PENRITH
CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0141
Proposed development:	Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building containing 16 Apartments & Two (2) Basement Levels for Car Parking & Building Facilities
Property address:	36 Rodley Avenue, PENRITH NSW 2750 38 Rodley Avenue, PENRITH NSW 2750
Property description:	Lot 59 DP 33490 Lot 58 DP 33490
Date received:	20 March 2020
Assessing officer	Sufyan Nguyen
Zoning:	Zone R4 High Density Residential - LEP 2010
Class of building:	Class 7a
Recommendations:	Approve

Executive Summary

The Minister for Planning has given directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* on development applications that are to be determined on behalf of Council by a Local Planning Panel. These directions, dated 23 February 2018, outline development within the Penrith Local Government Area that is for a residential flat building (RFB) under the provisions of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65) requires determination by a Local Planning Panel. The Penrith Local Planning Panel is therefore the determining authority for this development application.

Council is in receipt of a development application (DA) from Morson Group Pty Ltd, proposing the demolition of existing structures and construction of a five storey residential flat building containing 16 apartments and two levels of basement for car parking and services at 36 - 38 Rodley Avenue, Penrith. The subject site is zoned R4 High Density Residential under the *Penrith Local Environmental Plan 2010* (LEP 2010) and a residential flat building is a permissible land use in the R4 zone with consent.

The key issues identified and addressed as part of the assessment of the proposal were in regard to the following matters:

- Non-compliance with the minimum DCP car parking requirement for car wash and service vehicle parking spaces,
- Traffic safety regarding the one-way basement ramp,
- Servicing of the site in relation to stormwater and waste management,
- An indented on-street waste collection area, and
- Impacts on visual privacy and solar access to neighbouring properties.

The development proposal was advertised in the local newspaper and notified to adjoining and nearby properties. The public exhibition period was between 10 April and 24 April 2020. Two public submissions were received in response, however, the concerns raised are not considered to impede approval of the application.

An assessment under Section 4.15 of the Environmental Planning and Assessment (EP&A) Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site has a property address of 36 - 38 Rodley Avenue, Penrith and is legally described as Lots 58 and 59 DP 33490. The site has a combined land area of 1,112.8m² and is rectangular in shape, with a 30.5m frontage onto Rodley Avenue and a 36.6m depth. The site is relatively flat and each lot currently accommodates a single storey dwelling and associated structures. A drainage easement is situated on the western side boundary of Lot 58 DP 33490, which connects to a drainage easement situated on the southern adjoining site, being Penrith Paceway (127 - 141 Station Street, Penrith). Penrith Paceway is a large parcel of land, which runs from the eastern side of Mulgoa Road to the western side of Station Street and accommodates a range of events and functions, including harness racing, Penrith markets, functions room, etc.

Rodley Avenue and its surrounds is currently largely low density residential, however, the locality is currently transitioning to higher density development (reflecting its current R4 High Density Residential zoning) with a number of RFB approvals. In this regard, to the west of the site at 50 - 54 Rodley Avenue, is a 6 storey residential flat building containing 42 apartments with basement car parking (approved under DA16/0262) and to the north-west at 12 Vista Street, Penrit) are two 6 storey residential flat buildings containing 79 apartments and basement car parking (approved under DA17/0311).

Proposal

The applicant seeks approval for the demolition of existing structures and construction of a five storey residential flat building containing 16 apartments and two levels of basement for car parking and services. The development proposal comprises of the following key aspects;

Basement Level 2

- 16 x residential storage spaces,
- 4 x bicycle parking spaces,
- Waste bin storage room,
- Lift core, and
- Fire staircase.

Basement 1

- 22 x car parking spaces, including 3 x stacked parking spaces, 2 x accessible spaces, 2 x visitor spaces and a shared visitor/car washing/service parking space,
- 1 x bicycle parking space,
- Lift core,
- Fire stair case,
- Ramp access for vehicles to ground floor, and
- Traffic signals.

Ground Floor Level

- 2 x 2 bedroom adaptable units, each with a separate private open space terrace area,
- Vehicular access to the basement level from Rodley Avenue,
- Waste bin room and bulky waste storage,
- Foyer entry area and circulation core providing for lift,
- Waste bin storage room,
- Bulky household goods storage room,
- Waste chutes,
- Pump room,
- Cleaner's WC,
- Stairs to basement levels and upper floor levels, and
- Two-way vehicular access to the basement level via a single lane ramp, including traffic signals.

Level 1- 3

- 3 x 2 bedroom units and 1 x 3 bedroom unit, each with an associated balcony, and
- Lobby area with circulation core providing for lift, fire stairs, waste chutes and service cupboard.

Level 4

- 2 x 2 bedroom units with associated balconies, and
- Lobby area with circulation core providing for lift, fire stairs, waste chutes and service cupboard.

The proposed apartment mix is as per the table below;

Unit Type	No. of Units
2 bedroom unit	13
3 bedroom unit	3

Background

The proposal was subject to a pre-lodgement meeting held with relevant Council staff members on 22 May 2019. In addition, the proposal was subject to an Urban Design Review Panel (UDRP) meeting held with Council on 20 February 2020. Following lodgement of the application on 20 March 2020, a preliminary assessment was conducted with an additional information letter provided to the applicant on 29 April 2020. In response to this correspondence and subsequent correspondence, additional plans and documentation were provided in May and June 2020. Subsequent UDRP advice was provided on 29 May 2020, which was largely supportive of the proposal on urban design grounds.

It is noted that previous applications for the site for a six storey residential flat building (DA18/0890) and for a five storey residential flat building (DA18/0890.01 - review of refusal determination) were refused by the Penrith Local Planning Panel in 2019.

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 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 4.15 - Evaluation

The development proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act, and having regard to those matters, the following issues have been identified for further consideration.

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

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

The *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* ensures the implementation of the BASIX scheme which aims to encourage sustainable residential development. The Policy requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants and as such, the application is subject to these requirements, as it involves BASIX affected development.

In this regard, an assessment has been undertaken of the development proposal against relevant criteria within the Policy. The application was accompanied by a list of BASIX commitments detailed in the originally submitted BASIX Certificate No. 952452M _02, dated 31 March 2020, as to the manner in which the development will be carried out. However, the proposal, as amended at the request of Council, requires an updated BASIX Certificate to reflect the revised architectural plans. As such, the carrying out of the development will be subject to a recommended consent condition requiring a revised BASIX Certificate to reflect the amended plans to ensure that BASIX commitments are maintained in perpetuity for the development.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 7 of SEPP 55, it must be considered as to whether the land is contaminated, and if so, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which development is proposed to be carried out.

In this regard, Council has no record that the subject site is contaminated. The proponent has outlined that the site has been historically used for residential purposes, noting that the surrounding area is also used for residential purposes. It is also noted that a review of historical aerial mapping indicates that the site does not appear to contain any unknown imported fill. In consideration of the residential use of the site and surrounding properties, it is not considered that further analysis is required, as the proposal is not for a change of land use and the site will continue to remain as a residential property. While so, should any 'unexpected findings' occur during excavation and earthworks, work is to cease immediately and Penrith City Council is to be notified, which will be addressed by way of a recommended consent condition.

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

An assessment has been undertaken of the development proposal against the relevant provisions of SEPP 65, as detailed below.

Clause 28 Determination of development applications

(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

(a) the advice (if any) obtained from the design review panel, and

(b) the design quality of the development when evaluated in accordance with the design quality principles, and

(c) the Apartment Design Guide

Urban Design Review Panel (UDRP) Advice

The proposal was referred to Council's UDRP both prior to and after lodgement of the DA, whereby a range of issues were discussed, including:

- Front lobby and waste storage area layouts result in a long corridor for the waste storage rooms with doors that opened to the lobby area,
- Undercroft area being a deep large space. Integrate a communal room to create separation and insert a pergola with vines to buffer the lobby corridor,
- Relocate intercom to not be extended on footpath area,
- Move access pathway away from substation and increase landscaping around this vicinity,
- Slight narrowing of vehicular access arrangements and overall traffic safety to be addressed in Traffic Report,
- Architectural design - thin edge box elements shaping with roof, increase of vertical slot windows, more visual interest on side elevations and balustrades setback,
- 1.8m high fencing and garden to surround common open space (COS) area, and
- Potential privacy issues in lobby/shared area.

The development proposal, as amended (Amendment B), is considered to be overall acceptable when assessed against the above matters and the SEPP 65 principles and Apartment Design Guide. In summary, the UDRP advised that the T-shaped building footprint, which is orientated to the street and rear, in addition to the varying setbacks, is appropriate. The setbacks, building scale and massing are considered acceptable and provide a positive precedent for future developments in this precinct. The generous separation distances clearly differentiate side boundary relationships and permit landscaping. The amenity of the apartments is high, as they provide excellent cross ventilation and adequate floor plan layouts.

It is noted the proposal does include a double width driveway, a substation and stormwater detention areas in the front setback. However, it is noted that these services are necessary for the development and given the constraints of the site, this is considered acceptable, noting that the landscaping within the stormwater detention areas will be able to grow and mature, as advised by the proponent's Landscape Architect and Council's Landscape Architect. Further, the applicant has provided section details, which demonstrate that there will be minimal overlooking from the ground floor to neighbouring properties and that plant screening will minimise privacy impacts.

Clause 30 Standards that cannot be used as grounds to refuse development consent or modification of development consent

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

(a) the design quality principles, and

(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

In addition, under Clause 50(1A)(1AB) of the *Environmental Planning and Assessment Regulation 2000* specifies:

Clause 50 How must a development application be made?

(1A) If a development application that relates to residential apartment development is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified

designer.

(1AB) The statement by the qualified designer must:

(a) verify that he or she designed, or directed the design, of the development, and

(b) provide an explanation that verifies how the development:

(i) addresses how the design quality principles are achieved, and

(ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.

The DA was accompanied with a design verification statement prepared by Peter Morson - qualified Architect, verifying that design quality principles and Apartment Design Guide (ADG) provisions are achieved for the development, as detailed in Drawing No. DA02.

An assessment against Schedule 1 Design quality principles of the Policy has been undertaken and is detailed in **Table 1** below and an assessment against the provisions of Parts 3 and 4 of the Apartment Design Guide is provided in **Table 2** below.

Table 1: Assessment Against Schedule 1 - 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 neighbourhood character is currently undergoing change with the R4 High Density Residential zoning, which allows lots to achieve higher yields than what has been traditionally a low to medium density suburban environment. The locality accommodates a number of existing medium-density villa and townhouse developments, which generally consist of central 'gun-barrel' driveways with terraces on either side. It is noted that there are two high density buildings to the west of the subject site, an RFB along Rodley Avenue and two RFBs to the north-west, along Vista Street, which demonstrate the emerging neighborhood context. In this regard, the building design is considered to respond to the context of the site in that, overall, the development satisfies the required building separation distances and responds to the existing single and two storey buildings in the immediately surrounding area, as required under the ADG requirements. The proposal maintains consistent and appropriate setbacks as an example for any future RFBs. The building separations, landscaped area and streetscape interface are considered to be in balance to the built form and is consistent with the future desired character of landscaping in the neighbourhood.

