PENRITH
CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0792
Proposed development:	Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Apartment Developments including 63 Apartments & Two (2) Levels of Basement Car Parking
Property address:	16 Hope Street, PENRITH NSW 2750 18 Hope Street, PENRITH NSW 2750 20 Hope Street, PENRITH NSW 2750 22 Hope Street, PENRITH NSW 2750 24 Hope Street, PENRITH NSW 2750
Property description:	Lot 30 DP 31239 Lot 31 DP 31239 Lot 32 DP 31239 Lot 33 DP 31239 Lot 29 DP 31239
Date received:	9 August 2018
Assessing officer	Paul Anzellotti
Zoning:	Zone R4 High Density Residential - LEP 2010
Class of building:	Class 2
Recommendations:	Refuse

Executive Summary

Council is in receipt of a development application from Morson Group Architects proposing the demolition of existing structures and construction of a six (6) storey residential flat building containing sixty three (63) apartments and two (2) levels of basement car parking at 16-24 Hope Street, Penrith.

The subject site is zoned R4 High Density Residential under Penrith Local Environmental Plan 2010 (PLEP 2010). Development for the purposes of a residential flat building is permissible within the R4 High Density Residential zone.

The Minister for Planning gave directions under Section 9.1 of the Environmental Planning and Assessment Act 1979 on the development applications that are to be determined on behalf of Council by a Local Planning Panel. These directions, dated 23 February 2018, outline that development within the Penrith Local Government Area (LGA) that is for a residential flat building under the provisions of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and is 4 or more storeys in height require determination by a Local Planning Panel.

The proposed development was advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties. The public exhibition period for the proposal was from between the 15th August to the 7 September, 2018. During this period, two (2) submissions were received.

A number of key issues identified for the proposed development include:

Non compliance with maximum height requirement

The application proposes a numerical non compliance for each building on the subject site to the maximum 18m building height with an exceedance above the maximum building height of between 2.3% and 5.7% for the

building portions and between 2.5% and 4.4% to the associated lift overrun component. In this regard, the application has been accompanied by a Clause 4.6 variation request prepared by Cityscape Planning + Projects requesting a variation to the development standard. The accompanying Variation request has been reviewed and taking into consideration the circumstances of the case is not considered acceptable in this instance as outlined within this report.

Building Form and Presentation

The proposed built form is not considered to provide for an acceptable articulation to the Hope Street frontage noting the non compliant building separation provided in part to the side boundaries to the upper floor levels but especially more so between each proposed building which is considered to create amenity and privacy concerns for future occupants. The failure to not maintain appropriate separation requirements is considered to create a prominent built form which will not provide for an acceptable presentation onto Hope Street or relationship with adjoining built forms. The design also provides for a reliance on blank walls to satisfy separation requirements especially between each built form which is not considered an appropriate visual inclusion to the streetscape and in turn is considered to heighten the overall scale and bulk of the proposal. The presentation of the buildings is also considered to be further exacerbated via the proposals failure to provide for effective landscaping along the buildings perimeters, not only within the front setback area but also to its side and rear boundaries.

Solar Access

The application has been accompanied by architectural plans which are not considered to identify that an overall minimum of 70% of units will achieve a minimum 2 hours solar access between 9am and 3pm mid winter. A review of provided information is considered to reveal that only 37 of the proposed 63 units (a total of 59%) will achieve minimum solar access requirements. Furthermore, a total of 15 units (24% of overall units) have been identified as not receiving any solar access and is also non compliant with the requirements of the Apartment Design Guide. The failure to provide for minimum amenity standards is considered a consequence of the building design with a configuration primarily providing for either northern or southern facing units which accompanied with non compliant building separations and apartment layouts is not considered to achieve an appropriate level of amenity for future occupants.

Communal Open Space

The proposal has identified three (3) separate areas within the subject site to be used for the purposes of communal open space for future occupants. While so, the total area for all identified spaces is not considered to satisfy the minimum area requirements under the Apartment Design Guide while providing for a disjointed layout which is not considered to also allow for equitable access to be achieved. The open spaces are not considered to have been designed as 'destination places' and are hence considered unlikely to encourage social interaction between residents. The proposed communal open space areas are also not considered to be of high amenity for future occupants with each area impacted by overlooking from units as well as creating amenity concerns for units adjoining via their potential use.

Excavation

Proposed earthworks under the Penrith Development Control Plan 2014 specifically restrict cut and fill to be limited to 500mm in order to minimise disturbances to existing topography and natural soil profiles. The proposal has included a maximum cut of between 1.8m to 2m to the south eastern corner of the site incorporated into the building design via retaining walls adjoining private open spaces areas which is therefore non compliant.

Car Parking

The proposal is considered to provide for a shortfall of 3 spaces proposed for residential use and a shortfall of 1 space for visitor car parking. The proposed departure from the required car parking rates is not considered to have been adequately justified and noting the constrained nature of vehicular movements and parking along Hope Street, the shortfall is not considered an acceptable design solution for this area of Penrith.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) has been undertaken and the application is recommended for refusal.

Site & Surrounds

The subject site is known as 16-24 Hope Street, Penrith and is legally known as Lots 29, 30, 31, 32 and 33, DP 31239. The allotment is rectangular in shape with a frontage onto Hope Street of 79.25m and a depth of 40.120m resulting in an overall site area of 3,182m^2. Each lot is currently provided with a single storey residential dwelling and associated structures. The subject site falls from the rear to the front with a fall of between 1.5m to 2m across the depth of the site towards Hope Street.

This section of Hope Street is currently in a state of transition from traditional detached dwellings to higher density development with a number of approvals as well as refusals recently granted in relation to Development Applications proposing the construction of residential flat buildings. In this regard, directly adjoining the subject site to the east (No. 12-14 Hope Street) is a five storey residential flat building containing 27 apartments and basement car parking approved under DA16/0123 currently under construction, while to the north of the subject site along the opposite side of Hope Street (No. 25-31 Hope Street) are two six (6) storey residential flat buildings containing 61 apartments with basement car parking currently nearing completion of construction under DA15/1185.

Directly to the west of the subject site at No. 26-30 Hope Street was a Development Application for a six (6) storey residential flat building containing 45 apartments & two (2) levels of basement car parking (under DA18/0488) which was refused by the Penrith Local Planning Panel on the 12 June, 2019. This application is currently under review of refusal determination by Penrith Council as provided by Division 8.2 of the Environmental Planning and Assessment Act 1979 with the expectation that this be re-reported back to the Local Planning panel for determination. Further to the west at 32-36 Hope Street was a Development Application for a six (6) storey residential flat building containing forty five (45) apartments and two (2) levels of basement car parking (under DA17/1341) which was refused by the Penrith Local Planning Panel on the 12 March, 2019. This application is currently the subject of an appeal with the NSW Land and Environment Court. Furthermore to the west of the subject site at the intersection of Hope Street and Colless Street (No. 38-40 Hope Street) is a constructed five (5) storey residential flat building containing 24 apartments with basement car parking (approved under DA15/0683).

Proposal

The development proposes the demolition of existing structures and construction of two (2) x six (6) storey residential flat building containing 63 apartments & two (2) levels of basement car parking. Specifically, the proposed development includes the following key aspects;

Basement Level 2

- The provision of a total of sixty three (63) car parking spaces including three (3) accessible spaces,
- Twenty eight (28) residential storage spaces,
- Ramp access for vehicles to upper level, and
- Separate circulation cores providing for a total of two (2) lifts, two (2) fire stairs and mechanical ventilation shaft.

Basement Level 1

- The provision of a total of thirty eight (38) car parking spaces including three (3) accessible spaces, one (1) car wash bay, two (2) service vehicle bays and twelve (12) visitor car parking spaces,
- Thirty four (34) residential storage spaces,
- Bicycle parking area containing eight (8) spaces,
- Service rooms including a pump room,
- Two (2) chute rooms for waste collection (via chute system from the upper residential levels) and bin storage,
- Designated garbage truck / truck loading bay,
- Ramp access for vehicles to ground level, and
- Separate circulation cores providing for a total of two (2) lifts, two (2) fire stairs and mechanical ventilation shaft.

Ground Floor Level

- Vehicular access to the basement level from Hope Street,
- Pedestrian access to each proposed residential flat building and associated site landscaping,
- Provision of nine (9) apartments over both buildings on the ground floor consisting of 3 x 2 bedroom and 6 x 3 bedroom units each provided with a separate courtyard area,
- Entry area for each building with circulation core providing for one (1) lift, one (1) fire stairs, mechanical ventilation shaft, service cabinets and garbage room with dual waste chutes, and
- Communal open space area to the eastern and western sides and to the rear of the site between each building.

Levels 1 to 3

- The provision of four (4) x 2 bedroom units and two (2) x 3 bedrooms units to each building all with an associated balcony providing for an overall total of twelve (12) units to each level, and
- Circulation core for each building providing for one (1) lift, one (1) fire stairs, garbage room with dual waste chutes and mechanical ventilation shaft.

Level 4

- The provision of three (3) x 2 bedroom units and two (2) x 3 bedroom units to each building all with an associated balcony providing for an overall total of ten (10) units to this level, and
- Circulation core for each building providing for one (1) lift, one (1) fire stairs, garbage room with dual waste chutes and mechanical ventilation shaft.

Level 5

- The provision of two (2) x 2 bedroom units and two (2) x 3 bedroom units to each building all with an associated balcony providing for an overall total of eight (8) units to this level, and
- Circulation core for each building providing for one (1) lift, one (1) fire stairs, garbage room with dual waste chutes and mechanical ventilation shaft.

Rooftop Level

- The provision of a communal open space area consisting of planter boxes, tables and chairs and bbq area,
- Circulation core providing for two (2) lifts and one (1) fire stairs. As separate w.c and cleaner room is also provided.

The proposed apartment mix is provided by the following table below;

Unit Type	No of units
1 bedroom unit	Nil
2 bedroom unit	37
3 bedroom unit	26
Total	63

Background

The application has been subject to an Urban Design Review Panel Meeting (UDRP) held with Council on the 18 April, 2018 prior to its lodgement.

The application was subsequently received by Penrith City Council on the 9 August, 2018 and provided originally for the demolition of existing structures and construction of two (2) x six (6) storey residential apartment buildings including 76 apartments and two (2) levels of basement car parking.

The applicant was provided with a 'preliminary assessment' correspondence on the 27 September, 2018 raising a number of significant concerns and concluding as follows;

Due to the extent of non-compliance with the applicable plans and policies, and the extent to which the development as lodged has not adequately considered the recommendations and advice of the Urban Design Review Panel (provided in correspondence issued 20 April 2018), you are advised that Council will not support the application in its current form and based on the information provided. Accordingly, you are invited to withdraw the

application within 14 days.

The application was subsequently provided with amended plans and re referred to Council's Urban Design Review Panel who indicated that the amended design was not acceptable.

Following further correspondence between Council and the applicant, amended plans the subject of this current assessment were received by Council on the 16 August, 2019 which is the basis of this report.

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 has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

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

The application was originally submitted with BASIX Certificate No. 947968M dated 3 August, 2018, which confirmed that the development will meet the NSW government's requirements for sustainability. The layout of the proposed residential flat building has subsequently been modified via the provision of amended plans but while so, a revised BASIX Certificate has not been submitted with the amended application to clearly indicate that the revised development unit mix meets the required water, thermal comfort and energy targets.

State Environmental Planning Policy No 55—Remediation of Land

Clause 7 of State Environmental Planning Policy No. 55 (SEPP 55) outlines the following requirements that a consent authority must consider prior to the issue of a consent for any development:

A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

There is no record that the subject site is contaminated. The proponent has outlined that the site has been historically used for residential purposes while the surrounding area is also used for residential purposes. In this regard, given the residential use of the subject site and surrounding properties, it is not considered that further analysis is required as the proposal is not a change of land use being residential to residential. While so, were the application be recommended for approval and should any 'unexpected findings' occur during excavation and earthworks, work is to cease immediately and Penrith City Council is to be notified. This could be addressed by way of recommended conditions of consent were any Development Consent forthcoming.

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

An assessment has been undertaken of the development proposal against the aims and objectives and specific provisions of State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development. In particular, the development proposal has been assessed against Clause 30 of the Policy which states that:

"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 the design quality principles, and the objectives specified in the Apartment Design Guide for the relevant design criteria"

Clause 50 (1A)(1AB) of the Environmental Planning and Assessment Regulation 2000 specifies:

50(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.

50 (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 development application has been submitted with a design verification statement prepared by Peter Morson.

An assessment against Schedule 1 Design quality principles, of the Policy has been undertaken and is included in **Table 1** and an assessment against the accompanying Apartment Design Guide is also provided in **Table 2** below.

Table 1: Assessment Against Schedule 1 - Design Quality Principles Assessment Against Schedule 1 - Design Quality Principles		Officer 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 design is not considered to respond to the context of the site. The development as proposed does not have regard to the recommended building separation distances and is not considered to respond appropriately to the approved residential flat building which is currently under construction directly adjoining to the east at No. 12-14 Hope Street. It is noted that this adjoining development is provided with compliant building separations to the subject sites boundary which have not been replicated with the current design for levels 4 and 5. This non compliance is repeated to the western boundary, also noting non compliant building separations internally between each proposed building and as such the design is not considered to reflect the desired future character of the area.

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 development is not considered to adequately respond to the site's context and is not considered to be sympathetic with the bulk and scale of surrounding approved residential flat buildings. The proposal provides for non compliant setbacks to each side and rear boundary for the upper two level while separation non compliances are provided to each level between the proposed buildings. The non compliant separation distances provided are considered to compromise the amenity of future residents. The visual presentation of the built form is also considered to be compromised via the provision of expansive blank wall presentations to the internal building walls facing each other which is considered to accentuate the bulk of the proposal. The use of splayed walls with northern facing windows are also considered to accentuate bulk for each adjoining side neighbours while it is not considered that overall architectural elements are varied sufficiently with upper floors not considered to be sufficiently recessed and repetitive features used for the Hope Street façade.
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 not considered to be of an appropriate density noting the impact to the amenity created to future residents as discussed within this report. In addition, the density of the development is considered excessive for the subject site noting the inadequate setbacks, landscaping and common open space proposed.
Principle 4: Sustainability	Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The application is not considered to identify that adequate solar access is provided in accordance with the Apartment Design Guide rates. While internal living areas are provided with direct access to external living areas, solar shades to the eastern and western elevations have not been provided to assist in restricting overbearing sunlight during the warmer summer period. Deep soil zones to each side boundary are not provided with the necessary minimum widths while south facing ground floor units are provided with subterranean levels which serves to constrain their outlook.

Principle 5: Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	While deep soil areas has been co-located with common open space it is noted that an inadequate width for deep soil area is provided for to both the western and eastern side boundaries as the basement level is setback to each respective boundary at less than 6m. Landscaping provided to the street frontage is also considered to be compromised by the building design and its envelope as well as the number of identified elements in this front setback area. Landscaping along the rear boundary is also considered to be compromised via the location of retaining walls in association with private courtyard areas while an updated landscape plans has not been provided to identify the treatment of each side boundary.
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 Apartment Design Guide in regard to room dimensions, privacy and ventilation. However, solar access is not considered to have been adequately addressed, with both the overall number of units receiving adequate solar access as well as number of units receiving no solar access at all less than that required under the Apartment Design Guide. In addition, it is noted that the depth of cross over apartments is excessive, a number of balconies associated with three (3) bedroom units are non compliant either in overall size or depth.

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 will present to Hope Street with casual surveillance achieved via the location of balconies and windows to all elevations. While so, the building design is considered to create areas of concealment for persons accessing either building from Hope Street due to the blank walls provided for these buildings in this area along with the proposed landscaping.
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 mix of units in the development is not considered appropriate as no 1 bedroom units are proposed. Furthermore, the proposed communal open space layout is not considered to provide for appropriate opportunities for social interaction amongst future residents.
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 assessed to be not appropriate in bulk and scale. As detailed elsewhere in this table and in the assessment of the development against the Apartment Design Guide (ADG) below, the development is not considered to be consistent with the design criteria and design guidance statements of the ADG. The visual appearance of each proposed building is compromised in part by elevations providing for vast expanses of blank wall presentations which is not considered an appropriate inclusion into the existing streetscape noting the bulk and scale of the development.

Table 2: Assessment Against the Apartment Design Guide (ADG)

Assessment Against the Apartment Design Guide (ADG)

Part 3	Required	Discussion	Complies

3A-1	Each element in the Site Analysis Checklist should be assessed.	A Site Analysis plan was submitted with the application and identifies applicable elements as required within the Checklist. A written description of the proposal and subject site are also included in the submitted Statement of Environmental Effects and accompanying plans and reports.	Yes.
3B-1	Buildings to address street frontages.	The building frontage onto Hope Street is naturally orientated to north and allows for direct access from the street.	Yes.
3B-2	Living areas, Private Open Space (POS) and Communal Open Space (COS) to received compliant levels of solar access.	Refer discussion under Part 3D and 4A.	N/A.
	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%	Submitted shadow diagrams are considered to demonstrate that additional overshadowing attributed to the subject development, does not reduce the amount of solar access available for the private open spaces and living zones of the adjacent property to the approved residential flat building to the east (12-14 Hope Street). Further to the above, the submitted shadow diagrams have identified that the adjoining properties to the south of the subject site will be impacted by additional overshadowing. Noting the non compliant separation distances provided to all boundaries for levels 4 and 5 and internally between buildings as well as a non compliant building height, the proposal is not considered to create an appropriate relationship with surrounding lots.	No.

	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased.	As discussed above, adequate information has been submitted with the development application to enable an accurate assessment in this regard. Noting the compliant separation distances provided by the residential flat building at No. 12-14 Hope Street, separation distances overall and to this adjoining built form is not considered acceptable with particular concern raised in the non compliant level 4 and 5. It is also noted that building elements have been incorporated which rather than increasing separation distances have reduced setbacks (i.e, via splayed walls containing northern facing windows) which is considered to extenuate the bulk and scale of the proposal between each building and to adjoining properties.	No.
3C-1	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.	Of the five (5) ground floor apartments with street frontage to Hope Street, only two (2) are provided with direct access to the street.	No.
	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.	Limited level difference (between 450mm to 900mm) is provided between the pavement height and the finished floor height of the ground floor apartments.	Yes.
	Upper level balconies and windows to overlook the street.	All apartments along the street frontage overlook Hope Street.	Yes.
	Length of solid walls should be limited along street frontages.	The presentation of the northern elevation fronting Hope Street is provided with acceptable openings which has minimised the presentation of any solid walls.	Yes.
	Opportunity for concealment to be minimised.	Due to lobby areas for each separate building being located in a manner so as to not be visible from Hope Street, along with the blank wall presentations and limited openings provided to each buildings central elevation fronting the entry pathway as well as associated landscaping, the potential for areas of concealment and crime are considered to be plausible along the main pathway to each ground floor lobby entry. The lift proposed within each building does not also faces internally towards the lobby entry doors.	No.

	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.	A seat is provided near the building entry is provided. Mail box locations have not been nominated on plans.	Yes.
3C-2	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	Mail box locations are not nominated on plans.	No.
	Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	While a potential electrical substation has been identified to the north eastern corner of the subject lot forward of the building, the nature of future landscaping proposed is considered to allow the opportunity for suitable screening. Garbage storage rooms are adequately integrated into the building with the entry proposed via the main basement driveway and not in view from the Street.	Partial.

3D-1	Communal Open Space (COS) to have minimum area of 25% of site.	795.5m^2 of COS is required under the ADG (25% of total site area). Submitted plans state that 738m^2 or 23% of site is provided as COS. The area of COS is provided in 3 portions on the ground floor, centrally located between each building to the rear of the site and along the eastern and western side boundaries. The proposed COS areas are not considered to be of high amenity to future occupants and usable space for residents noting the failure to provide for equitable access to the COS areas located along the eastern and western boundaries (provided plans have not identified how these areas shall be accessed), as well as direct overlooking created from units on the ground floor to level 3 on each of these proposed side COS areas. A review of east and west elevation plans also identify window openings located at or near ground level to the adjoining communal open space areas which is a consequence of maintaining a single finished floor level from Hope Street to the rear of the site culminating in subterranean floor levels. The rear central COS area is also not considered to be of high amenity to future residents noting that a significant portion of this area is provided as an under croft with building levels above while also being affected by direct overlooking from the balconies or living room windows of units above. It is also noted that were the side COS areas to be removed (noting the inability to equitably access these areas), the overall COS area for the proposal would equate to only 319m^2 or 10% of the overall site area.	No.
	Achieve a minimum of 50% direct sunlight to the principle usable part of the communal open space.	The rear centralised COS area is considered to achieve 50% solar access for at least a period of 2 hours primarily during the morning period as indicated on the provided plans.	Yes.
	COS to be consolidated into a well-designed, usable area.	Refer to discussion above.	No.

	COS to be co-located with deep soil.	The majority of the COS proposed is located within areas identified as providing for deep soil.	Yes.
3D-2	COS is to be provided with facilities such as barbeque areas and seating.	Seating which is covered by building levels above is only provided to the rear central COS area which is not considered to provide for appropriate items of interest for future occupants. In this regard, the COS areas are not considered to have been designed as 'destination areas' for future residents.	No.
	COS is to be well lit and readily visible from habitable rooms.	The location of the communal open space is considered to receive acceptable solar access and will provide for surveillance from units.	Yes.
3D-4	Boundaries should be clearly defined between public open space and private areas.	Boundaries between public and private space are clear.	Yes.
3E-1	Deep soil is to be provided at a rate 7% with a minimum dimension of 6m.	222.74m^2 of deep soil is required under the ADG (7% of total site area). The application has been provided with a basement level positioned so as to provide for a 5.65 setback to the eastern site boundary and a 5.85m setback to the western site boundary. In this regard, it is not possible to include each of these areas noting the minimum 6m minimum dimension required to be provided. Consequently, the deep soil area is provided with a total area of 109.816m^2 (3.4%), via a rear portion (77.25m^2) and a front portion adjoining the driveway (37.266m^2) and is therefore non compliant by 112.924m^2 which is not considered to allow for an appropriate and large portion of deep soil planting overall for the proposal.	No.
3F-1	Minimum required shared separation distances between habitable rooms and balconies are to be as follows: 1-4 Storeys – 12m 5-8 storeys – 18m	Building separation is as follows (measured from the face of the balcony/building to the side boundary): <u>South Separation</u> A setback of 6m is provided to the ground and the third levels. A setback of 6m is provided to the fourth level. For level 5 a setback of 8.2m is provided to balconies and 9m to the walls of each unit. <u>Western Separation</u>	No.

			A setback of 4.2m to 6m is provided to the ground up to the third levels. It is noted that living areas for proposed units 104, 204 and 304 on each respective level is provided with an angled wall providing for a window with a northern perspective (creating a 4.2m setback), facing Hope Street which is technically in accordance with the ADG requirements for separation. For levels 4 and 5, a setback of between 8m and 8.5m is provided to the boundary. <u>East Separation</u> A setback of 4.2m to 6m is provided to the ground up to the third levels. It is noted that living areas for proposed units 109, 209 and 309 on each respective level is provided with an angled wall providing for a window with a northern perspective (creating a 4.2m setback), facing Hope Street which is technically in accordance with the ADG requirements for separation. For levels 4 and 5 a setback of between 8m and 8.5m is provided to the boundary <u>Separation between Buildings</u> Ground to level 3 (front building portion): Separation varies from 8.1m to 10.5m to 12.3m. As the separation area for the 8.1m and 10.5m sections are provided from blank walls, no separation is required. The compliant 12.3m separation is provided between windows of laundry rooms. Ground to level 3 (rear building portion): Separation varies from 8m to 10.1m Level 4 and 5 (rear and front building portions): Separation varies from 8m to 10.1m to 12.3m		

3F-2	Communal open space, common areas and access paths to be separated from private open space and windows to apartments.	The proposal is not considered to have clearly delineated COS areas and private open space noting that access may potentially be provided to each side COS area from the Hope Street presentation or from courtyard areas. In addition, the proposal is not considered to have been provided with appropriate landscaping and fencing to allow for appropriate separation from windows to units or courtyard areas. The building design has maintained a single finished ground floor level which consequently has provided for window opening to the western and especially to the eastern elevations at a height so as to create a direct conflict with persons which may be in these side COS areas.	No.
	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	An acceptable separation has been provided between habitable rooms and circulation spaces	Yes.
	Balconies, and private terraces should be located in front of living rooms to increase internal privacy.	A number of balconies are provided to units from the side of living areas rather than directly to their front which consequently (due to apartment layouts) provide for their location to the front of bedrooms. In this regard, the use of the balcony (for 16 identified units) is considered to potentially impact upon the amenity of bedrooms from the same unit. Furthermore, units 403 and 408 are provided with balconies which overlap alongside adjoining bedroom area frontages (being units 402 and 409) which are considered to create an immediate amenity concern for users of these bedrooms	Partial.

	Windows should be offset from the windows of adjacent buildings.	The proposal has provided for splayed walls for living areas internally from one building to the other (for instance between units 105 and 106, 205 and 206, 305 and 306 and 405 and 406) which in turn has only allowed for a separation of only between 8.5m and 9.8m between adjacent living room windows. While it is noted that the non splayed windows are highlight in nature, this separation distance is not considered appropriate as these windows are from living to living rooms with the expectation that they would also be openable and is therefore considered will create potential amenity concerns.	No.
3G-1	Building entries to be clearly identifiable.	The entry pathway is adequately articulated with landscaping but while so, the orientation of each building is not considered to allow for entries to each lobby area to be clearly identifiable from Hope Street.	No.
3G-2	Building access ways and lift lobbies to be clearly visible from the public domain and communal spaces.	The main pedestrian entry is visible from the street, but while so, the lift for each building faces the lobby entry and is not visible from either of the front doors to either proposed building.	No.
3H-1	Carpark access should be integrated with the building's overall façade.	The entry to the basement carpark is adequately integrated into the building with access directly off Hope Street. The location of the driveway has also allowed for the provision of a landscaped buffer, forward of the building along the northern boundary fronting Hope Street.	Yes.
	Clear sight lines to be provided for drivers and pedestrians.	Adequate sight lines are provided for pedestrians or drivers exiting the basement.	Yes.
	Garbage collection, loading and servicing areas are screened.	The garbage areas are screened from the street via their location in the basement level.	Yes.
3J-1	The site is not located within 800m of a railway station and is required to comply with the car parking rates as stipulated within the Penrith DCP 2014.	Refer discussion under Penrith DCP 2014.	N/A
3J-2	Secure undercover bicycle parking should be provided for motorbikes and scooters.	Secure bicycle parking spaces are provided at Basement 1.	Yes.
3J-3	Carpark design and access is safe and secure - A clearly defined and visible lobby area or waiting area should be provided to lifts and stairs.	Lift lobby areas within Basement 1 and 2 are clearly defined and appropriately located.	Yes.

4A-1	Living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm mid-winter.	Submitted plans are not considered to demonstrate that compliance with this design criteria is met in that only 37 of the proposed 63 units (59%) will receive adequate solar access.	No.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter.	Submitted plans are considered to demonstrate that a total of 12 units (19%) will not receive any solar access.	No.
4A-2	Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	It is noted that the eastern elevation of units 107, 207, 307 and 406 (fronting the internal courtyard area) are provided with highlight windows which will serve as the main light source for these units	Partial.
4A-3	Sun shading devices are to be utilised.	Sun shading devices are provided to a number of windows along the northern elevation. It is noted that no sun shading devices are provided to either the western or eastern elevations	Partial.
4B-3	60% of apartments are naturally ventilated and overall depth of cross-through apartments 18m maximum glass-to-glass line.	The submitted plans indicate that 71% of apartments (a total of 45) can achieve natural cross ventilation.	Yes.
4C-1	Finished floor to finished ceiling levels are to be 2.7m for habitable rooms, 2.4m for non-habitable rooms.	The proposal is for 3.04m measured from finished floor to finished floor level resulting in a 2.7m finished floor to underside of ceiling, which is compliant with the ADG.	Yes.
4D-1	Apartments are to have the following min. internal floor areas: 1 bed – 50sqm 2 bed – 70sqm 3 bed – 90sqm Additional bathroom areas increase minimum area by 5sqm.	All proposed apartment sizes comply with the ADG requirements.	Yes.
4D-2	In open plan layouts the maximum habitable room depth is 8m from a window.	All units comply with this requirement.	Yes.
4D-3	Master bedrooms to be 10sqm's and other rooms 9sqm's.	All units comply with this requirement.	Yes.
	Bedrooms to have a minimum dimension of 3m.	All units comply with this requirement.	Yes.
	Living rooms to have minimum width of 3.6m for a 1 bedroom unit and 4m for 2 & 3 bedrooms.	All units comply with this requirement.	Yes.
4E-1	All units to have the following primary balcony areas: 1 bed – 8sqm (2m deep) 2 bed – 10sqm (2m deep) 3 bed – 12sqm (2.4m deep)	Units 303, 312, 403, 412, 503 and 512 (each 3br) are only partially provided with a depth of 2.4m Unit 403 and 408 (each 3br) are not provided with a primary balcony of 12m^2 in size Units 501, 502, 507 and 508 (each 3br) are not provided with a depth of 2.4m	Partial.

4E-3	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	The proposal has not identified the location of any air conditioning units	No.
4F-1	The maximum number of apartments off a circulation core on a single level is eight	The application provides for a maximum of 6 units to a level for either building.	Yes.
4F-1	Daylight and natural ventilation to be provided to all common circulation spaces.	As the ground floor lobby areas to each building is provided with a east to west orientation rather than fronting onto the northern facing Hope Street, the design is not considered to allow for an adequate amount of solar access is provided to this area throughout the majority of the day. It is also noted that levels 4 and 5 are provided with units to the end of the lobby area which will also restrict the amount of sunlight provided to these areas.	No.
4F-1	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.	All primary bedroom and living room windows do not directly front onto common circulation spaces. In this regard, visual and acoustic privacy is considered to be maintained.	Yes.
4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: 1 bed – 4m^3 2 bed – 6m^3 3 bed – 10m^3 With 50% of the above to be provided within the Units.	Submitted plans indicate that storage cages are provided with the basement carpark. While so, a calculation of storage requirements has identified that the volume of storage is non compliant overall.	No.
4K-1	Flexible apartment configurations are provided to support diverse household types.	The development proposes only 2 bedroom units (a total of 37) or 3 bedroom units (a total of 26) and in this regard the failure to provide for any 1 bedroom is not considered to provide for diverse household types.	No.
4L-1	Direct street access should be provided to ground floor apartments.	Direct street access is provided for only 2 of the proposed 5 ground floor apartments.	Partial.

4M-1	Building facades to be well resolved with an appropriate scale and proportion to the streetscape and human scale.	The proposal will provide for extensive blank walls to the side of each building which is not considered to provide for an appropriate backdrop to surrounding residential flat buildings. In this regard, the oblique views from Hope Street of the building are not considered to allow for an appropriate design solution. Architectural elements to the front façade are not considered to be varied sufficiently and the proposal has not provided for any large scale details of facades identifying materials and components, the location of stormwater lines, air conditioning or hot water units which are considered to create a direct visual impact on each buildings presentation.	No.
4O-1	Landscape design to be sustainable and enhance environmental performance.	The proposed landscaping design has identified the provision of medium sized trees to be incorporated within deep soil areas. The nature of the landscaping proposed is considered unclear in allowing for an appropriate streetscape relationship along the northern façade as an amended landscape plan has not accompanied amended architectural plans. In addition, the front setback area is considered to be constrained which along with the building design is not considered at present to allow for a strong opportunity for the incorporation if site responsive landscaping. Furthermore, appropriate landscaping along the rear southern boundary is considered to be restricted by a ground floor plan which is creating a significant amount of cut associated with the position of private courtyard areas as well as the reliance on retaining walls to the rear of subterranean floors creating a width of only 2m for landscaping alongside the rear boundary.	No.
4Q-2	Adaptable housing is to be provided in accordance with the relevant Council Policy.	A total of 7 adaptable units is proposed (11.1%) which is acceptable having regard to the legislation.	Yes.

