING WINDOW
13	600	850	3	AWNING WINDOW
14	2100	1200	3	SLIDING WINDOW
15	2180	2720	3	SLIDING DOOR
16	1800	2720	1	GLAZED HINGED DOOR WITH SIDE LITE
17	2400	1200	12	SLIDING WINDOW
18	2600	2720	3	SLIDING DOOR
19	3200	2720	3	SLIDING & FIXED WINDOW
20	850	1800	20	AWNING WINDOW
21	1800	1200	2	SLIDING WINDOW
22	1600	2720	2	GLAZED HINGED DOOR WITH SIDE LITE
23	2400	1550	18	SLIDING WINDOW
24	2770	1200	0	SLDING WINDOW
25	4210	2720	4	SLIDING DOOR
26	3200	2720	1	SLIDING DOOR
27	3500	2720	2	SLIDING DOOR
28	1800+1300	1200	1	SLIDING CORNER WINDOW
29	4000	2720	3	SLIDING DOOR
30	3600	2720	2	SLIDING & FIXED WINDOW
31	600	1200	2	AWNING WINDOW
32	2150	2720	1	FIXED WINDOW
			152	

DATE	REV	AMENDMENTS
11.11.20	B	UPDATED ISSUE AS CLOUDED
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE COPYRIGHTED & CONSULTANTS ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY.

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 108 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY RAH 6914

PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH

TITLE: ELEVATIONS 2 (SOUTH & WEST)

T.N M.M

SCALE :	A1 @ 1:100	DRAWN :	MM
PROJECT DATE :	FEB 2020	CHECKED :	ZH REV : B
PROJECT No.	201727A	DWG No.	DA1.11

North East Elevation

North West Elevation

Rooftop Communail Area

South West Elevation

South East Elevation

01.06.20	A	DA ISSUE
DATE	REV	AMENDMENTS

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 109 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAU 9914

PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH

TITLE: ELEVATION MODELS

SCALE :	A1 @ NTS	DRAWN :	MM
PROJECT DATE :	FEB 2020	CHECKED :	ZH REV : A
PROJECT No.	201727A	DWG No.	DA1.11A

T.N M.M

FINISHES LEGEND

MAIN WALL COLOUR PAINTED FINISH = DULUX LIMED WHITE OR SIMILAR

SECONDARY WALL COLOUR PAINT FINISH = DULUX WHITE WATSONIA OR SIMILAR

METAL CLADDING COLORBOND MONUMENT OR SIMILAR

WINDOWS = POWDERCOAT MONUMENT

BATTEN SCREENS = TIMBER FINISH

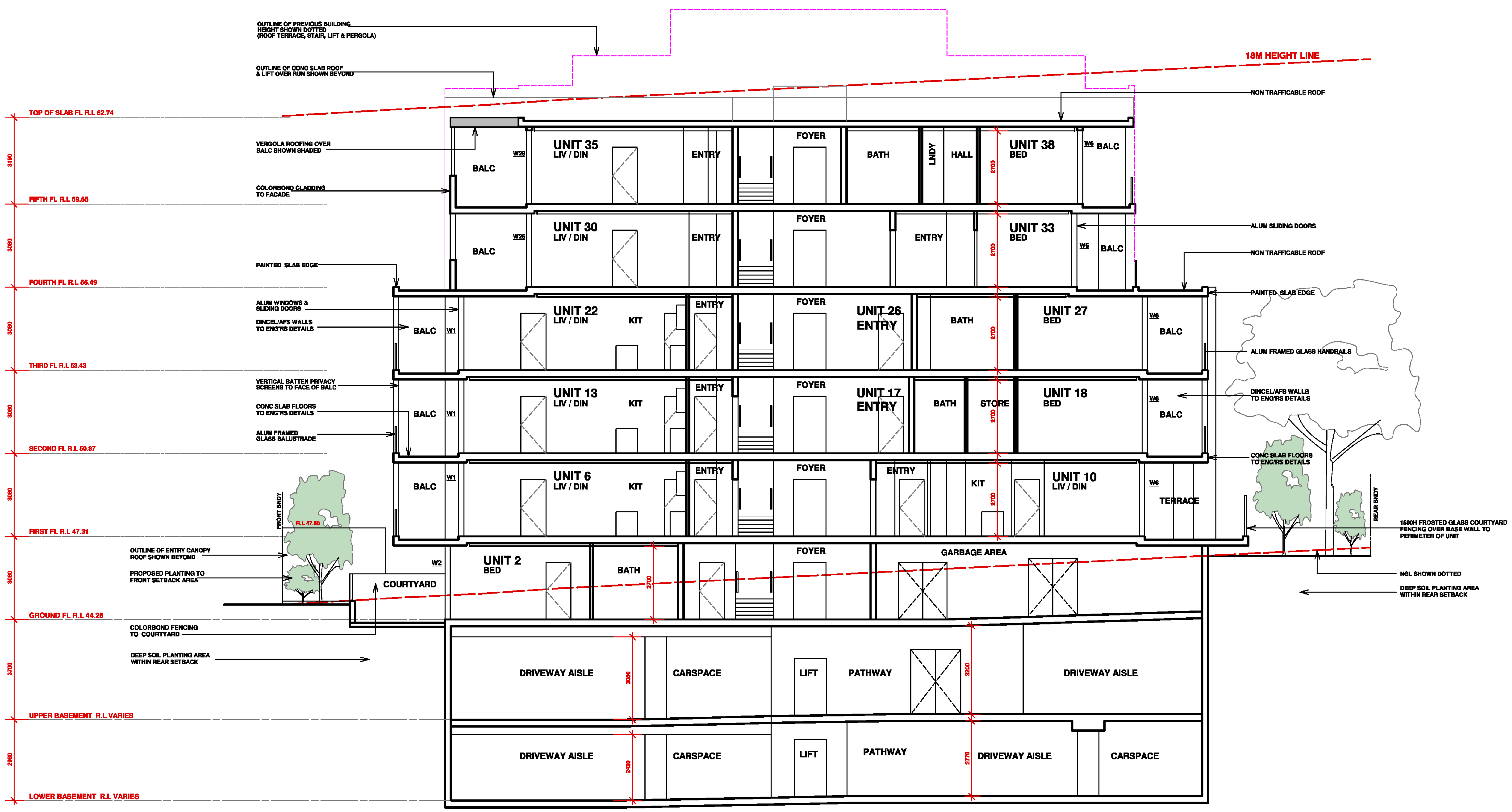
DRIVEWAYS / PATHS = COLORBOND SHALE GREY

COLORBOND FENCING = MONUMENT

DULUX WHITE WATSONIA

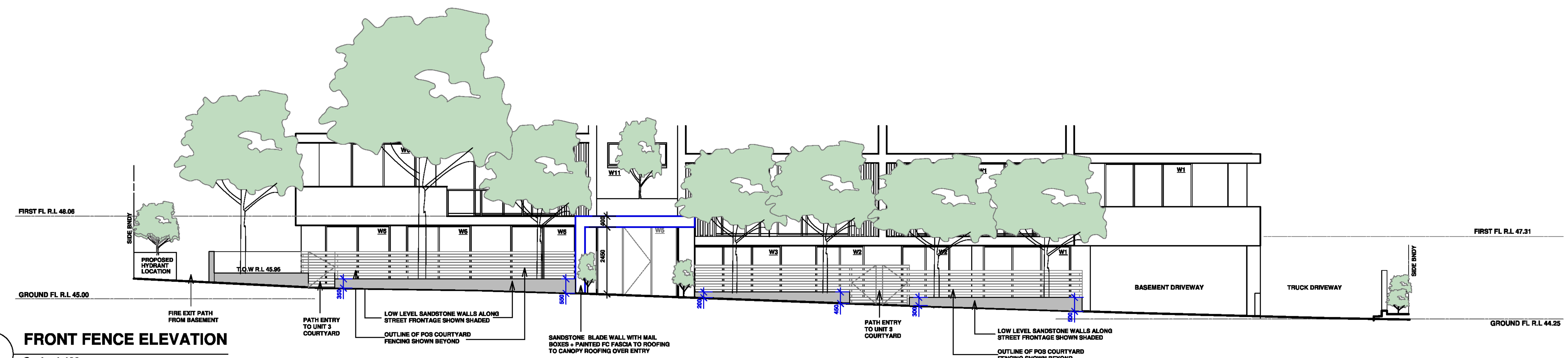
COLORBOND MONUMENT

DULUX LIMED WHITE



SECTION AA

Scale: 1:100



FRONT FENCE ELEVATION

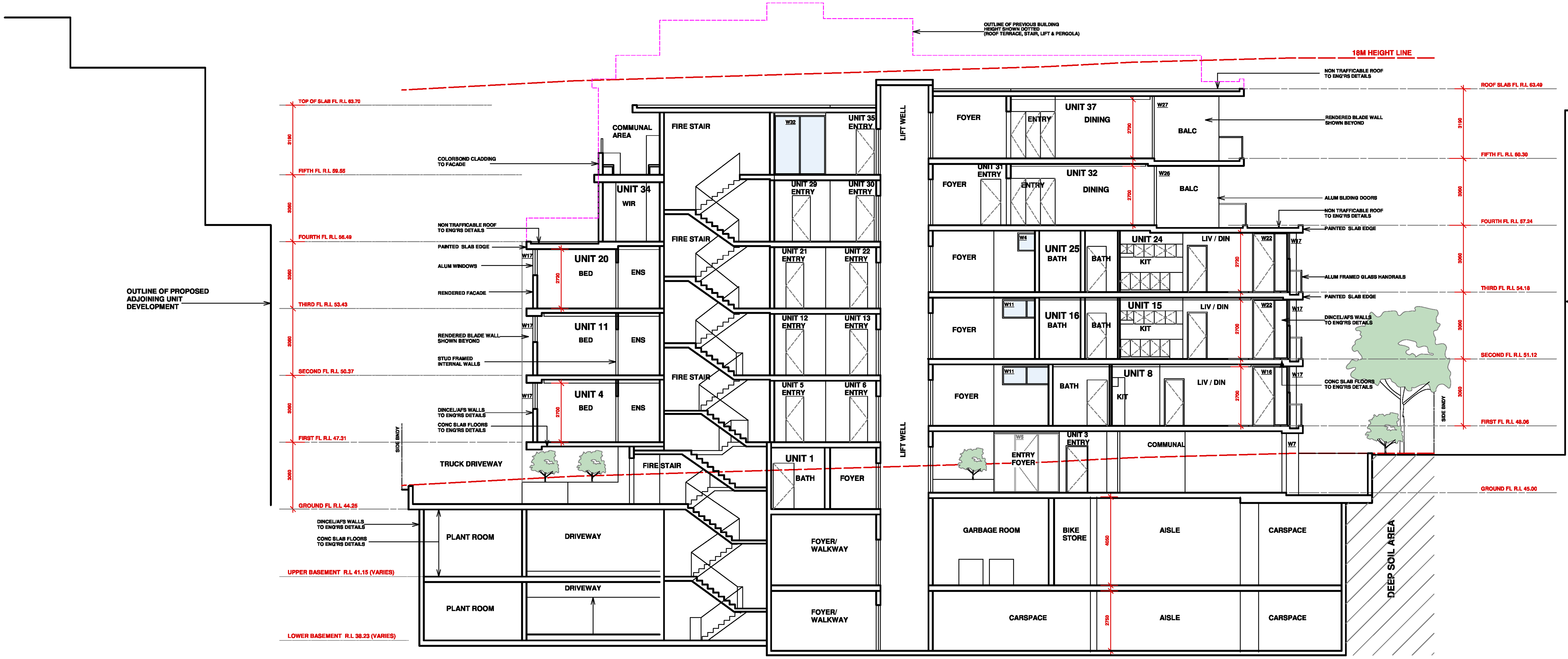
Scale: 1:100

DATE	REV	AMENDMENTS
28.07.20	B	AMENDED SEC A
01.06.20	A	DA ISSUE

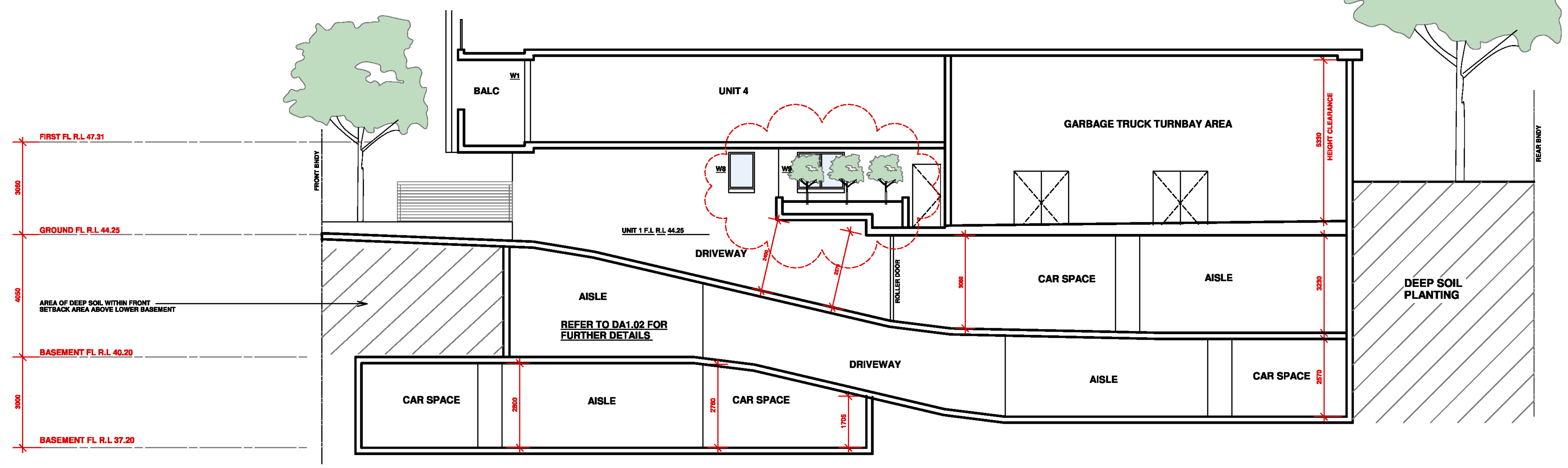
1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 109 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAU 9814

PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH
TITLE: SECTION AA & FRONT FENCE ELEVATION
SCALE : A1 @ 1:100 | DRAWN : MM
PROJECT DATE : FEB 2020 | CHECKED : ZH | REV : B
PROJECT No. 201727A | DWG No. DA1.12