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 overall bulk and scale of the proposal is considered to be aligned with the desired future character of the neighbourhood, noting the single tower design and appropriate building separations provided, in addition to the compliant maximum 17.8m building height. The visual presentation of the built form is considered to be an acceptable addition to a streetscape, which is currently in transition from older low scale residential dwellings to larger residential flat buildings. The facades incorporate a mix of traditional colours, materials and contemporary design, whereby the high level of articulation, as advised by the UDRP, provides sufficient visual interest and reduces overall bulk.
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 is considered to provide for acceptable internal and external residential amenity. Adequate private open space (POS) and communal open space (COS) is provided. Waste infrastructure has been relocated, which is discreetly accessed along the corridors and removed front the front lobby and out of street view.

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 livability 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 application is considered to adequately identify that solar access is provided in accordance with the ADG rates, as detailed in the 'Eyes on the Sun' plans and solar access compliance table provided with the application. The compliance table demonstrates that 75% of the units achieve adequate solar access. The development provides natural cross ventilation and incorporates awnings to reduce energy consumption in summer by protecting west-facing apartments and controlling the internal conditions of the apartments. Bicycle parking has been provided in basement level 1 to promote active transport. Landscaped areas are in accordance with ADG design criteria.

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 usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	Deep soil planting embellishment is provided along all site boundaries and adjacent to private and open common spaces, allowing full height trees to grow and mature and provide for privacy between neighbouring properties and potential future adjacent developments. The deep soil pockets have been maximised and replacement trees are proposed to accommodate landscaping, complementing the design, which is consistent with the landscape character of the streetscape, in particular, the front setback. Landscaping along the remaining boundaries comprise of a combination of small shrubs and medium sized trees within the easement, and planter boxes with larger trees on the private terraces, which provide for adequate privacy screening. Landscaping has been maximised through locating planters on the ground level structure to provide amenity to the COS. It is noted that the existing easement along the western boundary does not permit canopy trees in the deep soil area in this location. As such, planters on structure have been provided adjacent to the easement so that canopy trees can be provided to the western setback. The car parking levels have been designed to minimize the footprint in consideration to accommodating all the necessary car parking and services.

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 proposal is considered to provide for an appropriate level of amenity for the majority of future occupants in accordance with the requirements of the ADG in regard to room dimensions and privacy. Adequate natural ventilation, solar access and storage space are provided. The floor plan layouts provide suitable access to future residents of all ages and demonstrate that servicing for the development is sufficient. Acoustic privacy is considered to be of minimal impact.

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 proposal is considered to have appropriate regard to the principles of Crime Prevention through Environmental Design. The proposal will present to Rodley Avenue with casual surveillance achieved via the location of balconies and windows to all elevations. The building design is considered to address areas of concealment via separate public and private areas. The lobby areas, corridor and access to the COS room are within view of the front entry. Although the lift is not visible from the front entrance, adequate circulation is provided in its vicinity and it is noted that a view of outside the building is provided at the west side of the building, via a maintenance door. Intercom access and CCTV at the entry provides security from the street. Entry into the basement car park is via a roller shutter control point with swipe card security to gain access. Although the pedestrian and vehicle entries are co-located, each access point is separated with a separate access point. Side fences at the building line secure the external areas of the development. Gates are provided in the side fences to allow for egress and access to services within the development, such as the stormwater easement and bio-filtration basin.

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 development features a mix of two and three bedroom apartments, which responds to current market demands in the local area and facilitates affordability relative to inner city living. Social interaction between future residents is enriched by the design of the lift lobbies. Lift lobbies are attractive spaces to interact, as they are provided with two sides with views to the front entrance and western maintenance access, with direct connection to the lift access point.
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 development is considered to be of an appropriate bulk and scale. The development is considered to be consistent with the design criteria and design guidance statements of the ADG. The composition of facade elements, such as the expanse of brickface is sympathetic to the scale of the surrounding residential houses and lower scale buildings. The combination of facade articulation and landscaping emphasises the building entry. The facades of the building define a hierarchy for the site. The Rodley Avenue facade is primary and the facades looking to the side setbacks maintain a secondary role. Through a mix of materials, facade articulation and colours, the facades deliver rationality, clarity, proportion and rhythm, which results in a simple elegance.

Table 2: Assessment Against Applicable Provisions of Apartment Design Guide (ADG)			
Part	***Design Guidance***	**Discussion**	**Complies**
Part 3 Siting the development			
3A Site analysis			

3A-1	Each element in the Site Analysis Checklist should be assessed	A Site Analysis plan was submitted with the original package of documents and a ADG compliance table included on the amended plans identify applicable key elements, as required within the Checklist. A written description of the development proposal and subject site are also included in the submitted Statement of Environmental Effects and accompanying plans and reports.	Yes
3B Orientation			
3B-1	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)	The proposal provides a northern orientation, which adequately addresses the street frontage and solar access requirements. Direct access from the street is provided to the main front entry and also to the ground floor apartment (Unit 01) via a separate pathway to its private front terrace. The common entry and foyer areas are of an appropriate design and location, which provide acceptable circulation.	Yes
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)	Additional overshadowing attributed to the development will predominantly fall southwards to the open space of the adjoining Penrith Paceway, which negates overshadowing to any buildings to the south of the site.	Yes
3B-2	Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access	Refer to discussion in Parts 3D and 4A.	Yes
	Solar access to living rooms, balconies and private open spaces of neighbours should be considered	A solar analysis has been provided to demonstrate that a minimum of 4 hours of solar access to the eastern and western neighbouring properties is maintained.	Yes
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%	Solar access to neighbouring properties is adequate, as above.	Yes

	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy	Acceptable levels of solar access are maintained to neighbouring properties between the primary daylight hours during the winter solstice. As such, an increase in building separation is not required.	Yes
	Overshadowing should be minimised to the south or down hill by increased upper level setbacks	Overshadowing to the south falls towards the open space of Penrith Paceway and therefore upper level setbacks are appropriate, as detailed above.	Yes
	It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development	The building design is appropriately orientated to minimise overshadowing and privacy impacts on neighbouring properties.	Yes
	A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	The proposal does not impede on the 4 hour minimum solar access requirements for neighbouring dwellings, as demonstrated in the submitted shadow diagrams and 'Eye on the Sun' plans.	Yes
3C Public domain interface			
3C-1	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate	Ground floor Unit 01 is provided with a separate pathway and direct access to its private terrace from Rodley Avenue.	Yes
	Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).	A level difference of approximately up to 700mm is provided between the pavement height and the finished floor height of the ground floor apartment fronting Rodley Avenue. Landscaped areas and fencing are provided to protect unit privacy and allow for opportunities for passive surveillance. As such, the relationship between the building edge and public domain is considered to be acceptable.	Yes
	Upper level balconies and windows should overlook the public domain.	All upper level apartments along the street frontage are provided with balconies, which provide an outlook to Rodley Avenue.	Yes
	Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m	No front fencing is proposed.	Yes

	Length of solid walls should be limited along street frontages.	Walls are adequately articulated, including fenestration and sufficient openings with balconies. No large expanses of blank wall are proposed.	Yes
	Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets	It is noted that seating was originally provided within the front setback, immediately adjacent to the public domain. However, due to the requirement to relocate an on-site detention basin from the drainage easement to the front setback, the seating has been deleted. As such, a recommended consent condition will require that the seating be reinstated in an appropriate location adjacent to the front entrance.	Yes
	Opportunities for people to be concealed should be minimised	Entryways are wide, straight and located to reduce opportunity for crime and concealment. While so, the lift is not visible from the front entry, adequate circulation is provided in this vicinity.	Yes
3C-2	Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking	Adequate landscaping is provided immediately adjacent to the front terrace and basement ramp. A pergola and green growers are provided above the basement ramp.	Yes
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mailboxes are situated within the lobby, perpendicular to the street.	Yes
	The visual prominence of underground car park vents should be minimised and located at a low level where possible	Basement vents are of minimal view from the streetscape.	Yes
	Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	It is noted that that the substation is located at the street frontage due to lot dimensions constraints. However, the substation is orientated perpendicular to the street and surrounded by landscaping to minimise visual impacts on the streetscape.	No
	Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels	Ramping is proposed relative to the street with a compliant 1:20 gradient to provide for adequate accessibility.	Yes
	Durable, graffiti resistant and easily cleanable materials should be used	Suitable materials and finishes are provided.	Yes

	Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: • street access, pedestrian paths and building entries which are clearly defined • paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space • minimal use of blank walls, fences and ground level parking	The proposal provides an appropriate interface to the southern boundary, which abuts a large open space of the Penrith Paceway. coFencing delineates between the POS of the development and the green space of Penrith Paceway. Adequate articulation is provided along the southern and side facades.	Yes
	On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking	The basement car park is of minimal view from the streetscape.	Yes
3D Communal and public open space			
3D-1	***Design criteria***		
	1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	The ADG requirement for 25% of the site for COS equates to 278.2m² of COS. While so, the amended plans demonstrate that 278.1m² of COS is provided, the minor variation is negligible and is considered to be acceptable.	No
	2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	The COS receives a minimum of 50% solar access between 9:30am to 11:30am, as demonstrated in the solar analysis.	Yes
	Design guidance		
	Communal open space should be consolidated into a well designed, easily identified and usable area	COS is provided along the eastern side and southern rear boundaries, which are provided with direct access front the street and is also delineated from private open space.	Yes
	Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	COS dimensions vary between 3m to 8.2m, which is compliant and is considered to be acceptable.	Yes.
	Communal open space should be co-located with deep soil areas	COS is integrated with deep soil areas and is provided with a range of landscaping, including large trees.	Yes

	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	COS is provided with access via the front entry through the lobby to a double door.	Yes
3D-2	Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms	Adequate facilities are provided for the COS, including a BBQ area and adequate seating.	Yes
	The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts	The COS is provided with adequate solar access and tree shading. The COS room is located under a cantilevered upper floor level, which provides additional shading and shelter.	Yes
	Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks	The substation is located along the streetscape and orientated perpendicular to minimise visual impacts. Rooftop equipment is below the 18m maximum building height standard. The on-site detention basins/flood storage areas include retaining wall heights of 300mm above ground level (AGL) and the adjacent planter box had a height of 800mm AGL, which are not considered to be visual dominant to the streetscape.	Yes
3D-3	Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: • bay windows • corner windows • balconies	Upper level rooms with windows, including balconies are located adjacent to the COS to permit passive surveillance.	Yes
	Communal open space should be well lit	COS is provided with adequate solar access and a recommended consent condition will ensure adequate lighting is provided across the site.	Yes