4U-1	Adequate natural light is provided to habitable rooms.	Apartment depths and open floor plan arrangements are considered to allow light into kitchens, dining and living areas. While so, it is noted that the eastern elevation of units 107, 207, 307 and 406 (fronting the internal courtyard area) are provided with highlight windows which will serve as the main light source for these units.	Partial.
4V-2	Water sensitive urban design systems to be designed by suitably qualified professional.	The development application was referred to Council's internal Environmental Waterways Unit and was supported subject to the provision of appropriate conditions with and development consent granted.	Yes.
4W-1	A Waste Management Plan is to be provided.	A Waste Management Plan is generally acceptable subject to conditions should approval be granted.	Yes.
	Circulation design allows bins to be easily manoeuvred between storage and collection points.	Waste areas and manoeuvring is not compliant with Council's DCP.	No.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with 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.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Does not comply - See discussion
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Does not comply - 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	Does not comply - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.6 Exceptions to development standards	Does not comply - See discussion
Clause 5.10 Heritage conservation	N/A
Clause 7.2 Flood planning	Complies
Clause 7.4 Sustainable development	Does not comply - See discussion
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion

Clause 1.2 Aims of the plan
The proposal is not considered to comply with the following aims of the LEP:

(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement

(c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity

The adverse amenity impacts on future occupants, in regards to the inadequate solar access opportunities, is not aligned with Council's vision for development in Penrith.

The proposal is also considered to create adverse impacts upon adjoining properties in regard to providing for a bulk and scale not in accordance with State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings and Apartment Design Guide controls. In addition, the proposal is provided with a non compliant building height which is considered to culminate in a built form contributing to an inappropriate presentation and relationship with adjoining properties.

Clause 2.3 Zone objectives

The subject site is located within the R4 High Density Residential zone. The objectives of the zone include:

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

The design of the proposed development does not ensure that a high level of residential amenity is achieved and maintained in that the application has not demonstrated that solar access standards have been satisfactorily achieved in accordance with the Apartment Design Guide. Furthermore, a discussed under SEPP 65 of this report, the development does not provide for acceptable levels of communal open space, deep soil, building separation, internal privacy, apartment mix or is considered to represent the desired future character of dwelling densities for the area. In addition, the provision of subterranean levels creating a sizable difference in finished levels for rear south facing units and the existing natural ground level is considered to identify that the design is not responsive to the existing topography of the subject site.

Clause 4.3 Height of buildings
The subject site is provided with a maximum building height of 18m under the PLEP. The application is provided with a flat roof to each building (RL65.37) with a parapet roof wall (RL65.57) in addition to a lift overrun (RL66.37). With a fall in the existing topography from the rear of the site towards Hope Street, the proposal is provided with varying non compliant heights to the eastern building providing for in part a non compliance of between 310mm to 410mm (overall height of between 18.31m to 18.44m or between 1.7% to 2.3% above the maximum height required) and a non compliance to the lift overrun of 450mm (overall height of 18.45m of 2.5% above the maximum height required).

For the western building, the overall non compliance is provided between 140mm to 1040mm (overall height of between 18.14m to 19.04m or between 0.7% to 5.7%) and a non compliance to the lift overrun of 800mm (overall height of 18.8m of 4.4% above the maximum height required).

In this regard, the application was accompanied with a *'4.6 Exception to development standard'* which has discussed the nature of the height non compliance. Discussion in regard to the non compliance is provided for under a separate title within this report.

Clause 4.6 Exceptions to development standards
The application is non compliant with the height of buildings development standard under Clause 4.3 of the Penrith Local Environmental Plan 2010. In this regard, the proposal is provided with a flat roof for each building (RL65.37) with a parapet roof wall (RL65.57) which provides for a non compliance for the eastern building on the subject site of between 310mm to 410mm (overall height of between 18.31m to 18.44m or between 1.7% to 2.3% above the maximum height required) and a non compliance to the lift overrun of 450mm (overall height of 18.45m of 2.5% above the maximum height required) between 4.45m.

For the western building, the overall non compliance is provided between 140mm to 1040mm (overall height of between 18.14m to 19.04m or between 0.7% to 5.7%) and a non compliance to the lift overrun of 800mm (overall height of 18.8m of 4.4% above the maximum height required).

Clause 4.6 of the Penrith Local Environmental Plan 2010 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
(b) the public benefit of maintaining the development standard, and
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

In this regard, the non compliance is to be discussed below;

Building Height

The application has been accompanied by a Clause 4.6 Variation Request prepared by Cityscape Planning + Projects dated August, 2018 in relation to the building height non-compliance. In this regard, the accompanying Variation request has provided for the following evaluation as to the identified variation in relation to Clause 4.3 of the PLEP;

The proposed variation from the development standard is assessed below against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in Wehbe v Pittwater Council [2007J NSWLEC 827 and the principles outlined in Win ten Property Group Limited v North Sydney Council [2001J NSWLEC 46. Whilst the principle applied to SEPP 1, we believe that it is still useful these considerations and this too has been confirmed by more recent judgements inclusive of Four2Five Pty Ltd v Ashfield Council [2015J NSWLEC 90.

The five part test described in Wehbe are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard

The relevant LEP clause objectives together with an assessment of the development against them is provided below:

(1) The objectives of this clause are as follows:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

The desired future character of the area provides for development with a 18m building height. The development provides a building that sits largely within that height limit, other than sections of the upper floor.

The parts of the building that are above the height standard have been setback from the building edges, with the maximum variation (i.e. lift over-run) located centrally on the site. Therefore, these elements do not contribute to perceivable bulk as viewed from the surrounding area and public domain, and the proposal maintains a scale as anticipated for a high density zoned residential areas.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing

development and to public areas, including parks, streets and lanes,

The development is not located in an area that enjoys key views to any important scenic or landscape features. Nevertheless, the broader locality does enjoy views to the Blue Mountains, particularly from elevated view points such as the upper floor areas of this and adjacent development.

There is no existing adjacent development that will have any visibility of the upper floor area so it cannot cause any disruption of views. The adjacent lands have had development approvals for similar scaled development, however these development also orientate to the north and south and therefore ensure that there is limited scope for the non-complying element of the subject development to cause loss of privacy.

It is also important to note that any overshadowing as a result of the height breach is negligible when compared to the shadows generated from the lower 5 levels of the proposed built forms. This is because the entire development across all levels achieves the rear setback requirements of the ADG's.

Similarly, the development does not have any close proximity to any parks or key public domain features that could experience any undue loss of solar access by the proposed height variation.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,

Not relevant as the site is not located within any proximity to heritage items, conservation areas or areas of scenic or visual importance.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

The development generally achieves the building height, other than sections of upper floor. This area is setback and recessed from the lower floors and as such will not contribute to perceivable bulk as viewed from the surrounding area and public domain, and the proposal maintains a scale as anticipated for a high density zoned residential areas.

The development is also not located near different zoned lands or lands that have a lower building height standard therefore the minor non-compliance will not cause any disruption to any planned transition in height and density.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

We do not rely on this reason. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

We do not rely on this reason.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

We do not rely on this reason.

The accompanying 4.6 Variation request has provided the following information as to why strict compliance with the standard be unreasonable or unnecessary;

Section 1.3 of the Environmental Planning and Assessment Act 1979 provides:

The objects of this Act are as follows:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
(c) to promote the orderly and economic use and development of land,
(d) to promote the delivery and maintenance of affordable housing,
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(j) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
(j) to provide increased opportunity for community participation in environmental planning and assessment.

The subject site accommodates limited features of natural or ecological significance and the accompanying SEE report has demonstrated that the development will cause no significantly adverse impact to the natural environment.

Further, the proposed development seeks to make the most efficient use of existing infrastructure and services in an area undergoing substantial urban renewal.

As such the development represents orderly and economic development of the land and therefore can be considered to be consistent with the objects of the Act.

The accompanying 4.6 Variation request has provided the following information as to would strict compliance with the standard be unreasonable or unnecessary

Strict compliance with the development standard would demand that an alternate development proposal be advanced that reduces the building
height.

However, the proposed non-compliance with the building height is relatively limited in terms of proposed building volume.

Further, the 18m height limit could be reasonably be expected to deliver 5 storey developments and the proposed development does not exceed this expected building scale.

In the context of these factors, it is considered that strict compliance with the development standard is both unreasonable an unnecessary in the circumstances of the case.

In this context, it is considered both unreasonable an unnecessary to demand strict compliance with the relevant development standard.

The accompanying 4.6 Variation request has provided the following information as to whether there sufficient environmental planning grounds to justify contravening the standard;

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. There is robust justification throughout the SEE and accompanying documentation to support the overall development and contend that the outcome is appropriate on environmental planning grounds.

Some additional specific environmental grounds to justify the breach of the standard are summarised as follows:

- *The development has been able to consolidate five (5) land holdings that has in turn allowed for a better urban planning outcome that would otherwise be achieved by the urban renewal or redevelopment of the site as part of separate or distinct development proposals. The slight height variation at the upper floor forms part of this better planning response for the site and its broader precinct.*
- *The development of a slightly taller form that the LEP would otherwise allow has in turn reduced the building footprint and allowed for large areas of the site to be provided as landscaped area inclusive of larger deep soil landscaping areas. In this regard the Penrith DCP seeks high density zoned parcels to achieve 35% landscaped area and the ADG's required 7% of deep soil landscaping. The subject development actually provides 36% landscaped area (as represented at Figure 2) and 9% deep soil landscaping and therefore clearly represents a better planning outcome.*
- *The landscape plan that accompanies the development application also provides for extensive large canopy tree planting and therefore provides a better landscape outcome than both the existing site and a height compliant development with a larger building footprint.*
- *The use of a narrower, yet taller built form also allows for better environmental performance in terms of solar access and natural ventilation. In this regard the development proposal exceeds the ADG requirements for solar access and also significantly exceeds the number of apartments (87%) apartments that will achieve the cross ventilation requirement.*
- *This better environmental outcome is also reflected in the accompanying BASIX certificate which exceeds the energy efficiency targets (achieves 29% reduction) required under that planning instrument.*
- *Significant components of the non-compliance form part of a skillion type roof, which represent an architectural roof feature pursuant to clause 5.6 Architectural Roof Features of Penrith LEP 2010. As such, pursuant to clause 5.6 this element does not actually represent a non-compliance with development standard as that clause allows for buildings to exceed the height standard, as a means of achieving improved architectural quality of development.*
- *Much of the area that exceeds the development standard is not discernible as viewed from the public domain as it has been setback from the edges of the building, and the lift over-run and fire stairs have been located more centrally on the roof. The proposed elements that breach the height standard does not contribute to distinguishable bulk, scale or density of the building;*
- *There will be no adverse amenity impacts to the surrounding properties or the public domain areas as a result of the proposed variation.*
- *The proposal does not result in any unacceptable overshadowing impacts to adjoining properties other than what is anticipated by Council's controls.*
- *Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development because the development is consistent with the objectives of the development standard and the objectives of the R4 High Density Residential Zone, notwithstanding the variation.*

The above points are environmental planning grounds that warrant the non-compliance. They are not "generic" grounds, but rather, specific to the site and circumstances of the development.

In that context, there is considered to be sufficient environmental and planning grounds to justify a contravention of the development standard.

It is not considered that the accompanying 4.6 Variation request has appropriately considered or discussed the non compliances created by the proposal in relation to the requirements of SEPP 65 and the Apartment Design Guide. It is not accepted that the variation in the building height will not create any adverse impacts to its surrounds or natural environment as for instance identified in this report in relation to increased overshadowing of neighbouring properties which would have been minimised were the proposal to provide for a compliant height as well as building separations. It is also considered that the accompanying Variation request is also incorrect in its findings where discussion identifies that a 5 storey development is appropriate for an 18m height limit, but while so, the proposal provides for 6 levels. It is also not accepted as indicated within the Variation request that *the 'use of a narrower, yet taller built form also allows for better environmental performance in terms of solar access and natural* ventilation', noting that an assessment of the application has identified deficient solar access compliance is created by the current design and that non complant internal building separation distances are considered to create amenity concerns for future residents.

Noting the above, it is not considered that the supporting Variation document has adequately identified that compliance with the development standard (being building height) is unreasonable or unnecessary in the circumstances of the case. Furthermore, it is not considered that the supporting documentation has adequately addressed the matters required to be demonstrated by Clause 4.6(3) (a) and (b) of the Penrith Local Environmental Plan. In this regard, support of the requested height variation is not considered to be in the public interest as it is not consistent with the objectives of the height development standard and the objectives for development of the zone in which the development is proposed to be carried out.

Clause 7.4 Sustainable development
Clause 7.4 of the PLEP 2010 requires the consent authority to have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach and requires the consent authority to consider each of the following:

(a) conserving energy and reducing carbon dioxide emissions,
(b) embodied energy in materials and building processes,
(c) building design and orientation,
(d) passive solar design and day lighting,
(e) natural ventilation,
(f) energy efficiency and conservation,
(g) water conservation and water reuse,
(h) waste minimisation and recycling,
(i) reduction of vehicle dependence,
(j) potential for adaptive reuse.

The application is not considered to have been accompanied with information sufficient to demonstrate that appropriate solar access is achieved with the current design. Adaptive reuse of a number of units is provided for. An updated BASIX Certificate has not been submitted to confirm that the amended design will meet the NSW Government's requirements for sustainability, if built in accordance with the identified commitments. the proposal will also provide for subterranean floor levels towards the rear of the site which is not considered in line with the considerations of this Clause of the PLEP.

Clause 7.6 Salinity
The subject site is affected by moderate salinity. While so, it is considered that appropriate measures could be taken to avoid or reduce any undesirable effects that may be created as a consequence of the proposed development via appropriate conditions of consent should the application be approved.

Clause 7.7 Servicing
The proposed works provide connections to new and existing servicing infrastructure to facilitate adequate servicing for the proposal. In this regard, any development consent granted would be appropriately conditioned for the applicant to receive appropriate concurrence from the respective authorities.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

Draft Environment State Environmental Planning Policy

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating a total of seven existing SEPPs being:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property*

It is noted that the proposed changes to State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) are not considered to impact the proposed development. In addition, the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The proposed new land remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land,
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- Clearly list the remediation works that require development consent, and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Does not comply - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Does not comply - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	N/A
C3 Water Management	Does not comply - see Appendix - Development Control Plan Compliance
C4 Land Management	Does not comply - see Appendix - Development Control Plan Compliance
C5 Waste Management	Does not comply - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
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
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	Does not comply - see Appendix - Development Control Plan Compliance
D2.6 Non Residential Developments	N/A

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements in place that apply to this development application.

Section 79C(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable should the application be approved. In this regard, the proposed development complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

Section 79C(1)(b)The likely impacts of the development

Context and Setting

The proposal will provide for two buildings upon the subject site within an area along Hope Street which is currently in a state of transition from a previously lower density zone to its current high density zone. While a similar development has been provided along the opposite side of Hope Street at No. 25 - 31 Hope Street, the current design is not considered an acceptable addition to the streetscape noting the non compliant building separations provided to side boundaries as well as internally between each proposed

building in particular to the proposed upper two levels. This is considered to create a bulk and scale which is not complimentary to the separation distances provided to the approved adjoining residential flat building at No. 12-14 Hope Street while also maintaining the potential to compromise the visual amenity of future built forms directly adjoining to the west. This is evident in the assessment of a current request for a review of determination application at 26 - 30 Hope Street (DA18/0488 refused by the Local Planning Panel on the 12 June, 2019) which provides for compliant side separation distances to the subject sites common boundary.

Furthermore, it is noted that the separation requirements between each proposed building on the subject site is only achieved for the front portion via the provision of blank walls while for the rear portion (behind lobby area entries) and to all upper levels, non compliant separation distances are provided. This is considered to exacerbate the bulk and scale of the proposal, further extenuated by a blank wall design which is visible from Hope Street. This blank wall design is considered to create a canyon like entry to the proposal which is continued via a non compliant building separation provided to the rear central communal open space area. The use of splayed walls with northern facing windows alongside the eastern and western site boundaries is also considered an architectural element which will further extenuate the size of the proposal upon its adjoining neighbours.

Furthermore, the design is also considered to contribute to visual amenity issues for the rear portion of the proposal between buildings which is not considered to present for a desirable precedent were the proposal to be approved in its current form. In this regard, the building design layout is considered to contribute to a prominent built form presentation along a narrow street with its scale intensified via non compliant separation distances, protruding architectural elements and blank wall presentations. Furthermore, the projection of balconies to a distance in part of 4.5m to the property boundary along Hope Street is also considered to contribute to the designs innapropriate streetscape presentation. In addition, the presentation of the front façade is considered to be highlighted by repetitious street wall forms at either 4 or 6 levels in height displaying a significant amount of monotonous glazing and balconies. This presentation is not considered to identify that architectural elements have been varied sufficiently which is considered to contribute to the bulk and scale of the street elevation.

Noting also the position of ground floor courtyards to a distance of 4m to the property boundary along Hope Street as well as the northern facing balconies, this is considered to restrict the appropriate provision of landscaping to between the proposed building and street boundary which in terms of mature tree planting is identified as being Eucalyptus trees to a height of 12m to 15m. In this regard, the current design is not considered to have shown an appropriate treatment of the front building setbacks area which combined with architectural forms and features is not considered to allow for an appropriate integration with the existing or desired envisaged future streetscape.

Solar Access

The application has been accompanied by architectural plans which are considered to identify that 37 of the proposed 63 units (a total of 59%) will achieve a minimum 2 hours solar access between 9am and 3 pm at mid-winter and is therefore non compliant with the solar and daylight access requirements as provided by the Apartment Design Guide. Furthermore, a total of 15 units (24% of overall units) are not considered to receive any solar access and is therefore non compliant with the requirements of the Apartment Design Guide.

Of the proposed units, it is noted that 52% of units (a total of 33) are provided with a direct northern perspective with 2 of these units provided as crossover units. While so, 30 units (48% of units) are provided with a southern perspective with the development, noting the window openings proposed not considered to maintain either an eastern or western perspective. This building design feature providing primarily for either northern or southern facing units to either side of an internalised lobby area of each building Is considered to contribute to the created non compliant solar access provisions for the proposal. It is also noted that the proposal will provide for restricted solar access to each lobby area with no northern aspect provided.

Furthermore, the provision of splayed walls incorporating windows is not viewed as an effective design solution creating potential overlooking concerns between the proposed buildings while serving to extenuate building bulk along side elevations. The positioning of the apartments is therefore not considered to respond to the nature or orientation of the subject site with the design not giving appropriate consideration to the location of lobby areas, habitable rooms and associated openings.

Privacy and Overlooking

It is considered that the proposal will provide for the majority of overlooking concerns for units internally between the proposed buildings. With a design providing for splayed walls and windows for one building orientated towards the other, this in turn has created a minimum distance for window openings between units (being units 106 to 107, 206 to 207, 306 to 307 and 405 to 406) of 8.4m which is significantly non compliant with minimum separation distances required under the Apartment Design Guide. With a narrow separation between building, the canyon like design is considered to heighten the potential for acoustic or overlooking concerns between buildings.

Noting the narrowness of the entry area between buildings to each lobby area, concern is raised in regard to the acoustic impact created to bedroom windows for units fronting this main front pedestrian access area noting that their only outlook is of this pathway. The amenity of future residents is also considered to be compromised via the proposal being cut into the existing land topography resulting in retaining walls up to a height of 2m being positioned to the rear of south facing ground floor courtyard areas as indicated on provided Sectional diagrams. The application has not clarified or given an indication of terraced planters which may also constrain outlooks and privacy for occupants.

The provision of non compliant separation distances between buildings is also considered to compromise the functionality of the rear central communal open space area noting the potential for overlooking from this area to habitable rooms and balconies of units above. Furthermore, the proposal is not considered to have appropriately identified that persons using the side communal open space areas will not impede upon the amenity of ground floor units noting the position of openings to both living rooms as well as bedrooms fronting directly onto this area. In this regard, the design of the proposal is considered to contribute to potential privacy and overlooking concerns for future residents.

Amenity concerns are also considered to be created via the positioning of balconies for units 403 to 402 and also for units 408 to 409 noting the overlapping nature of these balconies leading from living areas to the side of bedrooms of adjacent units.

Landscaping

The application was originally received with a landscaping plan which has not been updated to reflect the current amendments to the building form on the subject site. In this regard, it is considered that no certainty can be given to the provision of appropriate landscaping to accompany the application especially to the front setback area and to the area between the proposed buildings positioned above the basement level car parking. In this regard, the proposal is not considered to have been effective in identifying landscaping to either deep soil zones, communal open spaces or to identified planter box areas to assist in either creating an appropriate streetscape presentation for the built form or providing for an appropriate treatment of pathways from Hope Street to either of the buildings lobby areas as well as to the rear central communal open space area. Furthermore, the proposal will provide for only a 2m wide landscaping strips along the rear boundary alongside private courtyard areas cut into the existing natural ground level and maintaining extensive retaining walls. This width is not considered to be of a nature for instance to accommodate canopy trees of any importance to allow for a proper landscaping treatment.

It is also noted that information provided for planter boxes is generic in nature rather than specifically identifying what planter box depth is required to accommodate certain species. In addition, the minimal setback provided for each building fronting Hope Street (noting also the location of ground floor courtyard areas, pathways, basement driveways and associated building infrastructure) is not considered to identify with certainty that this area can accommodate appropriate trees and vegetation to allow for well defined landscaping streetscape relationship for the proposal onto Hope Street.

Furthermore, a design which previously originally allowed for access to a side communal open space area from the building has been replaced with a design which has removed this feature, while also providing no certainty as to what landscaping or landscaping treatment is proposed to the side communal open space areas. In this regard, this lack of detail and failure to provide for appropriate buffering to units is considered to create areas difficult to maintain, more than likely to be ignored and not provide for any landscaping features of note that can be integrated into the building design.

Access, Traffic and Parking

An assessment of the proposal has identified that the proposal is deficient in overall required residential spaces by three (3) and is deficient in visitor car parking spaces by one (1). In addition, the proposal is deficient in the minimum number of bicycle spaces required by five (5). It is noted that Council's Traffic Engineer has reviewed the application and have not supported the applicants argument that a shortfall in car parking spaces may be accommodated by the availability of on street spaces along Hope Street. Hope Street is provided with a narrow width of 7.2m with either side allowing for on street parking within identified parking bays. In this regard, the parking of vehicles to either side of Hope Street will allow for the movement of one vehicle only in either direction any given time which does identify this thoroughfare as being congested by minimal traffic movements in either direction at any one time and possibly delayed via the movement of service vehicles such as garbage trucks.

Noting this existing scenario, the argument presented by the applicant in regard to accommodating a shortfall in car parking spaces is not considered supportable and likely to lead to an increase rather than decrease in existing traffic congestion for this part of Penrith. Consideration has also been given to the location of Nepean Hospital in the near vicinity to the east of the subject site and the parking requirements created by its operations on its surrounds, more so now noting its current redevelopment as allowed by the approved State Significant Development on this site.

Noise

The application has identified the provision of mechanical services from the basement level or either via the provision of air conditioning units which may potentially create disturbances to either future occupants of the building or to adjoining properties. In this regard, should the application be approved, it is considered appropriate to provide for a condition regulating offensive noise in accordance with the provisions of the Protection of the Environment Operations Act 1997. While so, it is noted that the current design has not identified the position of individual air conditioning units. Furthermore, as previously discussed within this report, the design is of a nature so as to create the potential for amenity loss to a number of units primarily due to the failure to meet desired separation distances to boundaries and between buildings.

It is also noted than an acoustic report was not provided with the application. Given the scale of the development and the adjacent residential receivers and residents of flat buildings, a report is considered necessary to allow for a proper assessment of potential impacts.

Accessibility

The application was originally accompanied by an Accessibility Assessment Report prepared by Vista Access Architects dated 26 July, 2018. This report confirms that eight (8) adaptable units can comply with the spatial requirements of Australia Standard 4299 for Adaptable Housing for the original proposal providing for seventy six (76) units. It is noted that no amended access report has accompanied the amended application which has provided for a reduction in thirteen (13) units to the current number. While so, amended plans have identified that seven (7) adaptable units are proposed out of the current number of 63 which is acceptable.

In addition to the above, it is noted that a total of six (6) accessible car parking spaces have been provided, which does not allow for one accessible space for each accessible unit which is not an acceptable design solution. Furthermore, the application has identified communal open spaces to be provided along the side boundaries of the subject lot but while so have provided for no paths of travel to these areas which is not an acceptable design solution or a marked to identify that the side communal open space areas are of a nature so as to be functional.

Waste Management

The application was supported by a Waste Management Plan which has detailed the way in which all waste and materials resulting from the excavation, construction and on-going use of the building on the site are to be dealt with.

The application as amended has also indicated the provision of on site collection by Council waste contractors and has incorporated waste collection/chute rooms to basement level 1. The application as

amended was referred to Council's Waste Officer who has advised that the submitted swept path model for service vehicles in the basement is not supported due to a failure to provide for the necessary unobstructed clearance required for service vehicles while it has been identified that the vehicle within the loading bay area results in a reverse exit manoeuvre within the active carriageway with obstructed sight distances. Furthermore, the layout of the waste collection room/chute room from the identified dual chute system to each building is not supported in its current configuration while the proposal does not currently provide for a bulky goods collection room.

Environmental Sustainability

The proposed development has identified the incorporation a number of sustainability initiatives for reduced water and energy consumption via the original Basix Certificate received in support of the application. While so, it is noted that an updated Basix Certificate has not accompanied the amended application and were approval to be granted would be required prior to the issue of any Construction Certificate.

The proposal will generate an increase in traffic volume, but while so, it is considered that the application has not adequately demonstrated that the local road network has capacity to cater for the development. Off-street parking spaces are have not been provided in accordance with Penrith Development Control Plan 2014 requirements while no appropriate justification has been provided for this shortfall.

Social and Socio-Economic Impacts

The application in its current amended form is considered likely to result in negative social impact in the area. The proposal has been assessed against the principles and objectives contained within the Penrith DCP, and as to be discussed later within this report are not considered consistent with a number of overarching principles of the DCP including site planning and design principles. In addition, the development of the site is not considered to facilitate the provision of high density residential accommodation in accordance with the aims of the Penrith LEP 2010.

Section 79C(1)(c)The suitability of the site for the development

The site is considered to be unsuitable for the proposed development for the following reasons:

- The proposal provides for a number of non compliances with the design quality principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development,
- The proposal provides for a number of non compliances against the Apartment Design Guide including building separation requirements, communal open space, deep soil , solar access, opportunities for concealment and privacy and overlooking concerns,
- The proposal will provide for a non compliant car parking rate,
- The proposal is not considered to have provided for an appropriate justification of the proposed building height non compliance, and
- The proposal is not considered to provide for adequate waste management facilities.

Section 79C(1)(d) Any Submissions

Community Consultation

The development application was originally advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the recommendations of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 15 August, 2018 to 7 September, 2018. During this period, two (2) submissions were received.

The concerns raised in these submissions are addressed below.

Issue: Concern that works along Hope Street have increased amount of garbage and waste created due to workers these.

Comment: The issue discussed has provided for a construction concern. In principle, construction work associated with a development consent is overseen by a Certifying Authority (be that a Private Certifier or Penrith Council) which must be nominated prior to the commencement of any works. In this regard, any complaints associated with construction works should firstly be directed towards the Certifying Authority. Should complaints be received by Council associated with these works. this may be acted upon by Council's Environmental Health and Compliance Team who would conduct their own investigation.

Issue: Construction work will increase amount of dust along Hope Street.

Comment: Should any Development Consent be forthcoming, any determination will provide for a condition requiring dust suppression techniques to be employed during demolition and construction works to reduce any potential nuisances to surrounding properties. It is normal practice for any construction work that these dust suppression techniques be supervised during works by the Certifying Authority.

Issue: Concern in regard to hours of operations disturbing surrounding residents.

Comment: Any approval granted will be provided with conditions in regard to hours of operation for the demolition works and construction of the proposal. In this regard, standard hours of operation are primarily restricted to the periods of Mondays to Fridays, 7am to 6pm, Saturdays, 7am to 1pm with no work permitted on Sundays and Public Holidays. Should excessive noise or complaints be received during the construction period, this shall be also subject to conditions of development consent and may be directed to either the Certifying Authority for the proposal or Council to investigate.

Issue: Concern in regard to use of Hydraulic Rotary Rig during construction works.

Comment: While it is acknowledged that the use of machinery during construction will create an increase in noise generated to adjoining residents, should a Development Consent be issued, it is not plausible to restrict the type of machinery used associated with any works. Furthermore, any approval granted will provide for maximum DB(A) levels during demolition and construction works to be adhered to, while it is also noted that the provisions of the Protection of the Environment Operations Act 1997 also apply to the development, in terms of regulating offensive noise.

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

Section 79C(1)(e)The public interest

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls. In this regard, the proposed works are inconsistent with the relevant planning provisions related to the development of residential flat buildings and on balance, it is considered that the application is unsupportable due in part to the failure to provide for adequate separation distances between buildings and the adjoining property boundaries, deficiencies in the provision of communal open space, lack of consideration for the principles of sustainable development, and adverse impacts on residential amenity for future occupants of the proposed development.

Section 94 - Developer Contributions Plans

Development contributions apply to the subject proposal, however as the application is recommended for refusal, a condition of consent requiring their payment prior to the issue of a Construction Certificate is not recommended.

Conclusion

The proposed development has been assessed in accordance with the relevant provisions of the environmental planning instruments and Development Control Plan pertaining to the land. The provision of a residential flat building is a permissible use under the site's R4 High Density Residential zoning. As the development application is for a residential flat building under the provisions of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and is 4 or more storeys in height, the application is provided for determination to the Penrith Local Planning Panel.

The proposal will provide for a built form which is not considered to be consistent with the objectives of the Penrith Local Environmental Plan 2014 and the Penrith Development Control Plan 2010. The proposal has provided for a height of building non compliance with the respective development standard under Clause 4.3 of the PLEP. A review of the documentation endorsing this variation is considered to identify that that the 'Exception to Development Standards' variation request as required under Clause 4.6 of the Penrith LEP is not acceptable and should not be supported.

The proposal is considered to provide for a number of non compliances with the Design Quality Principles under State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development as well as requirements of the Apartment Design Guide. In this regard, the proposal is not considered to have adequately demonstrated that an acceptable level of amenity will be provided to future occupants with a number of significant non compliances provided for in part to adequate building separations, communal open space area, deep soil zones, solar access, opportunities for concealment, apartment size and layout and energy efficiency. The bulk, scale and presentation of the building is also not considered an appropriate inclusion to Hope Street, or is considered to maintain an acceptable relationship to adjoining properties.

The proposed development has been assessed against the relevant heads of consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and has found to be unsatisfactory in this instance. The site is unsuitable for the proposed development and the proposal in its current form is not considered to be in the public interest. The proposal is therefore recommended for refusal.

Recommendation

That DA18/0792 providing for the demolition of existing structures and construction of tow (2) x six (6) storey residential apartment developments including 63 apartments and two (2) levels of basement car parking be refused subject to the attached reasons.

