

Statement of Environmental Effects

DEMOLITION OF EXISTING STRUCTURES, TREE REMOVAL AND THE CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 12 APARTMENTS WITH BASEMENT PARKING FOR 11 VEHICLES AT 1 GARNER STREET, ST MARYS



*Prepared by: Think Planners
Document Date: 31 May 2016
Consent Authority: Penrith City Council*

QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects– 4 Storey Residential Flat Building

ADDRESS: Lot 3 DP 508698: 1 Garner Street, St Marys

COUNCIL: Penrith City Council

AUTHOR: Think Planners Pty Ltd

ARCHITECT: Baini Design

Date	Purpose of Issue	Rev	Drafted	Authorised
30 May 2016	Revised Draft Issue	Draft	SJ/JW	JW
31 May 2016	DA Lodgement Issue	Final	SJ/JW	AB

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



RFB: 1 Garner Street, ST MARYS

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Executive Summary

This statement of environmental effects has been prepared in support of a development application for the development of Lot 3 DP 508698, tree removal, demolition of existing structures and the construction of a residential flat building. The proposal incorporates a total of 12 residential units and 11 car parking spaces over basement parking at 1 Garner Street, St Marys.

The site is located in close proximity to Queen Street, St Marys and the St Marys town centre and has a single street frontage to Garner Street. The site is located on the western side of Garner Street and has an east-west orientation. The site sits some 200m west of Mamre Road. St Marys train station is approximately 1.5kms to the north. The site is afforded access to supermarkets, restaurants, neighbourhood centres, parks and a post office which are all within walking distance from the development site. Furthermore, bus stops with regular services to Kingswood, Mt Druitt and Penrith are situated within a 100m radius of the subject site.

The site is a regular shaped land parcel and is bound by a residential flat building development to the south with an older style 2 storey townhouse development to the north. The development site has a 16.73m frontage to Garner Street and a depth of 40.235m, resulting in a site area of 663.9m². The site gently slopes from Garner Street to the rear approximately 1.5m.

The site is zoned R4 High Density under Penrith Local Environmental Plan 2010 and a '*Residential Flat Building*' is permissible with consent within the R4 Zone. The development proposal has been designed to align with the LEP controls and the provisions of Penrith DCP 2014, noting the proposal meets the building height control in the LEP and aligns with key DCP provisions. The proposed development also provides affordable housing in line with State Environmental Planning Policy (Affordable Rental Housing) 2009 and consideration is given to the relevant planning controls of this policy.