3D-4	Boundaries should be clearly defined between public open space and private areas	The POS areas of the development are clearly defined by the use of landscaping, walls, fencing and paving elements.	Yes
3E Deep soil zones			
	Design criteria		
3E-1	Deep soil is to be provided at a rate of 7% of site area with a min. dimension of 3m	77.9m² of deep soil is required under the ADG (7% of total site area). The submitted plans state that a total of 286.5m² of the site is provided as deep soil with a minimum dimension of 3m to 5m. However, a review of the deep soil areas reveal that much of the space does not meet the minimum 3m depth required by the ADG due to the basement footprint. Notwithstanding, the deep soil areas with a minimum dimension of 3m is calculated to be approximately 207m², which is compliant with the ADG.	Yes
3F Visual privacy			
3F-1	***Design criteria***		
	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: Up to 12m (4 Storeys) – 6m habitable rooms and balconies and 3m for non-habitable rooms Up to 25m (5-8 storeys) – 9m habitable rooms and balconies and 4.5m for non-habitable rooms	Building separation is as follows (measured from the face of the balcony/building to the side boundary): <u>North Separation</u> Ground: 5.25m to terrace, 6.0m to window, Levels 1-3: 6m to windows and balconies, and level 4: 7m to balconies and 9m to windows It is noted that the frontage onto Rodley Avenue provides additional separation to adjoining properties. <u>South Separation</u> Ground: 6m to window and COS terrace Levels 1-3: 6m to windows and balconies, and Level 4: 9.1m to windows It is noted that the subject site directly adjoins the Penrith Paceway track to the rear. <u>Western Separation</u> Ground to level 3: 4m to non-habitable windows and 6m to windows Levels 4: 7m to non-habitable rooms and 9m to window The proposal is provided with compliant separation distances to all levels, noting a number of non-habitable rooms/no windows that face neighbouring elevations. The UDRP advised that 4m side setbacks at the front of the building, which transition to 6m minimum side setbacks are acceptable. In that, it provides for an improved streetscape form with greater variation in building frontage and surveillance so as to avoid uniformity in bulk and mass between developments as viewed from the street.	Yes Yes Yes

		The 4.0m side setbacks have been designed to negate views between habitable rooms and balconies, ensuring compliance with the ADG, as the ADG allows for lesser building separation being 6.0m between non habitable rooms (effectively being 3.0m to the common boundary). Suitable landscaping is provided to mitigate visual privacy impacts and it is noted that the western side boundary abuts the western adjoining property's driveway and rear garage. <u>East Separation</u> Ground: 6m to COS windows Levels 1-3: 4m to non-habitable rooms and 6m to window, and Level 4: 7m to non-habitable rooms and 9m to window As above, in addition to 2.1m high fencing along the eastern site boundary being provided.	Yes
3F-2	Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.	The proposal is provided with sufficient landscaping and fencing to allow for appropriate separations in this regard.	Yes
	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas	Acceptable separation distances are provided between habitable rooms and circulation spaces, noting that service areas are located centrally, distant from unit entrances.	Yes
	Balconies and private terraces should be located in front of living rooms to increase internal privacy	Either balconies or terraces are provided adjacent to all living rooms.	Yes
	Windows should be offset from the windows of adjacent buildings	Suitable privacy measures are in place, including appropriate separation distances from neighbouring windows and landscape buffers.	Yes
	Recessed balconies and/or vertical fins should be used between adjacent balconies	A separation wall is provided between the adjacent balconies for Level 4 apartments.	Yes
3G-1	Entry locations relate to the street and subdivision pattern and the existing pedestrian network	The front entry provides a traditional orientation to the street, which is consistent with neighbouring and nearby properties.	Yes

	Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries	The front entry/lobby entry is wide and adequately articulated to differentiate from the discreet private entry to ground floor unit 01.	Yes
3G-2	Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces	The main building entry and front lobby are clearly visible from the street.	Yes
	The design of ground floors and underground car parks minimise level changes along pathways and entries	The level changes are less than 1m, which is considered to be acceptable.	Yes
	Steps and ramps should be integrated into the overall building and landscape design	Steps and ramps are adequately integrated into the overall design.	Yes
3H-1	Carpark access should be integrated with the building's overall façade.	The basement ramp is adequately integrated into the building design given that it provides direct access off Rodley Avenue. Landscaping is provided around the vehicle entry way.	Yes
	Clear sight lines to be provided for drivers and pedestrians.	Adequate sight lines are provided for drivers and pedestrians at the street frontage. Signal lights will advise drivers of vehicles exiting the basement car park and for incoming vehicles.	Yes
	Garbage collection, loading and servicing areas are screened.	The waste collection rooms are provided on the ground floor and are non-visible to residents and visitors, with the exception of roller shutters.	Yes
	Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: • changes in surface materials • level changes • the use of landscaping for separation	Pedestrian access is separated via landscaping. Additional pathways are provides with stepping stones.	Yes
3J-1	The site is located within 800m of a railway station and as such car parking rates are set by the RMS (formerly RTA) Guide to Traffic Generating Developments document.	Refer to the Appendix of this report.	N/A
3J-2	Conveniently located and sufficient numbers of	One motorcycle parking space is provided within basement level 1.	Yes

	parking spaces should be provided for motorbikes and scooters Secure undercover bicycle parking should be provided for motorbikes and scooters.	Four bicycle parking spaces are provided within basement level 2.	Yes
3J-3	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces	The basement car parking area is provided with bicycle parking and amenities, which are accessed from common areas and do not rely on access through parking spaces. Service rooms are co-located with access stairs and lifts.	Yes
	Direct, clearly visible and well lit access should be provided into common circulation areas	Common circulation area are provided with adequate solar access via open corridors with glazing, with the exception of Level 4, however, this level has only two units and will be of less use.	Yes
3J-4	Excavation should be minimised through efficient car park layouts and ramp design	Adequate on-site parking is provided on basement level 1 and basement level 2 for servicing has a considerably smaller footprint, which minimises overall excavation required.	Yes
	Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles	The car parking layout provides adequate vehicle manoeuvring.	Yes
	Natural ventilation should be provided to basement and sub basement car parking areas	Basement vents are provided for natural ventilation.	Yes
	Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design	As above.	Yes
3J-6	Positive street address and active frontages to be provided at ground floor	Direct pedestrian access pathways integrated with landscaping are provided to the front entrances.	Yes
Part 4 Designing the building			
4A Solar and daylight access			
	Design criteria		

4A-1	1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area	Submitted documentation confirms that 13 of 16 (81.25%) of the apartments are provided with compliant levels of sunlight.	Yes
	2. A maximum of 15% of apartments to receive no direct sunlight between 9am and 3pm mid-winter.	Submitted documentation demonstrates that all apartments receive sunlight	Yes
	Design guidance		
	The design maximises north aspect and the number of single aspect south facing apartments is minimised	The building design utlises the northern orientation of the subject site.	Yes
	Living areas are best located to the north and service areas to the south and west of apartments	Front apartments are provided with a northern aspect. Southern facing apartments are provided with balconies and fenestration.	Yes
4A-3	A number of the following design features are used: • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)	Balconies are designed deep and provided with vertical privacy louvres to provide for adequate shading.	Yes
4B Natural ventilation			

4B-1	The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms	The building design provides for adequate natural ventilation, as demonstrated in the submitted documentation.	Yes
	Depths of habitable rooms support natural ventilation	As above	Yes
	The area of unobstructed window openings should be equal to at least 5% of the floor area served	As above.	Yes
	Doors and openable windows maximise natural ventilation opportunities by using the following design solutions: • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors	A range of fenestration is provided to ensure adequate natural ventilation.	Yes
	Design criteria		
4B-3	1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	Submitted documentation and a review of the provided plans confirms that all of the apartments receive natural cross flow ventilation.	Yes
	Design guidance		
	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	The building design incorporates dual aspect apartments to the southern side of the building on Levels 1 - 3 and for Level 4.	Yes

	Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow	The floor plan layouts are designed to minimise obstructions to airflow.	Yes
	Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow	The floor plan layouts provide sufficient depths and ceiling heights to provide for cross ventilation and airflow for all apartments.	Yes
4C Ceiling heights			
4C-1	***Design criteria***		
	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: 2.7m for habitable rooms and 2.4m for non-habitable rooms	The proposal provides for 3.24m finished floor levels to the underside of ceiling heights for all apartments.	Yes
4C-2	A number of the following design solutions can be used: • the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces • well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings • ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist	Ceiling heights of 3.24m are well above the 2.7m minimum ceiling height requirement, which will provide for spacious higher ceilings without affecting the ceiling height of the centrally located service rooms	Yes
4D Apartment size and layout			
	Design criteria		

4D-1	1. Apartments are to have the following minimum internal areas: 2 bed – 70m² 3 bed – 90m² 2. The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each	Apartment sizes comply with the ADG requirements, as demonstrated on the submitted plans. It is noted that Units 11, 21 and 31 contain study rooms with floor areas of approximately 3m². Given the potential to use these study rooms as small bedrooms, a recommended consent condition will require that these study rooms are deleted and consolidated with adjoining bedrooms	Yes
	Design guidance		
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)	Kitchens are appropriately located away from hallways and entry spaces.	Yes
	A window should be visible from any point in a habitable room	Windows are provided in appropriate locations for bedrooms, such that they are clearly visible.	Yes
4D-3	***Design criteria***		
	1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height	All units comply with this requirement, noting the high 3.24m ceiling heights for all apartments.	Yes
	2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	The maximum habitable depth rooms are measured at approximately 7.9m.	Yes
	Design guidance		
	Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths	High 3.24m ceiling heights for all apartments permits larger and compliant habitable room depths.	Yes
	All living areas and bedrooms should be located on the external face of the building	Living areas and bedrooms for all apartments are located adjacent to the the external facades of the building.	Yes
4D-3	***Design criteria***		
	1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)	Master bedrooms and other bedrooms are provided with compliant minimum floor areas.	Yes
	2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms are provided with a minimum dimension of 3m.	Yes

	3. Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Combined living/dining rooms are provided with a minimum dimension of 4m	Yes
	4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	The width of all apartments are a minimum of 4m deep to provide for adequate natural cross ventilation.	Yes
	Design guidance		
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	Overall, bedrooms and bathrooms for all apartments are appropriate separated from living spaces and service areas.	Yes
	All bedrooms allow a minimum length of 1.5m for robes	Bedroom robes with a minimum length of 1.5m are provided for all apartments	Yes
	The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high	Master bedroom robes for all apartments are provided with compliant dimensions.	Yes
	Apartment layouts allow flexibility over time, design solutions may include: • dimensions that facilitate a variety of furniture arrangements and removal • spaces for a range of activities and privacy levels between different spaces within the apartment • room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)) • efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms	Floor plan layouts are considered to provide for flexibility and useable floor areas for the future occupants.	Yes
4E Private open space and balconies			
4E-1	***Design criteria***		