SECTION BB
Scale: 1:100



SECTION CC
Scale: 1:100

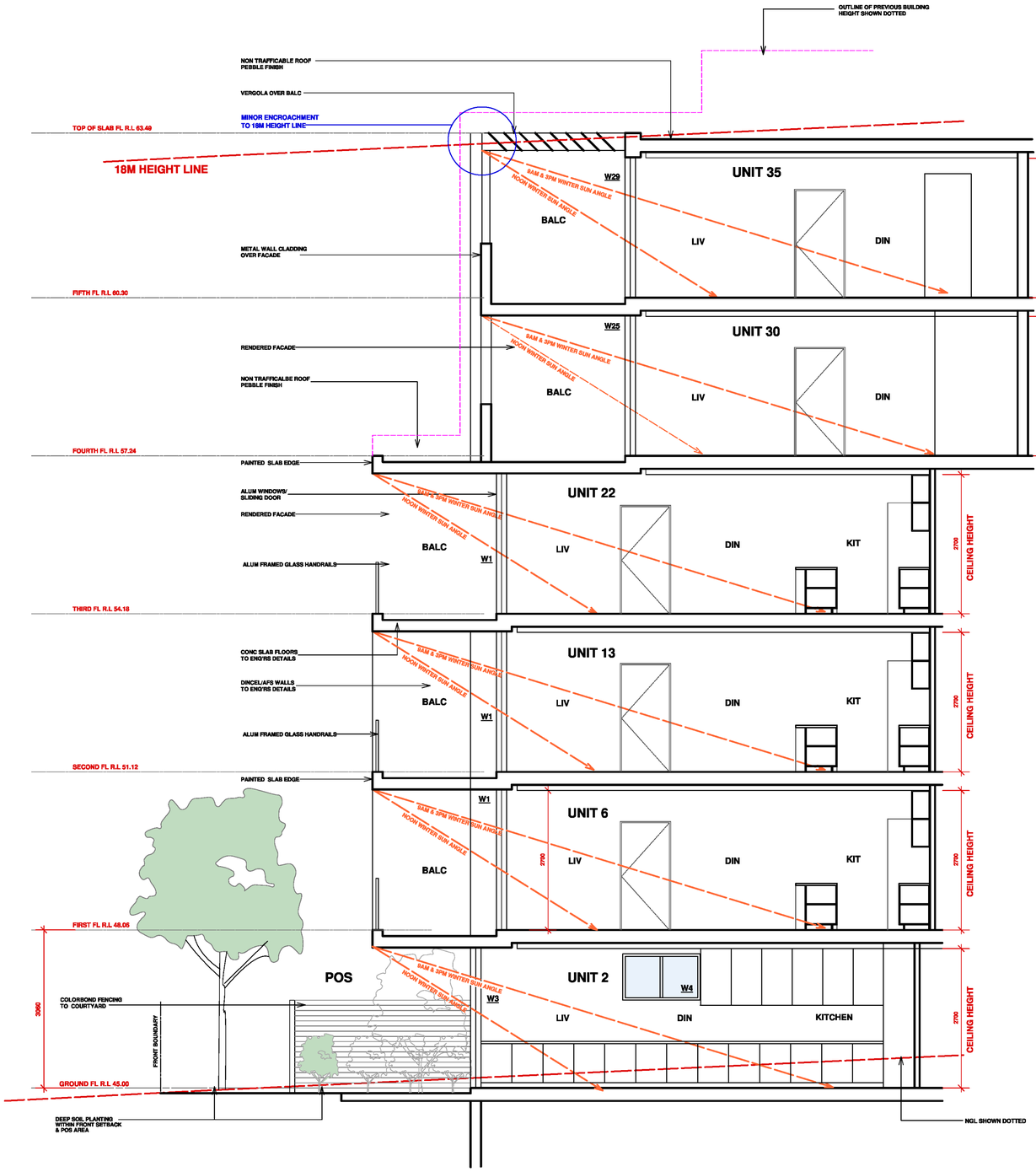
11.11.20	B	AMENDMENTS AS CLOUDED
01.08.20	A	DA ISSUE
DATE	REV	AMENDMENTS

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BDt
BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2, 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 109 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 9814

PROJECT: PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH
TITLE: SECTION BB & CC
SCALE: A1 @ 1:100 | DRAWN: MM
PROJECT DATE: FEB 2020 | CHECKED: ZH | REV: B
PROJECT No. 201727A | DWG No. DA1.12A

T.N M.M



SECTION D

Scale: 1:50

DATE	REV	AMENDMENTS
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2, 15 Bransgrove St Westmeadows 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9627 0814 Mob: 0412 196 756
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 8914

PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH

TITLE: SECTION D

SCALE : 1:50 @ A1 | DRAWN : MM

PROJECT DATE : FEB 2020 | CHECKED : ZH | REV : A

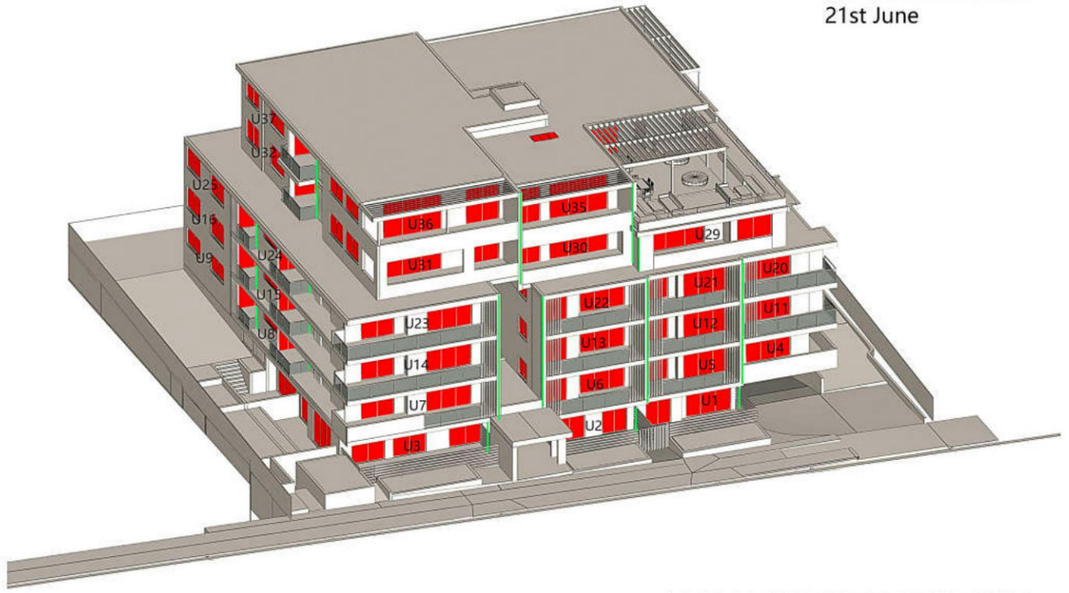
PROJECT No. 201727A | DWG No. DA1.12B

T.N M.M

SHADOW ANALYSIS
21st June

9AM-VIEW FROM THE SUN

SHADOW ANALYSIS
21st June

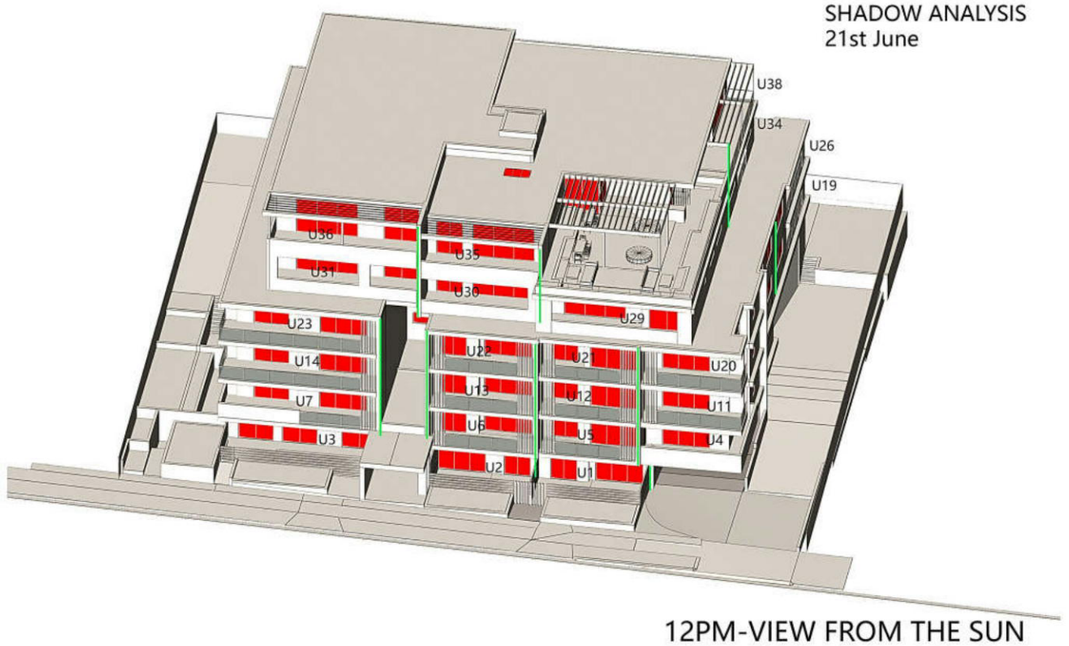


10AM-VIEW FROM THE SUN

SHADOW ANALYSIS
21st June

11AM-VIEW FROM THE SUN

SHADOW ANALYSIS
21st June



12PM-VIEW FROM THE SUN

DATE	REV	AMENDMENTS
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 109 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAU 9914

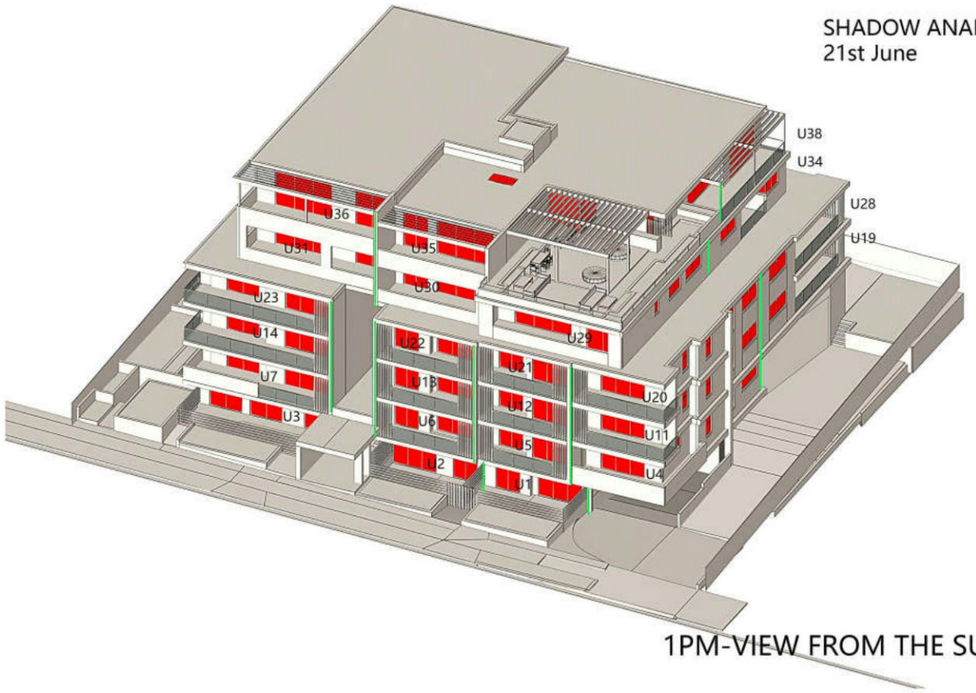
PROJECT : **PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH**

TITLE: **9AM-NOON SUN VIEWS**

SCALE :	A1 @ NTS	DRAWN :	MM
PROJECT DATE :	FEB 2020	CHECKED :	ZH REV : A
PROJECT No.	201727A	DWG No.	DA1.14A

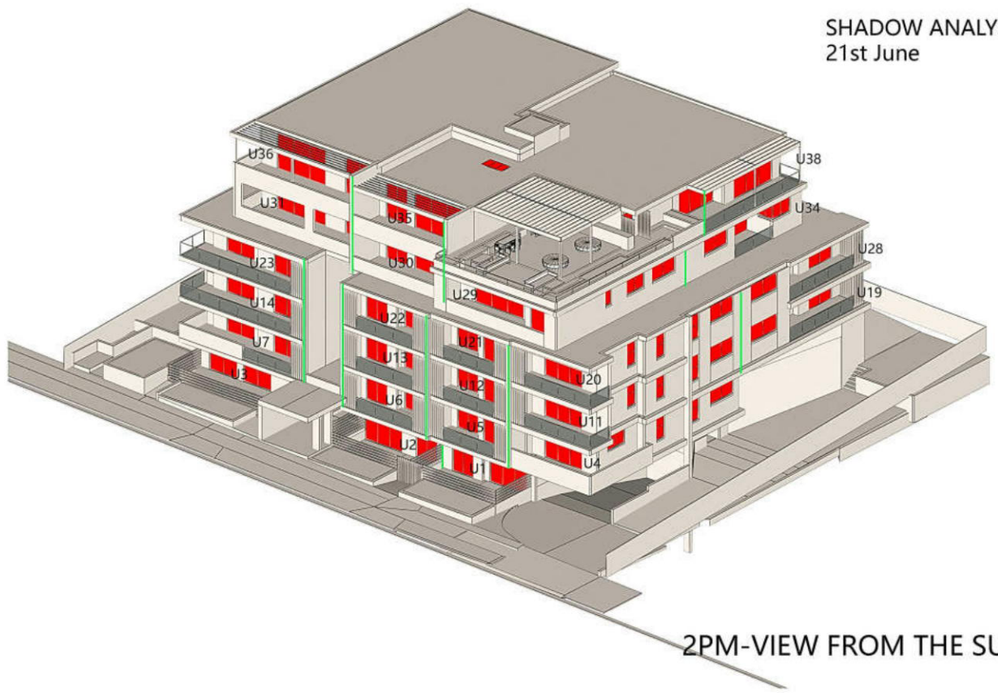
T.N M.M

SHADOW ANALYSIS
21st June



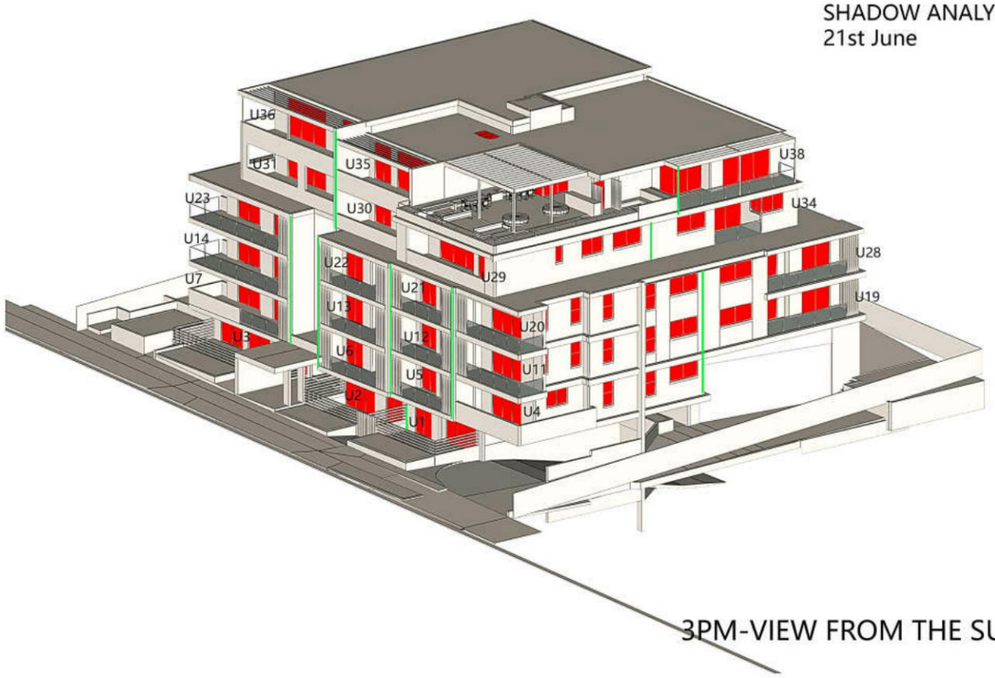
1PM-VIEW FROM THE SUN

SHADOW ANALYSIS
21st June



2PM-VIEW FROM THE SUN

SHADOW ANALYSIS
21st June



3PM-VIEW FROM THE SUN

DATE	REV	AMENDMENTS
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

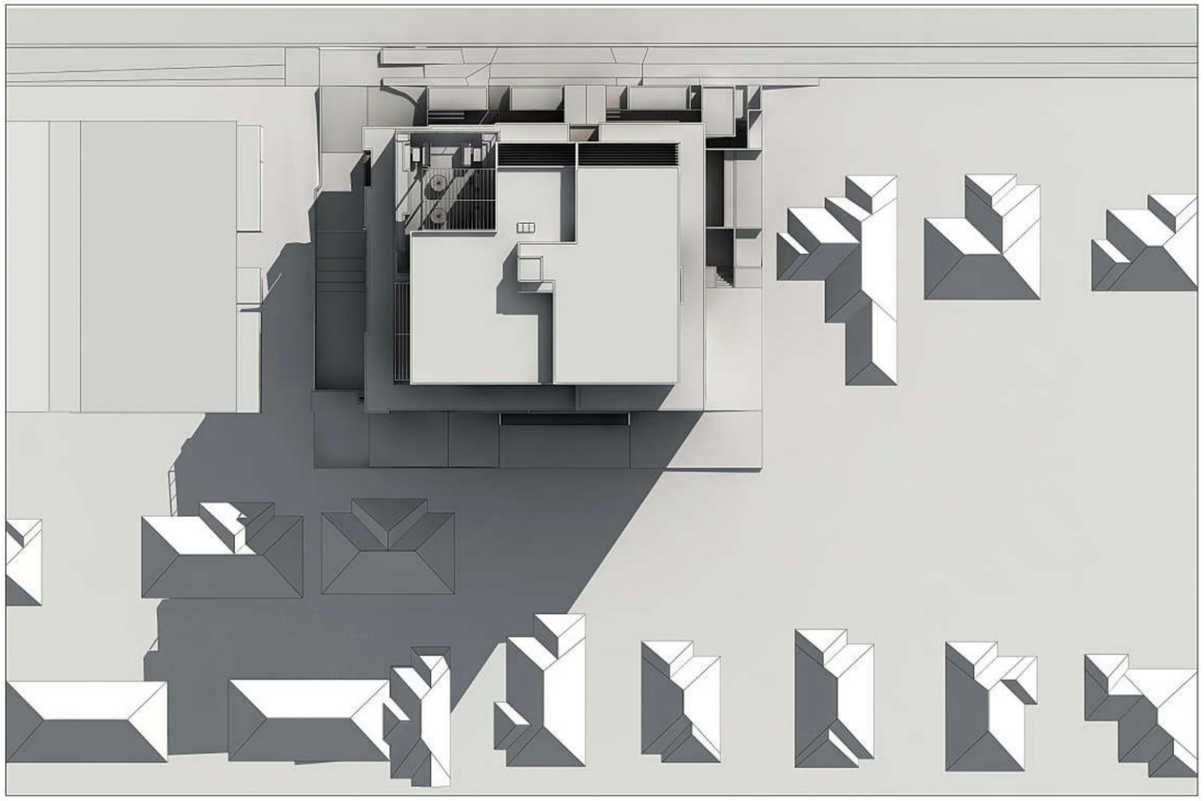
BDt
BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 109 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAU 9914