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

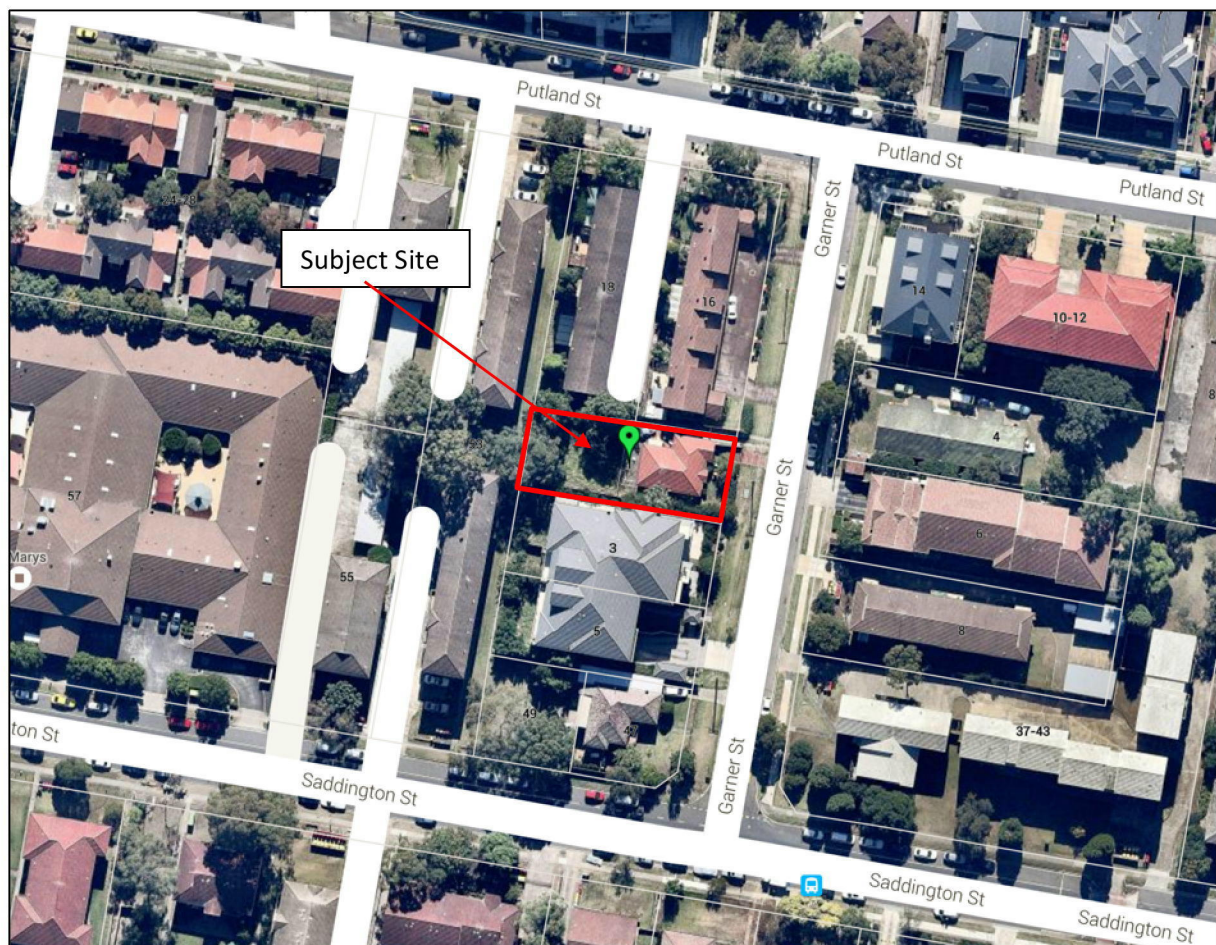
Site and Locality

The subject site is legally described as Lot 3 DP 508698 known as 1 Garner Street, St Marys. The site is a regular shaped land parcel with an east west orientation and is surrounded by a residential flat building development and an older style townhouse development. The locality contains an eclectic mix of older style cottages, townhouse developments and more recent high density developments. The development site has a 16.73m frontage to Garner Street and a depth of 40.235m resulting in a total site area of 663.9m². The site has a fall from Garner Street to the rear of approximately 1.5m.

This development site is located within walking distance of the St Marys town centre and commercial strip along Queen Street. The site benefits from being close to recreational facilities, the swimming centre, sports grounds, St Marys village shopping centre, numerous primary schools, St Marys Senior High School and many other features that are found within the town centre. The site is approximately 1.5km from St Marys train station which has express services into the Sydney CBD. There are also bus services along Mamre Road with access to the train station as well as Penrith and Mt Druitt town centres. The site is within walking distance of supermarkets, restaurants, gyms, a neighbourhood centre, parks, schools and a post office.

The subject site currently accommodates a single storey residential dwelling. The dwelling is in a reasonable condition; however the existing land use is significantly underutilising the sites full development potential given the R4 High Density Housing Zone which permits residential flat buildings with a height of 15m. There is no relevant maximum floor space ratio control for this site.

The aerial photo on the following page provides context to the development site.