Refusal

1 X Special 02 (Refusal under Section 79C(1)(a)(i) of EPA Act 1979)
The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of Penrith Local Environmental Plan 2010 as follows:

(i) Clause 1.2 Aims of the plan - The proposal is inconsistent with the aims of the plan in relation to promotion of development consistent with Council's vision for Penrith and to meet the emerging needs of Penrith's communities while safeguarding residential amenity.

(ii) Clause 2.3 Zone objectives - The proposal is inconsistent with the objectives of the R4 High Density Residential zone, particularly (a) The design of the proposed development does not ensure that a high level of residential amenity is achieved and maintained.

(iii) Clause 4.3 Height of buildings - The proposal exceeds the maximum building height standard for the subject site.

(iv) Clause 4.6 Exceptions to development standards - The proposal fails to satisfy the development standard for building height and the request for a variation to the development standard is not supported as the proposed development will not be in the public interest as it will not ensure a high level of residential amenity is achieved and maintained in accordance with the zone objectives.

(v) Clause 7.4 Sustainable development - The proposal does not demonstrate that the principles of sustainable development have been appropriately incorporated into the design.

2 X Special 03 (Refusal under Section 79C(1)(a)(ii) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the provisions of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development as follows:

(i) Clause 30(2)(a) - compliance with the design quality principles specified in the Apartment Design Guide:
- Principle 1: Context and Neighbourhood Character
- Principle 2: Built Form and Scale
- Principle 3: Density
- Principle 4: Sustainability
- Principle 5: Landscape
- Principle 6: Amenity
- Principle 7: Safety
- Principle 8: Housing Diversity and Social Interaction
- Principle 9: Aesthetics

(ii) Clause 30(2)(b) - compliance with the objectives specified in the Apartment Design Guide:
- 3B Orientation
- 3C Public Domain Interface
- 3D Communal and Public Open Space
- 3E Deep Soil Zones
- 3F Visual Privacy
- 3G Pedestrian Access and Entries
- 4A Solar and Daylight Access
- 4E Private Open Space and Balconies
- 4F Common Circulation and Spaces
- 4G Storage
- 4K Apartment Mix
- 4M Facades
- 4O Landscape Design
- 4L Ground Floor Apartments
- 4U Energy Efficiency
- 4W Waste Management

3 X Special 04 (Refusal under Section 79C(1)(a)(iii) of EPA Act 1979)

The development application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979,* as the proposal is inconsistent with the following provisions of Penrith Development Control Plan 2014:

(i) The application has not satisfied Council with respect to the requirements under Part B - 'DCP Principles', specifically:
- The proposal does not provide areas for positive social interaction or promote positive community interaction, and the proposal does not minimise its ecological footprint or promote sustainable production and consumption.

(ii) The application has not satisfied Council with respect to the requirements under Section C1 'Site Planning and Design Principles', specifically:
- The proposal is not considered to be site responsive nor demonstrated how the proposed buildings is contextually appropriate in the location.

(iii) The application has not satisfied Council with respect to the requirements under Section C3 'Water Management', specifically:
- The proposal is not considered to be in compliance with Council's Stormwater controls not has the application been accompanied by a geotechnical report for the basement car park excavation.

(iv) The application has not satisfied Council with respect to the requirements under Section C4 'Land management', specifically:
- Excavation of the site exceeds 1m from natural ground level and extensive retaining walls are proposed to manage the cut.

(v) The application has not satisfied Council with respect to the requirements under Section C5 'Waste Management', specifically:
- The proposal has not demonstrated that the flat building can accommodate or manage waste in an acceptable manner.

(vi) The application has not satisfied Council with respect to the requirements under Section C6 'Landscape Design', specifically:
- The proposal has not demonstrated that effective landscaping may be provided to the front setback area due to the minimal deep soil zones provided, and
- The proposal has not clearly identified the location of fencing associated with private open spaces and communal open spaces.

(vii) The application has not satisfied Council with respect to the requirements under Section C10 'Transport Access and Parking', specifically:
- The proposal is deficient by 3 spaces in regard to the minimum residential car parking spaces to facilitate the residential flat building,
- The proposal is deficient by 1 space in regard to the minimum visitor spaces to facilitate the residential flat building, and
- The proposal is deficient by 5 space in regard to the minimum bicycle spaces to facilitate the residential flat building.

(viii) The application has not satisfied Council with respect to the requirements under Section D2 'Residential Development', specifically:
- Clause D2.5.5 The landscaping provided is non compliant with the 35% minimum landscaped area required for a residential flat building.
- Clause D2.5.8 The building design does not ensure that overlooking problems are minimised between each building as part of this proposal.
- Clause D2.5.12 The proposal is not considered to incorporate sufficient architectural articulation or façade variation to adequately address the bulk and scale of each building.
- Clause D2.5.13 The building design does not allow for appropriate solar access to a necessary number of apartments.
- Clause D2.5.19 The design does not ensure that the safety and security of occupants is able to be maintained.

4 X Special 06 (Refusal under Section 79C(1)(a)(iv) of EPA Act 1979)
The application is not satisfactory for the purpose of Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the regulations as follows:

(i) Schedule 1 Forms of the *Environmental Planning and Assessment Regulation 2000* requires a BASIX Certificate to be submitted that reflects the amended proposal.

5 X Special 07 (Refusal under Section 79C(1)(b) of EPA Act 1979)
The development application is not satisfactory for the purpose of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* in terms of the likely impacts of that development including those related to:

(i) Streetscape and Local Character,
(ii) Limited Landscaping and Deep Soil Zone,
(iii) Traffic, Access and Car Parking,
(iv) Bulk, Scale and Overbearing,
(v) Solar Access and Privacy Impacts,
(vi) Waste Management Impacts,
(vii) Amenity, Safety and Security Impacts Related to the Ground Floor Layout and Pedestrian Access,
(viii) Excavation,
(ix) Communal Open Space, and
(x) Environmental Sustainability

6 X Special 08 (Refusal under Section 79C(1)(c) of EPA Act 1979)
The application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as the site is deemed not suitable for the scale of proposed development.

7 X Special 10 (Refusal under Section 79C(1)(e) of EPA Act 1979)
The application is not satisfactory for the purpose of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as the proposal is not in the public interest.

8 X Special 9 (Refusal under Section 79C(1)(d) of EPA Act 1979)
Based on the above deficiencies and submissions received, approval of the proposed development would not be in the public interest pursuant to Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979.*

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal has been assessed against the overarching principles of the Penrith Development Control Plan 2014 and is found to be unacceptable, particularly with regard to Principle 2 and 4 which read as follows;

Principle 2: Achieve long term economic and social security

The proposal does not provide areas for positive social interaction or promote positive community interaction via an inappropriate Communal Open Space design and layout and does not demonstrate that the principles of 'Crime Prevention Through Environmental Design' have been adopted by the design.

Principle 4: Enable communities to minimise their ecological footprint

The proposed development does not provide for adequate solar access, depths for cross over apartments or appropriate sun shade devices to either the eastern or western elevations as described in the SEPP 65 section of this report. These deficiencies in the building design are considered to inhibit the ability of future occupants to naturally regulate temperatures and increase reliance on artificial heating and cooling.

Part C - City-wide Controls

C1 Site Planning and Design Principles

The application is not considered to have demonstrated how the proposed building is contextually appropriate in the location. It is not demonstrated that the proposal represents the desired future built form or character of the zone particularly given non-compliances related to height, bulk and setbacks are directly resulting in unacceptable negative amenity impacts on streetscape presentation and relationship to adjoining lots.

The design is not considered to be site responsive and will have negative overbearing and privacy impacts on neighbouring sites. The façade treatments, presentation of each building to each other and composition are not considered to be responsive or sympathetic to the existing character of the area and the proposed treatment and landscaping of the front setback is inappropriate in the context of the site. The proposal will also provide for finished floor levels for rear south facing units to be well below the existing natural ground level which is considered to create a poor amenity for future occupants.

C3 Water Management

The development application was referred to Council internal Development Engineer who has raised matters related to compliance with Council's Stormwater controls and had requested further detail regarding the capacity of the on site detention system, the diameter of the outlet pipe from the OSD system, an amendment to the provided orifice CL level and the removal of the proposed sediment sump and relief drain from the OSD tank. The Development Engineer has also noted that it is necessary that the application be supported by a geotechnical report prepared by a suitably qualified person for the basement car park excavation.

Additional information with regard to the capacity of the site detention system and other matters raised above was not requested as the proponent was unable to resolve other matters related to amenity, communal open space, building separation and apartments layout and as the application is recommended for refusal, conditions related to BASIX commitments are not recommended.

C4 Land Management

Clause 4.1(B)(4) Limitations on Earthworks includes controls to limit cut and fill on development sites, including:

a) Earthworks to create a building platform shall not be undertaken where excavation and/or filling would exceed 1m from the existing natural ground level of the site.
b) On sloping sites, site disturbance is to be minimised by using split level or pier foundation building designs.
c) All retaining walls proposed for the site are to be identified in the development application for the proposed development. Retaining walls are to be kept to a minimum to reduce earthworks. Use of materials that complement the natural environment is encouraged.
d) During any earthworks, any topsoil should be preserved on site for re-use and should be stockpiled and covered to avoid dust or loss of topsoil. Refer to the Landscape Design Section of this Plan for controls on stockpiling topsoil on site.

Notwithstanding the basement construction, the proposed development includes excavation exceeding the 1m maximum cut primarily towards the southern rear boundary in association with private courtyard areas and the rear central communal open space area.. No attempt has been made to minimise site disturbance in the building design. Extensive retaining walls are proposed to manage the cut, and these retaining walls incorporate up to a height of 2m for units 4 and 5 in line with the basement levels below and therefore also not allowing for an appropriate area to incorporate appropriate vegetation along the rear boundary, further illustrates the unresponsive nature of the building design.

C5 Waste Management

The proposed method of waste storage, management and collection is not supported. The proposal has not demonstrated that the flat building can accommodate or manage waste in an acceptable, innovative or compliant manner and as such the development is recommended for refusal. It is noted that comments returned from Council's Waste Services have raised concerns in relation to the waste chute system, waste collection room and bulky households goods room which do not comply with Council's Waste Policy.

C6 Landscape Design

An amended landscape plan was not submitted with amended architectural plans received by Council and as such does not reflect the amended ground floor layout. Notwithstanding the above, it is considered that effective, sustainable and compliant levels of landscaping within the front setback cannot be accommodated due to the minimal area available for landscaping in relation to deep soil zones.

Further to the above, the location of fencing has not been appropriately identified on the architectural or landscaping plans which is considered necessary noting the positioning of communal open space areas adjoining each side boundary and for the western portion being located alongside the basement driveway ramp as well as an identified substation location. It is for the above reasoning that the proposed landscaping scheme is not supported.

C10 Transport Access and Parking

The following on-site car parking rate is required to be provided in relation to the proposed residential flat building development;

Required	Proposed	Discussion	Compliance

1 bed units x 0 = 1 per unit 0 x spaces required 2 bed units x 37 = 1 per unit 37 x spaces required 3 bed units x 26 = 2 per unit 52 x spaces required Total 89 resident spaces required (inclusive of 6 x accessible spaces)	Total 86 resident spaces required (inclusive of 6 x accessible spaces)	A shortfall of 3 spaces is proposed.	No
Service space = 1 space per 40 Units (1 space required)	2 x Service spaces		Yes
Visitor space = 1 space per 5 dwellings or part thereof (13 Spaces required)	12 x visitor spaces	A shortfall of 1 space is proposed.	No
1 x Car wash bay required	1 x car wash bay		Yes
20-30% of number of units - Bicycle spaces required as per the Planning Guidelines for Walking and Cycling document.	8 x Bicycle spaces	A shortfall of 5 spaces	No

It is noted that the proposal provides for deficient residential and visitor car parking spaces via a shortfall of 4 spaces. The proposed departure from the car parking rates required under the DCP is not considered to have been adequately justified and is considered to be more than minor in nature, particularly given the constrained width of Hope Street which does not allow for two way movement of vehicles when each side is provided with parked motor vehicles and the demand for on-street spaces in the located (noting the sites proximity to Nepean Hospital) and is not supported.

D2 Residential Development

The proposal has been assessed against the applicable provisions of the chapter and is found to be non-compliant. Compliance with particular clauses is discussed below:

Clause D2.5.5 Landscaped Area

Clause D2.5.5 Landscaped Area of the DCP provides the following development control in relation to landscaped area for a R4 High Density Residential in which the subject site is located;

Zone: R4 High Density Residential
Minimum Landscaped area % of the site: 35%

In addition to the above, landscaped areas are to have a minimum width of 2m, with no basement encroachment, may include terraces and patios located no higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances but does not include substantially paved areas such as buildings, driveways and covered garages.

Noting these controls, an assessment of the provided plans has identified that with a site area of 3,182m^2, a total of 1113.7m^2 landscaping area is required. While so, only 942m^2 (29% of the total site area) landscaping area is considered to have been provided with the proposal and is therefore non compliant by 171.7m^2.

Further to the above non compliance and as discussed within this report, the areas provided for deep soil planting as well as communal open space have been identified as also being deficient. In this regard, it is considered that the proposal has not provided for a good use of landscaping opportunities.

Clause D2.5.6 Front Setback

Clause D2.5.6 Front and Rear Setbacks within the DCP provides the following development control in relation to front setbacks:

Determine an appropriate front setback:
a) either average the setbacks of the immediate neighbours; or
b) 5.5m minimum whichever is the greater dimension.

The existing setbacks of the adjoining approved residential flat building at 12-14 Hope Street dwellings is between 6m and 7.6m which provides an average of 6.8m. The development provides for a front setback of between 7.1m and 8.8m which is considered consistent with the immediate neighbours.

Clause D2.5.8 Visual and Acoustic Privacy and Outlook

The proposal is not considered to demonstrate that the proposed development will not result in negative privacy and overbearing impacts related to the propose non compliance with building separation requirements between each building and separation non compliances to the side and rear boundaries of the subject site.

Clause D2.5.12 Building Design

The development is not considered to incorporate sufficient architectural articulation or façade variation to adequately address the bulk and scale of the building. The upper levels (fifth and sixth floors) are not compliant with the ADG separation requirements resulting in overbearing bulk and an unsympathetic and dominating building form. The provision of two buildings with inappropriate separation requirements in turn creates a large extent of blank walls between the built forms as well as potential amenity concerns to the rear element.

The entry of each building being tucked away from view from Hope Street as well as incorporating a large amount of planting to the main access way is insufficiently articulated, noting that these lobby areas are limited in the amount of sunlight which may be achieved, while also resulting in poor opportunity for social interaction and safety and security impacts.

Clause D2.5.13 Energy Efficiency

As discussed within this report, the proposal will not achieve the minimum 70% solar access requirements as well as additional solar access design criteria under the ADG which is not considered to reflect a design which has optimised the number of apartments receiving sunlight to habitable rooms.

Clause D2.5.19 Safety and Security

The objective of this clause is as follows:

Achieve a high level of passive security within and surrounding dwellings.

The landscaped area alongside the main entry pathway from Hope Street to each building entry is considered to create potential areas of concealment noting that landscaping is provided alongside blank walls to the identified single pathway which may be used to access either building. It is also noted that the ground floor of this area of the development is not provided with activated areas such as living rooms which is considered to heighten the likelihood of limited passive surveillance being

provided to persons entering or exiting the building directly onto Hope Street.

The location of communal open spaces also along the side of each building is considered to heighten the potential for persons to enter the site and potentially access units on the ground floor noting a design which allows for sunken rear courtyard areas and low height window openings.

Clause D2.5.20 Accessibility and Adaptability

Clause D2.5.20 of the DCP specifies that '*10% of all dwellings or a minimum one dwelling, whichever is greater, must be designed in accordance with the Australian Adaptable Housing Standard (AS42991995), to be capable of adaptation for people with a disability or elderly residents'.*

The proposal includes 63 units, including 7 adaptable units (No's. 03, 103, 110, 203, 210, 303 and 310). To meet the control a minimum of 7 adaptable units are required.

18006 - PROPOSED RESIDENTIAL DEVELOPMENT

16-24 HOPE STREET, PENRITH 2750

AERIAL IMAGE COURTESY OF 6 MAPS

VISUALISATION

Development Details		
Site Area		3182m²
Gross Floor Area (GFA)		3562m²
Zoning		R4 High Density Residential
	Allowable	Proposed
Floor Space Ratio (FSR)*	2.00:1	1.12:1
Total Storeys		6
Communal Open Space % of Site Area^	25%	738m² 23%
Deep Soil Zones % of Site Area^	7%	666m² 21%

*LEP REQUIREMENT
^SEPP 65 REQUIREMENT
REFER SHEET DA02 FOR DETAILS

DEEP SOIL AREA

Name	Area	% of Site
DEEP SOIL AREA	666.2 m²	0.21
	666.2 m²	0.21

COMMON OPEN SPACE

Name	Area	% of Site
C.O.S AREA	207.7 m²	0.07
C.O.S AREA	313.9 m²	0.10
C.O.S AREA	216.5 m²	0.07
	738.1 m²	0.23

PARKING SUMMARY

BASEMENT 1

DISABLED CARSPACE	3
SERVICE VEHICLE SPACE	2
STANDARD CAR SPACE	20
VISITOR CAR SPACE	12
WASHING CAR SPACE	1

BASEMENT 1: 38

BASEMENT 2

DISABLED CARSPACE	3
STANDARD CAR SPACE	60

BASEMENT 2: 63
TOTAL SPACES: 101

APARTMENT SUMMARY

2 BED	37
3 BED	26
TOTAL APARTMENTS	63

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR | NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT
ADDRESS
16-24 HOPE STREET, PENRITH 2750
CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

MORSON GROUP
NOMINATED ARCHITECT – P P MORSON
REGISTRATION NUMBER 8102
ACN 149 480 054, ABN 41 149 480 054
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PO Box 1121, Potts Point, NSW 1335

SHEET SIZE: A1
SCALE: 1 : 1250
DATE: JULY 2019

SHEET NAME: COVER SHEET

DRAWING NUMBER: DA01
ISSUE NO.: D

VISUALISATION 1

VISUALISATION 2

VISUALISATION 3

VISUALISATION 4

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR

NORTH POINT

PROJECT
19006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

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SHEET SIZE: A1

SCALE

DATE
JULY 2019

SHEET NAME **3D VIEWS**

DRAWING NUMBER **DA02**

ISSUE NO. **D**

VISUALISATION 5

VISUALISATION 6

VISUALISATION 7

VISUALISATION 8

ISSUE	DATE	AMENDMENT
A	24-11-2018	DA AMENDED SUBMISSION
B	28-11-2018	DA AMENDED SUBMISSION
C	13-08-2019	DA AMENDED SUBMISSION

LEGENDS / NOTES:

BR	BEDROOM	GAS	GAS CUPBOARD	RWO	RAINWATER OUTLET
COM	COMMS CUPBOARD	GD	GRATED DRAIN	SWP	STORM WATER PIT
DP	DOWNPIPE	GEX	GARBAGE EXHAUST	TOH	TOP OF HOB
E	ELECTRICAL CUPBOARD	MBX	MAILBOX	TOW	TOP OF WALL
FHR	FIRE HOSE REEL	RL	RELATIVE LEVEL	TTI	TACTILE INDICATORS

SCALE BAR

NORTH POINT

PROJECT
19006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

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SHEET SIZE: A1

SCALE

DATE
JULY 2019

SHEET NAME **3D VIEWS**

DRAWING NUMBER **DA03**

ISSUE NO. **C**

Compliance Schedule (SEPP65-2015 Apartment Design Guide - Design Criteria & Objectives)

	Design Criteria	Compliance	Design Proposal
3D-1	1. **Communal open space** has a minimum area equal to 25% of the site 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)	NO	There is a total combined Communal Open Space Area of 738m². As a percentage of the site, this equates to 23%; falling short of the minimum requirement. The location of the several areas at Ground and Fifth level provide great amenity and usefulness to the residents of the development. The total Communal Open Space achieves a minimum of 50% direct sunlight to the principle, usable parts for a minimum of 2 hours between 9am and 3pm on 21 June. See 'Principle 9: Housing Diversity & Social Interaction' below for further details.
3E-1	1. **Deep soil zones** are to meet the following minimum requirements: Site Area / Min. Dimension / Deep Soil Zone (% of site Area) <650m² / - / 7% 650m²-1,500m² / 3m >1,500m² / 6m	YES	There is a total combined Deep Soil Area of 666m². As a percentage of the site, this equates to 21%; exceeding the minimum requirement. Along the Western boundary, there is a large strip of deep soil which presents an opportunity for extensive planting. In the central Communal Open Space, we have created a large pocket of deep soil for a similar purpose.
3F-1	**Separation between windows and balconies** is provided to ensure visual privacy is achieved. Min required separation distances from buildings to the side and rear boundaries are as follows: Building Height / Habitable rooms and balconies / Non-habitable rooms up to 12m (4 storeys) / 6m / 3m up to 25m (5-8 storey) / 9m / 4.5m over 25m (9+ storey) / 12m / 6m Gallery access circulation treated as habitable space when measuring privacy separation distances between neighbouring properties.	NO	Refer to Statement of Environmental Effects (SEE) for a detailed building separation summary
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 and in the Newcastle and Wollongong local government areas. 3. A maximum of 15% of apartments in a building receive **no direct sunlight** between 9 am and 3 pm at mid winter	NO	A total of 45/63 apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter. This equates to 76%
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 3. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	YES N/A	A total of 48/63 apartments are naturally cross ventilated. This equates to 76% and well exceeds to minimum of 60%. Due to the nature of the design and creation of corner apartments, this will provide great amenity. There are no cross-over apartments in the proposed design.
4C-1	Measured from finished floor level to finished ceiling level, **minimum ceiling heights** are: Minimum ceiling height for apartment and mixed use buildings Habitable rooms / 2.7m Non-habitable / 2.4m For 2 storey apartments / 2.7m for main living area; 2.4m for second floor, where its area does not exceed 50% of the apt area.	YES	As we have allowed 3100mm between each level, all minimum ceiling heights can realistically be achieved. Additional to this, we have ensured that there are no wet areas located above habitable rooms.
4D-1	1. Apartments are required to have the following **minimum internal areas**: Apartment type / Minimum internal area Studio / 35m² 1 bedroom / 50m² 2 bedroom / 70m² 3 bedroom / 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each 2. Every habitable room must have a window in an external wall with a total **minimum glass area** of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	YES	All minimum apartment sizes are achieved
4D-2	1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	YES YES	All habitable room depths comply with the calculation (2.5 x ceiling height) All habitable room depths, with open plan layouts, are less than 8m from a window
4D-3	1. Master bedrooms have a minimum area of 10m² and other bedrooms to have 9m² (excluding wardrobe space) 2. Bedrooms have a minimum dimension of 3m (excl. wardrobe space) 3. Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bed apartments • 4m for 2 and 3 bedroom apartments	YES	All Master Bedrooms have a minimum area of 10m². In a majority of the apartments, the second bedroom is also 10m².
4E-1	1. All apartments are required to have **primary balconies** as follows: Dwelling type / Minimum area / Minimum depth Studio apartments / 4m² / - 1 bedroom apartments / 8m² / 2m 2 bedroom apartments / 10m² / 2m 3+ bedroom apartments / 12m² / 2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. 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	YES	All minimum primary balcony sizes are met. Refer to Sheets DA10-DA12 for details.
4F-1	1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	YES	There are two towers; each having their own circulation core. For each core, there are 7 apartments only.
4G-1	1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Apartment type / Storage size volume Studio / 4m³ 1 bedroom / 6m³ 2 bedroom / 8m³ 3+ bedroom / 10m³ At least 50% of the required storage is to be located within the apartment	NO	When calcualting the total storage, not including bathrooms and bedrooms, the storage volume falls short of the required amount. Each apartment has storage both internal and within the basement. This provides a variety of storage types. Based on the layouts, it became more efficient to provide larger than necessary robes rather than smaller cupboards or joinery units within the corridors.

Design Statement (SEPP65-2015 SCHEDULE 1 - Design Quality Principles)

Principle 1: Context and Neighbourhood Character

The proposed development significantly contributes to the local context & character of the area. By providing a diverse range of apartment options which are affordable for a wider demographic of people, it not only assists with the densification issue currently within Sydney, but also provides social & economic benefits for the community. These include new businesses, improvement to environmental conditions ie. parks, roads (through contributions) and social interaction & participation in community events just to name a few.
The Landscaping strategy has been critically analysed to ensure that is not only enhances the existing character of the neighbourhood, but also the future character. If each development can do the same, it will create a continous green network of planting. By doing so, it will not only achknowledge the key built & natural features of the area, but also improve them.

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.

Principle 2: Built Form and Scale

If you were to walk down Hope St. today, the local neighbourhood character is best summarised by single storey, detached residences with 1-2 buildings under construction. This however is not an accurate depiction of the future character of Hope St. Currently, 38-40 & 25-31 Hope St. are under construction, 12-14 Hope St has an approved DA & 28-30 & 32-36 Hope St. have DAs under review; all of which are six storey, residential flat buildings. With this in mind we made some critical design decisions to appropriately consider the future neighbourhood context.
The built form & public domain are clearly defined with a central entry way & a row of canopy trees lining the site. To minimise visual & accoustic privacy issues, we located all of the private balcony areas to the North & South. This will provide a more desirable outlook and increase activation specifically to Hope St. All side & rear setback are generally compliant in order to reduce overshadowing on the surrounding properties. See 'Principle 9: Aesthetics' for further information.

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.

Principle 3: Density

Housing affordability is a key issue within Sydney that affects both Individuals & Families. Increased supply of various housing options at an affordable price is key in dealing with the increased levels of densification.
The proposal aims to cater for a diverse number of individuals & families looking to get into the housing market. Located within walking distance to the Nepean hospital, it provides good potential renting possibilities for owners. Similarly, the number of jobs & community facilities within Penrith (and the greater region) continues to increase, not to mention the work being done on the local environment; specifically at the Nepean River. Both Penrith & Kingwood train stations are in close proximity to the development, as well as local buses which frequently operate along the Northern Rd (150m walk)

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.

Principle 4: Sustainability

As Penrith has a large temperature variation between Winter & Summer Solstice, the need to provide amenity through passive design was one of the key drivers for the proposal. By creating numerous corner apartments, it allows natural ventilation rather than mechanical heating or cooling. We have well exceeded the minimum requirement (67%) for cross ventilation in SEPP65.
Additional to this, we have ensured that over 70% of the apartments will have great access to daylight all year round. This will reduce the reliance on artificial lighting and in turn, energy.
On each level, we have provided a Bin Chute system with both Residual & Recycling options. This is amass within the waste rooms (Basement) and be collected multiple times throughout the week to ensure it is being dealt with responsively.

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Principle 5: Landscape

We have worked closely with our Landscape Architect to ensure that the Landscape design achieves our intent. To improve the local context, neighbourhood character screen the building & connecting an existing green network, we propose a continous tree row of canopy trees. They will have a mature growth height of approximately 9m, which will assist in bringing down the scale of the built form.
We have consciously created a large area of Deep Soil central to the proposal. This will allow us to have significant planting in that area; improving the amenity, useability & opportunity for Social Interaction in the Common Open Space. We want the Landscaping & Building to work together & compliment one another. To mitigate the level change along the Southern boundary, we have created a tiered planter with extensive planting.

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Principle 6: Amenity

Providing greater than adequate amenity for the future inhabitants of the proposal is critically important to us. The shape and general arrangement of the apartments are efficient, spacious & a large majority allow for natural ventilation. Over 70% of the apartments will receive great access to sunlight all year round; reducing the requirements for artificial lighting. To mitigate visual privacy concerns associated to building separation, we propose a variety of extruded elements which, when placed in the correct position, completely eliminate any privacy issues.
As we have carefully considerd the landscaping strategy, residents are generally screened by large canopy trees, which also contribute towards shielding the hot summer sun whilst providing another level of privacy/acoustic treatment to the surrounding context.

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.

Principle 7: Safety

Residents enter through a central walkway through a secure, clearly defined access point & into the entry foyer. Not only will the main entry be adequately lit at night, the window provided for the each lower overlooks this area; encouraging passive surveillance at all times.
Similarly, the main Common Open Space is centrally located and can be viewed from the entry walkway & apartments either side. It was designed as a safe, quiet & relaxing space with extensive landscaping.

Many developments have a number of walkways & common spaces which are located at the rear of the building. From our experience, this is where residents feel most unsafe & uncomfortable. With this in mind, we eliminated this from our design & simply improved the size & amenity of the private terraces.

All of the public & private spaces are clearly defined and well integrated to the local neighbourhood.

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.

Principle 8: Housing Diversity & Social Interaction

We have created two distinctively different Common Areas for the residents. We aim to encourage various methods of social interaction by creating two contrasting atmospheres. The central area is a meeting place; a place to read a book, meditate or simply switch off. The second area however is a space for running around and kicking a ball. By creating two different zones, it creates an opportunity for a diverse range of people to meet and converse the way they enjoy most. The facilities provided will suit both the existing & future social mix of the development.

There are a variety of apartment sizes in the development. They range from 52m² to 95m². Although a majority of the apartments are two bedrooms and approximately 80m², they vary significantly in terms of general arrangement, amenity, location and outlook.

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.

Principle 9: Aesthetics

Typically, the streetscape character of the area is predominantly individual, free standing houses. Now re-zoned & unrealistic for increased densification, we believe it is important to bring that character through in our facade treatment & overall building envelope.

Along Hope St, the proposal reads as four individual towers. This has been achieved by altering the scale, composition, colours & textures of each tower. The design similarly considers the internal layout & structure of the building as a priority to ensure amenity & functionsly is not sacrificed.

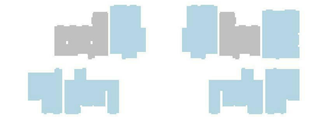
The East & West elevations have bee carefully considered. Using a variety of colours, horizontal & vertical elements, we have broken down the scale of the building and provided a suitable transition between the North & South facade differences.

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.