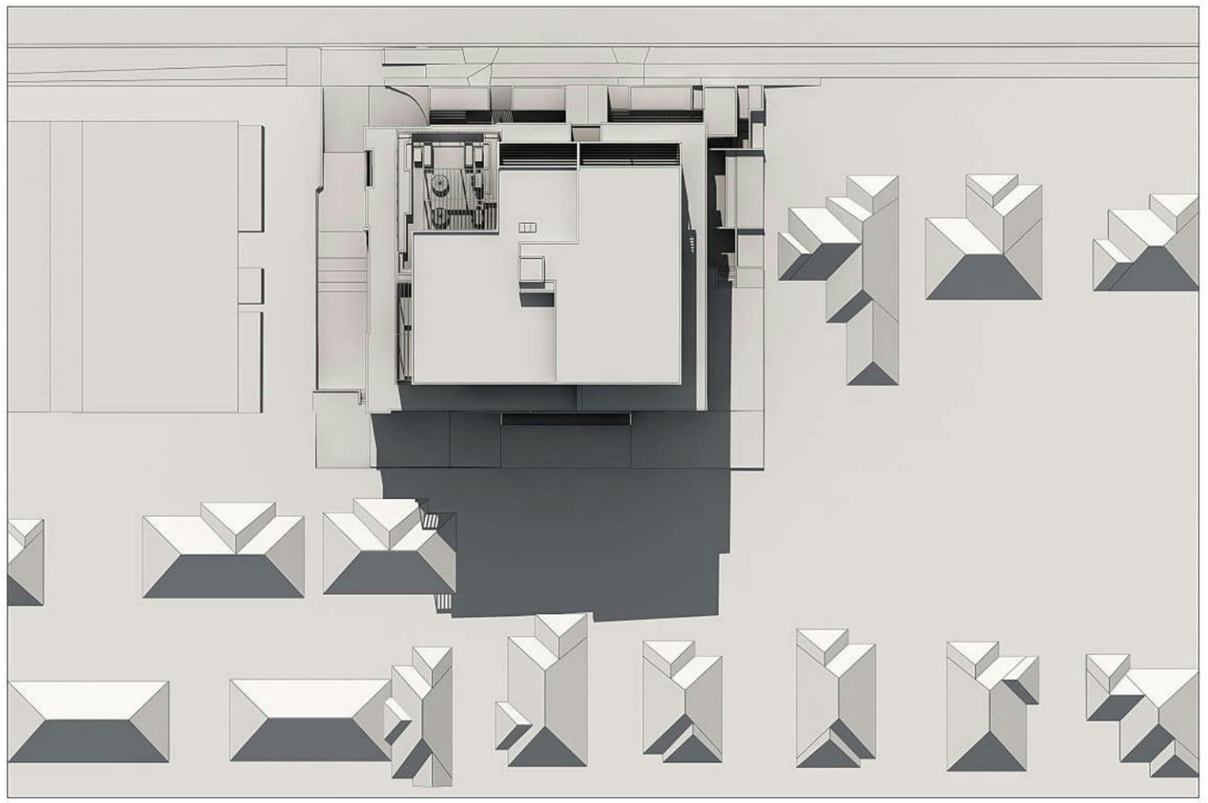
PROJECT : PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH

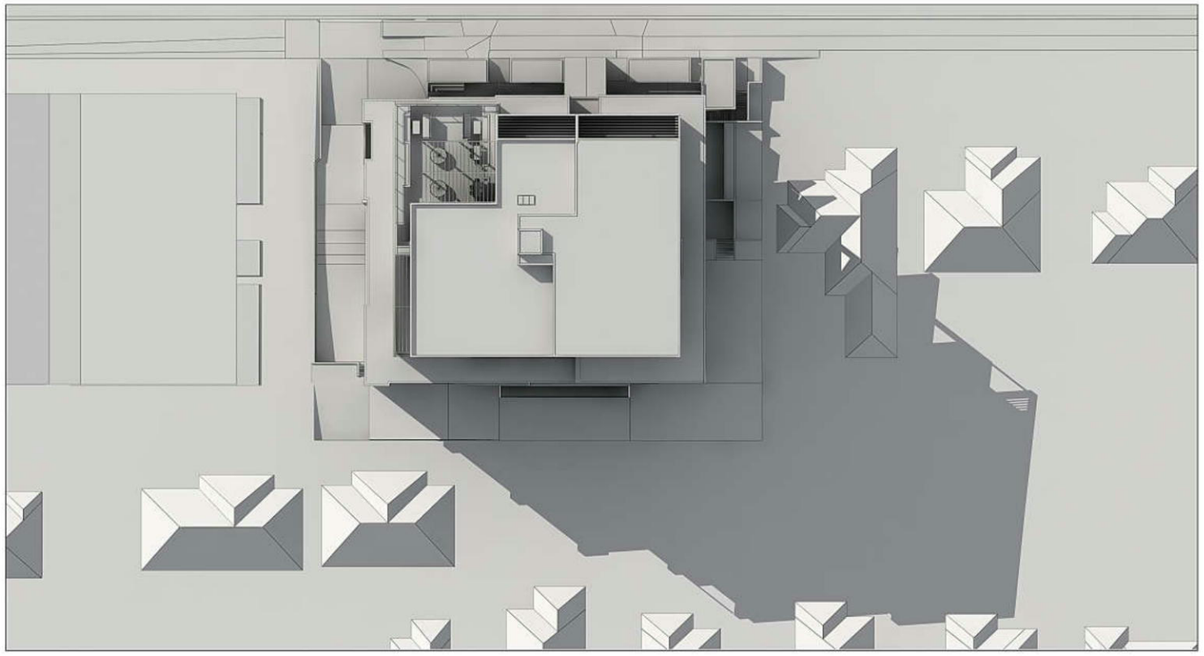
TITLE: 1PM-3PM SUN VIEWS

SCALE :	A1 @ NTS	DRAWN :	MM
PROJECT DATE :	FEB 2020	CHECKED :	ZH REV : A
PROJECT No.	201727A	DWG No.	DA1.14B

T.N M.M







1	2
3	

1. 9am June 21 Winter Shadows
2. Noon June 21 Winter Shadows
3. 3pm June 21 Winter Shadows

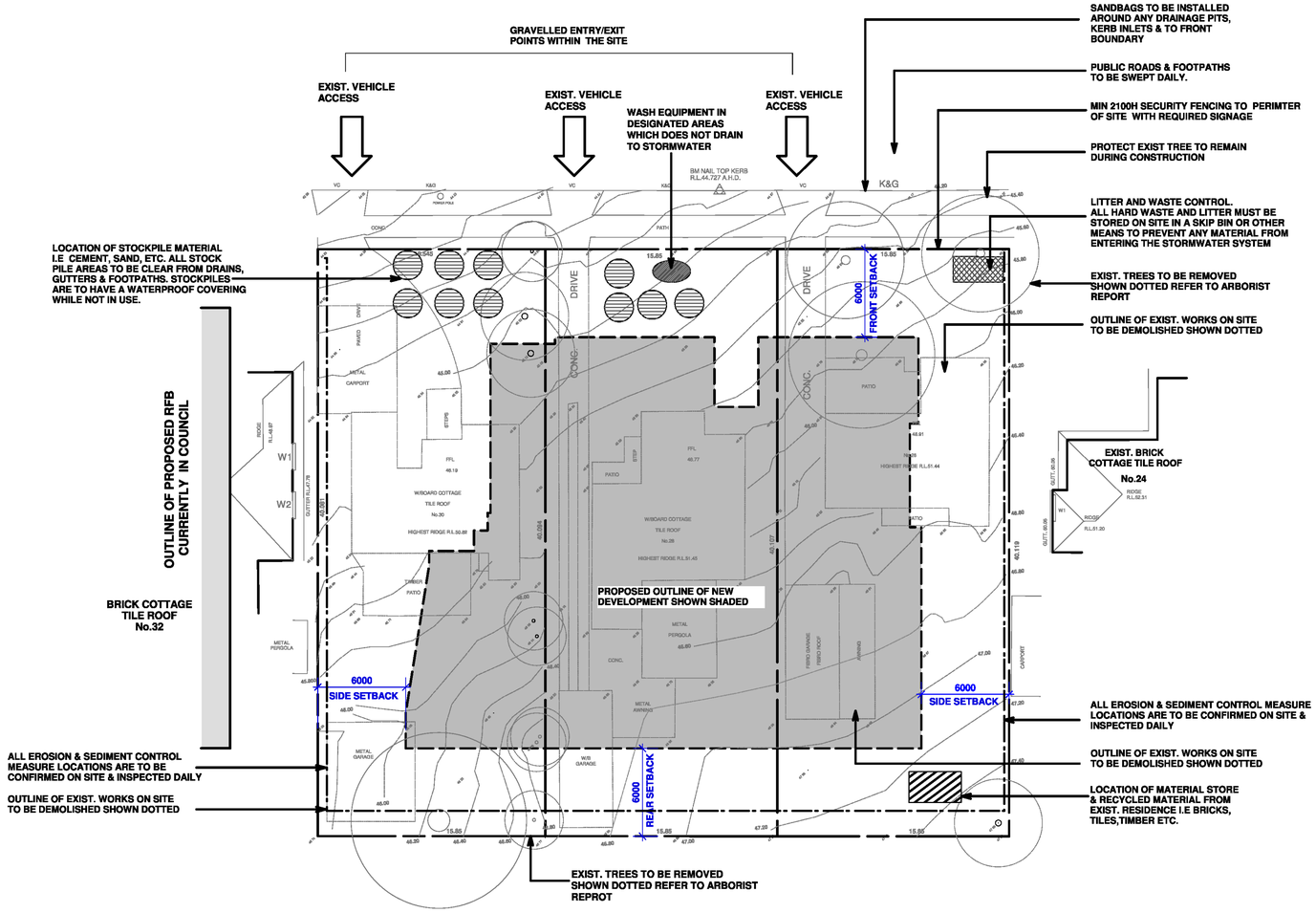
DATE	REV	AMENDMENTS
01.06.20	A	DA ISSUE

1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

BDt
BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 109 759
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAU 9914

PROJECT :	PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH		
TITLE:	JUNE 21 WINTER SHADOW PLAN		
SCALE :	1:300 @3A1	DRAWN :	MM
PROJECT DATE :	FEB 2020	CHECKED :	ZH REV : A
PROJECT No.	201727A	DWG No.	DA1.15

T.N M.M



SITE MANAGEMENT PLAN
Scale: 1:200

EARLY CONNECTION TO STORMWATER
CONNECT TEMPORARY OR PERMANENT DOWNPIPES TO THE STORMWATER SYSTEM BEFORE LAYING THE ROOF. ALL STORMWATER DISCHARGE SHOULD NOT CAUSE SOIL EROSION

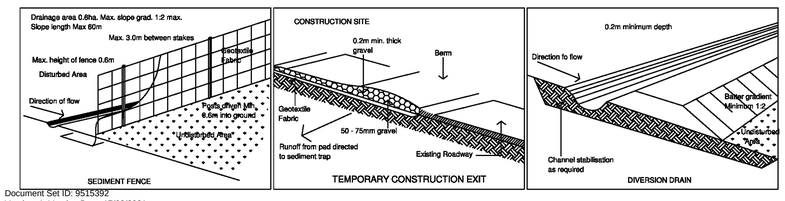
NOTE:

RETAIN MATERIALS FROM DEMOLISHED PART OF RESIDENCE. MATERIALS IN GOOD CONDITIONS ARE TO BE RE-USED AS PART OF NEW WORKS.

SITE MANAGEMENT PROGRAM
STAGE 1:
DEMOLITION OF EXISTING RESIDENTIAL DWELLINGS. LOCATION OF WASTE MATERIAL STORE TO BE LOCATED AT THE FRONT OF EACH PROPERTY. ALL WASTE MATERIAL TO BE STORED IN SKIP BINS FOR REMOVAL.

STAGE 2:
FOLLOWING THE FORMATION OF THE BASEMENT AREA , THE BASEMENT AREA IS TO BE USED FOR MATERIAL STORE AND STOCKPILE AREAS.

STAGE 3:
AFTER COMPLETION OF THE GROUND FLOOR CONCRETE SLAB, THE PROPOSED SLAB IS NOW TO BE USED AS MATERIAL AND STOCK PILE STORE.