	1. All apartments are required to have primary balcony areas as follows: 2 bed – 10m² (2m depth) 3 bed – 12m² (2.4m depth) The minimum balcony depth to be counted as contributing to the balcony area is 1m	All apartments meet the minimum area required for balcony areas and provide a usable balcony space for future occupants, as demonstrated on the submitted plans.	Yes
	2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m	Ground floor apartments are provided with terraces, which meet the minimum 15m² required, as demonstrated on the submitted plans.	Yes
4E-2	***Design guidance***		
	Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space	Terraces and balconies are located adjacent to living rooms for all apartments.	Yes
	Private open spaces and balconies predominantly face north, east or west	Terraces and balconies are appropriately orientated. It is noted that the rear apartment balconies face south, however, given that the site adjoins the open space of Penrith Paceway, this is considered acceptable.	Yes
	Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms	Terraces and balconies are orientated to receive maximum daylight. South facing balconies are provided with vertical louvres to provide for daylight.	Yes
4E Private open space and balconies			
4E-3	Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred	Partially solid balustrades are provided to the balconies of all apartments and solid fencing is provided for the ground floor terraces.	Yes
	Downpipes and balcony drainage are integrated with the overall facade and building design.	Drainage pipes are of minimal view.	Yes

	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design	Air-conditioning units are located on the roof.	Yes
4E-4	Changes in ground levels or landscaping are minimised	Level changes are minimal across the ground level and COS areas.	Yes
	Design and detailing of balconies avoids opportunities for climbing and falls	Balconies are void and include partially solid balustrades for safety.	Yes
4F Common circulation and spaces			
4F-1	***Design criteria***		
	The maximum number of apartments off a circulation core on a single level is eight	The floor plan layouts provide for a maximum of four apartments off a circulation core for levels 1 to 3.	Yes
	Design guidance		
	Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors	1.8m corridor widths and 3.24m ceiling heights provide for appropriate movement and access for all floor levels.	Yes
	Daylight and natural ventilation should be provided to all common circulation spaces that are above ground	Daylight and natural ventilation are provided to the central lobby and lift core circulation spaces.	Yes
	Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	Overall, windows are provided at the end of corridors for all floor levels, with the exception of Level 4, which is access for only two apartments and is considered to be acceptable.	Yes
	Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled	No windows adjoin common circulation spaces for all apartments, which provides for adequate visual and acoustic privacy.	Yes
4F-2	Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines	Straight and clear sight lines are provided for each corridor for all floor levels of the building.	Yes

	Tight corners and spaces are avoided	As above, noting that the ground floor corridor is provided with enlarged corner areas, which provides access to the COS room.	Yes
	Circulation spaces should be well lit at night	Windows at the end of corridors are provided and lighting will be required, as per a recommended consent condition.	Yes
	Legible signage should be provided for apartment numbers, common areas and general wayfinding	A recommended consent condition will be imposed to address this requirement.	Yes
	Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided	Seating is provided at the front lobby area.	Yes
4G Storage			
	Design criteria		
4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: 2 bed – 6m² 3 bed – 10m² At least 50% of the required storage is to be located within the apartment.	Adequate storage is provided within each apartment, in addition to storage cages located within basement level 2.	Yes
	Design guidance		
	Storage is accessible from either circulation or living areas	Storage areas are provided within the circulation areas and/or in living areas for the apartments.	Yes
4G-2	Storage not located in apartments is secure and clearly allocated to specific apartments	Storage cages located in basement level 2 are numbered and allocated to each apartment accordingly.	Yes
	Storage is provided for larger and less frequently accessed items	Adequate storage space is provided in basement level 2 for all apartments.	Yes
	Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible	Storage cages are located in basement level 2 and do not encumber any car spaces.	Yes
	Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain	As above.	Yes
4H Acoustic privacy			

4H-1	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy)	Adequate building separations, in addition to landscaping buffers provide acoustic privacy for neighouring buildings.	Yes
	Window and door openings are generally orientated away from noise sources	Windows are adequately setback from neighbouring POS areas.	Yes
	Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas	Highly habitable rooms are appropriately located away from corridors, opposite to the other end of the building for all apartments.	Yes
	Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources	Storage, circulation areas and non-habitable rooms are predominately located adjacent to corridors for all apartments to assist in buffering external noise sources.	Yes
	Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms	Service rooms are located centrally within the corridors for each level to minimise external noise sources for all apartments.	Yes
4H-2	Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: • rooms with similar noise requirements are grouped together • doors separate different use zones • wardrobes in bedrooms are co-located to act as sound buffers	With the exception of the ground floor and level 4 apartments, bedrooms are coupled together. However, some bedrooms wardrobes are located along the partition wall of adjacent living rooms.	No
4J Noise and pollution			

4J-1	To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses residential uses and communal open spaces • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry	Compliant and adequate separation distances are provided along the rear southern boundary, which adjoins Penrith Paceway. Landscaping will assist in mitigating noise impacts.	Yes
4J-2	Design solutions to mitigate noise include: • limiting the number and size of openings facing noise sources • providing seals to prevent noise transfer through gaps • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits	It is noted that the submitted Noise and Race Track Impact Assessment assessment indicates that the development is compliant with relevant noise criteria, subject to the recommended upgraded glazing along the southern elevation, which will be imposed by way of a recommended consent condition.	Yes
4K Apartment mix			
4K-1	A variety of apartment types is provided	A mix of two and three bedroom apartments are provided.	Yes

	The apartment mix is appropriate, taking into consideration: • the distance to public transport, employment and education centres • the current market demands and projected future demographic trends • the demand for social and affordable housing • different cultural and socioeconomic groups	The apartment mix has been designed in response to market demands in the area, as stated in the submitted plans. Two apartments are nominated as adaptable unit types.	Yes
	Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households	The development proposes an apartment mix as follows: 13 x 2 bedroom apartments (81.25%) 3 x 3 bedroom apartments (18.75%)	Yes
4K-2	Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3)	Although the mix of apartments is limited, the stepped side elevations, in addition to solar access for all apartments are considered to be acceptable.	Yes
4L Ground floor apartments			
4L-1	Direct street access should be provided to ground floor apartments.	Direct street access is provided to the ground floor apartment via a separate pathway to its private terrace.	Yes
	Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street	Ground floor terraces, circulation entrances and windows that face the street are provided to ensure activity is generated.	Yes
	Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion	The front ground floor apartment has a suitable configuration to permit a SOHO conversion.	Yes

4L-2	Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include: • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) • landscaping and private courtyards • window sill heights that minimise sight lines into apartments • integrating balustrades, safety bars or screens with the exterior design	The front terrace is elevated by approximately 500mm above ground level, however, a higher finished floor level will accentuate overall bulk. Further, suitable landscaping is provided within the front setback and western side boundary. Fencing surrounding the terraces are proposed to mitigate visual and privacy impacts.	No
	Solar access should be maximised through: • high ceilings and tall windows • trees and shrubs that allow solar access in winter and shade in summer	3.24m high ceiling heights and full height windows face the street. Suitable landscaping is provided to permit both solar access and shading.	Yes
4M Facades			
4M-1	Design solutions for front building facades may include: • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements	The proposal was subject to reviews by Council's UDRP prior to lodgement and a final review during the assessment process. The proposed building design, as amended, provides for a high level of articulation. Varied façade materials, colours and design features are provided to break up and define the different levels of the building and provide elements of contrast.	Yes
	Building services should be integrated within the overall facade	Building services are located centrally and the rooftop plant equipment will be of minimal view from the street	Yes

	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings	The building facades incorporate a high level of articulation, including an appropriate balance of horizontal and vertical elements. a thin edge box is provided to the front facade and vertical slot windows along the front section of the side elevations. Large side windows that incorporate non-symmetrical vertical privacy louvres are incorporated. Stacked balconies are provided, which assist in delineating the floor levels.	Yes
	Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights	The floor level of Level 1 is closely aligned to the neighbouring two storey building's second storey levels.	Yes
	Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals	Adequate articulation and balconies create shadows to the facades, as demonstrated by the submitted solar analysis.	Yes
4M-2	Building entries should be clearly defined	The front entry is clearly defined with a separate pathway surrounding by landscaping.	Yes
	The apartment layout should be expressed externally through facade features such as party walls and floor slabs	Partition walls and a raised slab are provided.	Yes
4N Roof design			

4N-1	Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings	The front facade incorporates a thin edge elements box with a skillion roof to reduce overall bulk.	Yes
	Roof treatments should be integrated with the building design. Design solutions may include: • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated	As above, noting that the roof is considered to be in proportion with level 4 and the overall building size.	Yes
	Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun	The roof design provides shading to level 4 apartments.	Yes
	Skylights and ventilation systems should be integrated into the roof design	Ventilation systems are centrally located and integrated with the roof design.	Yes
4O Landscape design			
4O-1	Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls	The submitted landscape plan provides for a selection of trees, shrubs and ground covers, which are appropriate for the site, as endorsed by Council's Landscape Architect.	Yes.