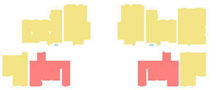
The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

APARTMENT SCHEDULE

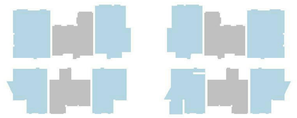
NO.	TYPE	AREA	CARSPACES	CROSS V.	>2 HOURS DAYLIGHT	LESS 2HS DIRECT SUNLIGHT	NO DIRECT SUNLIGHT 21 JUN
GROUND LEVEL							
01	3 BED	102.9 m²	2	Yes	Yes		
02	2 BED	89.3 m²	1	No	Yes		
03	3 BED	109.6 m²	2	Yes	Yes		
04	2 BED	83.9 m²	1	Yes	Yes		
05	3 BED	107.2 m²	2	Yes	No		Yes
06	3 BED	107.2 m²	2	Yes	No		Yes
07	2 BED	78.2 m²	1	Yes	Yes		
08	3 BED	112.9 m²	2	No	Yes		
09	3 BED	102.9 m²	2	Yes	Yes		
9			15				
LEVEL 1							
101	3 BED	102.9 m²	2	Yes	Yes		
102	2 BED	89.3 m²	1	No	Yes		
103	3 BED	109.6 m²	2	Yes	Yes		
104	2 BED	86.6 m²	1	Yes	Yes		
105	2 BED	81.4 m²	1	No	No		Yes
106	2 BED	86.8 m²	1	Yes	No	Yes	
107	2 BED	83.9 m²	1	Yes	No	Yes	
108	2 BED	81.4 m²	1	No	No		Yes
109	2 BED	86.6 m²	1	Yes	Yes		
110	3 BED	109.6 m²	2	Yes	Yes		
111	2 BED	89.3 m²	1	No	Yes		
112	3 BED	102.9 m²	2	Yes	Yes		
12			16				
LEVEL 2							
201	3 BED	102.9 m²	2	Yes	Yes		
202	2 BED	89.3 m²	1	No	Yes		
203	3 BED	109.6 m²	2	Yes	Yes		
204	2 BED	86.6 m²	1	Yes	Yes		
205	2 BED	81.4 m²	1	No	No		Yes
206	2 BED	86.8 m²	1	Yes	Yes	No	
207	2 BED	83.9 m²	1	Yes	No	Yes	
208	2 BED	81.4 m²	1	No	No		Yes
209	2 BED	86.6 m²	1	Yes	Yes		
210	3 BED	109.6 m²	2	Yes	Yes		
211	2 BED	89.3 m²	1	No	Yes		
212	3 BED	102.9 m²	2	Yes	Yes		
12			16				
LEVEL 3							
301	3 BED	102.9 m²	2	Yes	Yes		
302	2 BED	89.3 m²	1	No	Yes		
303	3 BED	109.6 m²	2	Yes	Yes		
304	2 BED	86.6 m²	1	Yes	Yes		
305	2 BED	81.4 m²	1	No	No		Yes
306	2 BED	86.8 m²	1	Yes	Yes	No	
307	2 BED	83.9 m²	1	Yes	No	Yes	
308	2 BED	81.4 m²	1	No	No		Yes
309	2 BED	86.6 m²	1	Yes	Yes		
310	3 BED	109.6 m²	2	Yes	Yes		
311	2 BED	89.3 m²	1	No	Yes		
312	3 BED	102.9 m²	2	Yes	Yes		
12			16				
LEVEL 4							
401	2 BED	85.7 m²	1	Yes	Yes		
402	3 BED	109.6 m²	2	No	Yes		
403	3 BED	108.0 m²	2	Yes	Yes		
404	2 BED	81.4 m²	1	No	No		Yes
405	2 BED	86.8 m²	1	Yes	Yes	No	
406	2 BED	83.9 m²	1	Yes	No	Yes	
407	2 BED	81.4 m²	1	No	No		Yes
408	3 BED	108.0 m²	2	Yes	Yes		
409	3 BED	109.6 m²	2	No	Yes		
410	2 BED	85.9 m²	1	Yes	Yes		
10			14				
LEVEL 5							
501	3 BED	117.8 m²	2	Yes	Yes		
502	3 BED	112.5 m²	2	Yes	Yes		
503	2 BED	82.2 m²	1	Yes	Yes		
504	2 BED	80.5 m²	1	Yes	Yes		
505	2 BED	80.5 m²	1	Yes	Yes		
506	2 BED	82.2 m²	1	Yes	Yes		
507	3 BED	112.5 m²	2	Yes	Yes		
508	3 BED	118.0 m²	2	Yes	Yes		
8			12	45/63	48/63	05/63	10/63
TOTAL APTS: 63			89	(71%)	(76%)	(8%)	(15%)
					53/63 (84%)		



CV - GROUND LEVEL
1 : 750

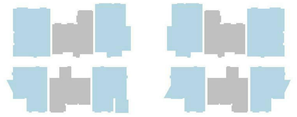


DA - GROUND LEVEL
1 : 1000



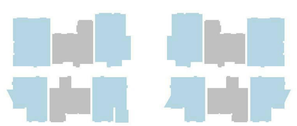
CV - LEVEL 1
1 : 750

DA - LEVEL 1
1 : 1000



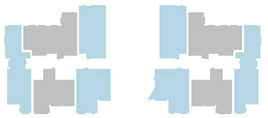
CV - LEVEL 2
1 : 750

DA - LEVEL 2
1 : 1000



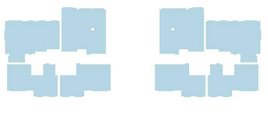
CV - LEVEL 3
1 : 750

DA - LEVEL 3
1 : 1000



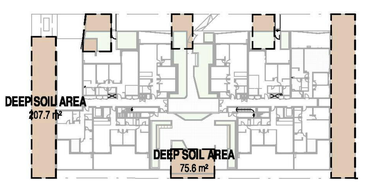
CV - LEVEL 4
1 : 750

DA - LEVEL 4
1 : 1000

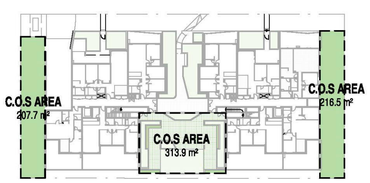


CV - LEVEL 5
1 : 750

DA - LEVEL 5
1 : 1000



DEEP SOIL DIAGRAM
1 : 750



COS - GROUND
1 : 750

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A	08-08-2018	DA SUBMISSION
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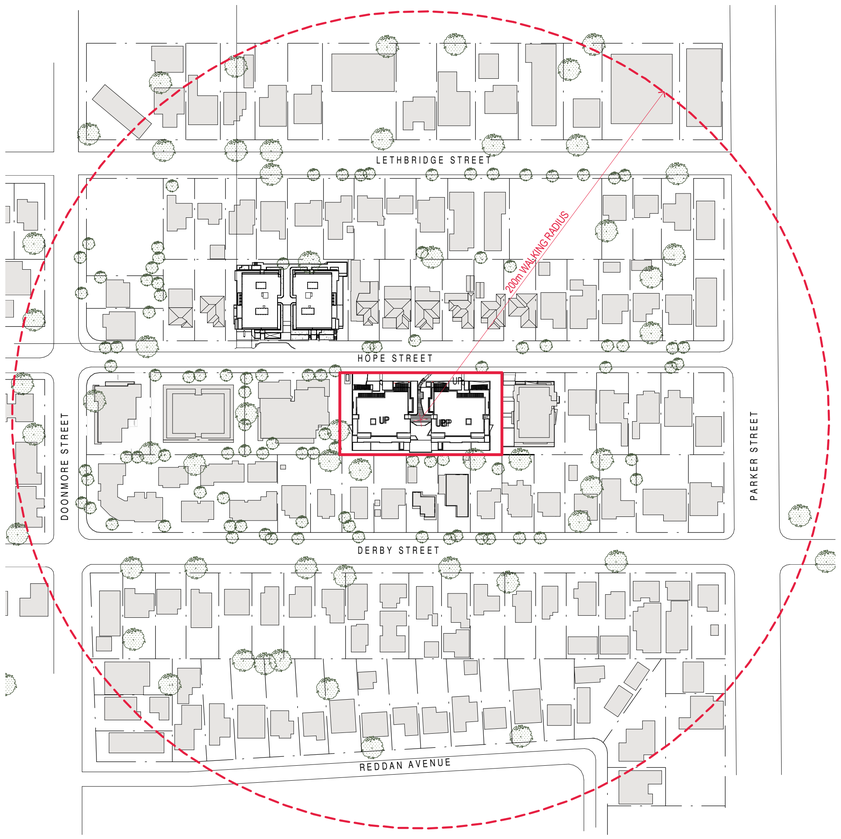
D	02-12-2018	DA AMENDED SUBMISSION
E	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR | NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT
ADDRESS
16-24 HOPE STREET, PENRITH 2750
CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

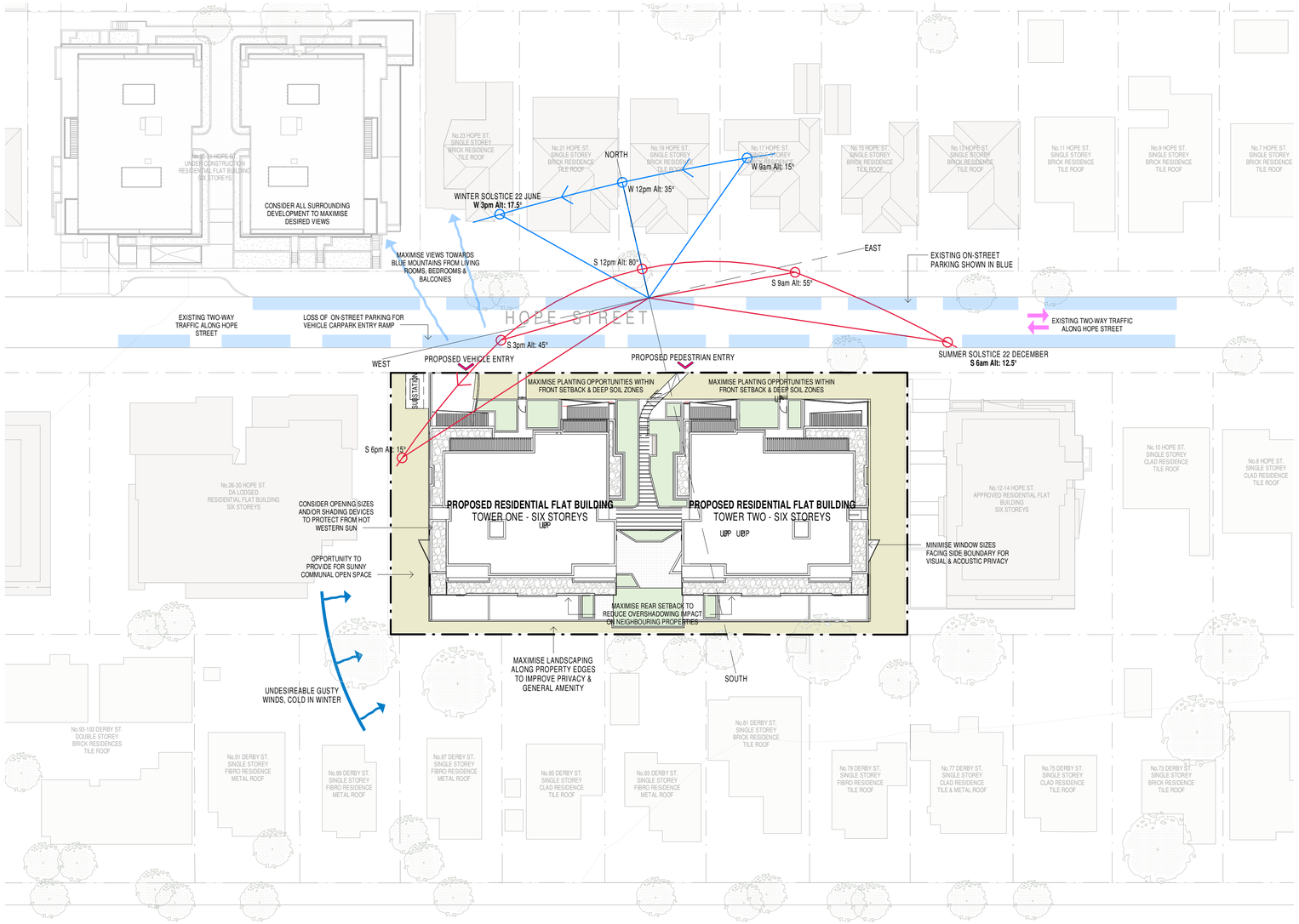
MORSON GROUP
NOMINATED ARCHITECT - P F MORSON
REGISTRATION NUMBER 6100
ACN 139 482 004, ABN 41 139 482 004
(02) 9380 4544
PO Box 172, Potts Point, NSW 1335

SHEET SIZE: A1
SCALE: As indicated
DATE: JULY 2019
SHEET NAME: **STATEMENT OF DESIGN & ENVIRONMENTAL EFFECTS**
DRAWING NUMBER: **DA04**
ISSUE NO.: **E**



IMMEDIATE CONTEXT PLAN

1 : 1500



SITE ANALYSIS

1 : 400

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR

NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

MORSON GROUP
NOMINATED ARCHITECT – P F MORSON REGISTRATION NUMBER 8100
ACN 159 480 054, ABN 41 159 480 054
www.morsongroup.com.au
(02) 9380 4946
PO Box 170, Potts Point, NSW 1335

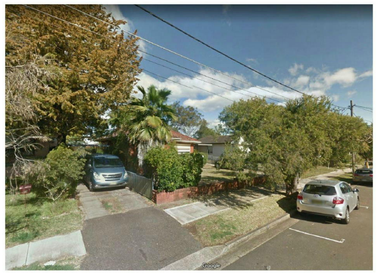
SHEET SIZE: A1
SCALE: As indicated
DATE: JULY 2018

SHEET NAME: **SITE ANALYSIS - CONTEXT STUDY**

DRAWING NUMBER: **DA05**

ISSUE NO.: **D**

EXISTING STREETSCAPE PHOTOGRAPHS:

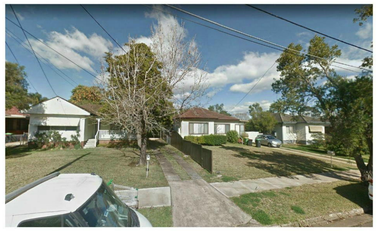


PHOTOGRAPH 1 - 16 & 18 HOPE ST.

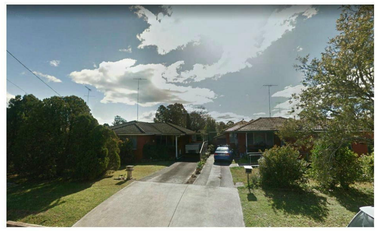
PHOTOGRAPH 6 - 25-31 HOPE ST.

PHOTOGRAPH 2 - 18 & 20 HOPE ST.

PHOTOGRAPH 7 -21 & 23 HOPE ST.



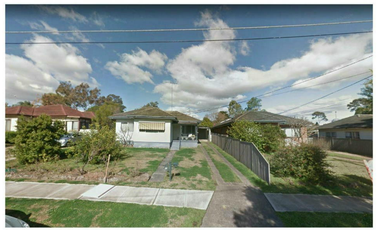
PHOTOGRAPH 3 - 20 & 22 HOPE ST.



PHOTOGRAPH 8 - 17 & 19 HOPE ST.

PHOTOGRAPH 4 - 22 & 24 HOPE ST.

PHOTOGRAPH 9 - 13 & 15 HOPE ST.



PHOTOGRAPH 5 - 24 & 26 HOPE ST.

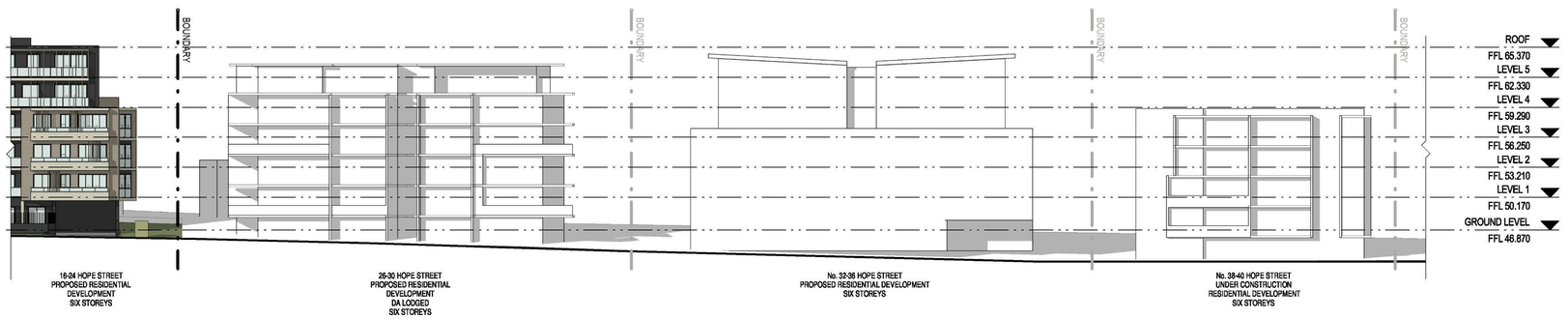
PHOTOGRAPH 10 - HOPE ST. LOOKING WEST

STREETSCAPE ELEVATION 1 - 17-35 HOPE ST

1 : 300

STREETSCAPE ELEVATION 2 - No.12-26

1 : 300



STREETSCAPE ELEVATION 3 - 24-40

1 : 300

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR

NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

MORSON GROUP
NOMINATED ARCHITECT - P F MORSON
REGISTRATION NUMBER 8102
ACN: 139 480 004, ABN 41 139 480 004
www.morsongroup.com.au
(02) 9580 4144
PO Box 172, Potts Point, NSW 1335

SHEET SIZE: A1
SCALE 1 : 300
DATE JULY 2019

SHEET NAME: **SITE ANALYSIS - STREETSCAPE / FORM STUDY**

DRAWING NUMBER **DA07**

ISSUE NO. **D**

HOPE STREET

POWER POLE TO BE REMAIN

EXISTING TREE TO BE REMOVED

EXISTING TREE TO BE REMOVED

POWER POLE TO BE REMAIN

EXISTING TREE TO BE REMOVED

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

EXISTING TREES TO BE REMOVED

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

EXISTING TREES TO BE REMOVED

NO.24
SINGLE STOREY
BRICK DWELLING
TILE ROOF

COMPLETELY DEMOLISH EXISTING DWELLING DOWN TO FOOTINGS. ALL SERVICES SHALL BE SUITABLY DISCONNECTED & CAPPED OFF OR SEALED TO THE SATISFACTION OF RELEVANT SERVICE AUTHORITY REQUIREMENTS

NO.22
SINGLE STOREY
WEATHERBOARD DWELLING
TILE ROOF

COMPLETELY DEMOLISH EXISTING DWELLING DOWN TO FOOTINGS. ALL SERVICES SHALL BE SUITABLY DISCONNECTED & CAPPED OFF OR SEALED TO THE SATISFACTION OF RELEVANT SERVICE AUTHORITY REQUIREMENTS

NO.20
SINGLE STOREY
WEATHERBOARD DWELLING
TILE ROOF

COMPLETELY DEMOLISH EXISTING DWELLING DOWN TO FOOTINGS. ALL SERVICES SHALL BE SUITABLY DISCONNECTED & CAPPED OFF OR SEALED TO THE SATISFACTION OF RELEVANT SERVICE AUTHORITY REQUIREMENTS

NO.18
SINGLE STOREY
WEATHERBOARD DWELLING
TILE ROOF

COMPLETELY DEMOLISH EXISTING DWELLING DOWN TO FOOTINGS. ALL SERVICES SHALL BE SUITABLY DISCONNECTED & CAPPED OFF OR SEALED TO THE SATISFACTION OF RELEVANT SERVICE AUTHORITY REQUIREMENTS

NO.16
SINGLE STOREY
BRICK DWELLING
TILE ROOF

COMPLETELY DEMOLISH EXISTING DWELLING DOWN TO FOOTINGS. ALL SERVICES SHALL BE SUITABLY DISCONNECTED & CAPPED OFF OR SEALED TO THE SATISFACTION OF RELEVANT SERVICE AUTHORITY REQUIREMENTS

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

EXISTING TREE TO BE REMOVED

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

EXISTING TREES TO BE REMOVED

COMPLETELY DEMOLISH ALL EXISTING POOL

COMPLETELY DEMOLISH SHED DOWN TO FOOTINGS

COMPLETELY DEMOLISH MASONRY WALL

COMPLETELY DEMOLISH SHED DOWN TO FOOTINGS

EXISTING TREES TO BE REMOVED

EXTENT OF PROPOSED BASEMENT

EXISTING TREE TO BE REMOVED

EXISTING TREES TO BE REMOVED

EXISTING TREE TO BE REMOVED

COMPLETELY DEMOLISH ALL EXISTING CONCRETE PAVING SLABS

DEMOLITION PLAN

1 : 100

NOTE:
THIS DEMOLITION DRAWING GIVES AN INDICATION OF THE SCOPE REQUIRED TO CARRY OUT THE ALTERATIONS & ADDITIONS AS PROPOSED.
THE BUILDER IS ASSUMED TO HAVE INSPECTED THE SITE DURING TENDERING AND ALLOWED FOR ALL DEMOLITION INCLUDING SUNDRY WORKS NOT INDICATED ON THIS DRAWING THAT ARE REQUIRED IN ORDER TO CONSTRUCT THE WORKS.

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR

NORTH POINT

PROJECT
19006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

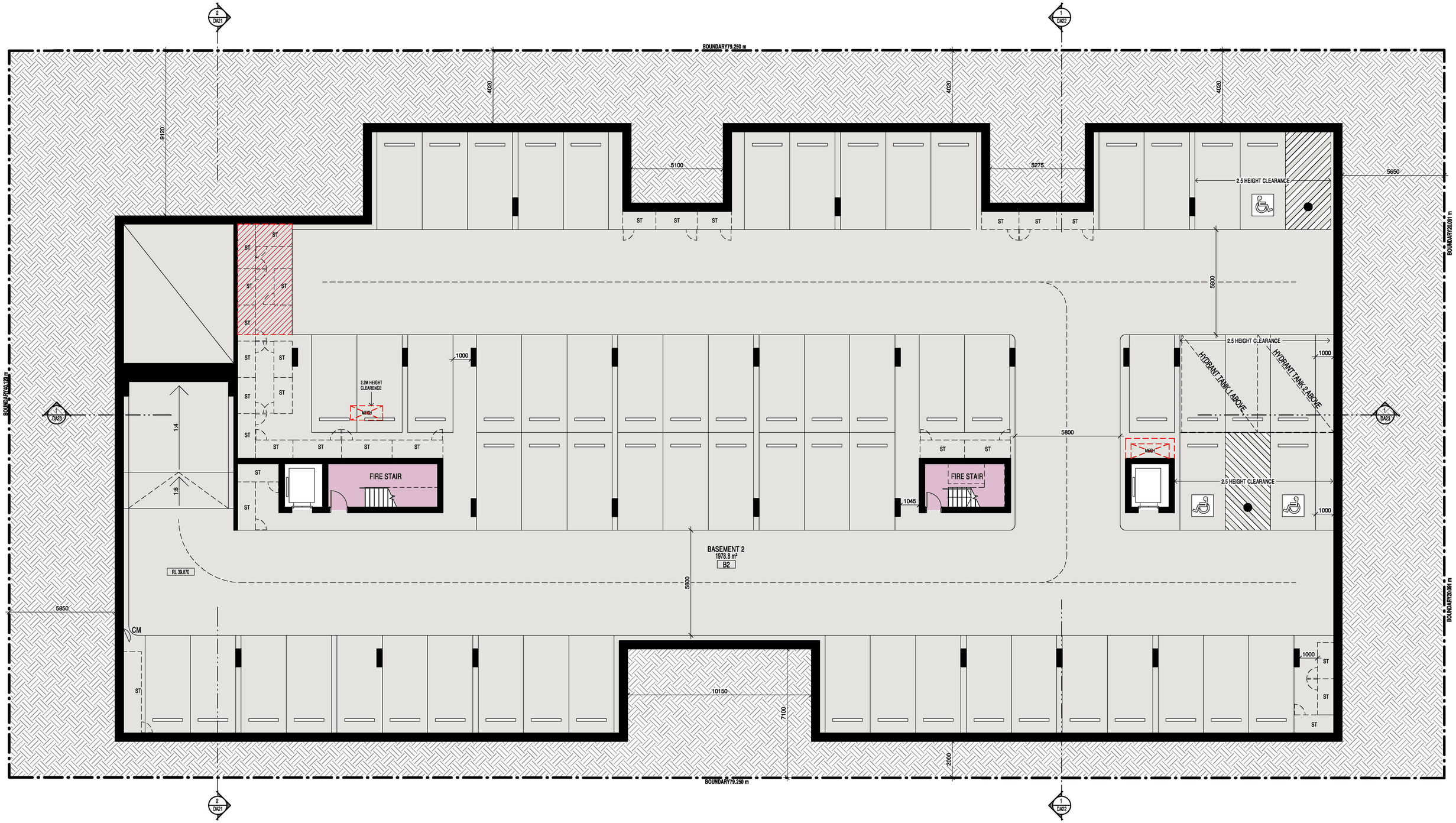
MORSON GROUP
NOMINATED ARCHITECT – P P MORSON REGISTRATION NUMBER 8100
ACN 139 480 034& ABN 41 139 480 034
www.morsongroup.com.au
(02) 9580 4946
PO Box 1172, Potts Point, NSW 1335

SHEET SIZE: A1
SCALE 1 : 100
DATE JULY 2019

SHEET NAME: **DEMOLITION PLAN**

DRAWING NUMBER: **DA08**
ISSUE NO. **D**

HOPE STREET



ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	02-12-2018	DA AMENDED SUBMISSION
E	13-08-2019	DA AMENDED SUBMISSION

LEGENDS / NOTES:

BR	BEDROOM	GAS	GAS CUPBOARD	RWO	RAINWATER OUTLET
COM	COMMS CUPBOARD	GD	GRATED DRAIN	SWP	STORM WATER PIT
DP	DOWNPIPE	GEX	GARBAGE EXHAUST	TCH	TOP OF HOB
E	ELECTRICAL CUPBOARD	MBX	MAILBOX	TOW	TOP OF WALL
FHR	FIRE HOSE REEL	RL	RELATIVE LEVEL	TTI	TACTILE INDICATORS

SCALE BAR

NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
18-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

MORSON GROUP

NOMINATED ARCHITECT – P P MORSON
REGISTRATION NUMBER 8122
ACN 139 480 054, ABN 41 139 480 054
www.morsongroup.com.au
(02) 9580 4146
PO Box 172, Potts Point, NSW 1335

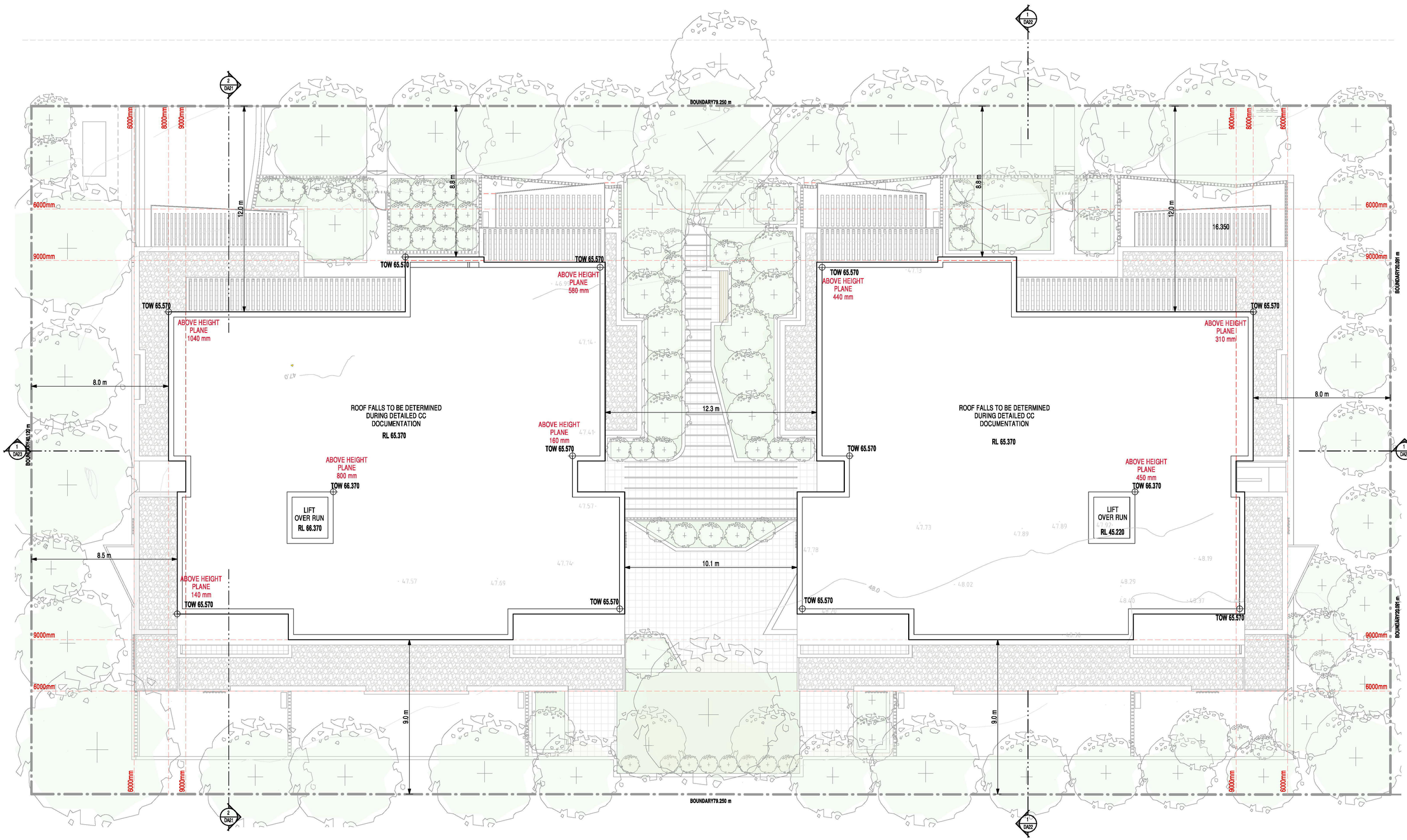
SHEET SIZE: A1
SCALE: 1 : 100
DATE: JULY 2018

SHEET NAME: **FLOOR PLAN - BASEMENT 2**

DRAWING NUMBER: **DA09**

ISSUE NO.: **E**

HOPE STREET



ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	29-11-2018	DA AMENDED SUBMISSION
D	02-12-2018	DA AMENDED SUBMISSION
E	13-08-2019	DA AMENDED SUBMISSION

LEGENDS / NOTES:

BR	BEDROOM	GAS	GAS CUPBOARD	RWO	RAINWATER OUTLET
COM	COMMS CUPBOARD	GD	GRATED DRAIN	SWP	STORM WATER PIT
DP	DOWNPIPE	GEX	GARBAGE EXHAUST	TOH	TOP OF HOB
E	ELECTRICAL CUPBOARD	MBX	MAILBOX	TOW	TOP OF WALL
FHR	FIRE HOSE REEL	RL	RELATIVE LEVEL	TTI	TACTILE INDICATORS

SCALE BAR

NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

MORSON GROUP
NOMINATED ARCHITECT - P F MORSON
REGISTRATION NUMBER 8105
ACN 139 460 064, ABN 41 139 460 064
(02) 9380 4144
(02) 9380 4145
PO Box 172, Potts Point, NSW 1335

SHEET SIZE: A1
SCALE: 1 : 100
DATE: JULY 2019

SHEET NAME: FLOOR PLAN - ROOF LEVEL

DRAWING NUMBER: DA16
ISSUE NO.: E

NORTH ELEVATION
1 : 100

NB: FOR ALL WINDOW NUMBERS, REFER TO SHEET DA22

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	13-08-2019	DA AMENDED SUBMISSION

LEGENDS / NOTES:

BR	BEDROOM	GAS	GAS CUPBOARD	RWO	RAINWATER OUTLET
COM	COMMS CUPBOARD	GD	GRATED DRAIN	SWP	STORM WATER PIT
DP	DOWNPIPE	GEX	GARBAGE EXHAUST	TOH	TOP OF HOB
E	ELECTRICAL CUPBOARD	MBX	MAILBOX	TOW	TOP OF WALL
FHR	FIRE HOSE REEL	RL	RELATIVE LEVEL	TTI	TACTILE INDICATORS

SCALE BAR | NORTH POINT

PROJECT
19006 - PROPOSED RESIDENTIAL DEVELOPMENT

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REGISTRATION NUMBER 8100
ACN 139 480 004, ABN 41 139 480 004
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SHEET SIZE: A1
SCALE: 1 : 100
DATE: JULY 2019

SHEET NAME: NORTH ELEVATION

DRAWING NUMBER: DA17
ISSUE NO.: D

EAST ELEVATION

1 : 100

WEST ELEVATION

1 : 100

NB: FOR ALL WINDOW NUMBERS, REFER TO SHEET DA22

ISSUE	DATE	AMENDMENT
A	09-08-2019	DA SUBMISSION
B	24-11-2019	DA AMENDED SUBMISSION
C	13-08-2019	DA AMENDED SUBMISSION

LEGENDS / NOTES:

BR	BEDROOM	GAS	GAS CUPBOARD	RWO	RAINWATER OUTLET
COM	COMMS CUPBOARD	GD	GRATED DRAIN	SWP	STORM WATER PIT
DP	DOWNPIPE	GEX	GARBAGE EXHAUST	TCH	TOP OF HOB
E	ELECTRICAL CUPBOARD	MBX	MAILBOX	TOW	TOP OF WALL
FHR	FIRE HOSE REEL	RL	RELATIVE LEVEL	TTI	TACTILE INDICATORS

SCALE BAR

NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

MORSON GROUP
NOMINATED ARCHITECT – P F MORSON
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SHEET SIZE: A1
SCALE: 1 : 100
DATE: JULY 2019

SHEET NAME: **EAST & WEST ELEVATION**

DRAWING NUMBER: **DA18**
ISSUE NO.: **C**

NB: FOR ALL WINDOW NUMBERS, REFER TO SHEET DA22

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	13-08-2019	DA AMENDED SUBMISSION

LEGENDS / NOTES:

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COM	COMMS CUPBOARD	GD	GRATED DRAIN	SWP	STORM WATER PIT
DP	DOWNPIPE	GEX	GARBAGE EXHAUST	TOH	TOP OF HOB
E	ELECTRICAL CUPBOARD	MBX	MAILBOX	TOW	TOP OF WALL
FHR	FIRE HOSE REEL	RL	RELATIVE LEVEL	TTI	TACTILE INDICATORS

SCALE BAR

NORTH POINT

PROJECT
19006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

CLIENT
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SHEET SIZE: A1

SCALE: 1 : 100

DATE: JULY 2019

SHEET NAME: SOUTH ELEVATION

DRAWING NUMBER: DA19

ISSUE NO.: C

CENTRAL ELEVATION (EAST)
1 : 100

CENTRAL ELEVATION (WEST)
1 : 100

NB: FOR ALL WINDOW NUMBERS, REFER TO SHEET DA22

ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	02-12-2018	DA AMENDED SUBMISSION
E	13-08-2019	DA AMENDED SUBMISSION

LEGENDS / NOTES:

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COM	COMMS CUPBOARD	GD	GRATED DRAIN	SWP	STORM WATER PIT
DP	DOWNPIPE	GEX	GARBAGE EXHAUST	TCH	TOP OF HOB
E	ELECTRICAL CUPBOARD	MBX	MAILBOX	TOW	TOP OF WALL
FHR	FIRE HOSE REEL	RL	RELATIVE LEVEL	TTI	TACTILE INDICATORS

SCALE BAR

NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
16-24 HOPE STREET, PENRITH 2750

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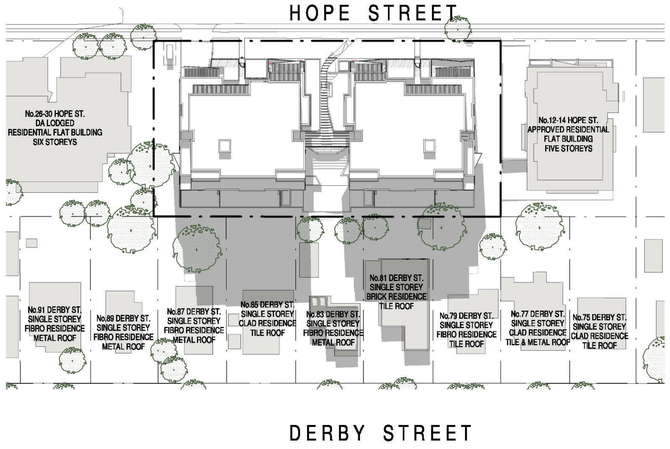
SHEET SIZE: A1
SCALE: 1 : 100
DATE: JULY 2019

SHEET NAME: **CENTRAL ELEVATIONS**

DRAWING NUMBER: **DA20**
ISSUE NO. **E**



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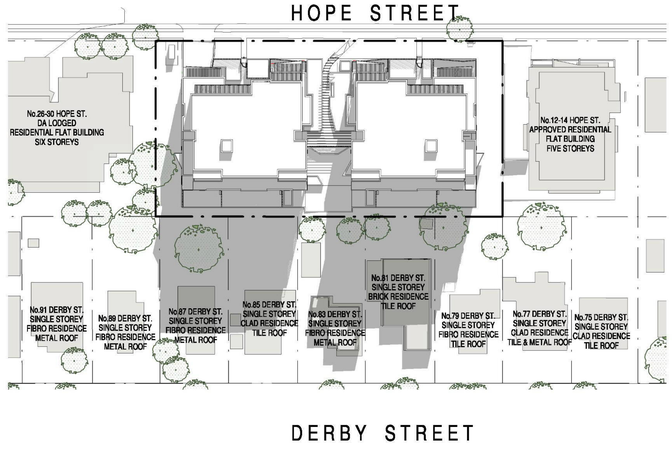

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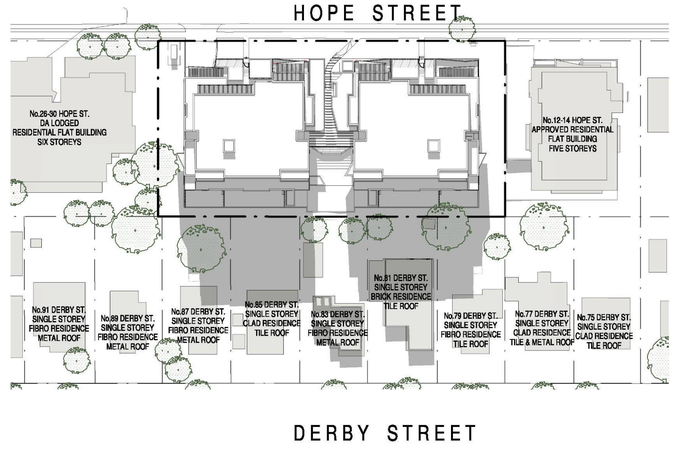

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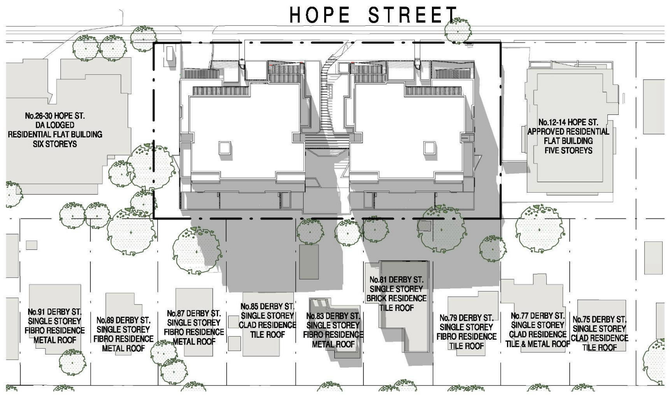

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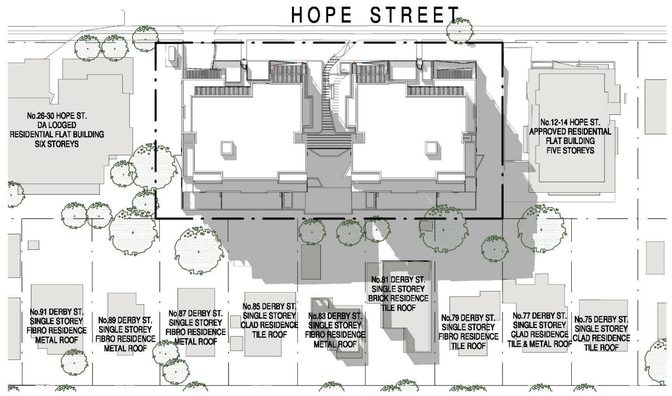

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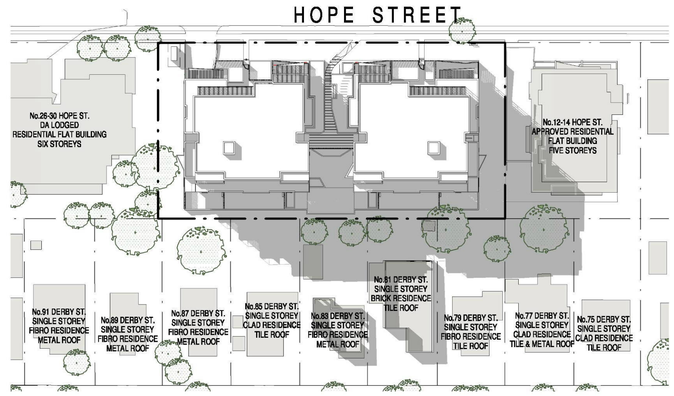

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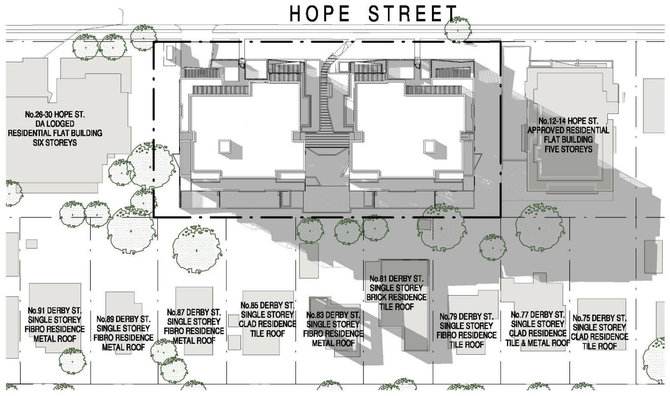

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ISSUE	DATE	AMENDMENT
A	08-08-2018	DA SUBMISSION
B	24-11-2018	DA AMENDED SUBMISSION
C	28-11-2018	DA AMENDED SUBMISSION
D	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR | NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
18-24 HOPE STREET, PENRITH 2750

CLIENT
PRESTIGE DEVELOPMENTS GROUP (NSW) PTY LTD

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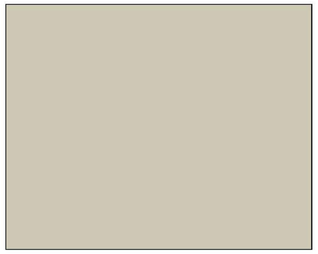
SHEET SIZE: A1
SCALE: 1 : 700
DATE: JULY 2019

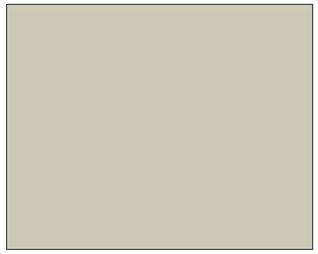
SHEET NAME: **SOLAR ACCESS STUDY**

DRAWING NUMBER: **DA24**
ISSUE NO.: **D**



PT1

EXTERNAL (HIGH PERFORMANCE)
ACRYLIC; LOW SHEEN
DULUX COLORBOND C8 (COLOUR: DUNE)



PDC1

POWDERCOAT ALUMINIUM
EXTERNAL GRADE
LOUVERS COLOR
DULUX DURALLOY 2723087S (COLOUR: DUNE)

GL1

CLEAR GLASS

PT2

EXTERNAL (HIGH PERFORMANCE)
ACRYLIC; LOW SHEEN
DULUX BOLORBOND C29 (COLOUR: MUNUMENT)

PDC2

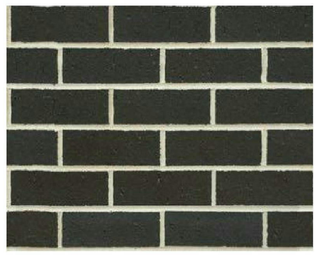
POWDERCOAT ALUMINIUM
EXTERNAL GRADE
WINDOW FRAME
DULUX DURALLOY (COLOUR: MONUMENT)

GL2

COLOR BACK GLASS
"MONUMENT TO MATCH WINDOW FRAMES"

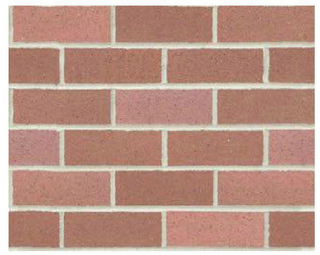
BRK1

Whitsunday Brampton
230x76-110



BRK2

Bricks-Expressions Blackstone
230x76-110-



BRK3

Bricks-Expressions Cherry Soda Neutral
230x76-110-240-NSW

ISSUE	DATE	AMENDMENT
A	13-08-2019	DA AMENDED SUBMISSION

SCALE BAR

NORTH POINT

PROJECT
18006 - PROPOSED RESIDENTIAL DEVELOPMENT

ADDRESS
18-24 HOPE STREET, PENRITH 2750

CLIENT
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SHEET SIZE: A1
SCALE 1 : 100
DATE JULY 2019

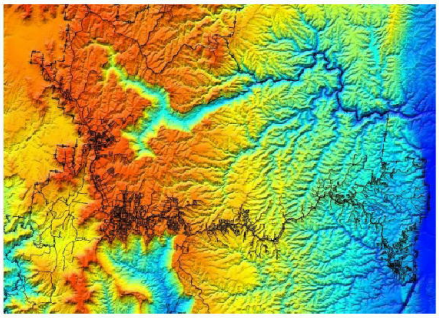
SHEET NAME **MATERIAL SCHEDULE**

DRAWING NUMBER **DA28**

ISSUE NO. **A**





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CLAUSE 4.6 VARIATION REQUEST – HEIGHT OF BUILDINGS DEVELOPMENT STANDARD

PROPOSED APARTMENTS
16-24 HOPE ST, PENRITH

AUGUST 2018

cityscape planning + projects

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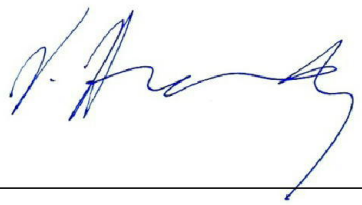
This report has been prepared by:



Vince Hardy BTP, RPIA
URBAN PLANNING CONSULTANT

Planning Institute Australia
Registered Planner

TABLE OF CONTENTS

1.0 INTRODUCTION

This report seeks a variation to a development standard prescribed by the Penrith Local Environmental Plan (PLEP) 2012. The report relates to a Development Application (DA) seeking consent for the development of a Residential Flat Building at No. 16-24 Hope St, Penrith (the subject site).

The variation is sought pursuant to Clause 4.6 under the PLEP in relation to the maximum building height standard applicable to the subject development site.

This request has been prepared in accordance with the Department of Planning & Environment (DP&E) Guideline *Varying Development Standards: A Guide, August 2011* and has also incorporated the relevant principles identified in relevant NSW Land and Environment Court judgements.

2.0 WHAT IS THE NAME OF THE ENVIRONMENTAL PLANNING INSTRUMENT THAT APPLIES TO THE LAND?

The Environmental Planning Instrument (EPI) to which this variation relates is the Penrith Local Environmental Plan 2010 (PLEP).

3.0 WHAT IS THE ZONING OF THE LAND?

In accordance with clause 2.2 of the PLEP the subject site is zoned **R4 High Density Residential.**

4.0 WHAT ARE THE OBJECTIVES OF THE ZONE?

The land use table under the FLEP provides the following objectives for the zone:

1 Objectives of zone

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

COMMENT:

The site is located within a precinct going through transition from single dwellings to high density residential development, with many adjacent sites either being developed or having receiving approvals for apartment type development.

The proposed development provides for the community's housing needs in an emerging high-density residential environment. It does through providing a mix of bedroom and apartment styles and arrangements inclusive of smaller units that will provides affordable housing options within the building

A high level of residential amenity is provided for in the design of the proposal through the provision of high architectural design, private courtyards, terraces and balconies and common open spaces.

Accordingly the development is considered to be consistent with the relevant zone objectives.

5.0 WHAT IS THE DEVELOPMENT STANDARD BEING VARIED?

The development standard being varied is the maximum height of buildings.

6.0 UNDER WHAT CLAUSE IS THE DEVELOPMENT STANDARD LISTED IN THE ENVIRONMENTAL PLANNING INSTRUMENT?

The development standard being varied is prescribed under clause 4.1 of PLEP.

7.0 WHAT ARE THE OBJECTIVES OF THE DEVELOPMENT STANDARD?

The objectives of the relevant development standard are set out below:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,

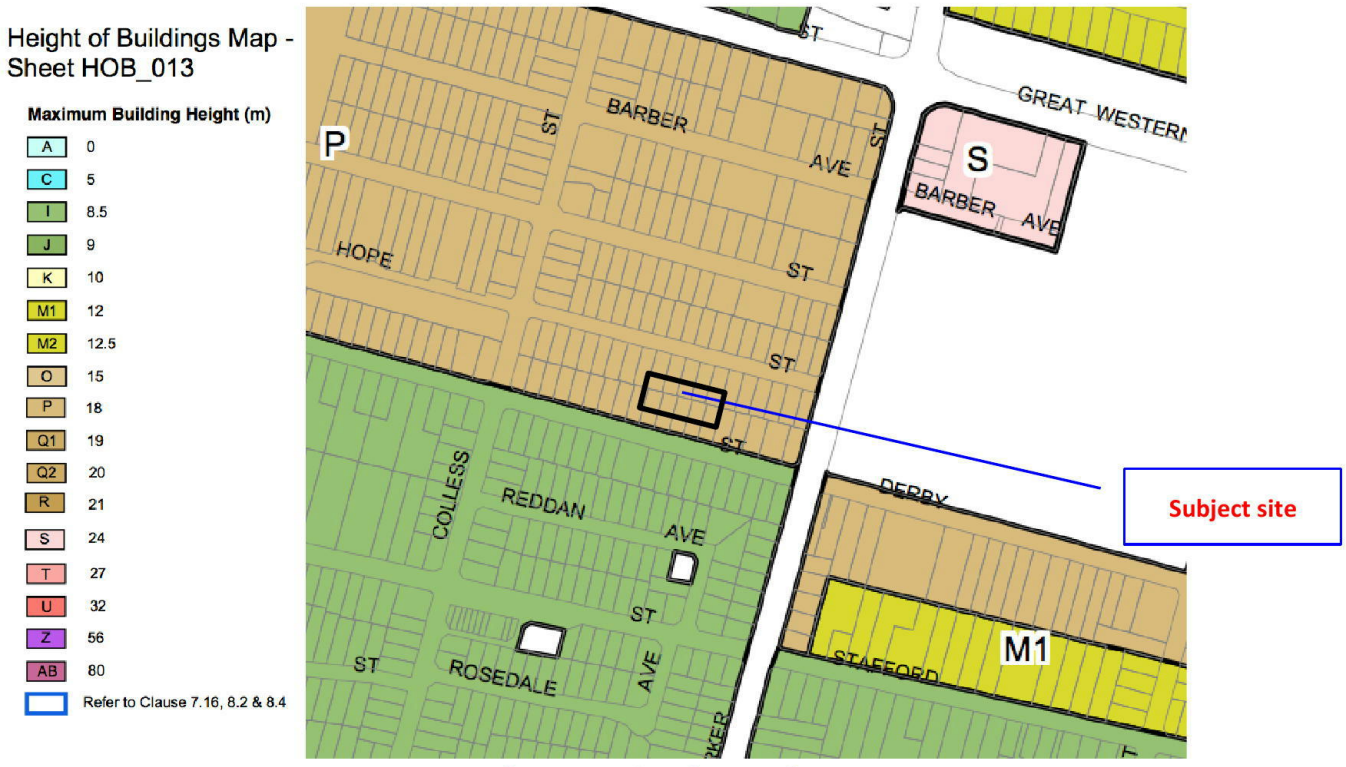
(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,

(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

8.0 WHAT IS THE NUMERIC VALUE OF THE DEVELOPMENT STANDARD IN THE ENVIRONMENTAL PLANNING INSTRUMENT?

The relevant map pertaining to clause 4.3(2) of the PLEP provides a maximum building height of 18m. An extract of that map is provided at Figure 1 below:

FIGURE 1: EXTRACT OF BUILDING HEIGHT MAP



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9.0 WHAT IS THE NUMERIC VALUE OF THE DEVELOPMENT STANDARD IN THE DEVELOPMENT APPLICATION?

The roof provides a RL of 66.586 over an existing ground level of RL 46.55m and therefore provides a maximum building height of 20.04m.

However, *Clause 5.6 Architectural roof features* of Penrith LEP 2010 allows for non-compliances with building height and as such this technically does not represent a non-compliance.

Alternatively the western lift overrun provides a RL of 66.570m over an existing ground level of 47.69m, which results in a building height of 18.87m.

10.0 WHAT IS THE PERCENTAGE VARIATION?

The roof feature as described above provides a building height that exceeds the development standard by 11.3%. However, if this non-compliance is allowed by *Clause 5.6 Architectural roof features* of Penrith LEP 2010, then the lift overrun represents the primary non-compliance and provides only a 4.8% variation to the building height standard.

11.0 MATTERS TO BE CONSIDERED UNDER CLAUSE 4.6

The following table provides a summary of the key matters for consideration under Clause 4.6 of the FLEP and a response as to where each is addressed in this written request:

TABLE 1: MATTERS FOR CONSIDERATION UNDER CLAUSE 4.6

Requirements/Sub-clause 4.6	Response/Comment
(1) The objectives of this clause are as follows: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	It is key to note that the objectives of the clause are to provide flexibility in applying development standards in that in so doing better development outcomes ensue.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	The maximum building height development standard is not expressly excluded from the operation of this clause.
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is	This written request justifies the variation by demonstrating (a) is achieved in Section 12, and (b) is achieved in Section 16.

unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	
(4) Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	This written request addresses all requirements of sub-clause (3).
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	As set out in Section 4 and 12 of this written request, the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for the zone.
(b) the concurrence of the Secretary has been obtained.	Concurrence is assumed. Due to the extent of the variation, the application is required to be determined by the relevant consent authority.
(5) In deciding whether to grant concurrence, the Secretary must	

consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.	There is no prejudice to planning matters of State or Regional significance resulting from varying the development standard as proposed by this application. Pursuant to Ex Gratia P/L v Dungog Council (NSWLEC 148), the question that needs to be answered is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development". There is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the Height of Buildings standard and hence there are only minor public disadvantages. The public advantage of the development is that it facilitates urban renewal of the site in a manner that is consistent with both local and metropolitan strategic planning objectives. We therefore conclude that the benefits of the proposal outweigh any disadvantage and as such the proposal will have an overall public benefit.
(6) Development consent must not	Not relevant to the proposed

be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if: (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.	development or the subject site.
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	This is a matter for the consent authority.
(8) This clause does not allow development consent to be granted for development that would contravene any of the	This does not apply to the subject site or its proposed development.

following: (a) a development standard for complying development, (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated, (c) clause 5.4.	

12.0 HOW IS STRICT COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THIS PARTICULAR CASE?

The proposed variation from the development standard is assessed below against the accepted "5 Part Test" for the assessment of a development standard variation established by the NSW Land and Environment Court in *Wehbe v Pittwater Council [2007] NSWLEC 827* and the principles outlined in *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*. Whilst the principle applied to SEPP 1, we believe that it is still useful these considerations and this too has been confirmed by more recent judgements inclusive of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90.*

The five part test described in *Wehbe* are therefore appropriately considered in this context, as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard

The relevant LEP clause objectives together with an assessment of the development against them is provided below:

(1) The objectives of this clause are as follows:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

The desired future character of the area provides for development with a 18m building height. The development provides a building that sits largely within that height limit, other than sections of the upper floor.

The parts of the building that are above the height standard have been setback from the building edges, with the maximum variation (i.e. lift over-run) located centrally on the site. Therefore, these elements do not contribute to perceivable bulk as viewed from the surrounding area and public domain, and the proposal maintains a scale as anticipated for a high density zoned residential areas.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,

The development is not located in an area that enjoys key views to any important scenic or landscape features. Nevertheless, the broader locality does enjoy views to the Blue Mountains, particularly from elevated view points such as the upper floor areas of this and adjacent development.

There is no existing adjacent development that will have any visibility of the upper floor area so it cannot cause any disruption of views. The adjacent lands have had development approvals for similar scaled development, however these development also orientate to the north and south and therefore ensure that there is limited scope for the non-complying element of the subject development to cause loss of privacy.

It is also important to note that any overshadowing as a result of the height breach is negligible when compared to the shadows generated from the lower 5 levels of the proposed built forms. This is because the entire development across all levels achieves the rear setback requirements of the ADG's.

Similarly, the development does not have any close proximity to any parks or key public domain features that could experience any undue loss of solar access by the proposed height variation.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,

Not relevant as the site is not located within any proximity to heritage items, conservation areas or areas of scenic or visual importance.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

The development generally achieves the building height, other than sections of upper floor. This area is setback and recessed from the lower floors and as such will not contribute to perceivable bulk as viewed from the surrounding area and public domain, and the proposal maintains a scale as anticipated for a high density zoned residential areas.

The development is also not located near different zoned lands or lands that have a lower building height standard therefore the minor non-compliance will not cause any disruption to any planned transition in height and density.

The proposed variation of the standard therefore does not affect achievement or consistency with this objective.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

We do not rely on this reason. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

We do not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

We do not rely on this reason.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

We do not rely on this reason.

13.0 HOW WOULD STRICT COMPLIANCE HINDER THE ATTAINMENT OF THE OBJECTS SPECIFIED IN THE ACT.

Section 1.3 of the *Environmental Planning and Assessment Act 1979* provides:

> ***The objects of this Act are as follows:***
>
> ***(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,***
> ***(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,***
> ***(c) to promote the orderly and economic use and development of land,***
> ***(d) to promote the delivery and maintenance of affordable housing,***
> ***(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,***
> ***(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),***
> ***(g) to promote good design and amenity of the built environment,***
> ***(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,***
> ***(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,***
> ***(j) to provide increased opportunity for community participation in environmental planning and assessment.***

The subject site accommodates limited features of natural or ecological significance and the accompanying SEE report has demonstrated that the development will cause no significantly adverse impact to the natural environment.

Further, the proposed development seeks to make the most efficient use of existing infrastructure and services in an area undergoing substantial urban renewal.

As such the development represents orderly and economic development of the land and therefore can be considered to be consistent with the objects of the Act.

14.0 IS THE DEVELOPMENT STANDARD A PERFORMANCE BASED CONTROL?

No. The development standard is clearly a numerical standard.

15.0 WOULD STRICT COMPLIANCE WITH THE STANDARD BE UNREASONABLE OR UNNECESSARY?

Strict compliance with the development standard would demand that an alternate development proposal be advanced that reduces the building height.

However, the proposed non-compliance with the building height is relatively limited in terms of proposed building volume.

Further, the 18m height limit could be reasonably be expected to deliver 5 storey developments and the proposed development does not exceed this expected building scale.

In the context of these factors, it is considered that strict compliance with the development standard is both unreasonable an unnecessary in the circumstances of the case.

In this context, it is considered both unreasonable an unnecessary to demand strict compliance with the relevant development standard.

16.0 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. There is robust justification throughout the SEE and accompanying documentation to support the overall development and contend that the outcome is appropriate on environmental planning grounds.

Some additional specific environmental grounds to justify the breach of the standard are summarised as follows:

- The development has been able to consolidate five (5) land holdings that has in turn allowed for a better urban planning outcome that would otherwise be achieved by the urban renewal or redevelopment of the site as part of separate or distinct development proposals. The slight height variation at the upper floor forms part of this better planning response for the site and its broader precinct.

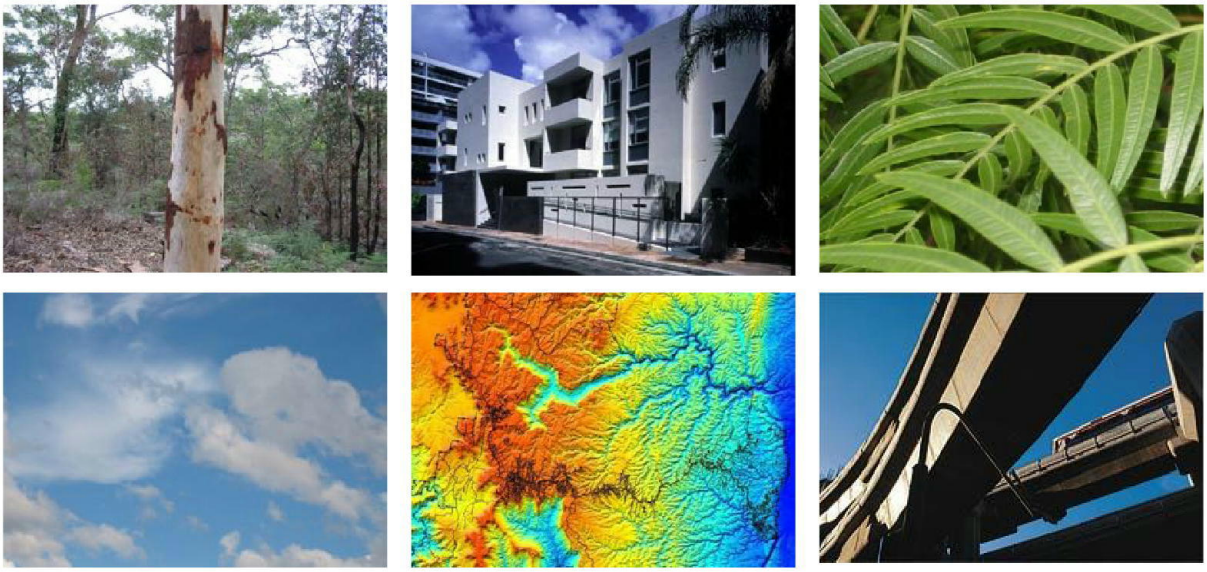
- The development of a slightly taller form that the LEP would otherwise allow has in turn reduced the building footprint and allowed for large areas of the site to be provided as landscaped area inclusive of larger deep soil landscaping areas. In this regard the Penrith DCP seeks high density zoned parcels to achieve 35% landscaped area and the ADG's required 7% of deep soil landscaping. The subject development actually provides 36% landscaped area (as represented at Figure 2) and 9% deep soil landscaping and therefore clearly represents a better planning outcome.
- The landscape plan that accompanies the development application also provides for extensive large canopy tree planting and therefore provides a better landscape outcome than both the existing site and a height compliant development with a larger building footprint.
- The use of a narrower, yet taller built form also allows for better environmental performance in terms of solar access and natural ventilation. In this regard the development proposal exceeds the ADG requirements for solar access and also significantly exceeds the number of apartments (87%) apartments that will achieve the cross ventilation requirement.
- This better environmental outcome is also reflected in the accompanying BASIX certificate which exceeds the energy efficiency targets (achieves 29% reduction) required under that planning instrument.
- Significant components of the non-compliance form part of a skillion type roof, which represent an architectural roof feature pursuant to clause *5.6 Architectural Roof Features* of Penrith LEP 2010. As such, pursuant to clause 5.6 this element does not actually represent a non-compliance with development standard as that clause allows for buildings to exceed the height

standard, as a means of achieving improved architectural quality of development.

- Much of the area that exceeds the development standard is not discernible as viewed from the public domain as it has been setback from the edges of the building, and the lift over-run and fire stairs have been located more centrally on the roof. The proposed elements that breach the height standard does not contribute to distinguishable bulk, scale or density of the building;
- There will be no adverse amenity impacts to the surrounding properties or the public domain areas as a result of the proposed variation.
- The proposal does not result in any unacceptable overshadowing impacts to adjoining properties other than what is anticipated by Council's controls.
- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development because the development is consistent with the objectives of the development standard and the objectives of the R4 High Density Residential Zone, notwithstanding the variation

The above points are environmental planning grounds that warrant the non-compliance. They are not "generic" grounds, but rather, specific to the site and circumstances of the development.