SEDIMENT CONTROL POLICY OBJECTIVE

* TO MINIMISE DISTURBANCE TO SOIL AND VEGETATION ON THE SITE & TO PREVENT EROSION AND THE EXPORT OF SEDIMENT FROM THE SITE

GENERAL NOTES:

* DIRECT CLEAN UPHILL WATER AROUND THE BUILDING SITE
* LIMIT ACCESS TO ONE POINT AND STABILISE
* INSTALL SEDIMENT FENCES BELOW THE SITE
* STOCKPILE AND PROTECT STRIPPED TOPSOIL
* STORE MATERIALS WITHIN THE SEDIMENT FENCE ENVELOPE
* PROVIDE A PROTECTED WASHOUT AREA
* CONNECT STORMWATER BEFORE ROOF IS LAID
* MAINTAIN CONTROLS
* RESPREAD TOPSOIL AND STABILISE SITE

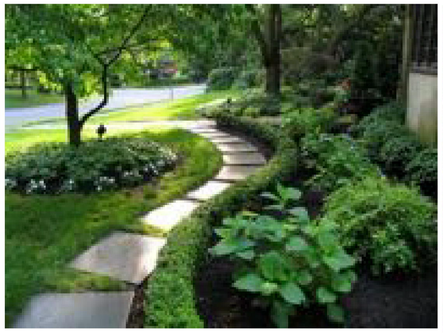
DATE	REV	AMENDMENTS
01.06.20	A	DA ISSUE

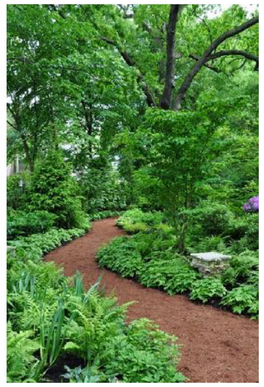
1. DO NOT SCALE FROM DRAWING, USE WRITTEN DIMENSIONS ONLY
2. BUILDER TO CHECK AND VERIFY ALL DIMENSIONS & LEVELS PRIOR TO COMMENCEMENT OF WORK.
3. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT THE ENGINEER HAS INVESTIGATED SUBSOIL CONDITIONS & DESIGNED ALL STRUCTURAL ELEMENTS TO SUIT.
4. THE DESIGNS & DETAILS CONTAINED ON THIS DRAWING ARE SUPPLIED IN CONFIDENCE & ARE NOT TO BE USED FOR ANY OTHER PURPOSE EXCEPT THAT AUTHORISED BY

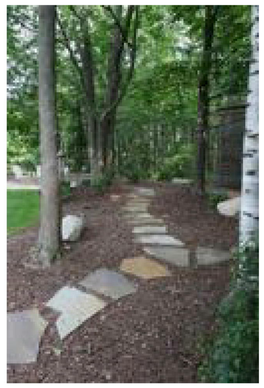
BUILDING DESIGN & TECHNOLOGY Pty Ltd
APPLICATION PREPARED BY: MARK MAKHOUL
Shop 2 , 15 Bransgrove St Wentworthville 2145,
PO Box 795 Kings Langley NSW 2147
Ph: 02 9687 0814 Mob: 0412 190 756
E-mail: mark@build-design.com.au
REGISTERED ARCHITECT ZACHARY HAN 8914

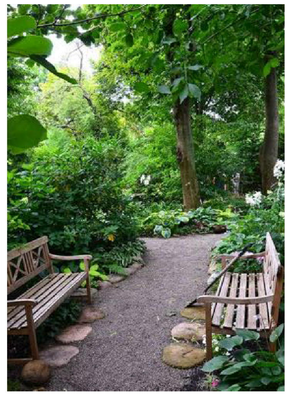
PROJECT :	PROPOSED UNIT DEVELOPMENT LOCATED AT 26-30 HOPE ST PENRITH
TITLE:	SITE MANAGEMENT PLAN
SCALE :	A1 @ 1:200
DRAWN :	MM
PROJECT DATE :	FEB 2020
CHECKED :	ZH
REV :	A
PROJECT No.	201727A
DWG No.	DA1.16

T.N M.M



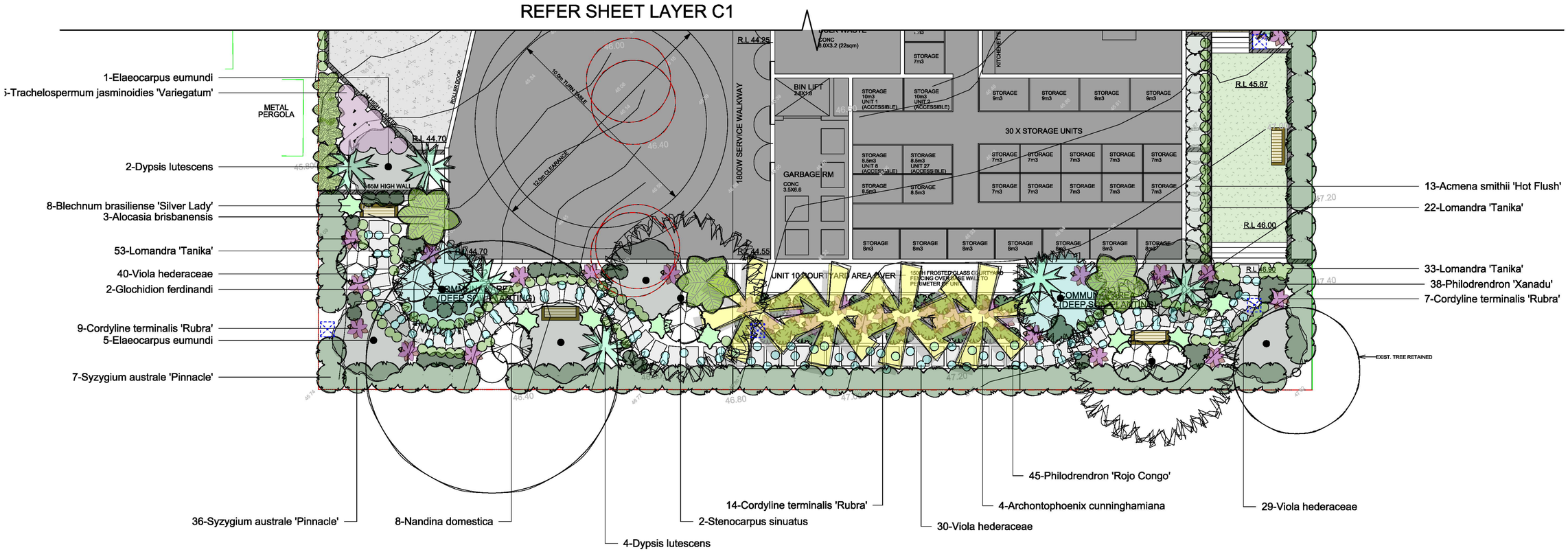






'FORREST WALK'
CONCEPT IMAGES

REFER SHEET LAYER C1



Legend

- RL 125.00 PROPOSED LEVEL
- PROPOSED PAVED AREA
- CONCRETE
- PROPOSED LAWN AREA
- BOUNDARY
- PROPOSED TIMBER DECK
- PROPOSED SEATING

PLAN ISSUE

26/05/20	A
11/11/20	B
13/11/20	C
04/12/20	D

CONTOUR
LANDSCAPE ARCHITECTURE
PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT
Proposed Unit Development
SITE
26-30 Hope Street,
Penrith, NSW 2750

NOTES
comply with building code of australia and all relevant australian standards
all works shall be in accordence with development application and construction certificate conditions of consent
all levels to ahd
refer to survey information relating to existing site data
verify all dimensions prior to works
do not scale from drawings
use figured dimentions in preference to scaling
refer all descrepancies to landscape architect for determination

DATE: 04/12/2020
SCALE: 1:100 @ A1
DRAWN: LH

DRAWING
GROUNDFLOOR LANDSCAPE PLAN (SHEET 2)
DRAWING NO:
C2_BDT
REV:
D

N

OPTLINE SPECIFICATION

ALL LANDSCAPE WORKS SHALL BE EXECUTED BY A COMPETENT LANDSCAPE CONTRACTOR EXPERIENCED IN HORTICULTURAL PRACTICE AND LANDSCAPE CONSTRUCTION. THE CONTRACTOR SHALL HOLD A CURRENT NSW STRUCTURAL LANDSCAPE LICENSE OR BE A MEMBER OF THE NSW LANDSCAPE CONTRACTORS ASSOCIATION. IRRIGATION WORKS SHALL BE EXECUTED BY A CONTRACTOR SUITABLY QUALIFIED AND LICENSED BY THE NSW DEPARTMENT OF FAIR TRADING FOR URBAN IRRIGATION.

THESE GENERAL LANDSCAPE SPECIFICATIONS SHALL BE READ IN CONJUNCTION WITH DETAILED SPECIFICATIONS PREPARED BY CONTOUR LANDSCAPE ARCHITECTURE, STRUCTURAL ENGINEERING PLANS, STORMWATER ENGINEER PLANS, ARBORICULTURAL IMPACT ASSESSMENT REPORT, D.A. CONSENT CONDITIONS.

LANDSCAPE HARDWORKS DEMOLITION, BULK EARTHWORKS, RETAINING WALLS, STONE FACING, PLANTER BOXES, PAVING, DRAINAGE, WATERPROOFING, FENCING AND ALL SITE CONSTRUCTION INDICATED SHALL BE EXECUTED IN ACCORDANCE WITH LANDSCAPE ARCHITECTURAL, ARCHITECTURAL + ENGINEERING SPECIFICATIONS LANDSCAPE WORKS SHALL GENERALLY BE UNDERTAKEN IN ACCORDANCE WITH DA APPROVED PLANS AND CONSTRUCTION CERTIFICATE PLANS AND DETAILS AND SHALL BE COMPLIANT WITH:

AS4970-2009 Protection of trees on development sites
AS 4970-2009/Amdt 1-2010 Protection of trees on development sites
AS4373-2007 Pruning of amenity trees
AS4419-2003 Soils for landscaping and garden use
AS4454-2012 Composts, soil conditioners and mulches
AS3743-2003 Potting mixes
AS/NZ3500:2015 Plumbing and drainage Set

SERVICES
BEFORE LANDSCAPE WORK IS COMMENCED THE LANDSCAPE CONTRACTOR IS TO ESTABLISH THE POSITION OF ALL SERVICES LINES AND ENSURE TREE PLANTING IS CARRIED OUT AT LEAST 3 METRES AWAY FROM THESE SERVICES. SERVICES LIDS, VENTS AND HYDRANTS SHALL BE LEFT EXPOSED AND NOTE COVERED BY ANY LANDSCAPE FINISHES (TURNING, PAVING, GARDEN BEDS ETC.) FINISH ADJOINING SURFACES FLUSH WITH PIT LIDS.

MANAGEMENT OF TREE PROTECTION
A QUALIFIED AND APPROVED ARBORIST IS TO BE CONTRACTED TO UNDERTAKE OR MANAGE THE INSTALLATION OF PROTECTIVE FENCING, AND TO UNDERTAKE SUCH MEASURES AS THEY DEEM APPROPRIATE TO PRESERVE THE SUBJECT TREES TO BE RETAINED. THE ARBORIST IS TO BE RETAINED FOR THE ENTIRE CONTRACT PERIOD TO UNDERTAKE ONGOING MANAGEMENT AND REVIEW OF THE TREES.

CARE SHALL BE TAKEN DURING THE ENTIRE PERIOD OF WORKS TO ENSURE NO DAMAGE TO ROOTS OR CANOPIES OF TREES TO BE RETAINED. NO STORING OF BUILDING MATERIALS, WASHING OF EQUIPMENT, DISPOSAL OF CHEMICALS, ETC. SHALL BE PERMITTED BENEATH CANOPY OF TREES TO BE RETAINED.. NO EXCAVATION OR TRENCHING SHOULD OCCUR BENEATH CANOPIES EXCEPT FOR COUNCIL-APPROVED WORKS. ALL EXCAVATION BENEATH TREE CANOPIES SHALL BE UNDERTAKEN TO COUNCIL / PROJECT ARBORIST INSTRUCTIONS. PROJECT ARBORIST SHALL BE ADVISED AND ATTEND SITE IF TREE ROOTS GREATER THAN 50MM DIAMETER ARE ENCOUNTERED.
PREPARATION BY BUILDER
BUILDER SHALL REMOVE ALL EXISTING CONCRETE PATHWAYS, FENCES, FOOTINGS, WALLS, ETC. NOT NOTATED TO BE RETAINED AND COMPLETE ALL NECESSARY EXCAVATION WORK PRIOR TO COMMENCEMENT ON SITE BY LANDSCAPE CONTRACTOR. BUILDER SHALL ALSO INSTALL NEW RETAINING WALLS, KERBS, LAYBACK KERB, CROSSOVER, PATHWAYS, ETC. AND MAKE GOOD ALL EXISTING KERBS, GUTTERS, ETC. AS NECESSARY AND TO APPROVAL OF COUNCIL. BUILDER SHALL ENSURE THAT A MINIMUM 450MM OF TOPSOIL IN GARDEN AREA AND A MINIMUM 150MM OF TOPSOIL IN LAWN AREAS EXISTS. SHOULD REQUIRED DEPTHS NOT EXIST BUILDER SHALL CONTACT LANDSCAPE ARCHITECT AND ASK FOR INSTRUCTIONS PRIOR TO COMPLETION OF EXCAVATION WORKS.

ALL LEVELS AND SURFACE DRAINAGE SHALL BE DETERMINED BY OTHERS AND APPROVED ON SITE BY LANDSCAPE CONTRACTOR.

SOIL PREPARATION + PLANTING SOILS
CULTIVATE TO A DEPTH OF 300MM ALL PROPOSED LAWN AND GARDEN AREAS. DO NOT CULTIVATE BENEATH EXISTING TREES TO BE RETAINED. IN AREAS WHERE FILL IS REQUIRED GAIN REQUIRED SHAPES AND LEVELS USING A PREMIUM GRADE SOIL MIX. IN AREAS WHERE EXCAVATION IS REQUIRED (IF IN CLAY) OVER EXCAVATE AS REQUIRED TO ALLOW FOR INSTALLATION OF 500MM DEPTH OF PREMIUM GRADE TOPSOIL MIX TO GARDEN AREAS AND 300M DEPTH OF PREMIUM GRADE TOPSOIL MIX TO LAWN AREAS.

SUBGRADE PREPARATION
BEFORE LAYING TOPSOIL, THE FOLLOWING SUBGRADE TREATMENT MUST BE APPLIED TO ALL FINISHED SUBGRADE AREAS:
1. FAIR + TRIM TO RELATIVE LEVEL TO ACCOMMODATE REQUIRE OVERALL SOIL DEPTH
2.REMOVE ROCK >100mm DIAMETER
3. REMOVE RUBBISH SUCH AS CONSTRUCTION GENERATED WASTER, PLASTICS, METALS, GLASS
4. APPLY GYPSUM AND LIME AT MANUFACTURER'S RECOMMENDED RATES
5. LOOSEN SUBGRADE TO 200mm DEPTH LEAVING SURFACE 'KEYED' TO ACCEPT TOPSOIL

CONTRACTOR SHALL UNDERTAKE PH TESTS AND ADJUST WHERE NECESSARY TO ACHIEVE A PH WITHIN THE 5.5 - 7.5 RANGE. MIX IN GYPSUM AT MANUFACTURER'S RECOMMENDED RATES IF CLAY SOIL ENCOUNTERED.

UNDERTAKE ALL REQUIRED ACTION TO ENSURE THAT NO ROOTBALLS OF PROPOSED PLANTS SIT IN CLAY WELLS AND THAT ALL GARDEN AREAS AND LAWN AREAS DRAIN SATISFACTORILY. NOTE IT IS INTENDED THAT WHEREVER POSSIBLE EXISTING LEVELS SHALL NOT BE ALTERED THROUGH GARDEN AND LAWN AREAS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT THE END RESULT OF THE PROJECT IS THAT ALL LAWN AND GARDEN AREAS DRAIN SUFFICIENTLY (BOTH SURFACE AND SUBSTRATE), ARE AT REQUIRED FINISH LEVELS AND HAVE SUFFICIENT SOIL DEPTHS TO ENABLE LAWN AND PLANTS TO THRIVE AND GROW. SHOULD ALTERNATIVE WORKS TO THOSE SPECIFIED REQUIRED TO ACHIEVE THAT RESULT, CONTRACTOR SHALL INFORM BUILDER AT TIME OF TENDER AND REQUEST INSTRUCTIONS.

PLANTING
ALL PLANTS SHALL BE WELL GROWN AND DISEASE FREE. PLANTING SHALL BE IN ACCORDANCE WITH PLANTING SCHEDULE. TREES SHALL BE GROWN TO NATSPEC. GENERAL PLANT MATERIAL (EXOTICS AND ENDEMIC) SUPPLY PLANTS IN ACCORDANCE WITH PLANTING SCHEDULE. NO SUBSTITUTIONS ARE PERMITTED WITHOUT THE CONSENT OF THE SUPERVISING LANDSCAPE ARCHITECT. PLANT MATERIAL SHALL BE GROWN TO NATSPEC AND SHALL BE VIGOROUS, WELL ESTABLISHED, FREE OF DISEASE AND PESTS, HARDENED OFF, TRUE TO FORM, AND GROWN IN THEIR FINAL CONTAINERS FOR NOT LESS THAN 12 WEEKS. TREES SHALL HAVE A SINGLE LEADING SHOOT AND POTS FREE FROM WEEDS.