	Ongoing maintenance plans should be prepared	A recommended consent condition is imposed to provide a 1 year landscape maintenance report.	Yes
	Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards	An appropriate balance of trees are provided along all the site boundaries. Balconies are provided with a generous depth to act as a shading structure.	Yes
	Landscape design responds to the existing site conditions including: • changes of levels • views • significant landscape features including trees and rock outcrops	The landscape plan is considered to be adequate, as endorsed by Council's Landscape Architect.	Yes
	Plants selected should be endemic to the region and reflect the local ecology	Suitable plant species are provided to permit growth and maturity.	Yes
4Q Universal design			
4Q-1	Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	The development provides 4 of 16 (20%) apartments that achieve the silver level universal design, as detailed in the submitted Access Report.	Yes
4Q-2	Adaptable housing should be provided in accordance with the relevant council policy	10% of the apartments are required to be provided as adaptable, which equates to two units (rounded up from 1.6). The plans indicate two ground floor apartments are to be provided as adaptable, which will be imposes via a recommended consent condition.	Yes

	Design solutions for adaptable apartments include: • convenient access to communal and public areas • high level of solar access • minimal structural change and residential amenity loss when adapted • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking arrangements	The adaptable apartments are provided with adequate accessibility, residential amenity and accessible parking spaces.	Yes
4Q-3	Apartment design incorporates flexible design solutions which may include: • rooms with multiple functions • dual master bedroom apartments with separate bathrooms • larger apartments with various living space options • open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom	The proposal provides an acceptable level of flexible design with open plan living layouts.	Yes
4U Energy efficiency			
4U-1	Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)	All habitable rooms are provided with acceptable levels of natural light. Apartment depths and open floor plan arrangements allow light into kitchens, dining and living areas.	Yes
	Well located, screened outdoor areas should be provided for clothes drying	Balconies are provided with vertical louvres for screening.	Yes

4U-2	A number of the following design solutions are used: • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens	Northern facing apartments are provided with large windows to permit direct daylight. Interior materials and finishes are to be in accordance with an updated BASIX Certificate, which will ensure energy efficiency criteria is satisfied, which will be imposed via a recommended consent condition.	Yes
4U-3	A number of the following design solutions are used: • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible	Majority of bedrooms are grouped together, with the exception of the ground floor and level 4 apartments. Adequate natural ventilation is provided to all apartments.	Yes
4V Water management and conservation			
4V-1	Water efficient fittings, appliances and wastewater reuse should be incorporated	Compliance with an updated BASIX Certificate will ensure that fixtures and appliances meet water conversation targets for all apartments, which will be imposed via a recommended consent condition.	Yes
	Apartments should be individually metered	Apartments are to be individually metered.	Yes
	Rainwater should be collected, stored and reused on site	A bio-retention basin is incorporated with the stormwater management system.	Yes
	Drought tolerant, low water use plants should be used within landscaped areas	Suitable species are provided in regard to the climate of the locality.	Yes
4V-2	Water sensitive urban design systems to be designed by suitably qualified professional.	The application has been referred to Council's Waterways Unit, who raised no objections in regard to the proposed WSUD measures, subject to recommended consent conditions.	Yes

4V-3	Detention tanks should be located under paved areas, driveways or in basement car parks	The bio-retention basin is located underneath the COS room terrace	
	A number of the following design solutions are used: • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation • porous and open paving materials is maximised • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits	The stormwater concept design provides adequate water reuse for the development, as endorsed by Council's Waterways Unit.	Yes
4W Waste management			
4W-1	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park	Waste collection rooms are located discreetly behind the front lobby and accessed via the hallway. Waste storage rooms are provided on basement level 2.	Yes
	Waste and recycling storage areas should be well ventilated	Waste collection and storage rooms are provided with mechanical ventilation.	Yes
	Circulation design allows bins to be easily manoeuvred between storage and collection points	Design criteria is considered adequate, as endorsed by Council's Waste Services Unit.	Yes
	Temporary storage should be provided for large bulk items such as mattresses	A bulky household goods collection room is provided on the ground floor, behind the front lobby.	Yes
	A waste management plan should be prepared	An adequate waste management plan has been provided with the application.	Yes
4W-2	All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling	All dwellings are provided with sufficient storage areas in each kitchen.	Yes
	Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core	As above.	
4X Building maintenance			

4X-1	A number of the following design solutions are used: • roof overhangs to protect walls • hoods over windows and doors to protect openings • detailing horizontal edges with drip lines to avoid staining of surfaces • methods to eliminate or reduce planter box leaching • appropriate design and material selection for hostile locations	Acceptable design solutions are incorporated to address these requirements.	Yes
4X-2	Window design enables cleaning from the inside of the building	A number of vertical sliding windows provide some level of cleaning from inside majority of rooms.	Yes
	Building maintenance systems should be incorporated and integrated into the design of the building form, roof and facade	Appropriate design measures are incorporated, including suitable materials and finishes and accessibility for ease of building maintenance.	Yes
	Design solutions do not require external scaffolding for maintenance access	Maintenance access is provided via the roof.	Yes
	Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems	Internal fit-outs are up the discretion of the future occupants and opportunities are provided for mechanical operated systems.	Yes
	Centralised maintenance, services and storage should be provided for communal open space areas within the building	Centralised maintenance, services and basement level 2 storage is provided.	Yes

4X-3	A number of the following design solutions are used: • sensors to control artificial lighting in common circulation and spaces • natural materials that weather well and improve with time such as face brickwork • easily cleaned surfaces that are graffiti resistant • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors	Thermal specifications are provided on the plans which are reasonable and acceptable.	Yes

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997).* This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context". The Policy requires Council to assess development applications with regard to general and specific considerations, policies and strategies.

The proposal is not found to be contrary to these general and specific aims, planning considerations, planning policies and recommended strategies of the plan. The site is not located within a scenic corridor of local or regional significance and it is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context, noting that soil and sediment control and water quality measures will be in place via recommended consent conditions.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
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
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 5.10 Heritage conservation	N/A
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion

Clause 1.2 Aims of the plan
The development proposal aims to provide alternative housing opportunities within an established residential area, which has access to nearby amenities and services. The proposal will not result in any unreasonable environmental impacts and provides substantial landscaping to enhance the amenity of the immediately surrounding area. It is noted that flooding risks are adequately addressed, as endorsed by Council's Development Engineer Unit and it is considered that servicing for the proposal is adequate. Further, the building design meets sustainability development principles, including building design and orientation, solar access, natural ventilation, etc, and as such, the proposal is considered to generally meet the aims of the plan, in particular:

- *(c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- *(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas, and*
- *(h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

Clause 2.3 Permissibility
The subject site is zoned R4 High Density Residential under the LEP. Residential flat buildings are permissible with consent in the R4 zone.

Clause 2.3 Zone objectives
The development proposal makes provision for housing diversity. The building design provides sufficient articulation and is not considered to be of unreasonable impact on neighouring and nearby properties, and as such, the proposal is considered to satisfy the objectives of the R4 zone, in particular:

- *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 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.*

Clause 4.3 Height of buildings
The proposal has a building height of 17.8m, which complies with the 18m maximum height of building provision applicable to the subject site.

Clause 7.2 Flood planning
The site is affected by local overland flooding flows and an existing 1.8m wide stormwater easement located on the western boundary of Lot 58 DP 33490. It is noted that the site is located adjacent to a trapped low point within the roadway and therefore the proposal is required to adequately demonstrate that overland flows can be conveyed around the development proposal.

In this regard, the application proposes to create a new easement on the western boundary of Lot 59, 33490. Part 2.6 of Council's Stormwater Drainage Specifications for Building Developments Policy requires a 450mm pipe diameter and a 2.5m wide easement to accommodate over flows from the upstream catchment. The original application proposed a 2.3m wide easement, whereby Council's Development Engineer indicated that a variation to the Policy may be acceptable due to the location of the basement being 2.36m from the western boundary. However, due to discrepancies between the stormwater plans and architectural plans, a number of amendments were required at the request of Council and as such, the proposal, as amended, provides a 2.5m wide drainage easement that is clear of the basement footprint. The proposed 2.5m wide easement is considered to be adequate, as endorsed by Council's Development Engineer, subject to recommended consent conditions.

In addition, floor levels are above the 1% AEP and recommended consent conditions will ensure that the building is flood proof and can withstand the forces of floodwater.

Clause 7.4 Sustainable development

The proposal is considered to meet the overall principles of sustainable development, in that, the building design has a northern orientation, provides solar access and natural ventilation to all apartments and makes provision for stormwater quality treatment measures in the form of bio-retention, waste servicing, bicycle parking spaces and two adaptive apartments.

Clause 7.6 Salinity
The application has been accompanied by a geotechnical report prepared by a suitably qualified person for the basement car parking areas addressing excavation adjacent to Council infrastructure (with reference to RMS Technical Direction GTD 2012/2001 Excavation adjacent to RMS infrastructure), ground water movement, salinity and contamination. In this regard, the application adequately considers the impact of the development proposal on salinity processes.

Clause 7.7 Servicing
The site has has existing connections to facilities and services and it is noted that the proposed stormwater management system and on-street indented waste bay will ensure adequate servicing for the proposal, as endorsed by Council's Development Engineer for drainage and Waste Services Units for waste management.

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

It is noted that both the *Draft Environment SEPP* and *Draft Remediation of Land SEPP* are at present applicable to the subject site, but while so, does not affect or alter the recommendations of this report.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
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	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.5 Residential Flat Buildings	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements in place, which are applicable to the development proposal.

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 (BCA) and fire safety requirements, will be imposed as consent conditions where applicable, as recommended by Council's Building Surveyor, who reviewed the proposal and raised no objections. In this regard, the proposal complies with the relevant BCA and fire safety requirements of the *Environmental Planning and Assessment Regulation 2000*.

In addition, the development application has been advertised, notified and publicly exhibited in accordance with the requirements of the Regulations.

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

Context & Setting

The development proposal incorporates a compliant building height and setbacks. The proposed built form is compatible with the immediate surrounding area given that the R4 zone is transitioning to high density developments, noting the 48 unit residential flat building located 80m to west of the site. The building design has gone through vigorous design amendments in comparison to previous applications and concepts, as advised by the UDRP and therefore is considered to be consistent with the desired future character of the locality. Moreover, sufficient solar access is retained to neighbouring properties and privacy impacts have been minimised by way of appropriate fenestration and the requirement for vertical privacy louvres for sides of balconies via a recommended consent condition.

Site Design and Internal Design

The proposal makes provision for a landscaped area of approximately 39.75% for the site, which satisfies the minimum 35% landscaped area requirement in the R4 zone, noting that adequate deep soil zones and landscaping embellishment are provided. In terms of the floor plan layouts, two ground floor adaptable apartments are provided and it is noted that overall, the floor plan layouts provide a high level of residential amenity. Further, compliance with BCA requirements will provide for the health and safety of the future residents.

Access, Parking and Traffic

The proposal provides acceptable access and off-street parking by way of basement parking. It is noted that a one-way basement ramp and internal traffic signal system is proposed, which is considered to be adequate, as detailed in the Appendix of this report. In regards to traffic generation, the proposal is not considered to result in any adverse impacts on local traffic flows, as indicated in the submitted Traffic and Parking Impact Assessment (TPIA) Report and as detailed in the Appendix of this report.

Utility Services

The proposed stormwater infrastructure and indented on-street waste collection bay will provide adequate servicing for the proposal.

Heritage

The property is not subject to any heritage order or listed as a heritage item, nor are there any listed heritage items in proximity to the site.

Environmental Impacts

The proposal does not involve the removal of any significant biodiversity or threatened species. The proposed earthworks are unlikely to result in any detrimental impacts on soil quality or water resources, as detailed in the submitted Geotechnical Report and endorsed by Council’s Development Engineer Unit, subject to recommended consent conditions. The amounts of waste to be generated are considered to be manageable and adherence to an updated BASIX Certificate will ensure that the proposal meets energy efficiency and water conservation targets. The proposed works will result in noise and vibration impacts, however, to maintain the acoustic privacy and amenity of the surrounding area, a standard consent condition restricting construction work hours is recommended. In addition, the site is not subject to bushfire or subsidence.

Hazards

The subject site is identified as being subject to a 1% AEP overland flow path. In this regard, the proposal is compliant with the flood planning controls, as endorsed by Council’s Development Engineer Unit, as detailed in this report.