In that context, there is considered to be sufficient environmental and planning grounds to justify a contravention of the development standard.



cityscapeplanning+projects

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED APARTMENTS

16-24 HOPE ST, PENRITH

AUGUST 2018

cityscape planning + projects

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TABLE OF CONTENTS

1.0 INTRODUCTION

Cityscape Planning + Projects has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to be submitted on the subject site. Detailed plans and a completed DA form have been provided separately.

The SEE describes the proposed development and subject site and undertakes and assessment of the proposal against the *EP& A Act* 1979, SEPP 65 (Design Quality of Residential Apartments) as well as the aims, objectives and development provisions of Penrith LEP 2010 and its DCP.

It has been compiled, through on ground investigations, research, analysis and discussion with officers of Penrith City Council, including attendance at an Urban Design Review Panel.

2.0 THE SUBJECT SITE

The subject site is a large rectangular shaped parcel located on the southern side of Hope St, approximately 110m west of its intersection with Parker St.

It is known as 16-24 Hope St but is comprised of five (5) lots with the following real property description:

Lots: 29-33 **DP:** 31239

The location of the site is shown at Figure 1 whilst the sites cadastral arrangements and an aerial photo of the site are shown at Figures 2-3.

FIGURE 1: **LOCATION OF SITE**

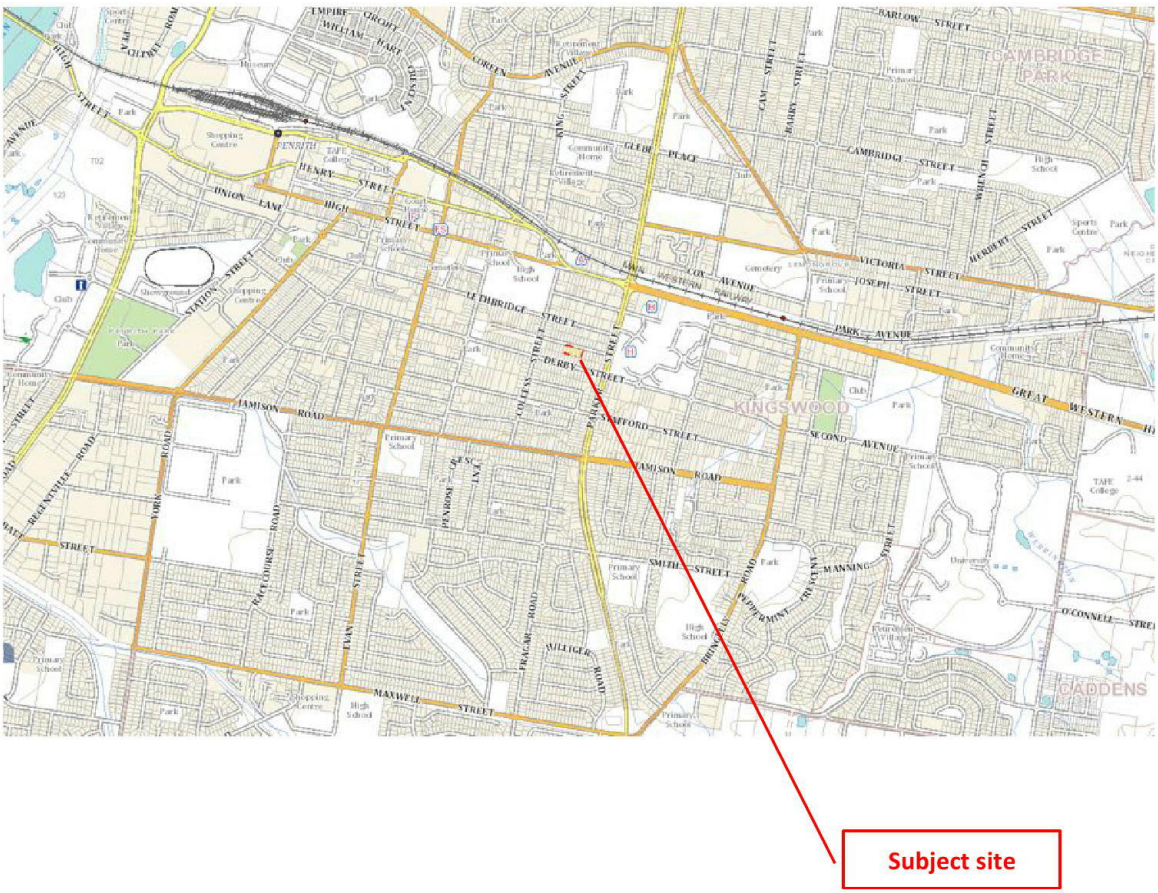


FIGURE 2: **SITE CADASTRAL BOUNDARIES**

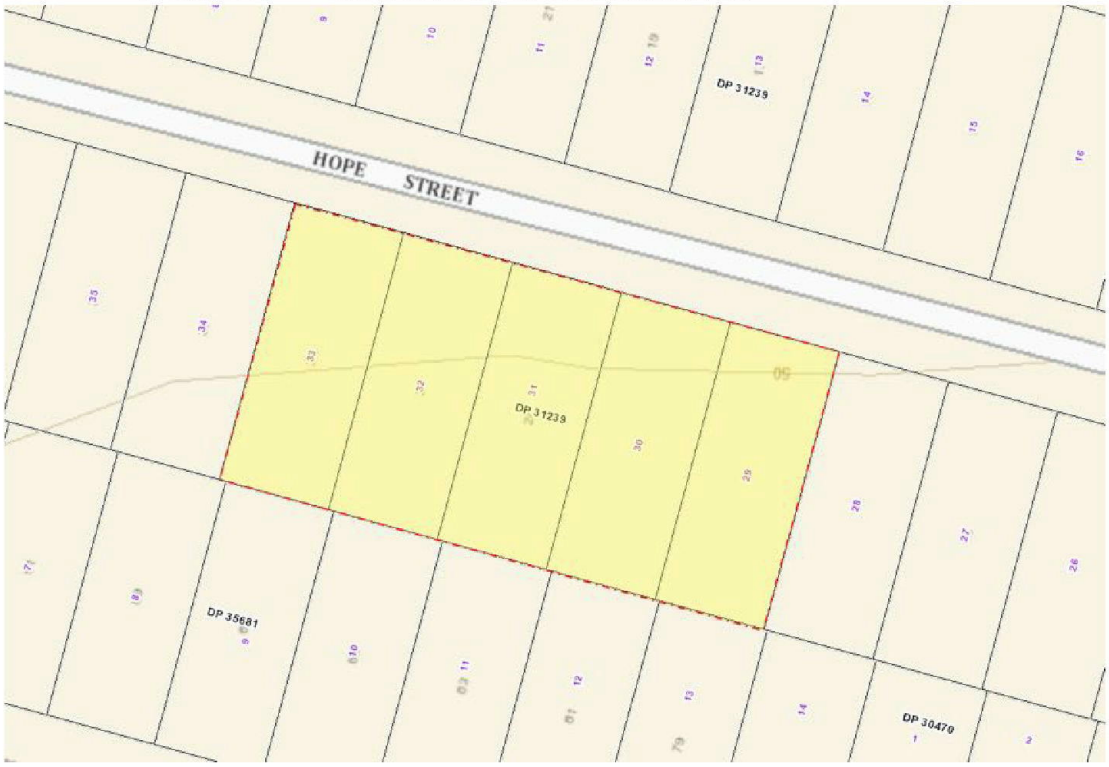


FIGURE 3: **AERIAL PHOTO OF SITE**

3.0 SITE ANALYSIS

3.1 SITE DIMENSIONS

The site is a large rectangular shaped parcel of land with a total area of area of 3182m^2. It has a frontage of approx. 80m to hope St and depth of approx. 40m along its eastern and western boundaries.

3.2 NATURAL ENVIRONMENT

The site is located within an urban environment that has been highly modified over many decades of urban development. Therefore, neither the site nor the local environs accommodated any items of natural or ecological significance. However, the site does still accommodate several, mature, albeit non-indigenous trees.

It also a down slope of approximately 2m from the rear to the street and a cross-fall of approximate 1.3m from the east to west. Contours and spot levels are plans are shown on the accompanying plans.

3.3 BUILT ENVIRONMENT

The site sits within an urban environment that is characterised by a mix of low and medium density scaled residential development. However, it also is located in close does proximity to Penrith High School and Nepean Hospital.

The area is also currently going through urban renewal and as such experiencing significant changes to the urban environment and built forms, with several apartments being either built or approved in the

immediate area. An immediate context plan is provided at Figure 4 and demonstrates the emergence of new apartment development in the vicinity of the site.

3.4 EXISTING DEVELOPMENT

The site currently accommodates five (5) two small single storey cottages. Images of those buildings are provided at Figure 5.

3.5 TRANSPORT AND CONNECTIVITY

The site enjoys good access to the metropolitan rail network being located approximately 1km and 1.4km from both Kingswood and Penrith Rail Stations respectively.

The sites location with good proximity to Derby St, Parker St and Great Western Highway also presents an excellent opportunity to access the regional road network and the local bus services.

Accordingly, the area is considered to have excellent access to public transport services.

The broad frontage to Hope St ensure ample opportunity to provide safe and convenient vehicle access to the site itself.

FIGURE 4: **PRECINCT CONTEXT PLAN**

FIGURE 5: **EXISTING DWELLINGS ON SITE** (No.16-24)

4.0 DEVELOPMENT PROPOSAL

The development seeks council consent to the demolition of all existing structures on the site and construction of two separate six-storey buildings that provide a total of 76 apartments, with the following split of bedroom size types:

- 1 Bedroom – 1 (1.3%)
- 2 Bedroom – 71 (93.4%)
- 3 Bedroom – 4 (5.2%)

The development provides a series of communal open spaces, together with integrated landscaping, waste management and stormwater plans.

All vehicle access is provided via a separate ingress and egress off Hope St and car parking for 98 vehicles is provided in two basement levels that span both the building footprints.

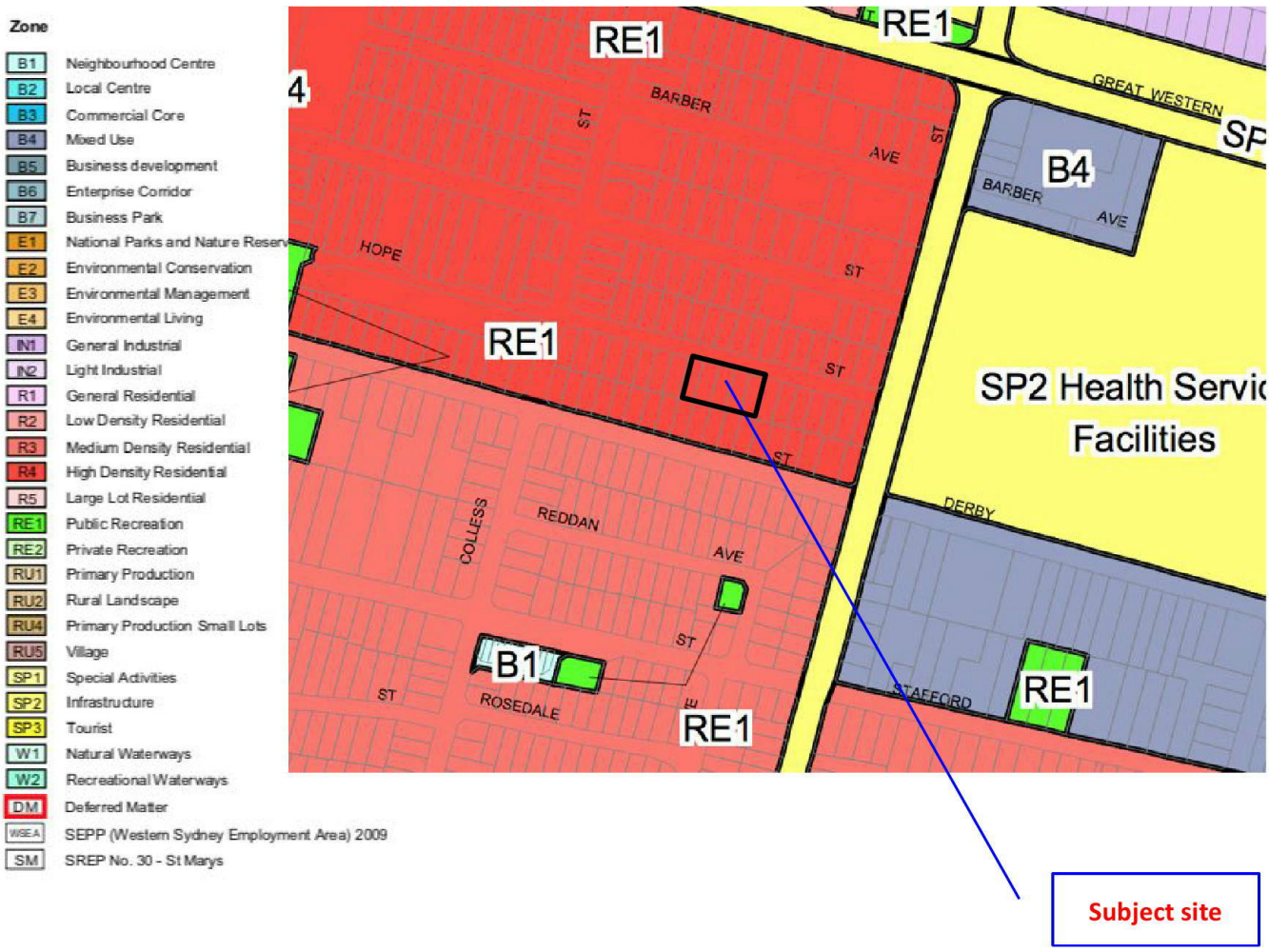
5.0 STATUTORY SITUATION

The site is zoned **R4 High Density Residential** pursuant to Penrith LEP 2010. An extract of the relevant zoning plan is provided at Figure 7.

The land use table to this zone identifies 'residential accommodation' as a permissible land uses in the zone.

The following definition from the dictionary to the LEP is relevant and provided below:

FIG 7: **EXTRACT OF ZONING PLAN**



> ***Residential accommodation*** *means a building or place used predominantly as a place of residence, and includes any of the following:*
>
> *(a) attached dwellings,*
>
> *(b) boarding houses,*
>
> *(c) dual occupancies,*
>
> *(d) dwelling houses,*
>
> *(e) group homes,*
>
> *(f) hostels,*
>
> *(g) multi dwelling housing,*
>
> ***(h) residential flat buildings,***
>
> *(i) rural workers' dwellings,*
>
> *(j) secondary dwellings,*
>
> *(k) semi-detached dwellings,*
>
> *(l) seniors housing,*
>
> *(m) shop top housing,*
>
> *but does not include tourist and visitor accommodation or caravan parks.*

This definition is entirely consistent with those provided in the development proposal outlined at Section 4.0 of this report

Accordingly, it can be determined that the development is a permissible land use in the zone.

6.0 PLANNING ASSESSMENT

6.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

6.1.1 SREP 20 – HAWKESBURY NEPEAN RIVER

Sydney Regional Environmental Plan No 20 (SREP 20) is in place 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.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The proposed development seeks to manage all waste-waters in a suitable manner and is therefore is not in conflict with this objective.

It is considered that any other risks relating to the protection of the Hawkesbury-Nepean River system would be considered and addressed through the implementation of any conditions of consent relating to the production process, and erosion and sediment control, and stormwater runoff mitigation.

6.1.2 SEPP 55 - REMEDIATION OF LAND

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy 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:

(a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements

The site has been used for residential purposes for many decades as. This previous and current land use does not raise any potential for site contamination.

6.1.3 SEPP 2004 – BASIX

BASIX seeks to ensure that new residential dwelling design meets the NSW Government's targets of up to 40% reduction in water consumption and a 35% reduction in greenhouse gas emissions, compared with the average home. The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

A holistic approach to building sustainability has underpinned the design of the development. As such a range of measures outlined in the accompanying BASIX report reveal that the development will achieve the required water and energy reduction of 40% targets.

6.1.5 PENRITH LEP 2010

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

2.3 ZONE OBJECTIVES AND LAND USE TABLE

Zone R4 High Density Residential

1 Objectives of zone

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

COMMENT:

The proposed development provides for the community's housing needs in an emerging high-density residential environment. It does through providing a mix of bedroom and apartment styles and arrangements inclusive of smaller units that will provides affordable housing options within the building

A high level of residential amenity is provided for in the design of the proposal through the provision of high architectural design, private courtyards, terraces and balconies and common open spaces.

Accordingly the development is considered to be consistent with the relevant zone objectives.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.3 Height of buildings

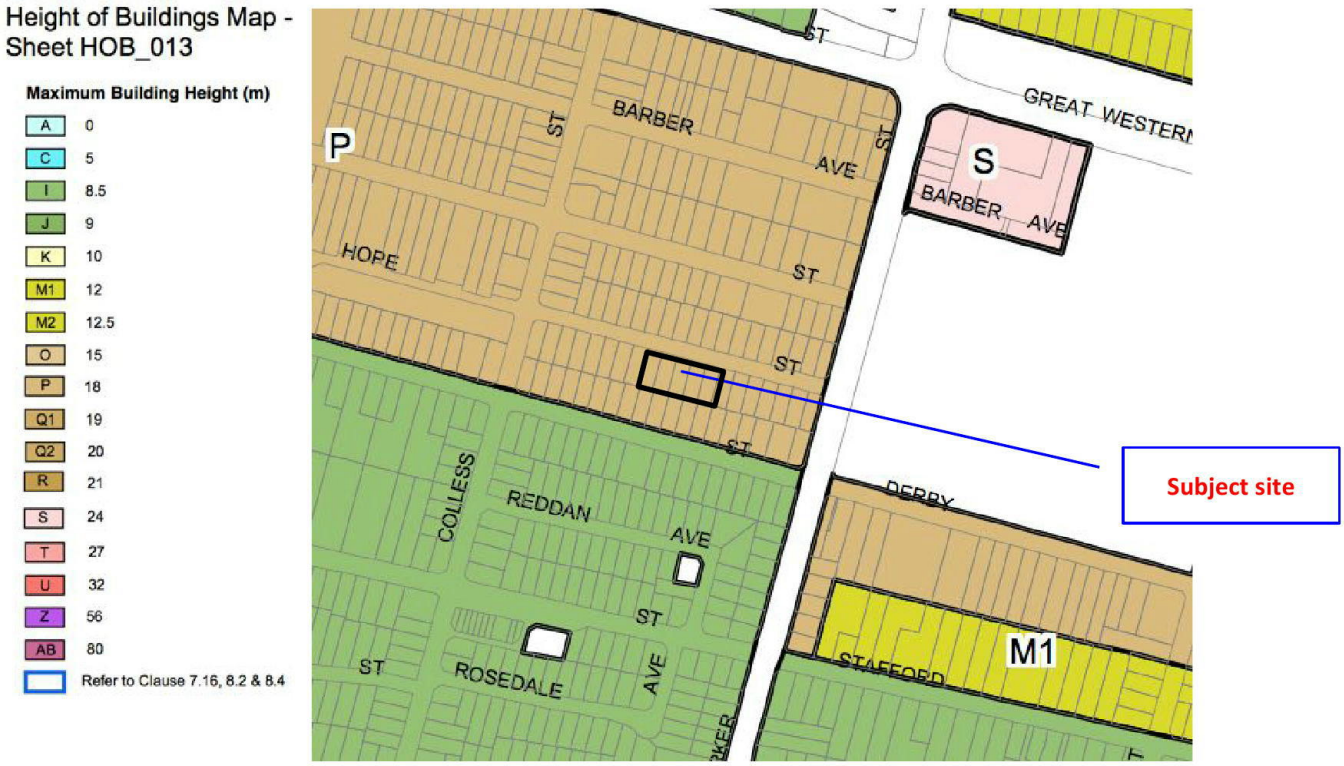
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

An extract of the LEP map is provided at Figure 8 and demonstrates that the LEP provides a maximum building height of 18m.

The development provides a maximum building height of 20.04m above existing ground level at its eastern extent and therefore fails to comply with the relevant development standard.

Clause 4.6 of the LEP allows a variation to development standard and a formal submission pursuant to this clause accompanies the development application and this report.

FIG 8: **EXTRACT OF BUILDING HEIGHT MAP**



4.4 Floor space ratio

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The LEP does not provide a FSR control for the subject site.

Nevertheless, the development provides a FSR of 2.26:1 which is considered to represents an appropriate quantum of GFA for a high density residential zone and ensures that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

PART 5 MISCELLANEOUS PROVISIONS

5.6 Architectural roof features

(1) The objectives of this clause are as follows:
(a) to ensure that architectural roof features to which this clause applies are decorative elements only,
(b) to ensure that the majority of the roof features are contained within the prescribed building heights.
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

The development provides a skillion roof feature, which forms an integral and attractive element of the entire development proposal. This roof feature has been deliberately chosen to improve visual appearance of the development.

Similarly, it does not provide any floor space in that roof area and will not cause any significantly adverse overshadowing.

The detail of these roof features is represented in the image provided at Figure 9.

FIG 10: ARCHITECTURAL ROOF FEATURES

PART 6 URBAN RELEASE AREAS

Not relevant to the subject site or its development.

PART 7 ADDITIONAL LOCAL PROVISIONS

PROVISION	COMMENT
7.1Earthworks	Earthworks are required for the basement. The proposal will not have a detrimental effect on neighbouring property or the environment as this is appropriately setback and contained from the property boundaries. Appropriate measures will be put in place to avoid, minimise or mitigate any impacts that may arise during the construction phase.
7.2 Flood planning	The site is not affected by 1 in 100 year

	mainstream flooding or overland flooding.
7.4 Sustainable development	The proposal has given consideration to the sustainable development principles referred to in this clause. A BASIX Assessment Report and Water Sensitive Urban Design Strategy accompanies the application.
7.6 Salinity	The proposal is unlikely to have an impact on the salinity processes or salinity likely to impact the development. There is no known salinity on the site.
7.7 Servicing	The site enjoys access to a full suite of urban service sand utilities that are currently connected to the site, including water, sewer, telecommunication and energy. Upgrades may be required to accommodate the use and this will be confirmed with the relevant agencies prior to construction. Existing infrastructure within the area is considered sufficient to service the proposal in addition to contributions payable for local open space and district facilities.

6.1.6 SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

This Policy aims to improve the design quality of residential flat development in New South Wales by identifying design quality principles as a means of evaluating the merit of residential elements of the proposed development.

To support the aims of the SEPP it introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

A design verification statement has been prepared by the relevant architectural firm and accompanies the Development Application. This clearly enunciates the design rationale that has underpinned the development proposal and demonstrates that the identified design principles have been embodied in the development proposal.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase to 1, 2 & 3 bedroom housing choice and stock in the area.

An Apartment Design Guide (ADG) has also been adopted as part of SEPP 65 and represents a tool to assist planning and design of apartment developments. Accordingly, an assessment of the development against the objectives and design criteria identified by the ADG also accompanies the development application and form part of the architectural plan set. However, an overview and discussion of the key numeric criteria is provided at Table 1.

The quality of the proposed building design is demonstrated in the photomontage provided at Figure 9.

TABLE 1: KEY NUMERIC DESIGN CRITERIA COMPLIANCE

DESIGN CRITERIA	REQUIRED	PROVIDED
Communal Open Space	25%	The development provides 354.6m^2 or 11% of the site as communal open space at ground level. However, despite the non-compliance the development still provides two large and separate communal open spaces areas that provide differing functions and amenity for residents of the development. In the middle section of the site there is a 150m^2 space that provides expansive planting, seating area, quite zones and a large tree canopy to create a quite relaxation zone. The western section of the site provides a 210m^2 space that will be kept open grassed for more active recreation such as informal ball sports, running around or simply enjoying access to sunlight. This space will also provide seating areas for passive recreation. This western space will achieve well in excess of the 2 hours of solar access required by the ADG. In addition, the development also provides additional useable open space areas, which have not been included in the calculation, in the front section of the site

		as part of the building entry area and cesses to both built forms. Each of these spaces provide a minimum width of 5m and therefore well exceeds the ADG requirement. The total landscaped area is 1146m^2 which represents 36% of the site area. The ADG also recognises that dense urban environments, such as high density zones, may not be able to achieve the 25% requirement and suggest that the alternatives can be provided such as larger private open spaces. In this regard the development provides all apartments with appropriately sized and depth balconies and the ground floor and top floor apartments are also provided with large courtyard terraces and balconies respectively. Accordingly, for these reasons the development is considered to meet the relevant ADG objective of providing adequate areas of communal open space to enhance residential amenity and provide opportunities for landscaping.
Deep Soil Landscape	The site has an area of 1960.4m^2, therefore requires 137.2m^2 (7%) of deep soil area with a minimum dimension of 3m	The development provides 283.3m^2 (9%) of deep soil landscape area. This space is intentionally provided at the most critical locations on the site, being the front, central sections, corners and boundaries. The central sections in particular will provide highly visible landscaping at the building entry and for the enhanced amenity of residents through the middle apartments. The large western boundary deep soil area provides a minimum dimension of 6m.

Building Separation	**Buildings within the Site**	
	Up to 4 storeys:	
	• **12m** between habitable rooms/ balconies	• 6.0m
	• **9m** between habitable and non-habitable rooms	• NA
	• **6m** between non-habitable rooms	• 5.8m @ walkway between building and 5.1m and 5.3m at building recesses
	5 to 8 storeys	
	• **18m** between habitable rooms/ balconies	• 12m between buildings and 7.275m at building recesses
	• **12m** between habitable and non-habitable rooms	• NA
	• **9m** between non-habitable rooms	• 10.8m
	Side and rear boundaries (50% of ADG requirement)	
	Up to 4 storeys:	
	• **6m** between habitable rooms/ balconies	• 6.3m to east, 5.8m west and 6.0m to rear
	• **4.5m** between habitable and non-	• NA

	habitable rooms • **3m** between non-habitable rooms **5 to 8 storeys** • **9m** between habitable rooms/ balconies • **6m** between habitable and non-habitable rooms • **4.5m** between non-habitable rooms	• NA • 9m to west, 9.3m to east, 5.8m west and 9.0m to rear • NA • NA To mitigate visual privacy concerns associated with the few non compliances to building separation, the development provides: ➢ No balconies are provided at any of side setbacks inclusive of the non-compliant setbacks associated with building separation for proposed buildings within the site. ➢ Sill heights of 1700mm at this location ➢ Each relevant bedroom located within the building recesses is provided with an angled metal blade that when placed in the correct position, completely eliminates any views to adjacent apartments ➢ Through the middle of the site the development provides angled louvres which both maximise light and eliminate a views in directions other than north. ➢ The landscaping strategy involves substantial plantings at this location, which provide further screening and visual privacy at this location
Solar access to	Minimum 70% of	A total of 54 (71%) apartments achieve the 2 hours or

living rooms and POS	apartments achieves 2 hour in mid winter Maximum of 15% of apartments receive no direct sunlight	more solar access requirement, which therefore achieves the relevant Design Criteria. Only 10 (13%) apartments will receive no direct sunlight between 9AM-3PM and therefore also achieves this requirement.
Natural ventilation	Minimum 60% of apartments No cross over apartments have a depth of greater than 18m	66 (87%) apartments will achieve the cross ventilation requirement through the predominant use of numerous corner apartments as part of the floor planning. No cross over apartments proposed.
Minimum apartment size: Studio 1 bedroom 2 bedroom 3 bedroom	 35m^2 50m^2 70m^2 90m^2	The development provides minimum apartment sizes as follows: NA Ground Level Unit 40: 51.9 m^2 Level 5 Unit 35: 79.3m^2 Level 5 Unit 75: 95.6 m^2 All minimum apartment sizes are achieved, with the remaining apartments exceeding the minimum size by 5-10m^2.

FIG 10: PHOTOMONTAGES

6.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

The Department of Planning & Environment have recently released a Draft SEPP (Environment) that seeks to protect and manage our natural environment. This Draft SEPP applies to the subject site.

However, the Draft SEPP does not necessarily seek to introduce new planning controls but rather simply seeks to consolidate several SEPP's including SREP 20 – Hawkesbury Nepean.

Accordingly, the development proposes no inconsistency with that Draft SEPP.

There are no know Draft Planning Instruments relevant to the site or its development.

6.3 THE PROVISION OF ANY DEVELOPMENT CONTROL PLAN

PENRITH DCP 2014

An assessment against the relevant sections of the DCP is provided below:

C1: SITE PLANNING AND DESIGN PRINCIPLES
A Site Analysis Plan accompanies the application.

The design methodology was discussed with Council at its Urban Design Review Panel. No fundamental objection was raised to the proposed design approach and it is considered that the development provides a suitable site responsive design.

A Crime Prevention Through Environmental Design (CPTED) assessment is provided at section 6.7.2 of the report and demonstrates that the development incorporates design elements that reduce the likelihood of crime being committed both on site and within its vicinity.

C2: VEGETATION MANAGEMENT

The development proposes to remove several mature trees across the site, however none of these trees provide any significant ecological or landscape character value.

A Landscape Concept Plan accompanies the application and provides for a mix of planting that will replace the vegetation removed as well as providing new plantings that will provide an integrated vegetation management response across the whole site.

C3. WATER MANAGEMENT

The site is not exposed to any flood hazard, or overland flow and is not located in proximity to any natural watercourse or riparian area.

A stormwater management plan has been prepared and this provides satisfactory outcomes for the management of both stormwater quality and volumes generated by the development.

The management plan also demonstrates achievement of WSUD outcomes required by Council.

C4 LAND MANAGEMENT

Standard construction measures shall be implemented to ensure the site is protected from erosion and sedimentation during that stage of development.

An erosion and sedimentation control plan is provided as part of the development application.

The site presents no current or historical use that presents potential for contamination.

C5.WASTE MANAGEMENT

The development is accompanied by a waste management plan that has three key objectives, as follows:

- **Ensure waste is managed to reduce the amount of waste and recyclables to land fill** by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages.
- **Recover, reuse and recycle** generated waste wherever possible.
- **Compliance** with all relevant codes and policies.

The development provides facilities that will provide clean and well segregated waste materials. These facilities include waste chutes, compactors, storage

rooms, and a turntable that provides suitable access for waste collection vehicles.

C6. LANDSCAPE DESIGN

A detailed Landscape Concept Plan accompanies this application. The provisions of SEPP 65 have been considered in respect of the landscaping proposed. The plants that will be used in the landscaping will be varieties that require low levels of maintenance and are drought resistant to reduce water use within the development.

C7. CULTURE AND HERITAGE

The site is not a heritage item nor does it adjoin or be site in close proximity to any heritage item or conservation area.

C10. TRANSPORT ACCESS AND PARKING

The development site is located 1.29 km south west of Kingswood Train Station. The nearest bus stop to the development site is 235 metres away on Derby Street. This stop is serviced by bus route 774, 775 and 776 and another bus stop nearby is 244 metres away on Parker Street. This stop is serviced by bus route 789. These services provide access to suburbs including South Penrith, Luddenham, Kingswood, St Marys, Oxley Park, Mount Druitt, St Clair, and Erskine Park.

Overall, the site therefore has good access to public transport.

The proposed residential development will generate a moderate number of additional trips in the AM and PM peak hours. The nearby intersections overall

perform well with sufficient spare capacity to accommodate additional traffic.

A SIDRA traffic analysis accompanies the development application and demonstrate that the development will have only minor impact on the level of service and performance of those key road intersections.