IMMEDIATELY REJECT DRIED OUT, DAMAGED OR UNHEALTHY PLANT MATERIAL BEFORE PLANTING.

PLANT HOLES SHALL BE DUG APPROXIMATELY TWICE THE WIDTH AND TO 100MM DEEPER THAN PLANT ROOTBALLS THAT THEY ARE TO RECEIVE. BASE AND SIDES OF HOLE SHALL BE FURTHER LOOSENED. FERTILISER, FOLLOWED BY 100MM DEPTH OF TOPSOIL MIX SHALL THEN BE PLACED INTO BASE OF HOLE AND LIGHTLY CONSOLIDATED. BASE OF HOLE SHALL THEN BE WATERED. REMOVE PLANT CONTAINER AND INSTALL PLANT INTO HOLE. ROOTBALL SHALL BE BACKFILLED WITH SURROUNDING TOPSOIL AND TOPSOIL FIRMED INTO PLACE. AN APPROVED SHALLOW DISH SHALL BE FORCED TO CONTAIN WATER AROUND BASE OF STEM. BASE OF STEM OF PLANT SHALL FINISH FLUSH WITH FINISHED SOIL LEVEL. ONCE INSTALLED PLANT SHALL BE THOROUGHLY WATERED AND MAINTAINED FOR THE DURATION OF THE CONTRACT.

STAKES + TIES
THE LANDSCAPE CONTRACTOR SHALL REPLACE OR ADJUST PLANT STAKES, AND TREE GUARDS AS NECESSARY OR AS DIRECTED BY THE LANDSCAPE ARCHITECT.

STAKES SHALL BE STRAIGHT HARDWOOD, FREE FROM KNOTS AND TWISTS, POINTED AT ONE END AND SIZED ACCORDING TO THE SIZE OF PLANTS TO BE STAKED:

1. 5-15 LITRE SIZE PLANT 1X 1200 X 25 X 25MM
2. 35-75 LITRE SIZE PLANT 2X 1500 X 38 X 38MM
3. 100+ LITRE SIZE PLANT 3X 1800 X 50 X 50MM

TIES SHALL BE 50MM WIDE HESSIAN WEBBING OR APPROVED EQUIVALENT NAILED OR STAPLED TO STAKE. DRIVE STAKES A MINIMUM ONE THIRD OF THEIR LENGTH, AVOIDING DAMAGE TO THE ROOT SYSTEM, ON THE WINDWARD SIDE OF THE PLANT.

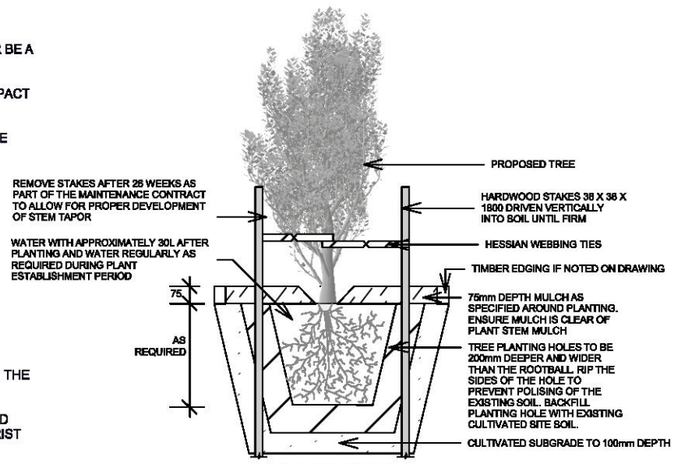
FERTILIZER
AT PLANTING SPREAD SLOW RELEASE FERTILIZER AROUND DRIP LINE OF ALL PLANTS AT MANUFACTURER'S RECOMMENDED RATES
GENERAL APPLICATION:
EQUAL TO OSMOCOTE PLUS TRACE ELEMENTS - ALL PURPOSE NPK 19.4 : 1.6 : 6
NATIVE PLANTS: EQUAL TO OSMOCOTE PLUS TRACE ELEMENTS - NATIVE GARDENS NPK 17.9 : 0.8 : 7.3

MULCH
ENSURE ALL MULCH IS FREE OF WEED SEED AND VEGETATIVE MATERIAL. PROVIDE SAMPLE OF MULCH FOR CLIENT APPROVAL PRIOR TO DELIVERY.

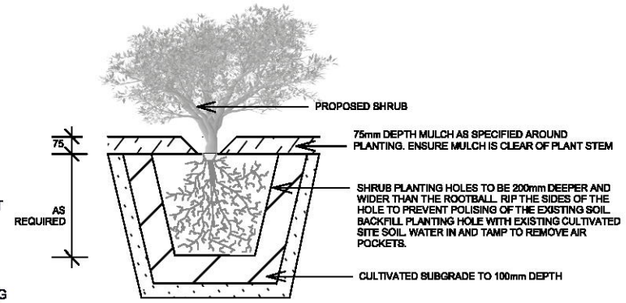
PLACE MULCH TO REQUIRED DEPTH, (REFER TO DRAWINGS) CLEAR OF PLANT STEMS, AND RAKE TO AN EVEN SURFACE FINISHING 25MM BELOW ADJOINING LEVELS. ENSURE MULCH IS WATERED IN AND TAMPED DOWN DURING INSTALLATION.

EDGING
EDGING SHALL BE INSTALLED AT THE JUNCTION OF LAWN AND GARDEN AREAS AS INDICATED ON DRAWINGS. EDGE SHALL BE FINISHED LEVEL WITH LAWN OR ADJOINING GRAVEL. EDGE SHALL TYPICALLY BE 100MM HIGH WITH ALUMINIUM FINISH. INSTALL TO MANUFACTURER'S SPECIFICATIONS

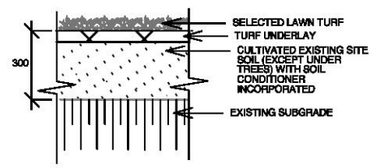
FENCING
RETAIN ALL EXISTING FENCING UNLESS ADVISED OTHERWISE BY BUILDER.



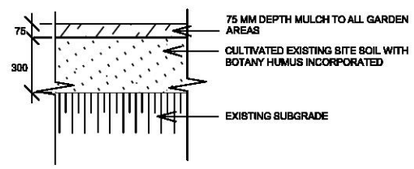
TREE PLANTING & STAKING DETAIL



PLANTING DETAIL
SCALE 1:20



TYPICAL TURF DETAIL
SCALE 1:20



SOIL TO GARDEN AREAS
SCALE 1:20

CONTOUR
LANDSCAPE ARCHITECTURE
PO Box 698 MONA VALE NSW 1660
Tel: 0434 500 705 - AIDLM

PROJECT
Proposed Unit Development
SITE
26-30 Hope Street,
Penrith, NSW 2750

NOTES
comply with building code of australia and all relevant australian standards
all works shall be in accordance with development application and construction certificate conditions of consent
all levels to ahd
refer to survey information relating to existing site data
verify all dimensions prior to works
do not scale from drawings
use figured dimentions in preference to scaling
refer all descrepancies to landscape architect for determination

DATE:	26/05/2020	DRAWING **LANDSCAPE DETAILS**
SCALE:	N/A @ A3	DRAWING NO: C6_BDT
DRAWN:	LH	REV: A

Statement of Environmental Effects

LOT CONSOLIDATION, DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A 6 STOREY RESIDENTIAL FLAT DEVELOPMENT CONTAINING 38 APARTMENTS OVER BASEMENT CARPARKING FOR 61 VEHICLES AT 26-30 HOPE STREET, PENRITH

Prepared by: Think Planners Pty Ltd
Document Date: 17 June 2020
Consent Authority: Penrith City Council

QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects – 6 Storey RFB

ADDRESS: Lot 34, 35 and 36 DP 31239: 26-30 Hope Street, Penrith

COUNCIL: Penrith City Council

AUTHOR: Think Planners Pty Ltd

ARCHITECT: Building Design and Technology

Date	Purpose of Issue	Rev	Reviewed	Authorised
17 April 2018	Draft Issue	Draft	SF	SF
20 April 2018	Updated	Draft	SF	JW
9 May 2018	Lodgement Issue	Final	JW	JW
21 August 2019	Review Application	Final	JW	JW
17 June 2020	New DA	Final	JW	JW

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

Table of Contents

Executive Summary

This Statement of Environmental Effects has been prepared in support of a new Development Application for the consolidation of 3 lots, demolition of existing structures and the construction of a 6 storey '*Residential Flat Building*' at 26-30 Hope Street, Penrith. The new DA has been prepared in response to a refusal of DA18/0488, primarily for reasons relating to building height, cut, solar access, and cross-ventilation. Ongoing revisions have been made to lower the yield, lower the building height substantially through removal of the full level of common area above the height limit, and design refinement to deal with the issue of solar access and natural ventilation. Ongoing discussions with Council staff have also occurred regarding the amended scheme.

The new proposal now consists of 38 residential units (reduction by 2) with a total of 61 car parking spaces within 2 basement levels. The revised proposal incorporates the following dwelling mix:

- 12 x 1-bedroom units
- 20 x 2-bedroom units
- 6 x 3-bedroom units.

Changes to the plans have been made to respond to the reasons for refusal as follows:

Ground Floor

- Amended turn table size to suit smaller 10m garbage truck;
- Increased floor level height (550mm) to this area for the truck as new smaller truck has less head height requirements,
- Removal of a further unit- Resulting in resolution to the 'subterranean' unit issue and extent of cut at the rear noting the use of a common room leading to the rear COS area at the GF.

1st/ 2nd/ 3rd Floors

- Redesign of foyer area to make it more open and make entries move visible where possible- to respond to the concern about the separate foyer space raised by the panel.
- Renumbered units,
- Redesign of unit layouts along eastern façade to increase solar access, primarily revising balcony locations and also cutting back the unit on the corner of the building to enable the balcony edges to be pulled out and get the living room windows to 'see' the sun to the back units.
- Adjustment to Unit 10 to adopt a 1.5m frosted glass screen and planter bed to separate from the common area.

4th/ 5th floors

- Renumbered units,
- Redesign of unit layouts along eastern façade to increase solar access, primarily revising balcony locations.
- Deletion of full rooftop COS and replacement with COS on the north-western corner with associated facilities with an area of 133sqm.

Elevations

- The revision to the building and removal of the full rooftop common area means that the elevations have been revised and the extent of departure to the height limit is significantly reduced noting the only areas of departure are to the very top of Unit 36 owing to the cross-fall on the site and these departures are centrally located to the building. The variation is now only 150mm.

In addition the Clause 4.6 variation request has been revised.

On the basis of these amendments it is requested that the DA Application be determined by way of approval subject to conditions.

Site and Locality

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

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

The site comprises of 3 separate allotments and once consolidated will result in creating a regular shaped land parcel with a frontage of 47m to Hope Street, a site depth of 40m, resulting in a with a total site area of 1894.4m^2 with a dwelling currently located on each lot. The site falls from the rear south east corner (RL 47.63) towards the north western corner of Hope Street (RL 44.23), with a cross-fall of 3.4m. Located within an established residential area, the subject site currently accommodates 3 older style residential dwellings and associated structures, as demonstrated by Photograph 1 below.

Photograph 1: Shows 26 Hope Street, Penrith

The subject site is surrounded by older style single storey residential dwellings with Hope Street separating the site from low density housing to the north. It is noted that the site currently accommodates three single storey residential dwellings and associated structures that are to be demolished as part of the proposal. The site also contains existing trees and vegetation, with the majority of the trees to be removed to accommodate the proposal.

The proposal will also incorporate high quality landscape embellishment works along with appropriate replacement plantings to help reduce the physical bulk and scale of the development while also enhancing privacy levels and amenity within a garden setting in accordance with the landscape plan.

The dwellings are in a reasonable condition; however, they are significantly underutilising the sites full development potential given the R4 High Density Residential zone permits higher density residential developments such as residential flat buildings of up to 18m. The aerial extract and photographs of the locality below provides context to the development site.

Figure 1: Locality Map (Source: SixMaps)

As outlined above, the development site is zoned R4 High Density Residential under the provisions of the Penrith Local Environmental Plan 2010 as illustrated by Council's zoning map extract below. *'Residential Flat Buildings'* are permissible with consent within the R4 zone and the subject site is permitted a maximum building height of 18m.

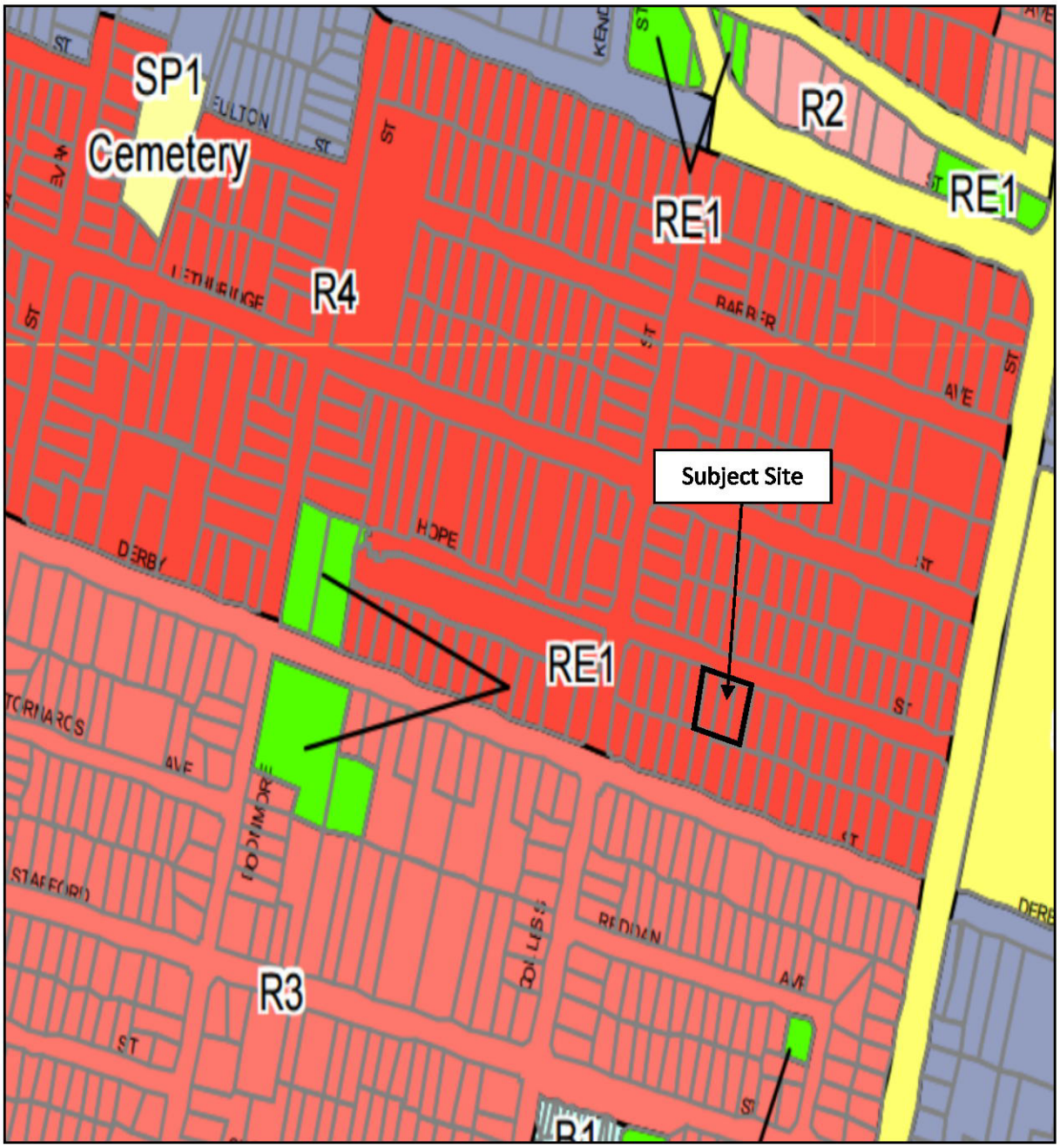


Figure 2: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)

The site is located within a large residential block bounded by the Northern Road to the east, Hope Street to the south, Derby Street to the south and Colless Street to the west. The existing built form character within the residential block comprises predominantly of older style one and two storey residential dwellings of mixed ages and architectural styles on modest lots interspersed by a large multi-dwelling housing complex situated on a corner block to the far south-western portion of the block. This is illustrated by an aerial map in the following page.