Socio-Economic Impacts

The proposal facilitates housing diversity and contributes to diverse demographics in the neighbourhood. The additional residents will support local businesses, subsequently contributing to strengthening the locality, a key element for supporting Penrith City's vision of achieving a sustainable and prosperous region. Given that the proposal is of a suitable scale, it is not considered likely that there will be unreasonable impacts on neighbouring or surrounding property values, noting the R4 zoning and current transition to high density residential developments in the neighbourhood.

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

The site is deemed suitable for the development proposal for the following reasons:

- The site is zoned R4 and the proposal is permissible,
- The proposal is compatible with surrounding and future land uses,
- The grade and area of the site is capable of providing for and/or connecting to the infrastructure required to service and maintain the development,
- The proposal will not result in any unacceptable negative environmental impacts, including parking and traffic flows in the locality, and
- The development site is not subject to any unmanageable natural hazards, nor does it contain any significant ecosystems or threatened species.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014* (DCP), the proposed development was advertised in the local newspaper, notified and publicly exhibited. The proposal was advertised in the Western Weekender newspaper on 9 April 2020 and notified to 86 adjoining and nearby property owners/occupiers and exhibited between 10 April and 24 April 2020. Two public submissions were received in response, however, the concerns raised are not considered to impede approval of the application.

Key concerns raised in relation to the development proposal were as follows:

Issue Raised	**Comments**
Notification	• The proposal was advertised, notified to adjoining and nearby properties and publicly exhibited in accordance with Appendix F4 of the DCP. • The proposal was advertised in the Western Weekender newspaper on 9 April 2020, notified to adjoining and nearby property owners/occupiers and exhibited between 10 April and 24 April 2020. • It is noted that the submission raising these matters was received within the notification period and that the concerns raised have formed part of the assessment of the proposal.
Visual Privacy	• The proposal includes rear balconies, which have the potential to overlook onto neighouring rear private open space areas. It is noted that the western and eastern sides of these balconies incorporate rails for safety, however, a recommended consent condition is imposed to provide for partially closed solid vertical privacy louvres to minimise overlooking concerns and privacy impacts on neighbouring properties.

Solar Access and Overshadowing	• The application was accompanied with a solar analysis, including shadow diagrams and 'Eye on the Sun' plans, which demonstrates that a minimum of 4 hours of solar access to neighbouring properties is maintained in accordance with the Apartment Design Guide requirements. • It is noted that adequate solar access is maintained to the eastern neighbouring property between 9am to 1pm and to the western adjoining property between 11am to 3pm.
Off-Street Parking	• It is acknowledged that the proposal has a shortfall of two parking spaces (service vehicle and car wash spaces) in accordance with the DCP requirements. A minimum parking rate of 24 parking spaces is required for the 16 unit development, being 13 spaces for the two bedroom units (1 space per 1 or 2 bedrooms), 6 spaces for the three bedroom units (2 spaces per 3 or more bedrooms), 1 service vehicle space (1 space per 40 dwellings), 3 visitor spaces (1 space per every 5 dwellings, or part thereof for visitors) and 1 car washing space (1 space per 50 units). • In consideration of the nature of the development, being of a smaller scale residential flat building, a shared use of a visitor/car wash/service vehicle parking space is proposed and is considered to be acceptable given the low scale nature of the development. • As such, the proposal technically has a shortfall of two parking spaces in consideration of a shared parking space, which is not considered likely to result in any unreasonable impacts on-street parking and local traffic flows, as detailed in the submitted Traffic and Car Parking Impact Assessment Report.

Traffic Safety	• It is noted Rodley Avenue is a narrow street, which raises concerns regarding traffic safety. However, the submitted Traffic and Car Parking Impact Assessment Report, which has consideration of the Roads & Maritime Services' Guide to Traffic Generating Developments, indicates that the low traffic flow along Rodley Avenue, being less than one vehicle every minute, and observations of current courteous driving conditions ensure that two-way traffic flow occurs in a reasonably safe and efficient manner. Further, it is noted that across the Penrith Local Government Area and the greater Sydney area, narrow two-way traffic flow streets are commonly restricted to only one-way traffic flow and therefore motorists are generally aware of these existing conditions, which results in more courteous and safe driving to permit traffic flow in this regard. • In regards to projected traffic impacts due to the development, the proposal is expected to generate up up to 9 peak hour trips to and from the site, i.e. one vehicle movement every 7 minutes during commuter peaks, or one additional vehicle movement every 9 minutes relative to the existing uses on the site, which is considered to be acceptable. • Further, the proposed indented on-street waste bay and on-site waste collection rooms have undergone several amendments to the design criteria in accordance with Council's Waste Services requirements and are considered to be acceptable. • In consideration of the above, the minor increase of traffic generation and the proposed indented on-street waste collection service are not considered likely to result in any unreasonable impacts on parking, traffic flows and safety in the locality.

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	Not supported, however conditions provided
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	Not supported
Community Safety Officer	No objections - subject to conditions

Development Engineer

It is noted that both Council's Development Engineer and Traffic Engineer raised objections in regard to the proposed one-way basement ramp. However, due to the constraints of the site dimensions and that traffic safety measures via the utilisation of an internal traffic signal system will be in place, this is considered to be acceptable in this instance, as detailed in the Appendix of this report.

Section 4.15(1)(e)The public interest

In consideration of the nature and scale of the development proposal, in addition to the proposal being largely compliant with the applicable development controls, the development is not considered likely to generate any significant issues of public interest. The proposal is consistent with the relevant planning provisions and therefore the public interest is served as it is considered to be an an orderly and economic use of land, which has adopted the predominant design characteristics for high density development within the surrounding area and will also improve opportunities for housing diversity in an appropriate location.

Section 94 - Developer Contributions Plans

The following development contribution plans apply to the site:

- Cultural Facilities
- District Open Space Facilities
- Penrith City Local Open Space

The following development contributions apply to the proposed development:

Calculations for Residential Flat Building

Cultural Facilities

No. of units	x	Rate	Credit for existing dwellings	Contribution rate
16	x	2.4	6.0	32.4

District and Local Open Space Facilities

No. of units	x	Rate	Credit for existing dwellings	Contribution rate
16	x	2	6.2	25.8

AMOUNTS

Contribution Plan	Contribution Rate x Calculation Rate	Total
Cultural Facilities	32.4 x $182.00	$5,897.00
District Open Space	25.8 x $2,012.00	$51,910.00
Local Open Space	25.8 x $728.00	$18,783.00
	NET TOTAL	**$76,590.00**

Conclusion

In assessing this development proposal against the relevant environmental planning policies, including *Penrith Local Environmental Plan 201*0, *Penrith Development Control Plan 2014*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*, *State Environmental Planning Policy No. 55—Remediation of Land*, *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* and *Sydney Regional Environmental Plan No. 20— Hawkesbury Nepean River (No. 2—1997)*, the proposal generally satisfies the aims, objectives and provisions of these policies. Overall, the development is unlikely to have any unreasonable impacts on the surrounding natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval, subject to conditions.

Recommendation

1. That DA20/0141 for demolition of existing structures and construction of a five storey residential flat building containing 16 apartments and two levels of basement for parking and services at 36 - 38 Rodley Avenue, Penrith be approved. subject to the attached conditions, and

2. That those who made a submission in relation to the proposal are notified of the determination.

General

1 A001 - Approved plans table

The development must be implemented substantially in accordance with the following plans and documents stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the stamped approved plans and by the following conditions.

Sheet Name	Prepared By	Drawing No.	Issue	Dated
Demolition Plan	Morson Group	DA05	A	16-03-2020
Site Plan	Morson Group	DA04	A	16-03-2020
Ground Level	Morson Group	DA06	C	15-06-2020
Level 1	Morson Group	DA07	B	04-05-2020
Level 2	Morson Group	DA08	B	04-05-2020
Level 3	Morson Group	DA09	A	16-03-2020
Level 4	Morson Group	DA10	A	16-03-2020
Roof	Morson Group	DA11	A	16-03-2020
Basement 1	Morson Group	DA12	B	04-05-2020
Basement 2	Morson Group	DA13	A	16-03-2020
Elevation North	Morson Group	DA14	B	04-05-2020
Elevation South	Morson Group	DA15	A	16-03-2020
Elevation West	Morson Group	DA16	B	04-05-2020
Elevation East	Morson Group	DA17	B	04-05-2020
Section 1	Morson Group	DA18	A	16-03-2020
Section 2	Morson Group	DA19	B	04-05-2020
Section 3	Morson Group	DA20	A	16-03-2020
Material Schedule	Morson Group	DA23	A	16-03-2020
Section Details	Morson Group	DA25	A	04-05-2020
Landscape Plan	Paul Scrivener Landscape	1 of 2 (Job Ref: 20/2142	D	16-03-2020
Planting Plan & Details	Paul Scrivener Landscape	2 of 2 (Job Ref: 20/2142	D	16-03-2020
Stormwater Concept Design Basement 02 Plan	S&G Consultants Pty Ltd	SW200 (Project No. 20180061)	H	17-06-2020
Stormwater Concept Design Basement 01 Plan	S&G Consultants Pty Ltd	SW201 (Project No. 20180061)	H	17-06-2020
Stormwater Concept Design Ground Floor Plan	S&G Consultants Pty Ltd	SW202 (Project No. 20180061)	H	17-06-2020
Stormwater Concept Design Roof Plan	S&G Consultants Pty Ltd	SW203 (Project No. 20180061)	H	17-06-2020
Stormwater Concept Design Details Sheet 1 of 2	S&G Consultants Pty Ltd	SW300 (Project No. 20180061)	H	17-06-2020
Stormwater Concept Design Details Sheet 2 of 2	S&G Consultants Pty Ltd	SW301 (Project No. 20180061)	H	17-06-2020
Erosion and Sediment Control Plan and Details	S&G Consultants Pty Ltd	SW400 (Project No. 20180061)	H	17-06-2020
Stormwater Concept Design Music Catchment Plan	S&G Consultants Pty Ltd	S500 (Project No. 20180061)	H	17-06-2020

Documents

- Aoustic Report prepared by Rodeny Stevens Acoustics, Reference No. 180128R1, Revision 1, dated 10 June 2020,
- Asbestos Management Register prepared by JMB Environmental Consulting, Reference No. 19380, dated August 2019,
- DA Access Report prepared by Vista Access Architect, Reference No. 18167, Issue C, dated 16 March 2020,
- Flood Impact Statement, prepared by S&G Consultants Pty Ltd, Reference No. 2018.0061-L06, dated 16 March

2020,
- Geotechnical Report prepared by Morrow, Reference No. P1720_01 rev1, dated 13 August 2019,
- Road Noise and Race Track Impact Assessment - Proposed Residential Development at 36-38 Rodley Avenue, Penrith prepared by Rodney Stevens Acoustics, Reference No. 180128R1, Revision 1, dated 10/6/2020,
- Tier 1 Preliminary Site Investigation prepared by SESL Australia, Reference No. J001922, Revision 1.0, dated 9 August 2019,
- Traffic & Parking Impact Assessment prepared by Stanbury Traffic Planning, Reference No. 18-045-2, dated March 2020, and
- Waste Management Plan prepared by Peter Morson, dated 16 March 2020.