The DCP identifies a parking demand of 100 parking spaces for the development proposal, which represents a shortfall of just 2 spaces. However, the following factors combine to ensure that the development still provides a suitable parking allocation:

- The proximity to Nepean Hospital is likely to lead to some tenants to not own a car and walk to and from the Hospital work place and use public transport and Uber etc for social trips.
- The proximity of public transport (Kingswood Train Station and bus services nearby) also encourages some tenants to rely on public transport rather than car ownership.
- The lengthy road frontage of the site ensures that two car spaces can be found on the on-street area of the property frontage without affecting the availability of nearby residents in retaining their frontage for on street parking.

Finally, a detailed analysis that accompanies the development proposal demonstrates that the car parking area and driveway ramps is generally compliant with Australian Standards and Council's DCP.

C12. NOISE AND VIBRATION

The development is not exposed to any significant noise sources such as major road or railways.

The development generally meets all setbacks between apartments that will ensure high levels of acoustic amenity are achieved for both on residents on site and in adjoining sites.

Similarly, all mechanical plant etc shall be located on the roof and provided in accordance with relevant acoustic standards to maintain a suitably amenity within the development.

C13. INFRASTRUCTURE AND SERVICES

The site is located in an established urban area and as such enjoys access to full suite of urban infrastructure and services including, water, energy utilities, telecommunication.

D2 RESIDENTIAL DEVELOPMENT

2.5 Residential Flat Buildings

DCP Control	Required	Provided	Comment
2.5.3 Minimum lot width in R4 zone	20m	80m	Complies
2.5.5 Landscaped Area in R4 zone	35%	36%	The development provides substantial landscaping across the site and actually exceeds the required landscaped area. The development also exceeds the SEPP 65 Deep Soil landscaping requirements.
2.5.6 Front and Rear Setbacks			
Rear setback		6m	6m
Front setback		5.5m	5.3m
Secondary setback		5.5m	Not applicable

6.4 IMPACT ON NATURAL ENVIRONMENT

6.4.1 FLORA AND FAUNA

The subject site represents a large parcel of land within an established urban area and as such has experienced significant site works as part of previous development over many decades. Accordingly, it accommodates no natural or ecological features of any significance.

Several mature, non-indigenous trees, will be removed as part of the development, however, the proposal will provide larger landscaped areas inclusive, generous areas of deep soil landscaping that provide good opportunity to provide large trees that will provide a better landscaped response than the existing site.

6.4.2 WATER MANAGEMENT

The development is accompanied by a detailed stormwater plan that manages all waste-waters in a manner consistent with Council policies and controls inclusive of WSUD outcomes.

This ensures no adverse impact is caused to local or broader water quality.

6.4.3 SOIL MANAGEMENT

Refer to Section 6.1.2 for the SEPP 55 assessment with regard to potential soil contamination.

Further, an Erosion and Sedimentation Control Plan accompanies the development application and ensures the development provides appropriate soil management and sedimentation control.

6.4.4 NOISE & VIBRATION

The development is not exposed to any significant noise sources such as major road or railways and does not generate any significant new noise sources.

Short term noise impacts will be generated throughout the construction phase, however any significantly adverse impacts can be managed as part of the preparation and implementation of a construction noise management plan.

6.4.5 AIR AND MICROCLIMATE

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions.

6.4.6 SUSTAINABILITY

Sustainability has been a fundamental objective of the entire design process and as such a raft of energy and water efficiency measures have been integrated into the development proposal.

The development will achieve all BASIX targets for the residential components.

This demonstrates that the development will present an ecological footprint of a far lesser scale than traditional housing, more commonly provided for within the LGA.

6.5 IMPACT ON BUILT ENVIRONMENT

6.5.1 LOCAL CHARACTER

The site has recently been up-zoned in recognition of its potential to create a valuable new urban renewal opportunity that capitalises on its proximity to the Nepean Hospital and therefore integrate transport and land use outcomes.

Accordingly, the site sits within a precinct that is undergoing significant change as demonstrated by the numerous emerging apartment development in the local area as well as approved development on both sides of the site.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on "compatibility with context" in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

> ***Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.***

The proposed development of the site has been undertaken with due consideration of the future development of the neighbouring properties. As discussed above, the proposed development 'shares' the obligations as specified in SEPP 65 and the ADG with regard to building separation and ensuring neighbouring properties have the opportunity to achieve solar access and privacy.

In particular, the built form is recessed at the upper level setback to minimise bulk and maintain building separation. However, the use of visually recessive materials and colours at level 4 also assists creating an appearance of a recessed built form at level 4.

The proposal is a suitable development option of the site, which is consistent with the desired future character of the precincts high density residential zoning. The quality of the design response is also considered to enhance the streetscape fronting Hope St.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The immediate locality comprises a mix of residential developments, including apartment buildings up to 5 storeys in height. Some of the adjoining properties along Hope St are yet to be developed to their full potential, however numerous adjoining sites have apartment development that has either been approved or is currently under construction. The development is therefore representative of both the desired future and future character of the area.

Future streetscape images are provided at Figure 10 and demonstrate the development harmony with that streetscape.

6.5.2 BUILDING ENVELOPE

The built form itself provides site planning, massing and building modulation that responds to both the key naturel assets of the site and inclusive the sites broad northern aspect across the Hope St frontage.

The splitting of the development into two built forms also assists in breaking up the mass and volume of the built form across the site as well as providing additional amenity through solar access and natural light penetration to future residents.

The use of basement car parking with separate vehicle access and entry at the perimeters of the site reduces the visibility of these features and also allows for significant landscaping (36%) of the site.

The design is sensitive to maintaining the amenity of current and future neighbouring developments by providing a built form, which enables suitable building separation, placement of habitable rooms and windows and private open space. The building separation is generally compliant with the ADG's but more so particularly with the side and rear boundaries where the potential for adverse impacts of are greatest.

The landscaping plan also seeks to maximise opportunities for large canopy trees in the front setback to screen the building and reduce the visual scale of the built envelope.

The landscaping plan and sue of large canopy trees will also return along the side and rear boundaries to further screen the development and enhance privacy and amenity of adjacent development.

6.5.3 DESIGN AND AESTHETICS

The proposal provides a contemporary built form, which is appropriate in terms of bulk, density and scale in the desired local context. This is achieved by providing a residential development which responds and reflects recent approval on adjacent and nearby sites.

The built forms incorporate a mixture of architecture detailing which creates an interesting and attractive relationship with the surrounding streetscape and proposed landscaping.

FIG 10: EXISTING AND PROPOSED STREETSCAPE VIEWS

The development proposal relates to the street by providing a direct pedestrian access to Hope St as well as large ground floor terraces that will activate that street edge.

Early discussions with Council officers as part of the urban design review panel expressed concern with the mirroring of the to towers with no variation in scale, length or materials on the North Elevation (Street). In response to this concern the modified proposal has introduced two large recesses in both buildings which serve to further break up the bulk and scale of the development and create the visual appearance of four (4) built forms when read from the Hope St streetscape.

This visual appearance of four buildings is reinforced by the use of varying façade elements across al four section including variations in height of solid and transparent elements and corresponding variations in colour and materials as identified in the accompanying schedule of external finishes.

6.5.4 SOLAR ACCESS

The sites aspect provides a broad northern frontage to Hope St, which provides excellent opportunity to afford excellent solar access to the development. The development responds to this orientation by providing all units at this frontage with deep balconies and terraces as well as providing internal living areas locate directly adjacent to these private open space.

Over 70% of apartments will achieve the 2 hours or more solar access between 9AM-3PM in mid winter and only 10% of apartments will receive no direct sunlight.

Further, the western communal open spaces will also receive excellent solar access throughout the year therefore affording excellent amenity to residents of the site.

6.5.5 OVERSHADOWING

Shadow diagrams that demonstrate that the development results in additional overshadowing due to the increased scale of the development compared to the existing single storey dwellings located on the subject site have accompanied the proposed development.

As shown on the shadow diagrams on June 21 the buildings will primarily cast shadows over the rear yard area of the adjacent dwellings to he rear which have a frontage to Derby St. Nevertheless, these dwellings will still receive solar access in their rear yards throughout the day particularly in morning and afternoon periods. The split of the development into two building also assists provides solar access slots through to the rear yards of those adjacent sites.

It is also important to note that the overshadowing as a result of the proposal predominantly relates to the compliant built form. As shown in the accompanying shadow diagrams, any overshadowing as a result of the height breach is negligible when compared to the shadows generated from the lower 5 levels of the proposed built forms. This is because the entire development across all levels achieves the rear setback requirements of the ADG's.

The shadow diagrams also demonstrate that development will not cause any adverse overshadowing impacts to existing or approved development located to the west or east of the site.

6.5.6 VEHICLE MOVEMENT AND ACCESS

The site proximity to major transport and land uses nodes will reduce the demand for private vehicle car trips with may residents likely to use public and active transport options for many of their journeys.

Nevertheless, the development will attract some additional traffic although modelling demonstrates that these additional volumes well not have an adverse impact upon the operation of the key intersections within the vicinity of the site.

All parking demands of the development can be expected to be met on site, in the two basement levels, and on the broad street frontage street frontage to Hope St.

All vehicle movements within the basements, driveways and ramps can achieve the relevant engineering standards.

6.6 ECONOMIC IMPACT

The development will confirm the sites roles as part of the important Nepean health and education precinct and therefore assist realise the economic advantages that precinct will bring to the region.

The proposal is considered to have only positive impacts on the local economy through the creation of new employment opportunities during both the construction stage of the development.

6.7 SOCIAL IMPACT

6.7.1 HOUSING CHOICE

The development seek to provide new diverse and affording housing opportunities by providing studio, 1, 2 and 3 bedroom units that are currently not widely available within the LGA.

6.7.2 CRIME AND SAFETY

Crime Prevention through Environmental Design (CPTED) is a recognised model, which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. The proposal has been designed to take into consideration these principles as follows:

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical. The scale of the development together with dwelling orientation will ensure that development provides passive surveillance opportunities to the street and its public domain area.

The layout of the development also provides lines of sight between public and private spaces, which will be maintained during the night by a suitable lighting scheme.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.

Secure access to all lobby areas, lifts and car park will be provided by the use of proximity cards and card readers. These cards and the car reader system will be able to provide differing access for individual users and will also be sensitive to different access and security regimes at different times throughout the day and over weekend and holiday periods.

Territorial Reinforcement: This principle provides that the 'ownership' of spaces increases the likelihood of safety of that space

as well-used places reduce opportunities for crime and increase risk to criminals.

There is a clear delineation between the public street and footpath verge, and private areas through the use of both fencing and landscaping. This provides an access barrier and therefore security to the site and reinforces the distinction between the public and private domain.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.

The development proposes to be supported by a detailed Strata Management Scheme that provides a management regime that allows for the on going maintenance of lighting, and security systems and will also provides for the swift removal of graffiti etc.

6.7.2 ACCESSIBILITY

Penrith Council requires the provision of 10% Adaptable units and therefore the development proposes 8 (10.5%) Adaptable units. A total of 8 Accessible parking spaces have been provided in the development.

The development complies with the requirements of Access Code of Disability (Access to Premises-Building) Standards 2010, the Disability Access relevant sections of Building Code of Australia 2016, the requirements of SEPP 65 related to Objective 4Q1 - Livable Housing and the essential criteria of AS4299-Adaptable Housing.

6.8 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject site is not exposed to flood, bushfire, contamination or any other known hazard and enjoys access to a full suite of urban services and utilities.

It is a large and under-developed parcel of land within close proximity to major transport nodes, including Nepean Hospital and the Penrith central business district.

The site has recently been up-zoned in recognition of its potential to create a valuable new urban renewal opportunity that capitalises on its ability to integrate transport and land use outcomes.

It is therefore considered that the subject site is ideally suited to the proposed development.

6.9 THE PUBLIC INTEREST

The redevelopment of the site provides an important urban renewal opportunity that will provide the following public interest benefits:

- Diverse housing
- Affordable housing
- Accessible housing
- Integration of land use and transport

The benefits provided by the proposed development outweigh any potential impacts and is therefore in the public interest.

7.0 CONCLUSION

The application seeks council consent to the redevelopment of the site for a new apartment development.

The development proposal responds to both state and local planning strategies inclusive of the metropolitan strategy, by integrating transport and land use outcomes.

The report provides an assessment against the relevant planning framework and demonstrates general consistency with the aims, objectives and provisions of that framework inclusive of Penrith LEP 2010 and SEPP 65 Apartment Design Guide.

A request to vary a development standard is provided in response to a building height non-compliance and demonstrates that strict compliance with the standard is unnecessary and unreasonable in the circumstances of the case.

The development, will cause no significantly adverse environmental impact, provides a positive impact upon the built environment and makes an efficient and economic use of existing land and infrastructure.

As such it is considered there is good reason for Council to approve the subject Development Application.

PROPOSED RESIDENTIAL DEVELOPMENT

16-24 Hope Street in Penrith

Prepared for: Prestige Developments Group (NSW) Pty Ltd

A1815834N (Version 1c)

July 2018

1. INTRODUCTION

Motion Traffic Engineering was commissioned by Prestige Developments Group (NSW) Pty Ltd to undertake a traffic and parking impact assessment of the proposed residential development at 16-24 Hope Street in Penrith.

Currently the site is comprised of five residential dwelling houses and has frontage to Hope Street.

This traffic report focuses on the proposed residential development and changes in car usage and car park utilisation and additional trips from the proposed residential development.

In the course of preparing this assessment, the subject site and its environs have been inspected, plans of the development examined, and all relevant traffic and parking data collected and analysed.

2. BACKGROUND AND EXISTING CONDITIONS OF THE PROPOSED LOCATION

2.1 Location and Land Use

The proposed residential development is located on Hope Street and is within a residential area. The site is about 100 metres to the west of Nepean Hospital.

Figures 1 and 2 show the location of the development site from the aerial and street map perspective respectively.

Figure 3 shows a photograph of the development site.

Figure 1: Location of the Subject Site on Aerial

Figure 2: Street Map of the Location of the Development Site

Figure 3a: Photograph of 16 Hope Street

Figure 3b: Photograph of 18-20 Hope Street

Figure 3c: Photograph of 22-24 Hope Street

2.2 Road Network

This section discusses the road network adjacent to the site.

Hope Street is a local road with one lane each way with a default speed limit of 50km/hr. On street parking is permitted on both sides of the road. Figure 4 presents a photograph of Hope Street.

Parker Street is an arterial road with three lanes each way and is on a divided carriageway with a sign posted speed limit of 60km/hr. Figure 5 presents a photograph of Parker Street.

Figure 4: Hope Street looking east near the Development Site

Figure 5: Parker Street looking north

2.3 Intersection Description

As part of this traffic impact assessment two intersections are assessed for the traffic assessment:

- The signalised intersection of Parker Street with Derby Street
- The priority-controlled intersection of Parker Street with Hope Street

External traffic to and from the proposed residential development will need to travel through one of the above intersections. Drivers from the north will turn right from Parker Street into Derby Street at the signalised intersection of Parker Street with Derby Street and then circulate through the local road network and reach the site.

Drivers from the south can turn left into Hope Street from Parker Street.

The signalised intersection of Parker Street with Derby Street is a four leg intersection with all turn movements permitted and pedestrian crossings on all approaches. Figure 6 shows a layout of the intersection using SIDRA - an industry standard intersection assessment software. The numbers on the lane represent the length of short lanes in metres.

The priority-controlled intersection of Parker Street with Hope Street is a three-leg intersection with drivers from Hope Street needing to give way to traffic on Parker Street. The only turn movements permitted are the left turns. Figure 7 shows a layout of the intersection using SIDRA.

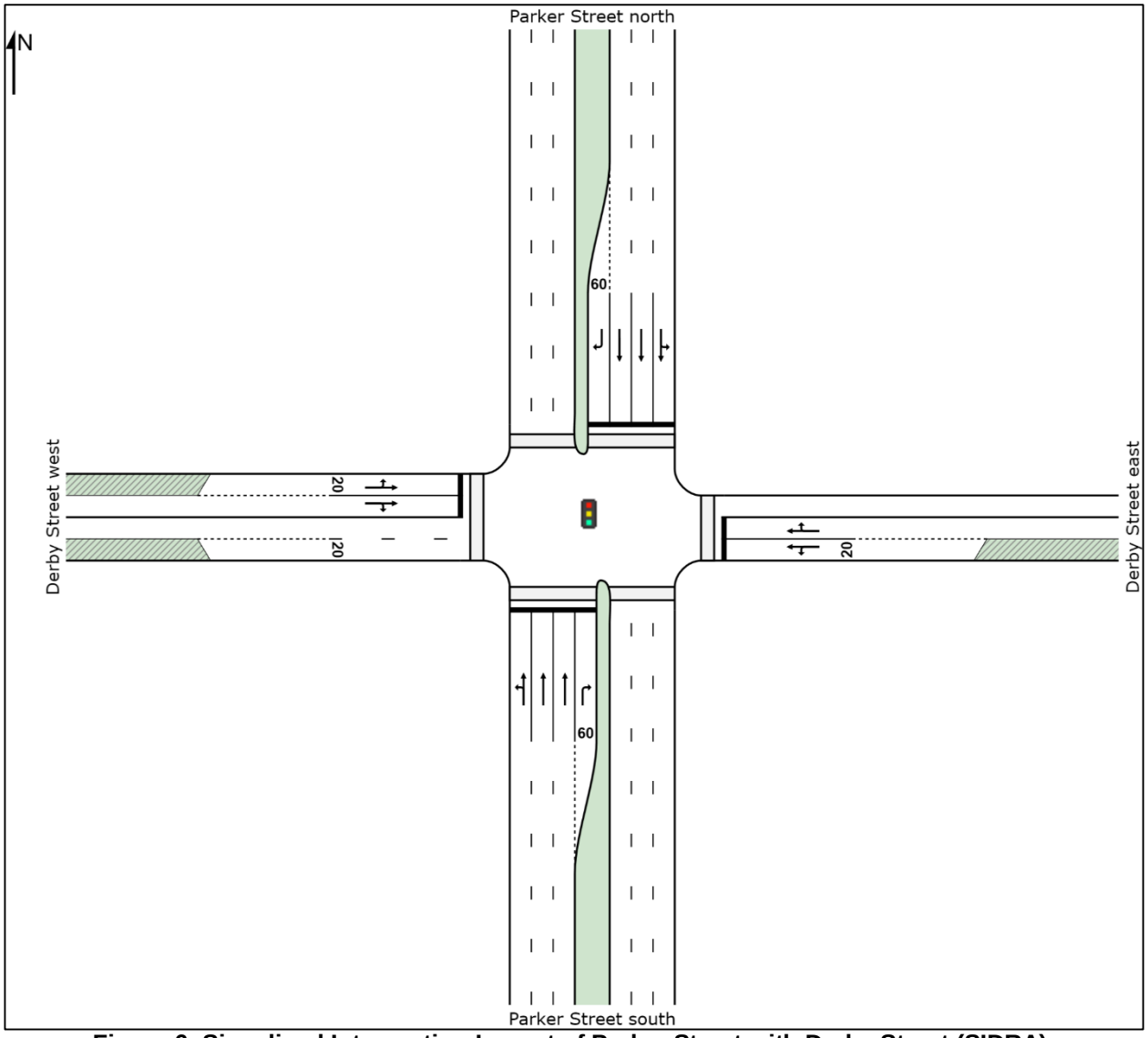


Figure 6: Signalised Intersection Layout of Parker Street with Derby Street (SIDRA)

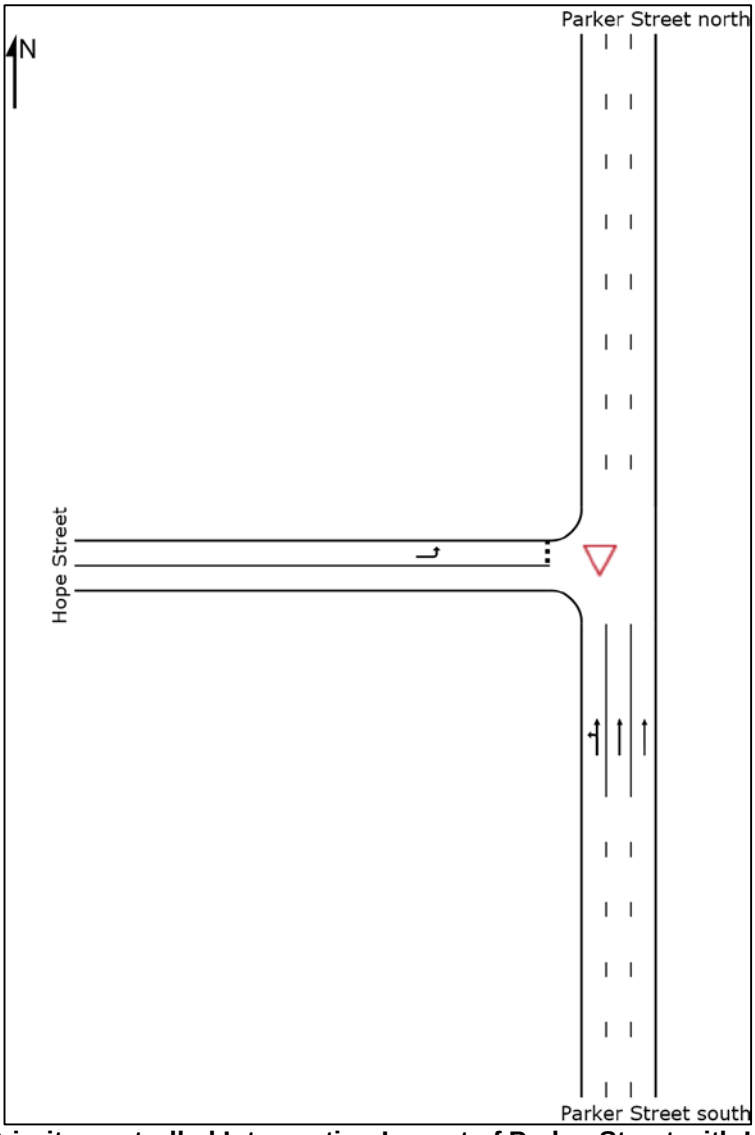


Figure 7: Priority-controlled Intersection Layout of Parker Street with Hope Street (SIDRA)

2.4 Existing Traffic Volumes

As part of the traffic assessment, traffic counts have been undertaken at the four intersections for the weekday AM and PM peak period. The peak hours were 7:45am to 8:45am and 5pm to 6pm for the weekday AM and PM peak hours respectively.

The following Figures present the traffic volumes in vehicles for the weekday peak hours.

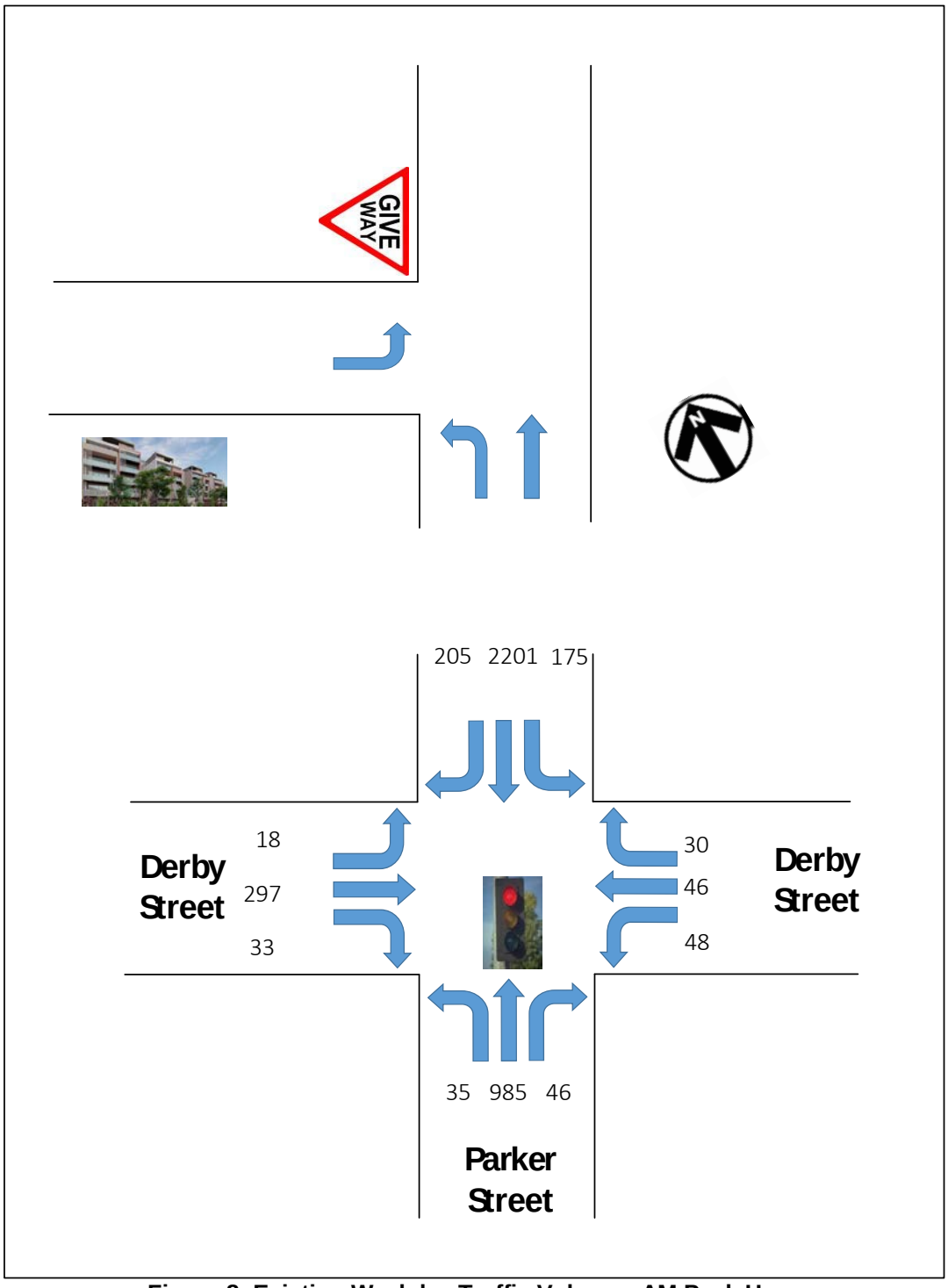


Figure 8: Existing Weekday Traffic Volumes AM Peak Hour

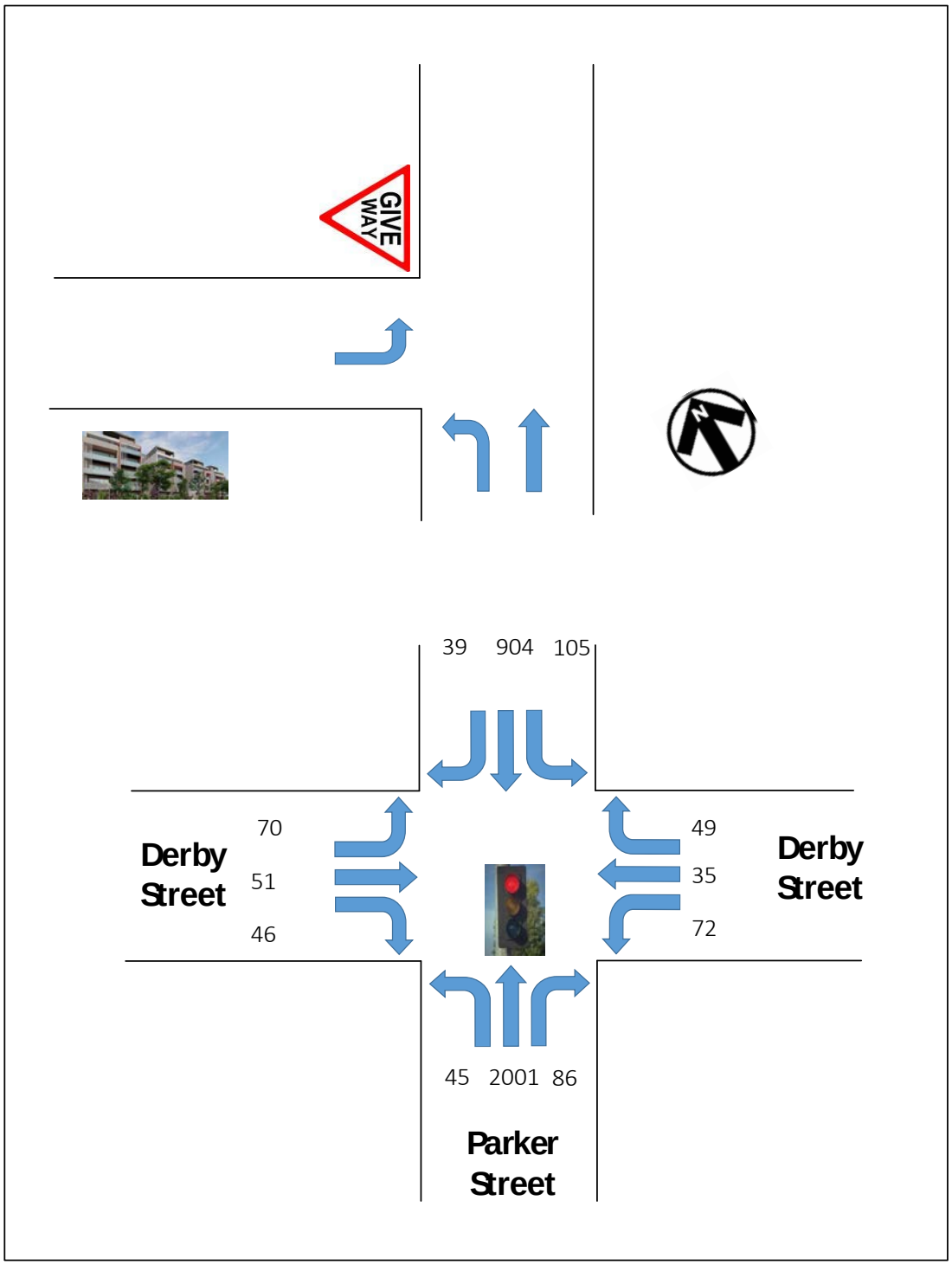


Figure 9: Existing Weekday Traffic Volumes PM Peak Hour

2.5 Intersection Assessment

An intersection assessment has been undertaken for the two surveyed intersections.

The existing intersection operating performance was assessed using the SIDRA software package (version 6) to determine the Degree of Saturation (DS), Average Delay (AVD in seconds) and Level of Service (LoS) at each intersection. The SIDRA program provides Level of Service Criteria Tables for various intersection types. The key indicator of intersection performance is Level of Service, where results are placed on a continuum from 'A' to 'F', as shown in Table 1.

LoS	Traffic Signal / Roundabout	Give Way / Stop Sign / T-Junction Control
A	Good operation	Good operation
B	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	Satisfactory	Satisfactory, but accident study required
D	Operating near capacity	Near capacity & accident study required
E	At capacity, at signals incidents will cause excessive delays.	At capacity, requires other control mode
F	Unsatisfactory and requires additional capacity, Roundabouts require other control mode	At capacity, requires other control mode

Table 1: Intersection Level of Service

The Average Vehicle Delay (AVD) provides a measure of the operational performance of an intersection as indicated below, which relates AVD to LOS. The AVD's should be taken as a guide only as longer delays could be tolerated in some locations (i.e. inner-city conditions) and on some roads (i.e. minor side street intersecting with a major arterial route). For traffic signals, the average delay over all movements should be taken. For roundabouts and priority control intersections (sign control) the critical movement for level of service assessment should be that movement with the highest average delay.