Figure 3: Aerial Map of Subject Residential Block (Source: Google Maps)

With the Penrith Local Environmental Plan zoning land within the subject residential block for higher residential density with building permitted up to 18m and considering its proximity to both Penrith CBD, Kingswood commercial strip, a major regional hospital and considering the current high demand of housing combined with an absence of heritage items, it is anticipated that the built form character of existing low density housing within the subject block will undergo a substantial shift towards higher densities over the medium term. This is evident with multiple DAs currently with Council for comparable RFBs and mixed-use development within the wider locality.

The Greater Sydney Region Plan and the Western City District Plan support higher density residential developments in strategic locations to accommodate future population growth. The subject area is ideal for future urban intensification as it is located within proximity to a large commercial centre, industrial precincts, regional hospital, schools, public transportation and recreational opportunities. The amalgamation of the 3 land parcels will permit an orderly development of the site and also permitting the site to fulfil its zoning potential while being consistent with Council's vision for the subject area.

The proposal also seeks to provide an important streetscape presence beyond the existing facades currently presently in the locality and play a key role in the renewal process by setting the design standard and tone for future character and residential built forms along the southern side of Hope Street and also within the subject residential block.

The development site is also located near key arterial roads such as the Great Western Highway and The Northern Road. An aerial photograph, that demonstrates the sites location within the wider locality, is provided below:

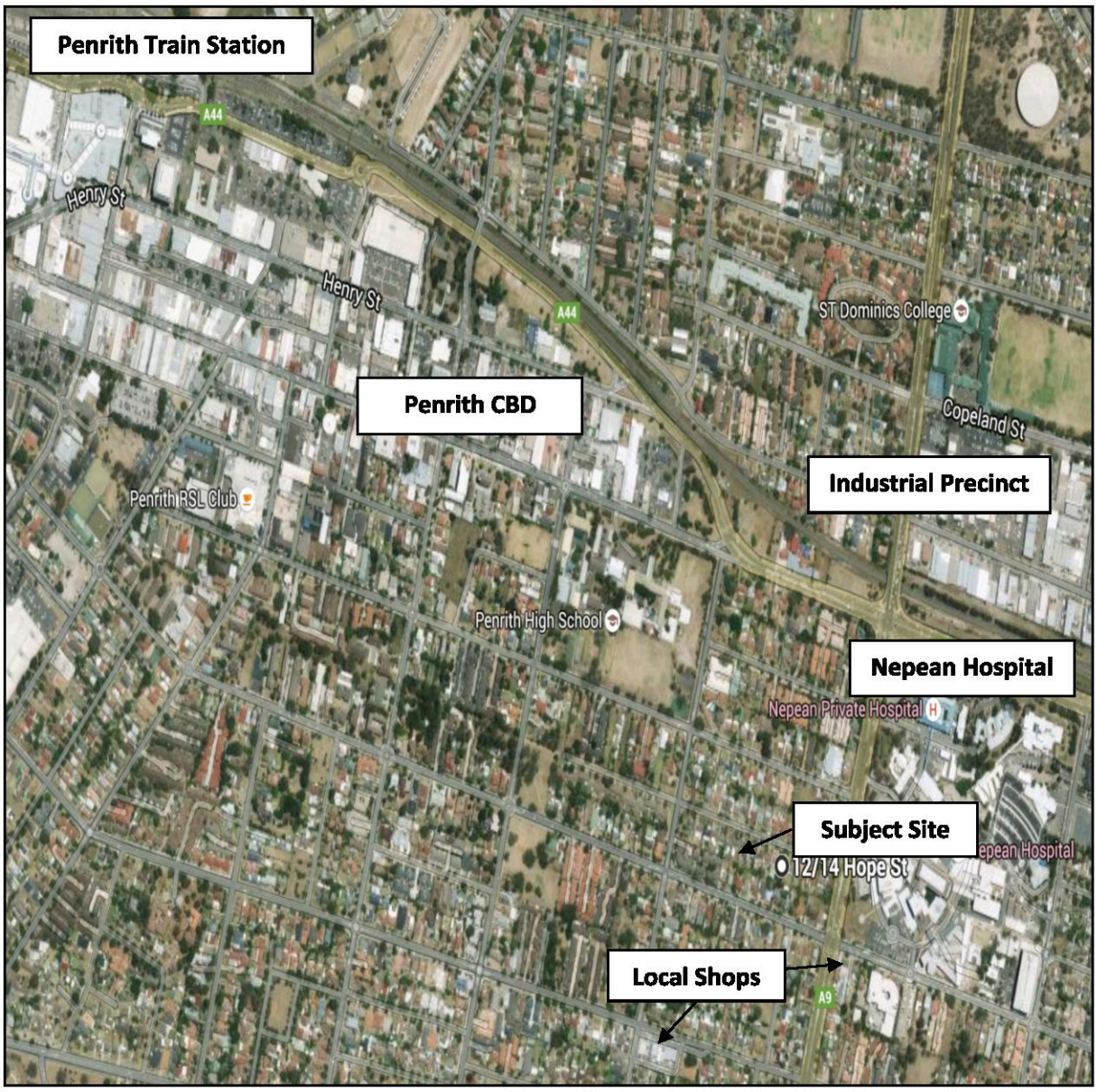


Figure 4: Broader Locality Map (Source: Google Maps)

Photographs are provided below that give context to the locality and also the relationship of the development site with adjoining developments.

Photograph 2: Shows the existing streetscape in Hope Street looking eastwards, noting the narrow width of the road along with construction taking place opposite the subject site.

Photograph 3: Shows the existing streetscape in Hope Street looking westwards, noting the narrow width of the road as well as development under construction at the western end of Hope Street.

Heritage

The site is not identified as a heritage item, it is not located within a heritage conservation area nor is it in the vicinity of any surrounding heritage items as illustrated by the heritage extract map below.

Figure 5: Heritage Map Sheet HER_013 Extract (Source: Penrith LEP 2010)

Description of Proposal

The proposal involves the amalgamation of the existing allotments, demolition of existing structures and construction of a 6-storey residential flat building with the following aspects:

Unit Mix

The proposal incorporates a total of 38 units with the following dwelling mix:

- 12 x 1 bedroom units
- 20 x 2 bedroom units
- 6 x 3 bedroom units.

Parking

The development proposal includes a total of 61 parking spaces within two basement levels, and the access ramp to the basement is located on the north-western section of the site. The parking breakdown is as follows:

A total of 61 car parking spaces including 5 accessible parking spaces broken down into:

- 50 residential spaces
- 10 visitor spaces
- Including 1 car wash bay.

Waste Collection

The development provides a garbage truck loading bay, accessed via Hope Street, which is at ground level, which also provides a vehicle turning system. The turning mechanism allows the truck to enter and exit in a forward direction.

Communal Open Space Areas

The development provides a series of COS areas:

- Rooftop COS at L5 with an area of 133sqm
- Ground Floor COS with 380sqm of COS
- Common room at the ground floor linking to the COS area with associated toilet.

Planning Controls

Statutory Controls

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy (BASIX)
- State Environmental Planning Policy No.55- Remediation of Land
- State Environmental Planning Policy No.65 –Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan No. 20- Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010.

Policy Controls

The applicable policy control documents are:

- Penrith Development Control Plan 2014
- The Apartment Design Guide.

Consideration of Planning Controls

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

State Environmental Planning Policy BASIX

The application has been assessed and is accompanied by a complying BASIX certificate demonstrating a commitment to thermal and water efficiency.

State Environmental Planning Policy No. 55 - Remediation of Land

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

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

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

The development application is accompanied by a design verification statement.

A description of compliance with the applicable development controls such as setbacks, building depth, separation, height, etc. is provided in the local planning controls discussion and tables below. The table below provides a detailed discussion against the relevant provisions of the Apartment Design Guide, noting that a number of these provisions are embodied within the Penrith Local Environmental Plan 2010 and supporting Penrith Development Control Plan 2014.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

(a) visual privacy,
(b) solar and daylight access,
(c) common circulation and spaces,
(d) apartment size and layout,
(e) ceiling heights,
(f) private open space and balconies,
(g) natural ventilation,
(h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 – Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed residential flat building has been designed to address and provide direct pedestrian access via Hope Street. Passive surveillance opportunities are provided from primary living areas and balconies that overlook all streets. Direct pedestrian access to the proposed 6 storey building is provided through the centre of the site.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Not applicable	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Adjoining properties do not contain solar collectors	N/A
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate.	Units 1, 2, 3 have direct access to their courtyards from Hope Street.	Yes
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Appropriate location of mail boxes is provided. Complies.	Yes
	Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	The garbage storage rooms is located within the ground floor level, it is provided with its own room and is out of view from the street. The room is accessed from the central foyer.	Yes

3D Communal and Public Open Space	***Design Criteria:***		
	Communal open space has a minimum area equal to 25% of the site	The development provides a communal open space area of 513m^2 or 27% of the site area. The proposal complies with Council's DCP requirement for common open space and the ADG.	No
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	The communal open space will receive adequate levels of sunlight noting the eastern area and rooftop achieve the required solar access.	Yes
3E Deep Soil Zones	***Design Criteria:***		
	A deep soil zone equivalent to 7% of the site area must be provided	A deep soil area of 673m^2 or 35.5% of the site is provided. Complies.	Yes
	If the site is between 650m^2 to 1500m^2 then the DSZ must have minimum dimensions of 3m	N/A	N/A
	If over 1500m^2 then min dimensions of 6m	Complies with minimum dimension of 6m.	Yes
	Design Guidelines:		
	On some sites, it may be possible to provide larger deep soil zones: • 10% of the site as deep soil on sites with an area of 650m^2- 1,500m^2 • 15% of the site as deep soil on sites greater than 1,500m^2	It is noted that the proposal provides a total of 35.5% of the site area for deep soil zones, which exceeds the control that requires 7% and is therefore compliant.	Yes

3F Visual Privacy Building Separation Up to 4 storeys (up to 12m)	*Design Criteria:* 12m between habitable rooms (6m)	Up to 4 storeys The proposal achieves 6m up to the 4th storey.	 Yes
5-8 storeys (up to 25m)	18m between habitable rooms (9m)	The setbacks on the upper level and compliant to the main building. There are some balcony intrusions on the eastern side that are limited to the south-eastern corner and designed to maximise solar access to these areas and no discernible privacy impacts arise from the very minor encroachment.	Minor variation
Note: When adjacent to a lower density residential zone an additional 3m rear/ side setback is required	The adjoining land is also zoned R4 High Density Residential.	N/A	N/A
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas	The building provides clearly distinguishable entry points from Hope Street.	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall façade Car park entry and access should be located on secondary streets or lanes where available	The vehicular access point from Hope Street place is to the side of the building, however, integrates with the overall design of the building. N/A	Yes N/A
3J Carparking	*Design Criteria:* Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:	N/A as not within 800m of a railway station. Designed to Comply with the Penrith DCP 2014.	N/A

	Design Guidelines: Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	The proposal provides appropriate undercover and secure residential bicycle parking spaces within the upper basement level.	Yes
Part 4 – Designing the Building			
4A Solar Access	*Design Criteria:* Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	The DVS says that 84% of units achieve the required 2 hours of solar access at mid-winter. 6/38 units face only south which is 15.7% which aligns with the control albeit a fraction beyond in % terms but the intent of the control is clearly achieved.	Yes Yes
4B Natural Ventilation	*Design Criteria:* 60% of Units are cross ventilated in a building up to 9 storeys Overall width of a cross over or cross through apartment is < 18m *Design Guidelines:* The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	The DVS confirms 23/38 or 60% of units are cross ventilated. > 18m complies Development has a mix of dual aspect apartments, single aspect and corner apartments. See attached architectural plans for detail.	Yes Yes Yes
4C Ceiling Height	*Design Criteria:* 2.7m for habitable and 2.4m for non-habitable.	Complies	Yes

4D Unit Sizes	*Design Criteria:*		
Studio 1 bed 2 bed 3 bed + $5m^2$ for each unit with more than 1 bathroom.	$35m^2$ $50m^2$ $70m^2$ $90m^2$	All units comply with many units exceeding. Where additional bathrooms have been provided unit, sizes have been increased by at least $5m^2$	Yes
Habitable Room Depths Bedroom sizes Master Other	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
Living rooms/dining areas have a minimum width of: 3.6m 4m Open plan layouts that include a living, dining room and kitchen.	*Design Guidelines:* Limited to 2.5m x Ceiling Height $10m^2$ $9m^2$	N/A as open plan layouts provided Comply Comply	N/A Yes Yes
	Studio/1 br 2br/ 3br 8m to a window	Comply Comply Complies given unit depths and design layouts.	Yes Yes Yes
4E Private Open Space Balcony Sizes 1 bed 2 bed 3 bed Ground level/ podium apartments	*Design Criteria:* $8m^2$ & 2m depth $10m^2$ & 2m depth $12m^2$ & 2.4m depth $15m^2$ & 3m depth	 Complies Complies Complies Complies.	 Yes Yes Yes Yes

4F Common Circulation and Spaces	***Design Criteria:***		
Common Circulation Units per Plate	8 unit per plate	The development provides 1 lift core for a maximum of 8 units on all levels with the exception of the second and third floor where there are 9 units. The remaining floors are compliant and in most instances much less- GF = 3 units FF = 7 and top floors are 5-6 units. The proposal remains able to meet the intention of these controls by providing a safe, amenable and durable development. There is only 1 additional unit on these 2 levels within the development which is a very minor variation. The proposed access corridors provide good amenity with the extra lobby space to encourage resident interaction and place making. The access corridor is well lit with natural lighting and the potential for natural ventilation. The access corridor splits off into 2 arms which meet at the lift core. The effect of this is that the access corridor does not appear as a single gun-barrel hall.	Minor variation
Corridors > 12m	Are articulated	The corridors are articulated, vary in width and have access to natural light.	Yes
4G Storage	1 bed $6m^3$ 2 bed $8m^3$ 3 bed $10m^3$ Min 50% of required storage is within the apartment	The proposal provides: 1 bed: $>6m^3$ 2 bed: $>8m^3$ 3 bed: $>10m^3$ This is provided within the basement/ground floor and within the units themselves, with a minimum of 50% of storage to be provided within each individual unit.	Yes

		The proposed development is considered to offer storage space that aligns with the provisions of the ADG.	
4H Acoustic Privacy	Adequate building separation is provided within the development and from neighboring buildings/adjacent uses Windows and door openings are generally orientated away from noise sources. Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	Development has provided adequate separation from neighbor buildings/properties in-line with 3F Visual Privacy – design criteria above. Where appropriate windows and door openings are orientated away from noise sources. The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.	Yes Yes Yes
4K Apartment Mix	A variety of apartment types is provided	A diversity of apartments is proposed as follows: 12 x 1 bedroom unit 20 x 2 bedroom unit 6 x 3 bedroom unit. The proposed unit mix will offer a variety of housing choice. The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.	Yes
4M Facades	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements.	Yes

		Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the wider Penrith LGA.	
4O Landscape Design	1 large tree or 2 medium trees per 80m^2 of DSZ	Consistent as per landscaping, noting where appropriate existing trees are to be retained.	Yes
4Q Universal Design 20% of the total apartments	Achieve Liveable House Guidelines silver level universal design features	Meets Penrith DCP of 10% adaptable and 20% Liveable Housing.	Yes
4U Energy Efficiency		The future development application will be accompanied by a BASIX certificate indicating energy efficiency for each residential unit provided. Furthermore, it is noted that ??% of units achieve the minimum 2 hours of solar access at mid-winter and over ??% units achieve natural ventilation.	Yes
4V Water Management and Conservation	Reduce mains consumption and reduce the quantity of storm water runoff.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	Supply WMP Allocate storage area	Provided Appropriate waste storage areas are provided.	Yes Yes
4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes

Sydney Regional Environmental Plan (SREP) No. 20 Hawkesbury Nepean River

The development proposal incorporates a drainage concept that demonstrates that stormwater can be adequately conveyed to the existing street network. Appropriate erosion and sediment controls can be implemented throughout construction and it is anticipated that conditions of consent will reinforce this. It is noted that the proposal meets the recently adopted WSUD measures required to achieve appropriate water quality for stormwater discharge.