2 A014 - LOT CONSOLIDATION

Lot 58 DP 33490 and Lot 59 DP 33490 are to be consolidated as one lot. 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 an 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 an 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 A039 - Graffiti

The finishes of all structures and the building are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

6 A046 - Obtain Construction Certificate before commencement of works

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

7 A Special (BLANK)

Prior to the issue of a Construction Certificate, an amended BASIX Certificate that reflects the stamped approved plans shall be submitted with and approved by the Certifying Authority.

8 A Special (BLANK)

Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:

- Name of responsible company and relevant contact details,
- Dimensions (height, length, etc.),
- Position and orientation of boom/jib and counterboom/jib,
- Length of time that such a crane or structure will be erected on the site, and
- The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- A medium intensity, steady red lighting positioned at the highest point and both ends of the boom/jib and counterboom/jib, so that such lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at night, should be positioned so that when displayed it is visible from all directions,
- When a crane is unattended for an extended period of time ensure the crane’s boom is retracted and lowered as far as possible, and
- No part of the crane or structure shall extend beyond the boundaries of the development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

9 A Special (BLANK)

In the event that a hydrant booster is necessary to service the approved development, the booster shall be integrated into the design of the development. **Prior to the issue of a Construction Certificate**, Council shall be consulted regarding the proposed location of the booster, (as the location of the booster may impact on other services and buildings, driveway or landscape design). Confirmation will also be required with regard to any heat shield or other such structures required to be installed with the booster.

10 A Special (BLANK)

Prior to the issue of a Construction Certificate, the design recommendations of the 'DA Access Report' prepared by Vista Access Architects, Reference No. 18167, Issue C, dated 16 March 2020 shall be incorporated into the Construction Certificate plans.

11 A Special (BLANK)

All mechanical ventilation equipment, including ducts, air conditioner services and the like must be shown on the Construction Certificate documentation as being contained within the approved buildings. Any gutters and down pipes shall be integrated into the architecture of the buildings. Any plant or unsightly structures installed on the rooftop must be screened from view.

12 A Special (BLANK)

A minimum of two (2) apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability and in accordance with the stamped approved plans. The adaptable units shall each be allocated an accessible car parking space compliant with AS 2890.6.

The Construction Certificate application must be accompanied by certification from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299-2009). A Compliance Certificate in this regard, shall be provided **prior to the issue of an Occupation Certificate.**

13 A Special (BLANK)

Prior to the issue of an Occupation Certificate, all street trees are to be provided as identified on the landscape plan forming part of Condition 1 of this consent.

14 A Special (BLANK)

Prior to the issue of a Construction Certificate, the sides of all upper level rear balconies shall be amended to incorporate vertical privacy louvres. This amendment shall be shown on the Construction Certificate plans.

15 A Special (BLANK)

All fencing and retaining wall works shall be at the full cost of the applicant/property owner. The materials and colours of any fencing and retaining walls shall match or complement the external materials of the approved dwellings. All retaining walls shall be of masonry (or similar) construction (not timber). All fencing forward of front building lines is to be lower than 1.2m in height.

16 A Special (BLANK)

Prior to the issue of a Construction Certificate, an updated BASIX Certificate that reflects the stamp approved plans shall be submitted with and approved to the Principal Certifying Authority.

17 A Special (BLANK)

Prior to the issue of a construction certificate, it must be demonstrated that no combustible cladding is to be used in the development.

18 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.

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.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the building, and all resident only areas within the complex.
- Australian Standard 220 – door and window locks must be installed in all dwellings.
- CCTV is to be provided to cover communal public space areas, including the entrance to the basement car park. 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.
- Letterboxes must be positioned from with a secure area (i.e internal lobby) to minimise opportunities for mail theft.
- Storage cages in the basement car park must be sturdy and well secured.

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

19 B001 - Demolition of existing structures

Structures nominated for demolition on the approved plans shall be demolished as part of the approved works.

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

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 “The Demolition of Structures” and in accordance with the 'Asbestos Management Register' prepared for 36 and 38 Rodley Avenue, Penrith prepared by JMB Environmental Consulting, Reference No. 19380, dated 09/08/2019. **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**.

21 B003 - ASBESTOS

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

22 B004 - Dust

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

23 B005 - 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.

24 B006 - Hours of work

Demolition works will 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
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building that does not involve external walls or the roof and does not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

25 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 maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's “Managing Urban Stormwater: Soils and Construction” 2004.

The 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.

26 D005 – No filling without prior approval (may need to add D006)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with *Sydney Regional Environmental Plan No. 20 (Hawkesbury- Nepean River) (No .2-1997)*. No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

27 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 2014*) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- 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.

{**Note**: *Penrith Development Control Plan 2014* defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

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.

28 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.

29 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.

30 D013 - Approved noise level 1

Noise levels for the premises shall not exceed the relevant noise criteria detailed in 'Road Noise and Race Track Impact Assessment - Proposed Residential Development at 36-38 Rodley Avenue, Penrith' prepared by Rodney Stevens Acoustics, Reference No. 180128R1, Revision 1, dated 10/6/2020. The recommendations provided in the above-mentioned acoustic report 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.

31 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.

32 D020 - Vehicle wash bay

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

33 D Special BLANK

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

34 D Special BLANK

Prior to the issue of an Occupation Certificate, the following waste management requirements must be complied with and details of compliance demonstrated to Council:

- The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Councils 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 Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.

- All on-site waste collection infrastructure, doors and access points (waste collection room, bulky household goods collection room and main foyer doors) are to be locked/accessed through Councils Abloy Key System. System specifications are outlined in Section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document.,
- All on-site waste collection infrastructure (waste collection room, bulky household goods collection room, chute rooms, chute cupboards) are to be provided with 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,
- The waste collection room, bulky household goods collection room, chute room, chute cupboards are to be provided with a minimum 2.7m high unobstructed ceiling height clearances throughout all intersections,
- The chute cupboards on each residential level are to incorporate self-closing sealed doors to inhibit the permeation of odour within the residential corridor,
- The chute cupboards on each residential level are to be waterproofed in accordance with the Building Code of Australia to permit scheduled cleaning,
- The bulky goods, waste collection and chute room to incorporate dual, 180-degree outwards opening, sealed self-closing doors,
- 'No Parking – Waste Collection and Removalist Vehicle Excepted' signage is to be installed on the loading bay to permit unobstructed access for scheduled waste collection servicing, and
- 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.

BCA Issues

35 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:

(a) complying with the deemed to satisfy provisions, or

(b) formulating a performance solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

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.

Utility Services

36 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 an Occupation Certificate.

37 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.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

38 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 development, 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

39 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-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 are to be erected:

- at the commencement of, and for the full length of the, construction works on-site, 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.

40 H002 - All forms of construction

Prior to the commencement of construction works:

(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.

41 H041 - Hours of work (other devt)

Construction 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
- No work is permitted on Sundays and Public Holidays.

Other construction 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

42 K101 - Works at no cost to Council

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

43 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 City Works Department on 4732 7777 or visit Penrith City Council's website for more information.

44 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 with 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 and or cycleways
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 City Assets Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

a) Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate or Subdivision Works Certificate.
b) All works associated with the Roads Act approval must be completed **prior to the issue of an Occupation Certificate**.

45 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 Certifier 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 the diversion of Council's road drainage system and construction of an indented waste collection bay in Rodley Avenue, Penrith.

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 Policy, 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.

Note:

- Where Penrith City Council is the Certifier 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 an Occupation Certificate**, as applicable.

46 K205 - S68 Local Government Act – Stormwater drainage works CIVIL CONSTRUCTION IN LOTS

Prior to the issue of any Construction Certificate, the Certifier shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been lodged with and approved by Penrith City Council for relocation of Council's stormwater drainage line through the site. The new drainage line shall be fully constructed and the old drainage line decommissioned prior to the commencement of any building works.

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 Policy, 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.

Note:

- All works associated with the Section 68 Local Government Act approval must be completed **prior to the issue of an Occupation Certificate**, as applicable.

47 K210 - Stormwater Management

The stormwater management system shall be consistent with the plans lodged for development approval prepared by SGC, Project No. 20180061, Drawing Numbers SW100 to SW500, Revision H, dated 17/06/2020.

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 or Subdivision Works Certificate.

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

48 K211 - Stormwater Discharge – Basement Car parks

Prior to the issue of any Construction Certificate, the Certifier 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).

49 K212 - No loading on easements

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the foundations of proposed structures adjoining the drainage easement have been designed clear of the zone of influence.

50 K214 - Flooding – Floor levels

Prior to the issue of any Construction Certificate, the Certifier shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 27.6m AHD (1% AEP flood level +0.5m freeboard).

51 K217 - Flooding – Flood Compatible Materials

Prior to the issue of any Construction Certificate, the Certifier shall ensure that any structures below RL 27.6m AHD (1% AEP flood level +0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.

52 K218 - Flooding – Structural Adequacy

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the structure/s can withstand the forces of floodwater including debris and buoyancy up to the 1% Annual Exceedance Probability Event in accordance with the requirements of the Building Code of Australia (BCA).

53 K219 - Flooding - Flood Proofing

Prior to the issue of any Construction Certificate, the Certifier shall ensure that all electrical services associated with the proposed building works are adequately flood proofed in accordance with *Penrith Development Control Plan 2014* relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 27.1m AHD.

54 K221 - Overland Flow - General

Prior to the issue of any Construction Certificate, the Certifier shall ensure that:

a) The proposed development will not concentrate, dam or divert overland flows onto adjoining properties.
b) The crest in the access ramp to the basement car park is a minimum of RL 27.4m AHD.
c) That all new fencing within the overland flowpath is open style to allow the free passage of overland flows.

Details prepared by a qualified person, demonstrating compliance with these requirements, shall form part of any Construction Certificate issued.

55 K222 - Access, Car Parking and Manoeuvring – General

Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and *Penrith Development Control Plan 2014*.

56 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 City Assets Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Traffic for NSW (TfNSW). 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 City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

57 K225 - Performance Bond

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for the the diversion of Council's road drainage system and construction of an indented waste collection bay in Rodley Avenue, Penrith.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

58 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 Certifier to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services, as amended.