LoS	Average Delay per Vehicles (seconds/vehicle)
A	Less than 14
B	15 to 28
C	29 to 42
D	43 to 56
E	57 to 70
F	>70

Table 2: Intersection Average Delay (AVD)

The degree of saturation (DS) is another measure of the operational performance of individual intersections. For intersections controlled by traffic signals both queue length and delay increase rapidly as DS approaches 1. It is usual to attempt to keep DS to less than 0.9. Degrees of Saturation in the order of 0.7 generally represent satisfactory intersection operation. When DS exceed 0.9 queues can be anticipated.

The results of the intersection analysis are as follows:

Signalised intersection of Parker Street with Derby Street

- The intersection has an overall LoS D and B for the AM and PM peak hours respectively
- There is spare capacity at this intersection

Priority-controlled intersection of Parker Street with Hope Street

- All turn movements have a LoS A for both the AM and PM peak hours
- There is spare capacity at this intersection

The full SIDRA results are presented in Appendix A.

2.6 Public Parking Opportunities

On street public parking is available on Hope Street. Site observations (see Figure 4 for a photograph) showed that all car spaces are occupied by hospital staff during business hours.

2.7 Public Transport

The development site is located 1.29 kilometres away south west of Kingswood Train Station. The nearest bus stop to the development site is 235 metres away on Derby Street. This stop is serviced by bus route 774, 775 and 776. Another bus stop nearby is 244 metres away on Parker Street. This stop is serviced by bus route 789. These provide access to suburbs including South Penrith, Luddenham, Kingswood, St Marys, Oxley Park, Mount Druitt, St Clair, and Erskine Park.

Figure 10a and 10b show the proximity of the site to the public transport.

Overall, the site has good access to public transport.

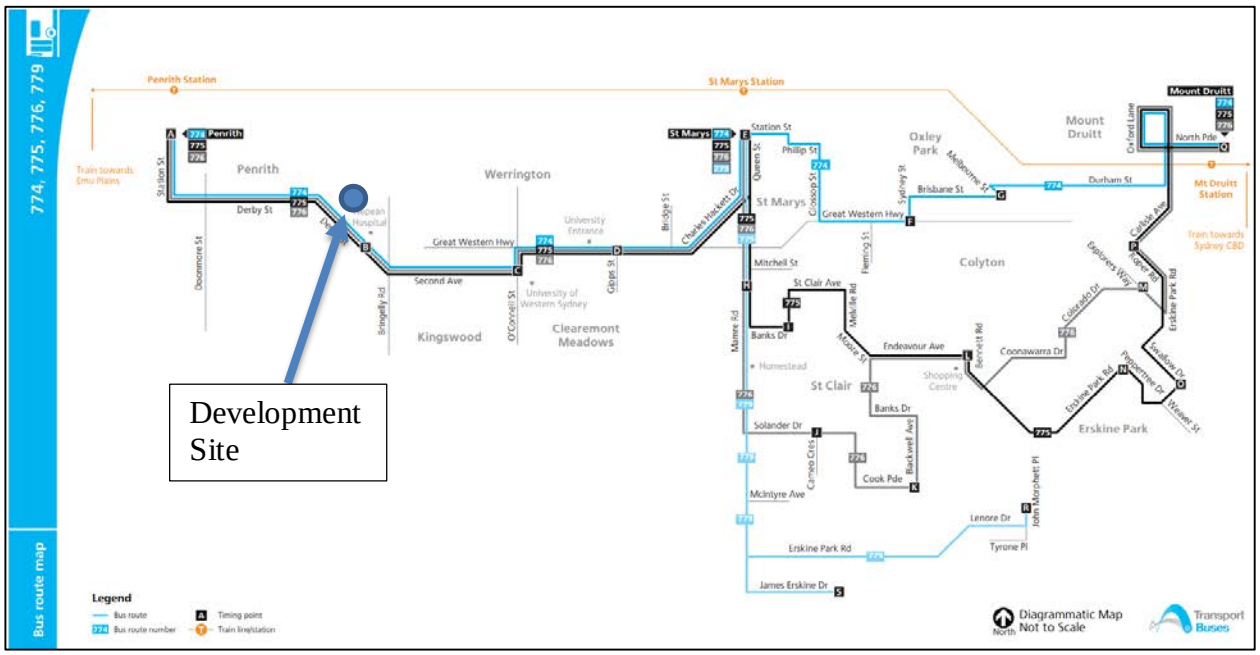


Figure 10a: Bus route 774, 775 and 776 near to the site

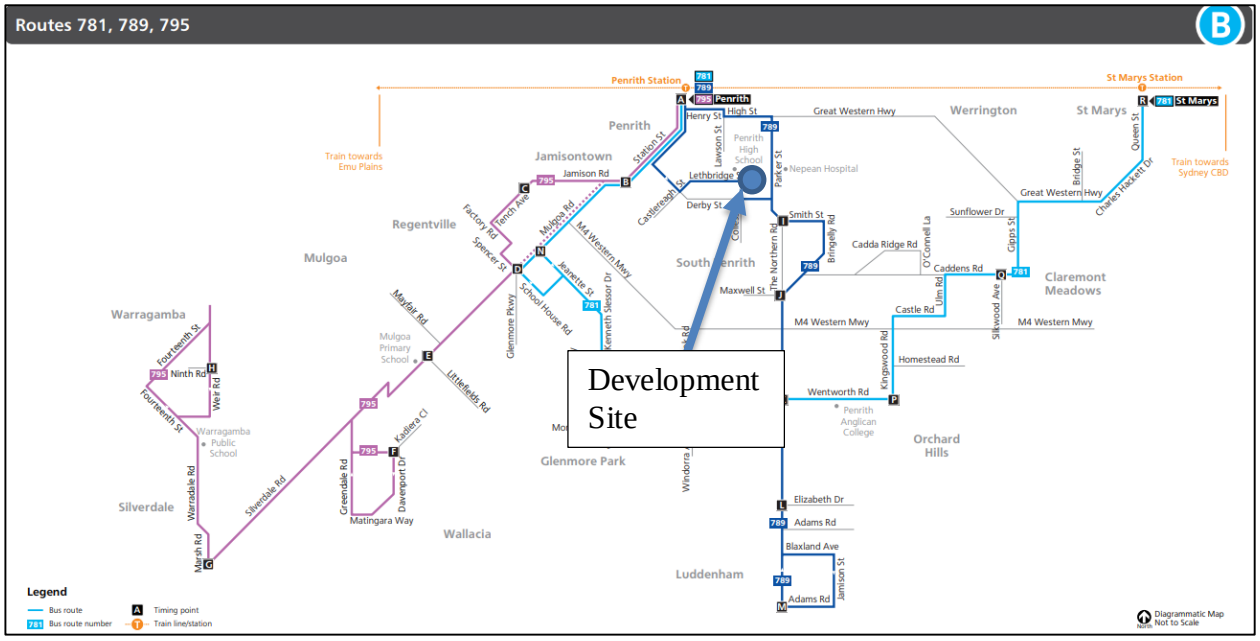


Figure 10b: Bus route 789 relative to the site

2.8 Conclusions on the Existing Conditions

The proposed residential development is located in an area where there are no vacant car spaces on Hope Street during hospital business hours as a consequence of hospital staff parking on Hope Street.

The nearby intersection overall performs well with sufficient spare capacity to accommodate additional traffic.

The site has good access to public transport.

3. PROPOSED RESIDENTIAL DEVELOPMENT

The land uses for the proposed residential development are as follows in the following:

Residential

- One one-bedroom apartments
- Seventy-one two-bedroom apartments
- Four three-bedroom apartments
- A total of seventy-six apartments

Car Parking

- 98 car spaces via two basement levels including:
  - 72 resident car spaces
  - 8 disabled car spaces
  - 15 visitor car spaces
  - 2 car wash bays
  - 1 service vehicle space

Vehicle access and egress is via Hope Street.

A full scaled plan of the proposed residential development is provided as part of the Development Application.

4. PARKING CONSIDERATIONS

4.1 Penrith City Council's Development Control Plan

The parking requirements for parking are presented in Penrith City Council's Development Control Plan. The parking requirements as it applies to a residential dwelling are as follows:

Medium Density Residential Development

- 1 car space per one-bedroom apartment
- 1 car space per two-bedroom apartment
- 2 car spaces per three-bedroom apartment
- 1 visitor car space per five apartments
- 1 car space per forty apartments for service vehicles
- 1 car wash bay for every fifty apartments

Table 3 summarises the car parking requirements for the development.

Apartments	Number	Car Parking Rate per Apartment	Car Spaces Required	Car Spaces Provided
1 Bedroom	1	1	1	**98**
2 Bedroom	71	1	71	
3 Bedroom	4	2	8	
Visitor Parking	76	0.2	16	
Service Vehicles	76	0.025	2	
Car Washing	76	0.02	2	
		Total	**100**	**98**

Table 3: Car Parking Requirements

4.2 Adequacy of Car Parking Provision

The proposed residential development requires 100 car spaces versus the 98 car spaces provided. The residential development is two car spaces short of meeting Council
S parking requirements. It is, however, noted that the development is within the vicinity of Nepean Hospital which is likely where most of the tenants are employed and thus they have a lower car ownership rate.

Two car spaces can also be met on the development frontage of the site without affecting the availability of nearby residents in retaining their frontage for on street parking.

5. VEHICLE TRAFFIC IMPACT CONSIDERATIONS

5.1 Traffic Generation

The RTA Guide to Traffic Generating Developments publishes trip rates for houses (existing) and apartments as follows for the weekday peak hours:

Residential houses (existing)

- 0.85 trips per house

Apartments (proposed)

- 0.5 trips per one or two-bedroom apartment
- 0.65 trips per three or more-bedroom apartment

Table 4 summarises the proposed and existing trip generation for the respective land uses.

Table 5 summarises the trip distribution for the proposed residential development.

The proposed residential development will generate a moderate number of additional trips in the AM and PM peak hours.

Proposed			
Apartments	**Number**	**Trip Rate per Apartment**	**Trips**
One Bedroom	1	0.5	38.6
Two Bedroom	71		
Three Bedroom	4	0.65	
Existing			
Component / Use	**Number**	**Trip Rate per House**	**Trips**
Houses	5	0.85	4.25
		Net Trips	35

Table 4: Summary of Trip Generation for the Existing and Proposed residential development

Trip Distribution			
Weekday Rates	**Origin**	**Destination**	**Total**
AM Peak Hour	30	5	35
PM Peak Hour	5	30	35

Table 5: Trip Distribution for the Proposed residential development

5.2 Forecast Traffic Volumes

The following figures present the existing with development traffic volumes of the surveyed intersections for the AM and PM peak hours respectively.

The additional development traffic is in red for origin trips and blue for destination trips. The additional development traffic represents a small proportion of the existing traffic.

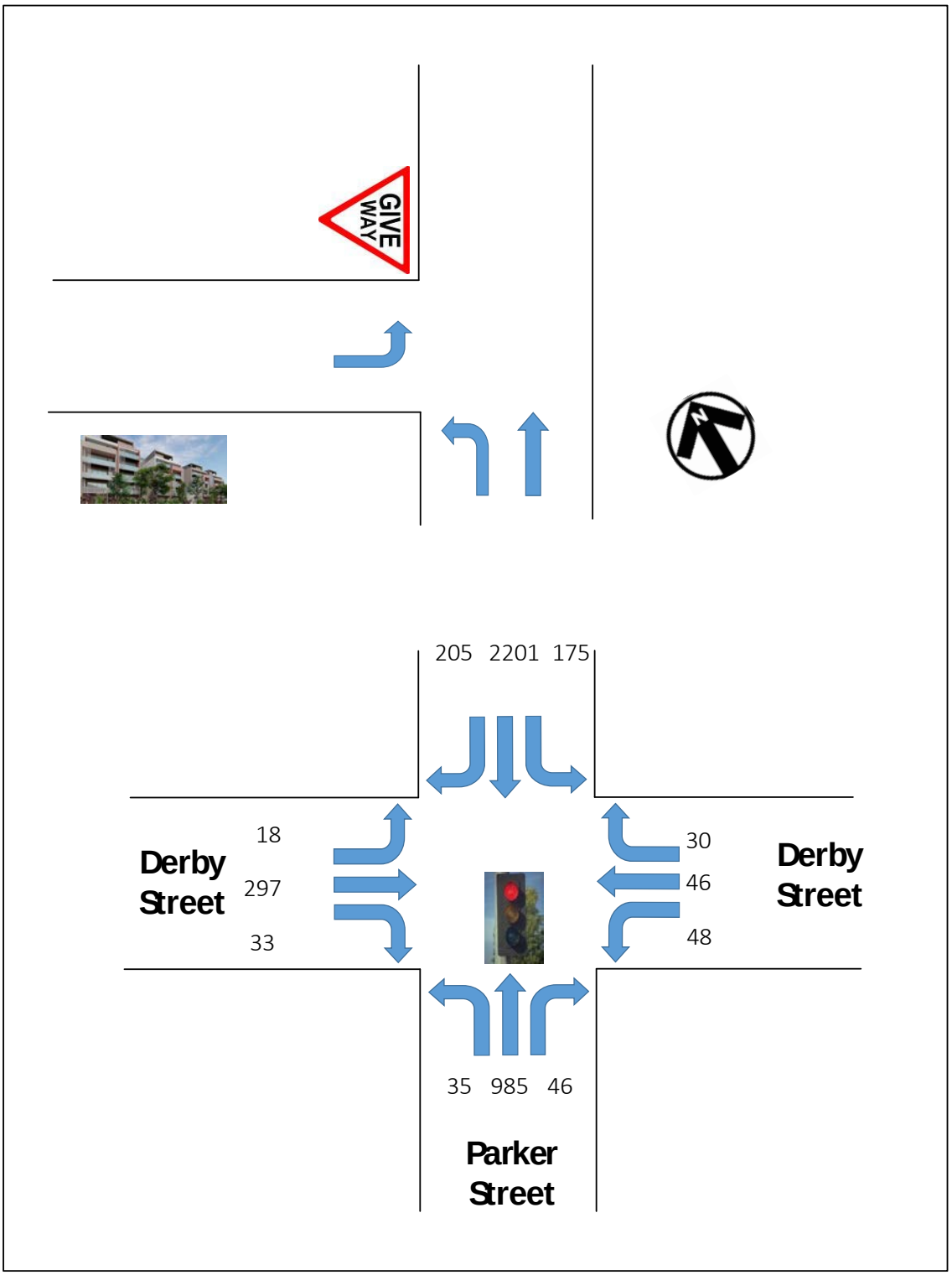


Figure 11: Existing Weekday AM Peak Hour Traffic Volumes with Development Traffic

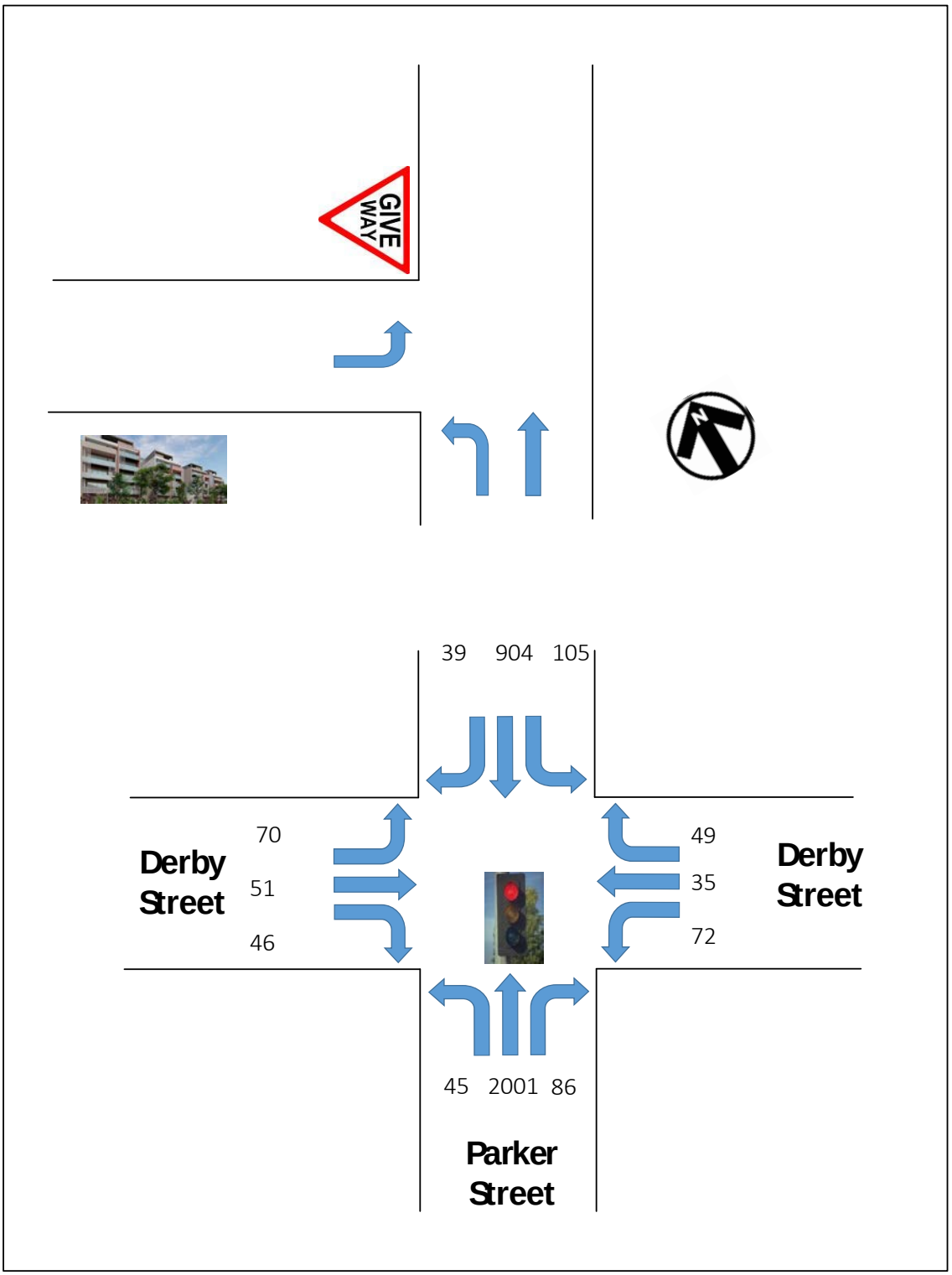


Figure 12: Existing Weekday PM Peak Hour Traffic Volumes with Development Traffic

5.3 Intersection Assessment

This section assesses the following intersections for the existing traffic with the school traffic. The results of the intersection assessment are as follows:

Signalised intersection of Parker Street with Derby Street

- The intersection has an overall LoS E for the AM peak hour and overall LoS B for the PM peak hour
- The additional trips only affected the intersection performance on Parker Street southbound traffic

Priority-controlled intersection of Parker Street with Hope Street

- All turn movements have a LoS A for both the AM and PM peak hours
- The additional trips do not change the overall LoS

The full SIDRA results are presented in Appendix B for the existing conditions with the development traffic. The full SIDRA results are presented in Appendix A for the existing conditions.

6. CONCLUSIONS

Based on the considerations presented in this report, it is considered that:

Parking

- The proposed residential development is two car spaces short of meeting Council's car parking requirements.
- However, the proximity to Nepean Hospital is likely to lead to some tenants to not own a car and walk to and from the Hospital work place and use public transport and Uber for social trips.
- The proximity of public transport (Kingswood Train Station and bus services nearby) also encourages some tenants to rely on public transport rather than car ownership.

  Two car spaces can be found on the on-street area of the property frontage without affecting the availability of nearby residents in retaining their frontage for on street parking.
-

Traffic

- The proposed residential development is a moderate trip generator for the weekday AM and PM peak hours.
- The additional trips from the proposed residential development can be accommodated at the nearby intersections with only minor effects on intersection performance, delays or queues.
- There are no traffic engineering reasons why a planning permit for the proposed residential development at 16-24 Hope Street in Penrith, should be refused.

APPENDIX A

SIDRA Intersection Results for Existing Traffic Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	35	0.0	0.380	24.4	LOS C	10.7	75.1	0.70	0.62	0.70	44.6
2	T1	985	0.0	0.380	18.9	LOS B	10.8	75.5	0.70	0.61	0.70	45.7
3	R2	46	0.0	0.206	49.7	LOS D	2.1	14.6	0.94	0.74	0.94	32.7
Approach		1066	0.0	0.380	20.4	LOS C	10.8	75.5	0.71	0.62	0.71	44.9
East: Derby Street east												
4	L2	48	0.0	0.093	29.3	LOS C	1.9	13.2	0.72	0.68	0.72	35.7
5	T1	46	0.0	0.373	42.0	LOS D	3.2	22.4	0.92	0.74	0.92	31.2
6	R2	30	0.0	0.373	50.4	LOS D	3.2	22.4	0.96	0.75	0.96	30.3
Approach		124	0.0	0.373	39.1	LOS D	3.2	22.4	0.85	0.72	0.85	32.5
North: Parker Street north												
7	L2	175	0.0	0.934	56.3	LOS E	52.2	365.6	1.00	1.14	1.32	31.9
8	T1	2201	0.0	0.934	50.9	LOS D	52.7	368.6	0.97	1.14	1.31	32.6
9	R2	205	0.0	0.920	69.7	LOS E	12.3	86.2	1.00	1.08	1.62	27.7
Approach		2581	0.0	0.934	52.7	LOS D	52.7	368.6	0.98	1.14	1.33	32.1
West: Derby Street west												
10	L2	18	0.0	0.178	36.4	LOS D	3.2	22.6	0.82	0.67	0.82	34.4
11	T1	297	0.0	0.889	50.0	LOS D	14.8	103.8	0.96	1.01	1.29	29.7
12	R2	33	0.0	0.889	59.7	LOS E	14.8	103.8	1.00	1.11	1.43	28.5
Approach		348	0.0	0.889	50.2	LOS D	14.8	103.8	0.96	1.01	1.28	29.8
All Vehicles		4119	0.0	0.934	43.7	LOS D	52.7	368.6	0.90	0.98	1.15	34.4

Table A1: Intersection Performance of Parker Street with Derby Street Weekday AM Peak Hour Existing Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	15	0.0	0.177	6.3	LOS A	0.0	0.0	0.00	0.03	0.00	65.6
2	T1	1018	0.0	0.177	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	69.7
Approach		1033	0.0	0.177	0.1	NA	0.0	0.0	0.00	0.01	0.00	69.6
West: Hope Street												
10	L2	8	0.0	0.007	5.6	LOS A	0.0	0.2	0.37	0.53	0.37	45.8
Approach		8	0.0	0.007	5.6	LOS A	0.0	0.2	0.37	0.53	0.37	45.8
All Vehicles		1041	0.0	0.177	0.2	NA	0.0	0.2	0.00	0.01	0.00	69.3

Table A2: Intersection Performance of Parker Street with Hope Street Weekday AM Peak Hour Existing Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	45	0.0	0.727	21.8	LOS C	20.2	141.5	0.85	0.77	0.85	46.2
2	T1	2001	0.0	0.727	16.1	LOS B	20.3	142.0	0.84	0.76	0.84	47.4
3	R2	86	0.0	0.579	44.7	LOS D	3.3	23.2	1.00	0.79	1.07	34.2
Approach		2132	0.0	0.727	17.4	LOS B	20.3	142.0	0.85	0.76	0.85	46.7
East: Derby Street east												
4	L2	72	0.0	0.112	22.5	LOS C	1.8	12.6	0.71	0.71	0.71	37.9
5	T1	35	0.0	0.301	29.5	LOS C	2.8	19.4	0.90	0.74	0.90	34.8
6	R2	49	0.0	0.301	34.1	LOS C	2.8	19.4	0.90	0.74	0.90	34.7
Approach		156	0.0	0.301	27.7	LOS C	2.8	19.4	0.81	0.72	0.81	36.1
North: Parker Street north												
7	L2	105	0.0	0.351	18.1	LOS B	7.5	52.2	0.65	0.63	0.65	47.5
8	T1	904	0.0	0.351	12.5	LOS B	7.6	53.0	0.65	0.58	0.65	49.5
9	R2	39	0.0	0.263	43.0	LOS D	1.4	10.1	0.97	0.73	0.97	34.7
Approach		1048	0.0	0.351	14.2	LOS B	7.6	53.0	0.67	0.59	0.67	48.5
West: Derby Street west												
10	L2	70	0.0	0.109	22.5	LOS C	1.7	12.2	0.71	0.71	0.71	37.9
11	T1	51	0.0	0.335	29.7	LOS C	3.2	22.5	0.91	0.74	0.91	34.9
12	R2	46	0.0	0.335	34.3	LOS C	3.2	22.5	0.91	0.74	0.91	34.9
Approach		167	0.0	0.335	27.9	LOS C	3.2	22.5	0.83	0.73	0.83	36.1
All Vehicles		3503	0.0	0.727	17.4	LOS B	20.3	142.0	0.79	0.70	0.79	45.9

Table A3: Intersection Performance of Parker Street with Derby Street Weekday PM Peak Hour Existing Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	8	0.0	0.362	6.4	LOS A	0.0	0.0	0.00	0.01	0.00	66.3
2	T1	2110	0.0	0.362	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	69.8
Approach		2118	0.0	0.362	0.1	NA	0.0	0.0	0.00	0.00	0.00	69.8
West: Hope Street												
10	L2	13	0.0	0.017	7.7	LOS A	0.1	0.4	0.55	0.67	0.55	44.9
Approach		13	0.0	0.017	7.7	LOS A	0.1	0.4	0.55	0.67	0.55	44.9
All Vehicles		2131	0.0	0.362	0.1	NA	0.1	0.4	0.00	0.01	0.00	69.6

Table A4: Intersection Performance of Parker Street with Hope Street Weekday PM Peak Hour Existing Conditions

APPENDIX B

SIDRA Intersection Results for Existing with Apartment Traffic

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	37	0.0	0.397	24.7	LOS C	10.6	74.3	0.72	0.64	0.72	44.4
2	T1	987	0.0	0.397	19.2	LOS B	10.7	74.7	0.72	0.63	0.72	45.5
3	R2	46	0.0	0.214	48.1	LOS D	2.0	14.0	0.94	0.74	0.94	33.2
Approach		1070	0.0	0.397	20.6	LOS C	10.7	74.7	0.73	0.63	0.73	44.8
East: Derby Street east												
4	L2	48	0.0	0.090	26.9	LOS C	1.8	12.3	0.70	0.68	0.70	36.6
5	T1	46	0.0	0.362	39.0	LOS D	3.0	21.3	0.91	0.74	0.91	32.0
6	R2	31	0.0	0.362	47.5	LOS D	3.0	21.3	0.96	0.75	0.96	31.0
Approach		125	0.0	0.362	36.5	LOS D	3.0	21.3	0.84	0.72	0.84	33.3
North: Parker Street north												
7	L2	175	0.0	0.969	75.3	LOS E	59.7	418.0	1.00	1.31	1.56	27.4
8	T1	2201	0.0	0.969	70.0	LOS E	60.2	421.4	0.98	1.34	1.56	27.9
9	R2	205	0.0	0.953	77.0	LOS E	12.9	90.0	1.00	1.19	1.87	26.3
Approach		2581	0.0	0.969	71.0	LOS E	60.2	421.4	0.99	1.32	1.58	27.7
West: Derby Street west												
10	L2	18	0.0	0.182	33.9	LOS C	3.3	22.8	0.81	0.66	0.81	35.2
11	T1	309	0.0	0.909	50.4	LOS D	15.5	108.7	0.96	1.06	1.36	29.5
12	R2	39	0.0	0.909	61.4	LOS E	15.5	108.7	1.00	1.18	1.53	28.1
Approach		366	0.0	0.909	50.8	LOS D	15.5	108.7	0.95	1.05	1.36	29.6
All Vehicles		4142	0.0	0.969	55.1	LOS E	60.2	421.4	0.91	1.10	1.32	31.1

Table B1: Intersection Performance of Parker Street with Derby Street Weekday AM Peak Hour Existing Conditions with Apartment Traffic

Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	18	0.0	0.177	6.3	LOS A	0.0	0.0	0.00	0.03	0.00	65.4
2	T1	1018	0.0	0.177	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	69.6
Approach		1036	0.0	0.177	0.1	NA	0.0	0.0	0.00	0.01	0.00	69.6
West: Hope Street												
10	L2	20	0.0	0.016	5.6	LOS A	0.1	0.4	0.37	0.55	0.37	45.8
Approach		20	0.0	0.016	5.6	LOS A	0.1	0.4	0.37	0.55	0.37	45.8
All Vehicles		1056	0.0	0.177	0.2	NA	0.1	0.4	0.01	0.02	0.01	68.9

Table B2: Intersection Performance of Parker Street with Hope Street Weekday AM Peak Hour Existing Conditions with Apartment Traffic

Movement Performance - Vehicles													
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	54	0.0	0.708	21.6	LOS C	21.1	147.5	0.82	0.75	0.82	46.2
2	T1	2014	0.0	0.708	15.9	LOS B	21.1	148.0	0.81	0.73	0.81	47.5
3	R2	86	0.0	0.617	47.9	LOS D	3.6	25.0	1.00	0.80	1.10	33.2
Approach		2154	0.0	0.708	17.3	LOS B	21.1	148.0	0.82	0.74	0.83	46.7
East: Derby Street east												
4	L2	72	0.0	0.115	24.2	LOS C	1.9	13.6	0.72	0.71	0.72	37.3
5	T1	35	0.0	0.321	32.3	LOS C	3.2	22.1	0.92	0.75	0.92	33.9
6	R2	54	0.0	0.321	36.9	LOS D	3.2	22.1	0.92	0.75	0.92	33.8
Approach		161	0.0	0.321	30.2	LOS C	3.2	22.1	0.83	0.73	0.83	35.3
North: Parker Street north												
7	L2	105	0.0	0.338	17.9	LOS B	7.6	53.4	0.63	0.61	0.63	47.7
8	T1	904	0.0	0.338	12.3	LOS B	7.7	54.2	0.63	0.56	0.63	49.6
9	R2	42	0.0	0.302	46.0	LOS D	1.7	11.7	0.98	0.73	0.98	33.8
Approach		1051	0.0	0.338	14.2	LOS B	7.7	54.2	0.64	0.57	0.64	48.5
West: Derby Street west												
10	L2	70	0.0	0.112	24.2	LOS C	1.9	13.2	0.72	0.71	0.72	37.3
11	T1	51	0.0	0.338	31.6	LOS C	3.5	24.2	0.91	0.74	0.91	34.3
12	R2	47	0.0	0.338	36.1	LOS D	3.5	24.2	0.91	0.74	0.91	34.3
Approach		168	0.0	0.338	29.8	LOS C	3.5	24.2	0.83	0.73	0.83	35.5
All Vehicles		3534	0.0	0.708	17.6	LOS B	21.1	148.0	0.77	0.69	0.77	45.8

Table B3: Intersection Performance of Parker Street with Derby Street Weekday PM Peak Hour Existing Conditions with Apartment Traffic

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows Total veh/h	HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Parker Street south												
1	L2	26	0.0	0.365	6.4	LOS A	0.0	0.0	0.00	0.02	0.00	65.7
2	T1	2110	0.0	0.365	0.0	LOS A	0.0	0.0	0.00	0.01	0.00	69.7
Approach		2136	0.0	0.365	0.1	NA	0.0	0.0	0.00	0.01	0.00	69.6
West: Hope Street												
10	L2	17	0.0	0.021	7.6	LOS A	0.1	0.5	0.55	0.68	0.55	44.9
Approach		17	0.0	0.021	7.6	LOS A	0.1	0.5	0.55	0.68	0.55	44.9
All Vehicles		2153	0.0	0.365	0.2	NA	0.1	0.5	0.00	0.01	0.00	69.3

Table B4: Intersection Performance of Parker Street with Hope Street Weekday PM Peak Hour Existing Conditions with Apartment Traffic