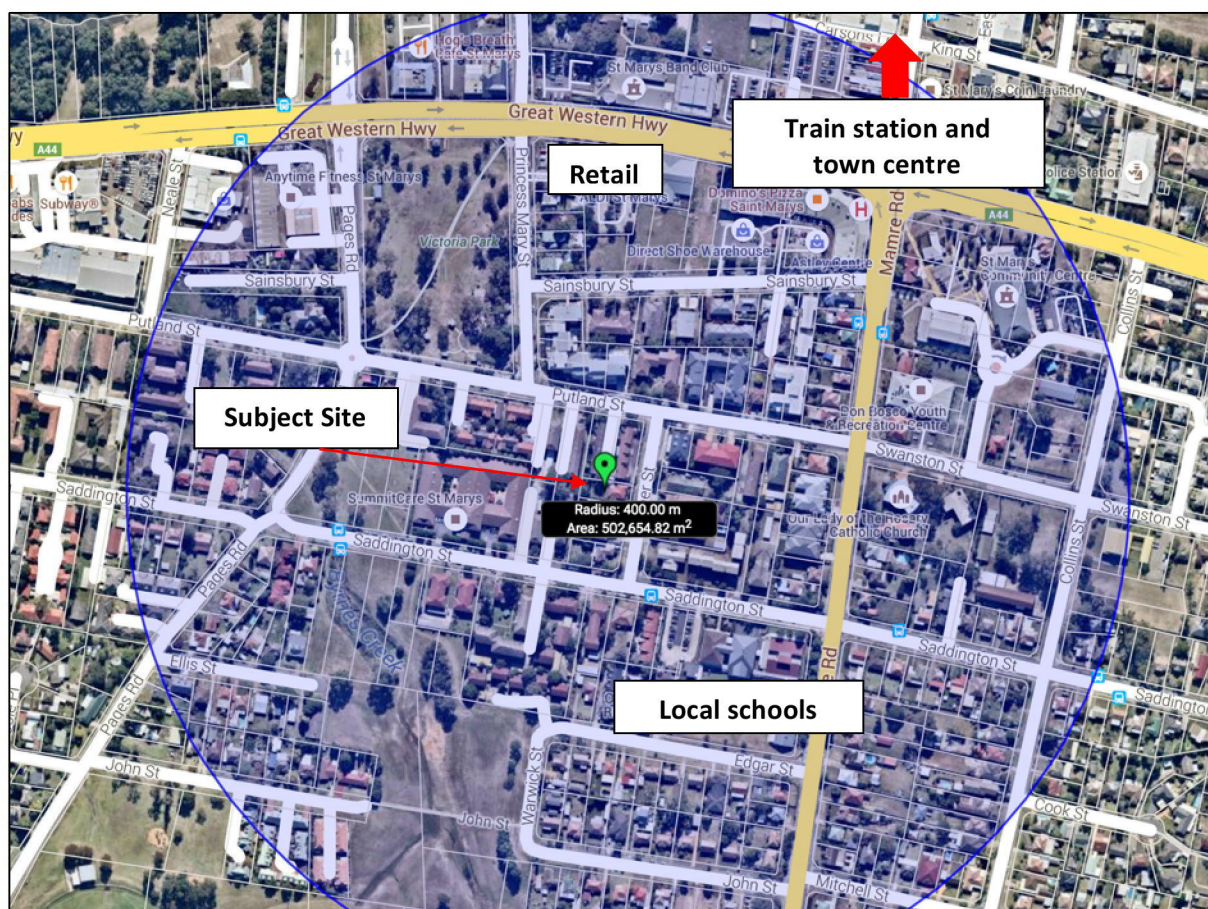


The site is zoned R4 High Density Residential under Penrith Local Environmental Plan 2010 which permits residential flat buildings with a maximum height of 15m.

With the wider locality zoned for high density residential development by Penrith LEP 2010, it is expected that over the next 5-10 years the subject area will continue undertake a transformation of its housing stock from low/medium density to higher densities.