Penrith Local Environmental Plan 2010

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

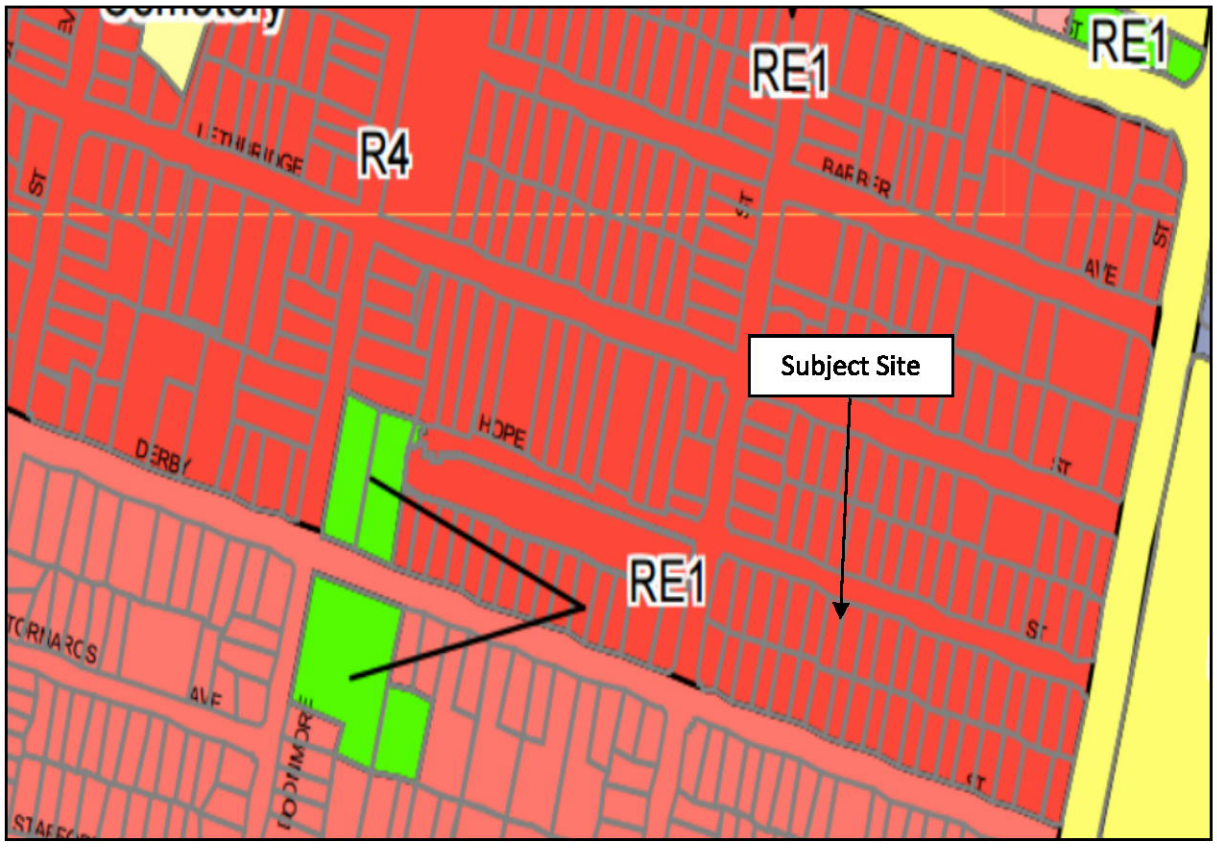


Figure 6: Zoning Map Sheet LZN_013 Extract (Source: Penrith LEP 2010)

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

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

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

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

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

The residential flat development incorporates a contemporary design that achieves good presentation to both streets. The locality has been zoned for high density development and as such it is expected to transform over the next 5 to 10 years with planning controls permitting greater density in the locality. The proposal aims to provide a strong interface to Hope Street while being consistent with the future high-density character of the precinct.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010 - Compliance Table			
Relevant Clause	**Control**	**Comment**	**Complies**
Zoning	R4 – High Density	Residential Flat Buildings are permissible with Council consent in the R4 – High Density Residential zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R4 – High Density zone and will provide additional housing in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents within a high-density context. The proposal will appropriately fulfil the site's zoning potential, provide an attractive built form that will address the public domain and increase housing stock within the locality.	Yes

2.6	Subdivision – Consent Requirements	No subdivision is proposed. Not applicable.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on the site.	Yes
Part 4 Principal Development Standards			
4.1A	Minimum Subdivision Lot Size: Residential Flat Building: 800m^2	A minimum lot size of 800m^2 is identified for the site under the Penrith Local Environmental Plan 2011 Clause 4.1A. The subject site has a total site area of 1,894.4m^2. Complies.	Yes
4.3	Height of Buildings - 18m	Penrith Local Environmental Plan states that the maximum building height within the subject site is 18m. The development exceeds the maximum height limit; however this is due to the cross-fall on the site and the elevation of the ground floor to allow for the garbage truck access from the street to the waste storage area, which has raised the height of the building an additional 150mm to Unit 36. This proposed variation is addressed in Annexure A through the provisions of Clause 4.6.	Variation
4.4	Floor Space Ratio	No FSR control applies to the subject site. Not relevant.	N/A
4.6	Variations to development standards	Addressed in Annexure A. The proposed building exceeds the maximum building height by around 150mm.	Variation sought under clause 4.6.
Part 5 Miscellaneous Provisions			
5.9	Preservation of trees or vegetation	Repealed	N/A
5.10	Heritage	The site does not contain a heritage item and is not located within proximity to a heritage item or a heritage conservation area.	N/A

Part 7 Additional Local Provisions			
7.1	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	Yes
7.2	Flood planning	The site is not identified as being flood prone by Council's flood planning land map sheet FLD_013. However, the site is affected by local overland flows and the proposed stormwater management design has taken this into consideration to accommodate for these flows. Habitable floor levels are above the levels advised by Council's development engineer.	Yes
7.3	Development on Natural Resources Sensitivity Land	The site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	The proposal satisfies the LEP in that: *(a) conserving energy and reducing carbon dioxide emissions,* *(b) embodied energy in materials and building processes,* Proposal incorporates a BASIX certificate relating to energy efficiency.	Yes

		(c) building design and orientation, *(d) passive solar design and day lighting,* *(e) natural ventilation,* The majority of units receive good solar access and natural ventilation. *(f) energy efficiency and conservation,* *(g) water conservation and water reuse,* Proposal incorporates a BASIX certificate relating to energy/water efficiency. *(h) waste minimisation and recycling,* Waste management and recycling is addressed through the attached waste management plan. *(i) reduction of vehicle dependence,* Proposal is located within a 280m radius of bus stops with regular services to Penrith and Mt Druitt that gives alternative means of transport. *(j) potential for adaptive reuse.* Given the zoning of the site as R4 there is limited adaptive re-use potential on the site.	
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. (SLV_013). Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

Penrith Development Control Plan 2014

The key DCP controls are contained in the table below.

Penrith Development Control Plan 2014 – Compliance Table			
Clause	**Controls**	**Comment**	**Complies**
C1 Site Planning and Design Principles			
1.1	Site Planning	*1.1.1 Site Analysis* A Site Analysis has been prepared and is attached as part of this application. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal. *1.1.2 Key Areas with Scenic and Landscape Values* The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	Yes N/A
1.2	Design Principles	*1.2.2 Built Form – Energy Efficiency and Conservation* The proposed development maximise solar access to units and is designed in a manner that achieves natural light and ventilation. A BASIX certificate is attached to this statement. *1.2.3 Building Form – Height, Bulk and Scale* It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site. The site exceeds the maximum height limit of 18m required by the Penrith DCP, however justification is provided. It is noted that the subject area is currently ongoing a transformation from low density residential dwelling to a high-density housing, with the proposal designed to be consistent with the future high density built form character of the precinct.	Yes Yes

		1.2.4 Responding to the Site's Topography and Landform The subject site which has a moderate fall from the rear boundary to the street, and will not impact upon the site's ability to accommodate the proposed Residential Flat Development noting the minor excavation proposed at the rear of the site. *1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)* The proposed development incorporates active façades that will permit casual surveillance of Hope Street as well as the common areas of the proposal. The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles. *1.2.6 Maximising Access and Adaptability* Proposal has been designed to provide access to and from the site for people with mobility issues.	Yes Yes Yes
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	Council consent is sought for the removal of identified trees from the site, noting that where appropriate, existing trees are to be retained. The site is not identified as being located within the Natural Resources Sensitive Map under Penrith LEP 2010.	Yes

		Proposed extensive landscape treatment seek to soften the built form and integrate with the development and the site's context within a high residential density context. It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.	
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	Subject site is not identified as being within a Bushfire Prone Land under Penrith LEP 2010. Not applicable.	N/A
C3 Water Management			
3.1	Water Conservation	The development application is accompanied by a complying BASIX certificate that outlines how water usage will be minimised.	Yes
3.2	Catchment Management and Water Quality	Appropriate management of the site during the demolition and construction phases will contribute towards protecting the catchments natural water systems. A Stormwater Management Plan has been prepared and is attached as part of this application.	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	The proposed development is to be for an RFB development. Although the proposal contains a 2 level basement it is not considered that the proposal will impede existing ground water flows.	N/A

		It is considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.	
3.5	Flood Planning	The subject site is not identified as being flood prone. Not applicable.	N/A
3.6	Stormwater Management and Drainage	The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. A Stormwater Management Plan has been prepared and is attached as part of this application.	Yes
C4 Land Management			
4.1	Site Stability and Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.	Yes

		It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	
4.3	Erosion and Sedimentation	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. An Erosion and Sediment Control Plan is attached as part of this application.	Yes
4.4	Contaminated Lands	The site is currently used for urban purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination. Nothing on site indicates a previous contaminating use. If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.	Yes
4.5	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not relevant.	N/A
C5 Waste Management			
	A bin chute is to be provide to all RFBs over 3 storeys in height.	A Waste Management Plan is attached as part of this application. Notwithstanding this it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. A communal bin area is located within the ground floor level.	Yes

		A chute system is proposed with waste area provided in every habitable level that allow the disposal of waste. There is also a bulk waste storage room at the ground level. Trucks can enter the site and position onto a turning circle to make the required manoeuvres in accordance with AS2890 requirements. Waste trucks are able to enter and leave in a forward direction.	
C6 Landscape Design			
		A landscape concept plan, prepared by a Landscape Architect, accompanies this development application. The concept plan details the landscape embellishment works proposed and these works will substantially improve the streetscape presentation of the site as well as softening the proposed built form.	Yes
C7 Culture and Heritage			
7.1	European Heritage	The site does not contain a heritage item and is not located within proximity to a heritage item or a heritage conservation area. Not relevant.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significance. Not relevant.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and for entering and exiting the site. The proposed parking area and ancillary driveways will not contribute to the creation of traffic hazards. The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.	Yes

10.3	Key Transport Corridors	The subject site is not located with a key transport corridor. Not relevant.	N/A
10.5	Parking, Access and Driveways Parking Rates 1 space per 1 or 2 br unit (32 spaces required) 2 spaces per 3 br unit (12 spaces required) Resident: 44 spaces required. Visitor: 1 space for every 5 dwellings: 8 1 space per 40 units for car washing =1	Proposed dimensions for car parking spaces are consistent with Council control. See plan for detail. Utilising the DCP rates, the development requires: Resident Spaces: 44 Visitor Spaces: 8 Carwash bays: 1 Service bay: 1 Total: 54 (including car wash bay) The proposal provides a total of 61 spaces composed of: - 50residential spaces - 10 visitor space - including 1 car wash bay. - 1 service bay.	Yes
C11 Subdivision			
D2 Residential Development			
2.5	Residential Flat Buildings New residential flat building development should adopt key features of established suburban design. Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture"	*2.4.2 Preferred Configuration for Residential Flat Buildings* The development has courtyards and private open space areas that front Hope Street The development provides basement level parking. The proposed layout and siting of the units are consistent with the layout patters of other comparable RFB developments within the Penrith LGA.	Yes N/A Yes
2.5.3	Development Site Minimum lot width of 20m in the R4 High Density Residential zone.	The proposal has a site frontage of 47m and as such complies with Council's minimum lot width requirements for Residential Flat Buildings within the R4 zone.	Yes
2.5.4	Urban Form	Units 1, 2, 3 front Hope Street and adopt a tradition orientation with their living room and courtyards addressing the site's front setbacks. Where appropriate,	Yes

	1.For dwellings fronting the street, adopt a traditional orientation: a) living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties; and b) private gardens fill the front setback area; and c) garages are concealed behind dwellings.	the front setback are to be landscaped and parking is provided within the basement so as not to dominate the streetscape.	
	2.Dwellings behind the street frontage should adopt similar principles: a) living rooms and entrances face the street, and / or the landscaped rear boundary setback; and b) private gardens fill the rear setback area.	Where appropriate private open space is provided within the rear setback area.	Yes
	3. Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width side setback:	The development avoids the visual appearance of a 'gun barrel' style development by adopting the design suggestions within this section of the DCP.	Yes
	a) step the alignment of all facades – generally one corner and a substantial indentation for every 10m run of wall;	The building has a number of steps and indents with a larger indent in the middle of the site that visually breaks up the bulk of the building.	Yes
	b) divide buildings into separate wings – a deep indentation located centrally in the longest walls; or a central garden courtyard;	The building when viewed from adjoining properties will appear as two wings with a deep indentation implemented in the centre of the building.	Yes
	c) vary the width of side setbacks – a combination of garden courtyards and access ways; and	The development has been articulated through shadow casting features and stepping external walls.	Yes
	d) lined by an "avenue" of shady overhanging trees;	Deep rooted landscaping is provided along the permitter of all boundaries.	Yes
	e) cap the stepped floor plan with a variety of pitched roof forms;	The indented roof provides visual relief to the development.	Yes
		Windows are provided along all elevations.	Yes

	f) Windows should be inserted into every elevation.		
2.5.5	Landscaped Area Where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement. Landscaped area equivalent to 35% of the site with a minimum width of 2m and no basement encroaching.	An area is provided which exceeds 10% of landscaped area. The proposal provides a landscaped area of 35% of landscaped area.	Yes Yes
2.5.6	Front and Rear Setbacks Rear Setback: 6m Front Setback: Average of neighbouring development or 5.5m minimum. Balconies can have a 4.5m setback provided less than 50% of the elevation Garages and parking space are not to be located within the front setback.	6m to the building line. Complies The proposal provides a front setback of 5.5m that is in conjunction with the neighbouring properties. Balconies are setback 4.5m and are less than 50% of the elevation. Complies Garages and parking space are not located within the front setback. Complies.	Yes Yes Yes Yes
2.5.7	Building Envelope and Side Setbacks Cut and fill and maximum ground floor heights: a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level; b) restrict cut-and-fill to a maximum of 500mm;	The proposal is within the building envelope. Cut and fill is limited noting that the building is designed mainly to match existing ground levels with the front of the building slightly elevated over the street level which is an appropriate response to provide privacy and passive surveillance over the street. The roof pitch is <25 degrees.	Yes Yes Yes

	Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual scale. Zero setbacks are not permitted	N/A	N/A
2.5.8	Visual and Acoustic Privacy and Outlook Windows oriented towards their own private garden courtyard; At least 9m between any windows that face each other	Windows from primary living are orientated towards private open space areas to provide an appropriate outlook. With the likely redevelopment of the adjoining site to the east and west for future residential flat building a building separation of around 12m is likely to be provided as per the ADG. It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.	Yes Yes
2.5.9	Solar Planning A minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings; A minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings	The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as cross ventilation of the proposed dwellings. It is noted that 84% of dwellings receive a minimum of 2 hours sunlight between 9am and 3pm during winter and all private courtyards, which are oriented to the north to receive adequate solar access.	Yes – ADG Prevails