59 K227 - Stormwater Legal Discharge Point

Prior to the issue of any Construction Certificate, associated with the development, the site must be serviced by a legal point of discharge including the required infrastructure drainage works. The drainage works may include inter-allotment drainage construction, upgrades and/or road drainage extensions located on lands owned by others.

60 K228 - Dilapidation Report

The developer shall undertake a dilapidation report for all 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 Certifier the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted prior to an Occupation Certificate confirming no damage has occurred.

61 K301 - Sediment & Erosion Control

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the *Protection of the Environment Operations Act 1997*.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

62 K401 - Flooding – Surveyor Verification of floor levels

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 27.6m AHD (1% AEP flood level +0.5m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Certifier.

63 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.

64 K406 - Underground Services

The existing power pole and proposed electricity supply services for the development need to be located (or relocated) in accordance with the relevant authorities' regulations and standards.

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

Prior to the issue of an Occupation Certificate, the Principal Certifier shall ensure that all works associated with a Section 138 Roads Act approval and Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

66 K503 - Works as executed – General and Compliance Documentation

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management systems 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.

67 K504 - Stormwater Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifier shall ensure that the:

a) Stormwater management systems (including water sensitive urban design), and
b) Overland flowpath works

- Have been satisfactorily completed in accordance with the approved Construction Certificate 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 system/s shall be provided as part of the works-as-executed drawings.

68 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 water sensitive urban design)
b) Overland flowpath works

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 Specification for Building Developments.

69 K506 - Easement to Penrith City Council

Prior the issue of an Occupation Certificate, the applicant shall grant a 2.5m wide easement for drainage to Penrith City Council over the drainage line that is to be relocated to the western boundary of the site, including extinguishment of the existing easement for drainage through the site, and evidence of registration of the easement with Land and Registry (LRS) shall be submitted to the Principal Certifying Authority and Penrith City Council, if Penrith City Council is not the Principal Certifying Authority, and on the basis that no claim for compensation will be made and that the applicant will meet all associated survey and legal costs. No part of the basement wall shall encroach the drainage easement.

70 K515 - Maintenance Bond

Prior to the issue of an Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for the diversion of Council's road drainage system and construction of an indented waste collection bay in Rodley Avenue, Penrith

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.

71 K601 - Stormwater management system operation and maintenance

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

72 K Special (BLANK)

Prior to the issue of an Occupation Certificate, a "Loading Zone" restriction is to be implemented for the on-street waste collection bay on Rodley Avenue. This arrangement is to be approved by Council's Local Traffic Committee prior to the implementation and installed at not cost to Council.

73 K Special (BLANK)

The subleasing of car parking spaces is not permitted by this consent. All car parking spaces are to be line marked and dedicated for the parking of vehicles only and not to be used for storage of materials, products, waste materials, etc.

74 K Special (BLANK)

(a) Each 2 bedroom apartment is to be allocated a minimum of one car parking space within the development.
(b) Each 3 bedroom apartment is to be allocated a minimum of two car parking spaces within the development.
(c) Stacked car parking spaces are to be allocated to 3 bedroom units to prevent user conflict.
(d) All adaptable units are to be allocated with a minimum of one accessible car parking space within the development.

75 K Special Condition BLANK

Prior to the issue of any Construction Certificate, a traffic management plan for the basement car park shall be submitted to and approved by Penrith City Council. The plan shall address the operation and management requirements for the single width basement ramp, including the locations of sensors/detectors, vehicle circulation, locations of waiting areas, passing opportunity at the street frontage, satisfactory operation of the proposed signal system and safety measures if the system fails.

Landscaping

76 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans and *Penrith Development Control Plan 2014*, in particular Section F5 "Planting Techniques", Appendix F5 - 2.9.1 Tree/Vegetation Protection during Construction and 2.9.2 Landscape Quality Assurance Standards and C2 Vegetation Management.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- 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.

77 L002 - Landscape construction

The approved landscaping for the site shall be constructed by a suitably qualified and experienced landscape professional.

78 L003 - Report requirement

Upon completion of the landscape works associated with the development and **prior to the issue of an Occupation Certificate** for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by suitably qualified and experienced landscape professional.

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.

79 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in *Penrith Development Control Plan 2014.*

80 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.

81 L007 - Tree protectionmeasures–no TMPwith DA

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in *Penrith Development Control Plan 2014.*

82 L008 - Tree PreservationOrder

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Development Contributions

83 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **$5,897.00 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 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 invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

84 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **$51,910.00 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 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 invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

85 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)
This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **$18,783.00 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 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 invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

86 Q006 - Occupation Certicate (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 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 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 including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

87 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 6.6 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 *6.6 of the Environmental Planning and Assessment Act 1979*.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal, as amended, is considered to supportive of Council's vision for a Sustainable City given that it seeks to facilitate housing diversity at a suitable site. The proposed built form is of a universal design, which permits accessibility and mobility for residents of all ages, noting that two ground floor adaptable apartments are provided. The site is in proximity to a range of facilities and services to provide for the well-being of the future residents, who will in turn stimulate socioeconomic activity in the locality. The proposal is of a suitable scale and is unlikely to result in any unreasonable impacts on the surrounding built or natural environments or cultural or heritage values. The proposal is therefore supportive of sustainable development principles, which satisfies the DCP principles.

Part C - City-wide Controls

C3 Water Management

C3.2 Catchment Management and Water Quality

The proposed stormwater management system incorporates a rain garden with an area of 12m² with an overflow weir during high rainfall events. A review of the MUSIC Modelling confirms that the proposed rain garden will reduce water quality parameters to meet Council's standards. Although the filter layer depth and plant density is not clarified, consent conditions will address this matter, as recommended by Council's Senior Water Management Officer.

C3.6 Stormwater Management and Drainage

The proposed stormwater concept design incorporates a basement pump out system, a 2.5m wide drainage easement along the western side boundary, flood storage areas, a bio-retention basin and a new kerb sag inlet pit, which provide adequate servicing for the site, as endorsed by Council's Development Engineer Unit.

C5 Waste Management

C5.3.4 Siting and Design of Waste Storage and Collection Areas

An indented waste collection bay at the street frontage is proposed due to the constraints of the site's width and depth. Generally, on-site waste collection is required for RFBs in accordance with the DCP, however, it is noted that the proposal is a smaller scale RFB, being for 16 apartments, and an alternative solution is considered to be more suitable and acceptable in this instance. The design criteria for the indented on-street waste collection bay has been comprehensively reviewed and amended, as advised by Council's Waste Services Unit and is considered to provide for safe and efficient waste servicing.

Further, it is noted that an existing RFB, which accommodates 48 units is located approximately 80m to the west of the site, at 50 – 54 Rodley Avenue, which is serviced by indented on-street waste collection bay and this has not raised any major concerns since its establishment in this regard.

It is also noted that the proposed indented on-street waste collection bay will require alterations to on-street parking and therefore an approval by Transport for NSW is required given the proximity of a railway station to the site. As such, a recommended consent condition is to be imposed to address this matter, which will be in accordance with the requirement for Section 68 and Section 138 Road Act approvals.

C10 Transport, Access and Parking

C10.5.1 Parking

The proposal is for a total of 16 units (13 x 2 bedroom units and 3 x 3 bedroom units) and makes provision for a total of 22 off-street parking spaces, including two visitor parking spaces and one shared visitor/car wash/service parking space. In accordance with the DCP, a minimum of 24 parking spaces is required for the development, being 13 spaces for the two bedroom units (1 space per 1 or 2 bedrooms), 6 spaces for the three bedroom units (2 spaces per 3 or more bedrooms), 1 service vehicle space (1 space per 40 dwellings), 3 visitor spaces (1 space per every 5 dwellings, or part thereof for visitors) and 1 car wash space (1 space per

50 units).

In consideration of the nature of the development and it being of a smaller scale, the shared use of a visitor/car wash/service vehicle parking space is considered to be acceptable. Further, it is not considered that there will be any unreasonable impacts on on-street parking and local traffic flows as detailed in the submitted Traffic and Parking Impact Assessment (TPIA) Report (TPIA).

C10.5.2 Access and Driveways

The proposal includes a two-way driveway and one-way lane basement ramp with an internal traffic signal system to regulate traffic flows. It is noted that Council's Senior Traffic Engineer raised objections in this regard and advised that the TPIA Report incorrectly references Clause 3.2.2 of AS 2890.1, which does not refer to ramps or allow for a contraflow arrangement and as such, a two-way (6.1m wide) basement ramp must be provided. Concerns are raised due to the opposing vehicles being in direct conflict with one another and that the use of operated traffic signals is not best practice nor is it fail safe in this regard.

Notwithstanding, a review of the TPIA Report and AS 2890.1 guidelines, in particular Clauses 2.5.2 and 3.22, indicates that one-way ramps and one-way traffic movements are required to be a 3m minimum width for domestic properties where there is less than 30 movements in a peak hour. In this regard, the TPIA Report states that the proposed access ramp/driveway is expected to generate up to 9 peak hour vehicle movements and that the proposal provides a 7.4m wide ingress/egress driveway with a basement ramp width between 6m to 8m then reduced to 3m. In addition, an internal traffic signal system is provided, which will limit the direction of traffic flow within the basement access ramp to one-way at any given time.

Further, it is noted that the likelihood of delay being a function of opposing traffic demands and service time for a vehicle entering the basement car park during weekday peak hours is merely 0.4%. That is, an approximate 1 in 250 chance for the probability of opposing vehicles in conflict area during both morning and evening peak hour, which is based on a worst case scenario for a vehicle requiring 60 seconds to travel between the basement parking level and the egress driveway, noting that the expected travel distance time is 30 seconds. Given that any traffic conflicts are contained within the site and do not impinge upon any external users of the road network, the one-way basement ramp and internal traffic signal system is considered to provide adequate traffic control measures and therefore is considered to be acceptable in this instance.

It is also noted that development consent no. DA14/0795 approved a 32 apartment residential flat building with basement parking, including a one-way ramp and traffic signals, whereby similar matters were raised and considered resolved.

In addition, Council's Senior Traffic Engineer also raised concerns regarding the proposed on-street waste collection bay due to a loss of parking and the safety and amenity of pedestrians when large capacity bins are being transported via a motorized tug device back and forth in the footway area, noting that the application does not address this pedestrian safety matter. However, the indented waste collection bay is considered acceptable in this instance, as detailed above and in the TPIA Report.

D2 Residential Development

D2.5 Residential Flat Buildings

The development proposal is considered to be overall compliant with the applicable and specific development controls in the DCP, noting that many provisions either overlap or are superseded by SEPP 65 and/or ADG requirements or are previously discussed in other sections in this report. In summary, the proposal is considered to be compatible with the desired future character of the neighourhood, whereby the building design provides an appropriate building footprint, with adequate setbacks, articulation, landscaping, residential amenity and maintains acceptable levels of amenity and visual privacy to neighouring and nearby properties.