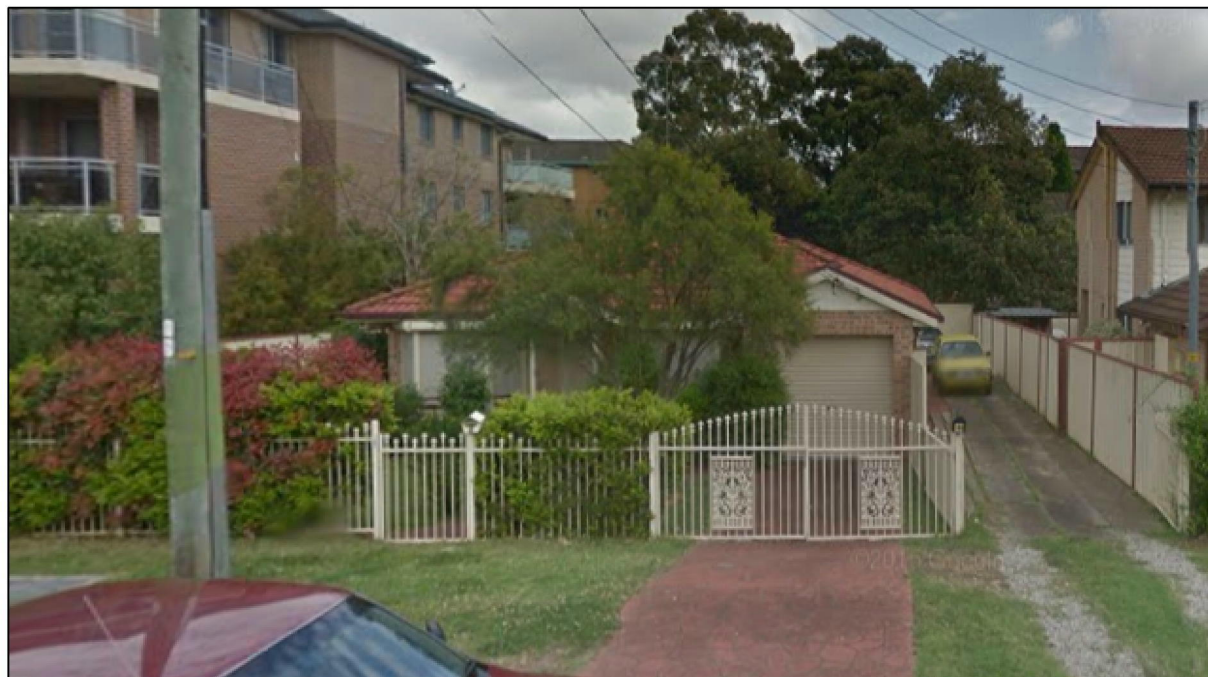
A Plan for Growing Sydney supports higher residential developments in strategic locations to accommodate future population growth. The subject area is ideal for future urban intensification as it is located within close proximity to essential services, recreational opportunities, shops, local schools and public transportation.

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



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

Photograph 1: Shows the site as viewed from Garner Street.



Photograph 2: Shows the neighbouring development to the south.