	Where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.	The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development.	Yes
2.5.10	Significant Townscapes & Landscapes	The site is not within an area of townscape or landscape significance.	N/A
2.5.12	Building Design	1. The development adopts a variety of architectural features designed to minimise the apparent scale and bulk of the proposed RFB by: - Incorporation of stepping alignment of walls; -Indents to the building -Stepping the building, providing greater setbacks for level the upper levels - Projecting balconies and awnings. 2. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes that are typical of comparable newer MDH and RFBs within the Penrith LGA. Materials used are consistent with that existing in the area while being contemporary in character, including wall and awning cladding and a mix of brickworks. The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building. 3. The facades of the proposed units include windows and doors along all visible walls and the use projecting verandahs to provide an attractive built form.	Yes Yes Yes
2.5.13	Energy Efficiency	The application has been provided with a BASIX certificate indicating appropriate energy efficiency for each residential unit is provided.	Yes

		Furthermore, living rooms have been oriented to the north with the proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as natural ventilation. 85% of units will achieve more than 2 hours solar access at mid-winter (ADG prevails) and the building depth and apartment design ensures 60% of units are naturally cross-ventilated. Appropriate shading devices including overhanding eaves are proposed to provide adequate shading from the summer sun.	
2.5.14	Design of Dwelling and Private Courtyards Corridors at least 1.2m wide and stairs with landings at least 1.2m deep. Ground floor courtyards minimum 20m^2 Upper courtyards 10m^2 and 2.5m x 2.5m and incorporate an outdoor drying area that is screened to 1.5m above floor level.	 Comply. Complies. All upper storey apartments have a minimum area > 8m^2 and have room for an outdoor drying area.	 Yes Yes Complies with ADG
2.5.15	Garage Design Basements should have a low appearance, rising no higher than 1.5m above ground; Vehicle entrances designed to complement the architecture and landscaping of each building: Individual up and down ramps; undercover storage:	The basement does not protrude above natural ground level. The vehicle entrance and egress to Hope Street is consistent with the existing character of the area and will assist with ensuring compatibility with the surrounding built form. Provided. Complies. Provided. Complies	Yes Yes Yes Yes

2.5.16	Garden Design	Where appropriate, small to medium trees are to be planted along the sites front and side boundaries. See landscaping plans for detail.	Yes
2.5.17	Paving Design	Where appropriate, hard paved surfaces are minimised to maximise landscaping and gardens. The proposal provides attractive driveways and provide for verge plantings beside driveways and paths.	Yes
2.5.18	Fencing and Retaining Walls	Proposed fencing is to be consistent with that existing within Penrith Local Government Area of similar residential flat buildings. The proposed fencing is compliant with Council controls.	Yes
2.5.19	Safety and Security	The proposed development incorporates an active façade that will permit casual surveillance to Hope Street as well as to driveways and landscaped areas of the proposal. The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.	Yes
2.5.20	Accessibility and Adaptability 10% of dwellings must be adaptable	10% adaptable units are provided. Proposal has been designed to provide access to and from the site for people with a disability.	Yes

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

Conclusion

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

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

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

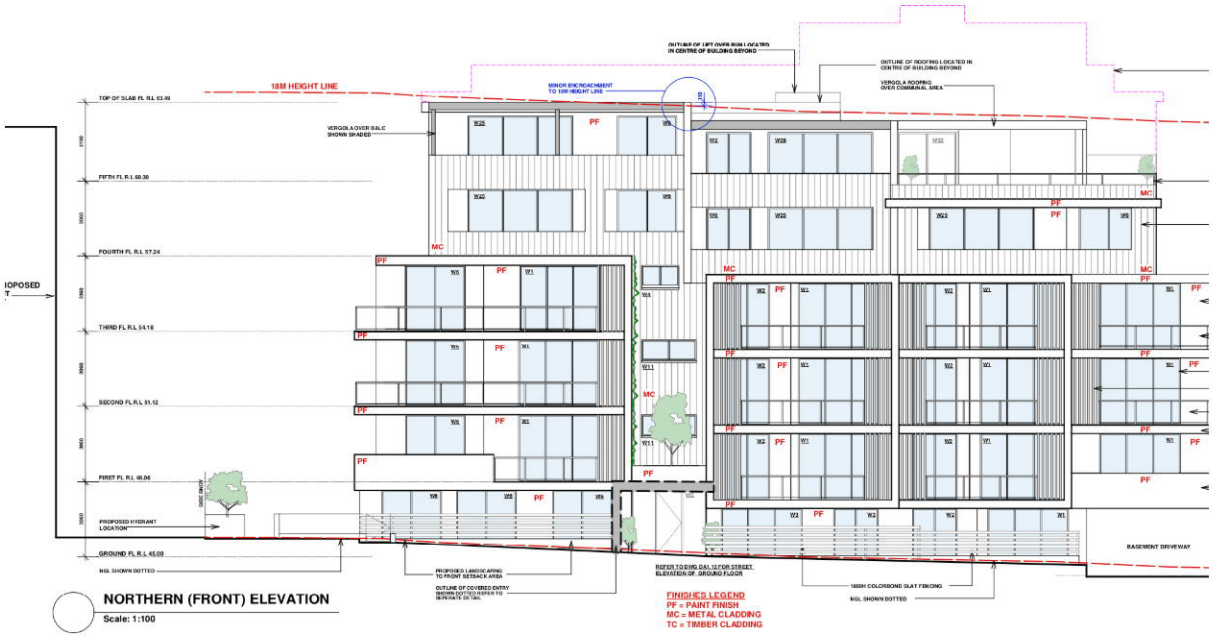
Clause 4.6 Variation: Building Height

The development standard & variation

Clause 4.3 under the Penrith LEP stipulates a maximum building height of 18m for the subject site and broader locality, as indicated on the height of building map extract below. The 'P' notation reflects the area showing the 18m building height limit. The star shows the location of the subject site.

The current proposal is 18.15m at the highest point and the variation to the development standard is limited to a portion of the roof form as reflected on the 3D images below.

The extent of the non-compliance is 150mm or 2.8% and is reflected on the elevation extract over the page.



Relevant Case Law

There are a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council,* as well as *Zhang v Council of the City of Ryde*.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact Is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter which requires that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

The key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is "*consistent with*" the objectives of the development standard and zone is not a requirement to "*achieve*" those objectives. It is a requirement that the development be compatible with the objectives, rather than having to 'achieve' the objectives.

- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.

- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum building height control' and on that basis that compliance is unreasonable or unnecessary;
- Demonstrating consistency with the R4 zoning;
- Demonstrating there are sufficient environmental planning grounds to vary the standard; and
- Satisfying the relevant provisions of Clause 4.6.

Clause 4.6 – Exceptions to Development Standards of LEP 2010

Clause 4.6 of the Penrith Local Environmental Plan 2010 provides that development consent may be granted for development even though the development would contravene a development standard. It is submitted that cl.4.3(2) of LEP 2010 is consistent with the definition of "development standard" contained in s.1.4(1) of the *Environmental Planning and Assessment Act 1979* (**the Act**), being:

> *….. provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—*
> *……*
> *(c) the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,*

Clause 4.6(3) to (5) of LEP 2010 follows:

> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
>
> *(4) Development consent must not be granted for development that contravenes a development standard unless:*
> *(a) the consent authority is satisfied that:*
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
> *(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
> *(b) the concurrence of the Director-General has been obtained.*
>
> *(5) In deciding whether to grant concurrence, the Director-General must consider:*
> *(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
> *(b) the public benefit of maintaining the development standard, and*
> *(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Each of these provisions are addressed individually below.

Clause 4.6(3)(a) - Compliance Unreasonable and Unnecessary

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

- The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council* (2007) 156 LGERA 446;

Underlying Objectives are Satisfied

The objectives of the 'Height of Buildings' development standard are stated as:

> *(1) The objectives of this clause are as follows:*
> - *a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
> - *b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*
> - *c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,*
> - *d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.*

The proposal, despite the numerical non-compliance identified, is consistent with the objectives of cl. 4.3 – Height of Buildings of LEP 2010. Each objectives is considered below.

- **Objective (a)**: The locality is in a state of transition from existing low density to high density development. The existing character is therefore characterised by a mix of low density dwelling houses (constructed under previous environmental planning instruments) and new high density apartment developments (constructed under the current planning instrument). The current planning controls aim to create a new character, making the existing character of less relevance: *Veloshin v Randwick Council* [2007] NSWLEC 428 at [32]; *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 at [23].

  The proposed development, however, is not incompatible with the existing character of the locality, being one of divergent building heights, bulks and scales. The development, being surrounded by generous landscaped areas, is also consistent with the character of landscaping in the local area.

  The building is compatible with the height, bulk and scale of the desired future character when having regard to recent development constructed in the locality, and to the suite of applicable planning controls. The desired future character for the precinct, as evidence by the planning controls and zone objectives, is high density residential development surrounded by generous landscaped areas.

The proposed development is compatible with the height, bulk and scale of development constructed under the current planning controls, adopting highly articulate facades, significant setbacks to boundaries, and generous landscaped areas with canopy plantings.

The 5th and 6th storey of the proposal is recessed behind the main building alignment to reduce the visual dominance of the building when viewed from the public domain and adjoining residential properties. The step in the façade provides for visual relief to the street as it presents a 4 storey street wall with recessed upper levels. This is a similar design approach adopted in other recent development in the locality. The resulting development has a height, bulk and scale that is harmonious and sympathetic to development in the Hope Street streetscape and broader locality.

Objective (b): The additional height does not generate any additional amenity impacts with regard to overshadowing, visual privacy, acoustic privacy or view loss. To reduce the impact of the proposed development on its adjoining neighbours and the public domain in terms of overshadowing and overlooking, the development's top floors are stepped in, and the communal open space on level 5 is concentrated towards the north-western corner of the building. As such the non-compliant portions of the buildings do not increase the shadows cast by the building. The proposed development as a whole would not have an unacceptable impact on the amenity of adjoining properties in terms of overlooking or overshadowing.

In regards to visual impact, the area of the development which contravenes the development standard is not perceptible at street level given that the upper level of the building is setback behind the lower levels. The building appears as a 5-6 storey building when viewed from adjoining rear properties with the introduction of a communal open spaces on Level 5. As such the rear portion of the building is well below the 18m height limit, and the only departure is to a small part of the roof to Unit 36.

A development of a compliant height would have a similar visual appearance when viewed from the public domain and adjoining properties.

The proposal, and specifically the additional building height, will not impact on views enjoyed from the public domain or adjoining residential properties.

- **Objective (c):** The subject property is not proximate to *heritage items, heritage conservation areas and areas of scenic or visual importance.* This objective is not relevant to the proposed development.

- **Objective (d):** The subject property is not on the interface with an area of lesser intensity, with surrounding and nearby properties being similarly zoned and having similar restrictions on height and FSR. The subject height has not been nominated to provide a transition on the subject property to an area of lesser intensity.

The proposed development has been designed to provide visual interest and a high quality urban form. The facades have been articulated by building modulation, material selection and glazing location. As such the development is visually interesting from ground level to the highest level. The development also reads as one development, yet at the same time extenuates the bottom 4 levels whilst recessing the upper two levels. This design approach has been adopted provide visual interest to the development, and a roof form that is consistent with the emerging character.

Objective (d) is satisfied by the proposed development, notwithstanding the variation to the numerical standard. The variation does not jeopardise development on adjoining properties from complying with this objective and providing high quality developments which are harmonious with the proposed development. A variation of the height standard in this instances would not force development on adjoining properties to also vary the height standard to provide an appropriate and compatible development in the streetscape.

Clause 4.6(3)(b) - Sufficient Environmental Planning Grounds

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the height development standard because:

- The variation permits the creation of a roof top communal area. The communal space located on the roof top will be a high quality passive recreation area exposed to generous solar access.. The site orientation of the property is a constraint, as the rear boundary is the southern boundary of the property. As such the provision of a communal open space solely at ground level would be primarily to the south side of the new structure, given the need to keep such a space away from side boundaries and windows on adjoining dwellings. The provision of a communal open space at Level 5 provides a superior result in terms of potential solar penetration whilst balancing this with the ground floor COS for use in the hotter months.

  The provision of an upper level communal space facilitates a good planning outcome.

- The variation to the height control does not generate unacceptable adverse impacts to surrounding properties, in terms of overshadowing or privacy impacts. The variation to the height control enables a development to be provided on the site that presents a suitable bulk, scale and intensity. The resulting development would be compatible with other development in the streetscape.

- The proposal ensures that the area is provided with high density residential development to support the growth of Penrith and to align with the principles of urban consolidation that seek to ensure the efficient use of community infrastructure by providing higher density residential development at strategic locations. The subject property is walking distant to both the Penrith train station and CBD . The current developments existing on the subject property (single dwellings), or a development of a lesser intensity would not achieve this planning objective to the same degree.

The proposed development and in particular the variation to the Height of Buildings Standard would further the following objectives of the Act specified in s.1.3:

> *(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
>
> Comment:
> As stated above, the provision of roof top communal facilities in an area that is subjected to high levels of sunlight will increase opportunities for social interaction due to increased likelihood that the area will be utilised. A breach of the height standard is required to provide this communal area, due to the lift overrun.
>
> *(c) to promote the orderly and economic use and development of land,*
>
> Comment:
> The provision of a quality residential flat building, providing housing over six levels is a promotion of the orderly and economic use and development of the subject property. The upper storey would not be achievable without the minor breach of the development standard, given floor to ceiling requirements associated with apartments and garbage loading facilities.
>
> *(d) to promote the delivery and maintenance of affordable housing,*
>
> Comment:
> The proposed development, whilst not providing "affordable housing" as defined by *State Environmental Planning Policy (Affordable Rental Housing) 2009* does increase the housing variety in the locality, and offer a range of apartment sizes to accommodate different household types.
>
> (g) to promote good design and amenity of the built environment,

Comment:
The proposed development has been designed having regard to *State Environmental Planning Policy No 65,* the *Apartment Design Guide*, relevant planning controls and the nature of development in the streetscape. The resulting development is of a good design and will be a positive contribution to the streetscape.

The building will have a harmonious relationship with neighbouring development, and will not harm the amenity of the built environment.

Clause 4.6(4) Zone Objectives & The Public Interest

In accordance with the provisions of Clause 4.6(4)(a)(i) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) for the reasons set out previously.

In relation to the provisions of Clause 4.5(4)(a)(ii) the consent authority can be satisfied that the development, including the numerical building height departure, is in the public interest given that the proposed development is consistent with the objectives of the building height control (see above), and is consistent with objectives of the R4 zone (see below):

The relevant objectives of the R4 - High Density Residential zone follow:

- *To provide a variety of housing types within a high density residential environment.*
- *…….*
- *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 proposal will provide a high quality residential development in a strategic location within close proximity to the Penrith train station and CBD, bus interchange to maximise public transport patronage and to encourage walking and cycling. The scale of the development will help to revitalise the area with delivery of an activated ground floor and an attractive overall development. The development would be replacing single dwelling houses, which by their low density nature, are not consistent with the objectives of the R4 zone.

The development provides for the delivery of a variety of housing types in a high density residential environment. The development also provides for a high level of residential amenity, provides for additional housing to contribute to housing supply and affordability and reflects the desired future character and dwelling densities of the area.

The proposed development would provide high levels of amenity for future occupants, with generously sized apartments, useable communal areas and adequate on-site facilities. The development would not reduce residential amenity levels enjoyed on the adjoining properties.

On the basis of the above points the development is in the public interest because it is consistent with the objectives of the building height standard, and the objectives of the R4 zone and the numerical departure from the building height control facilitates a better design outcome on the site

Clause 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and

b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality and the nature and height of approved developments in the locality.

Conclusion

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed. The objection is well founded and considering the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

Strict compliance with the prescriptive building height control is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, and is consistent with the future character envisioned, while supporting the role of Penrith as a strategic centre. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the proposed variation.