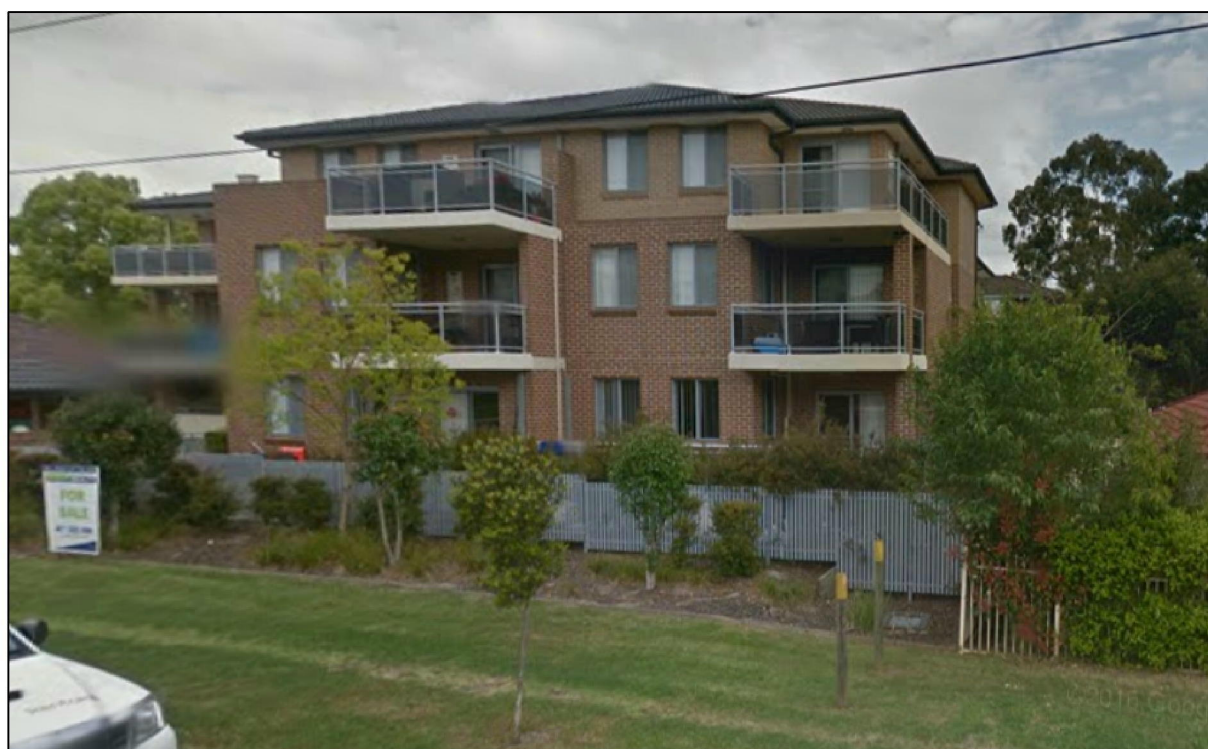


Photo 3: Older style multi dwelling housing development to the north.

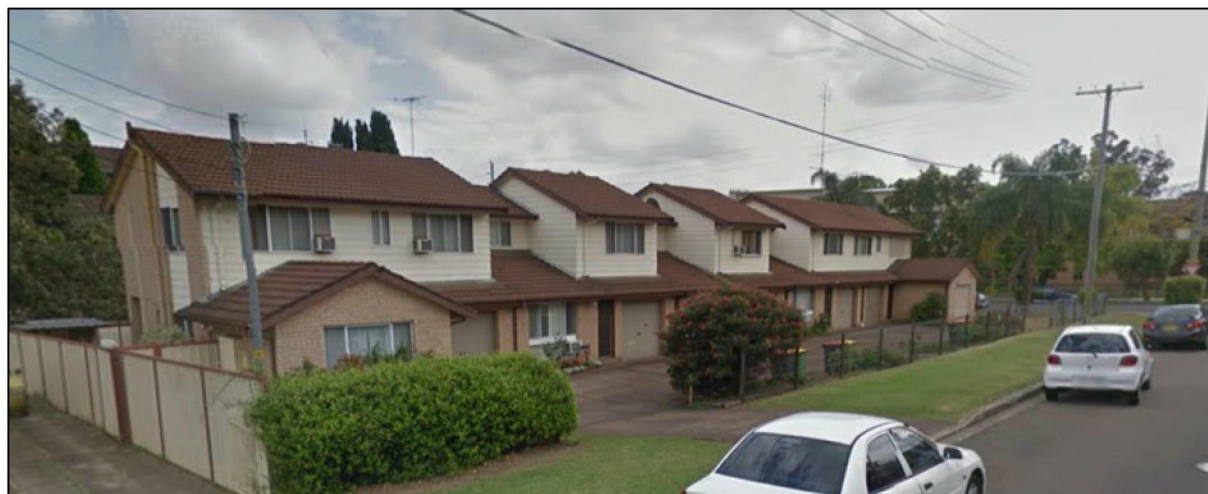
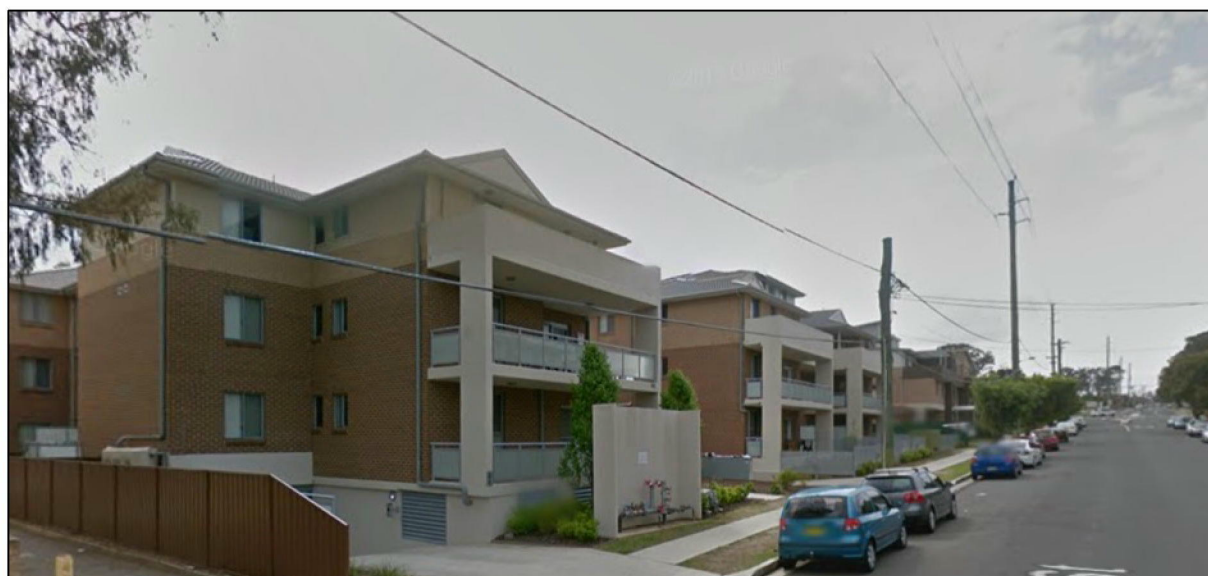


Photo 4: Shows the more recently constructed residential flat buildings along Putland Street.



Description of Proposal

The development application involves tree removal, demolition of existing structures and the construction of a 4 storey '*Residential Flat Building*'. The proposal incorporates a total of 12 residential units and 11 car parking spaces within a basement car parking arrangement. A summary of the key elements of the proposal are provided below:

Unit Mix

The proposal incorporates the following dwelling mix:

- 4 x 1 bedroom units
- 8 x 2 bedroom units.

Parking

The proposal includes a total of 11 parking spaces within a basement accessed via a driveway located along the northern side setback. There is 1 visitor space provided.

Waste Collection

The proposal has been designed to enable bin storage near the driveway with the waste to be collected from Garner Street.

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Basement Level	Access to the basement is from a double width cross over in the north eastern corner of the site from Garner Street.
	10 resident car parking spaces
	1 visitor parking space
	Waiting bay to give way to entering traffic
	Residential storage space
	4 bicycle spaces
	1 x lift core and 1 x stairwell including fire escape stairs.
Ground Floor	Pedestrian path adjacent to the southern boundary that provides access to the lift core.
	Each unit is provided with a kitchen, laundry, living area, dining area and open space area.
	1 x 1 bedroom units with private open space areas (including 1 adaptable unit)
	2 x 2 bedroom units with private open space areas (including 1 adaptable unit)
	Bins storage areas are adjacent to the driveway.

Levels 1 -3	Letterboxes
	1 x lift core and 1 x stairwell including fire escape stairs.
	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that are generally accessed from living areas.
	1 x 1 bedroom unit with balcony per level (total 1 bedrooms: 3)
	2 x 2 bedroom units with balcony per level (total 2 bedrooms: 6)
	1 x lift core and 1 x stairwells

Ancillary Aspects

The development proposal also incorporates drainage measures and associated landscape works as detailed on the submitted landscape plan and hydraulic plans.

The design of the proposed development incorporates contemporary architectural aesthetics that is consistent with residential flat buildings envisioned by SEPP 65 and the associated Apartment Design Guide and is consistent with the higher density character of the locality envisaged by Penrith LEP 2010.

Design consideration has been given to the scale, size and form of the proposal in relation to the characteristics of the site, adjoining buildings, and the future high density character of the locality.

Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

The list of documentation accompanying the development application is listed below:

- Architectural Plans prepared by Baini Design
- Design Verification Statement prepared by Vitale Design
- Landscape Plan prepared by Fuggle and Associates
- Hydraulic Plans prepared by Umbrella Group Consulting Engineers
- Waste Management Plan
- Arborist Report prepared by Trevor Hawkeswood
- BASIX certificate by Acclaim Town Planners
- Traffic and Parking Assessment by NSA Consulting.

Pre DA and Design Panel

The table below provides a brief summary of the key issues discussed at the Urban Design Review Panel meeting on 19 November 2015. The statement of environmental effects and supporting statements submitted with this application provide much greater details demonstrating how the proposal has responded to comments and issues raised.

Issue Raised	Response
Landscape and privacy screening required to address reduced setbacks.	Privacy screens are to be utilised throughout the proposal including screens used along the northern elevation where there are areas of POS/living rooms with a reduced setback of 3m. There are also strategically placed planter boxes to enhance landscape screening and privacy used throughout the proposal. Highlight windows are used along the southern elevation.
Existing built form character	Please refer to further details in the Design Verification Statement and Statement of Environmental Effects regarding built form character.
Deep soil to be provided at the rear corners	Provided
Basement to be extended in easterly direction	Revised accordingly
Landscaping in rear corners and front setback	Provided
Driveway should be flanked by blade columns to provide sculptured elements	Revised accordingly
Driveway ramp should be overhung by a planter	Provided
Bin storage should be in a cupboard design	Provided
Façade design to be refined and colour/material schedule to be confirmed	Details provided with architectural plans
Provide privacy screens for unit 2.01 and integrate into façade	Privacy screening provided
Provide large scale sections and elevations	Enclosed with this application

Environmental Planning Instruments

The environmental planning instruments relevant to the current proposal include:

- State Environmental Planning Policy (BASIX)
- State Environmental Planning Policy No.55- Remediation of Land
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No.65 –Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan No. 20- Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014.

The following summarises the relevant planning controls in relation to the proposal and makes comment regarding compliance with these controls.

State Environmental Planning Policy BASIX 2004

A BASIX certificate has been prepared for the development and found that the proposed dwellings comply with the State Government's water and energy reduction targets. It is important to note the provisions of Clause 8 and 9, which provide that any competing provision relating to water and thermal efficiency in other applicable EPIs are of no effect.

State Environmental Planning Policy (Infrastructure) 2007

The development site is not located on a classified road and as a result it is not necessary to consider the provisions of Clause 102, and 104 of the SEPP.

Clause 104 identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore concurrence from the RMS is not required.

State Environmental Planning Policy No.55- Remediation of Land

Given the historical use of the site for residential purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary. If any contaminated material or suspected contaminated material is unearthed during the construction process then actions consistent with the legislative requirements and guideline documents will be undertaken.

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009 as a response to the ongoing issue of housing affordability within NSW. This section of the Statement addresses the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Part 2 New Affordable Rental Housing: Division 1 In-Fill Affordable Housing

Clause 10- Development to which Division Applies

The SEPP applies as ‘residential flat buildings’ are permitted with consent under the Penrith Local Environmental Plan 2010. Bus services within the vicinity of this site provide for greater than an hourly level of service which aligns with the provisions of Clause 10 and as shown on the image over the page the site is 300m walking distance from local bus stops and is therefore an ‘accessible area’. It should also be noted the bus services are more regular than 1 per hour between 6am and 9pm Monday to Friday and between 8am and 6pm Saturday and Sunday.

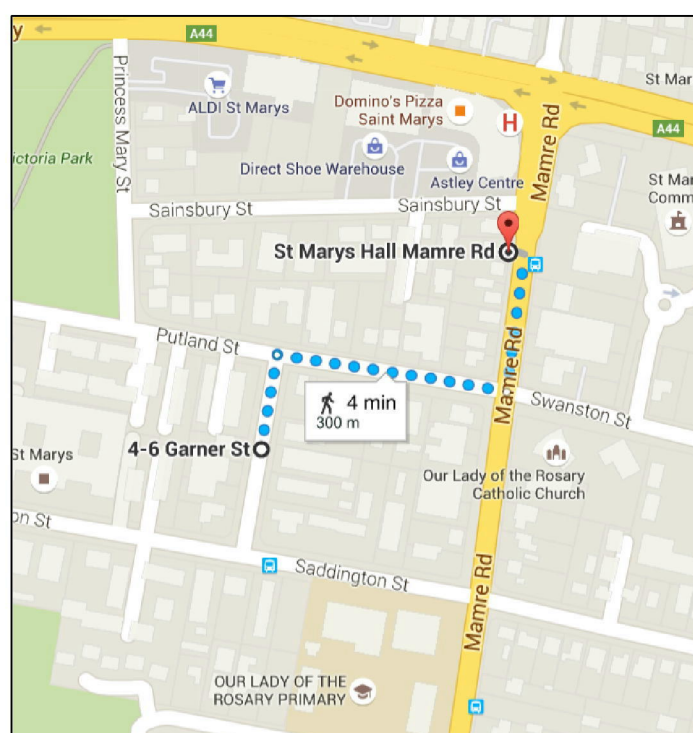


Figure 1: Bus Route Map (Source: Google Map)

Clause 14- Standards that cannot be used to refuse consent

The SEPP prescribes a number of standards that cannot be used to refuse consent, however the wording of the provisions specifically nominate that a consent authority can grant consent regardless of compliance with the below standards:

(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

The key grounds are summarised within the table below:

Control	Numerical Requirement	Proposed Development	Complies
Site Area	450m ²	663.9m ²	Yes
Landscaped Area	30% of site area	19.5% or 129.5m ² . However, the area shown on the ground floor plan nominated as "green pergola" which is effectively green landscaping, can also be considered as landscaped area. If this area is included then the proposal provides 30% of the site as landscape area.	Variation
Deep Soil Zones	15% of site area	7% with the deep soil areas evenly distributed throughout the site to ensure the proposal predominantly complies with the prescribed requirement of the ADG.	Yes
Solar Access	3 hours to 70% of dwellings between 9am and 3pm at mid-winter	12 units = 100%	Yes
Parking	1 Bed: 0.5 spaces (2) 2 Bed: 1 spaces (8) 10 required in total.	11 residential car parking spaces are provided. 1 visitor parking space is provided although not technically required under this SEPP.	Yes
Dwelling Size	1 Bed: 50m ² 2 Bed: 70m ²	1 Bed: >50m ² 2 Bed: >70m ²	Yes

Clause 15- Design Requirements & Clause 16- Continued Application of SEPP 65

The proposal involves a residential flat building and therefore the reference to the Seniors Living Policy: Urban Design Guidelines for Infill Development is not relevant to the current proposal. As noted by Clause 16 the provisions of SEPP 65 continue to apply to the development and the provisions of SEPP 65 are addressed previously in this statement and the accompanying Design Verification Statement prepared by Vitale Design.

Clause 16A- Character of Local Area

The design ensures compatibility with the local area as outlined in the planning principle established in *Project Venture Developments Pty Ltd V Pittwater Council*. Of particular relevance to the current proposal is the recent decision in *Moscaritolo v Ryde City Council* where Senior Commissioner Brown outlined, in relation to a proposal under the ARH SEPP, at [18] that:

I accept that any assessment of the proposed development against the character of the local area should include an assessment of existing building forms and also the character envisaged by the forms of development contemplated.

Future character is a significant consideration with Council up zoning the subject block to accommodate higher mixed use densities and with the current demand for housing within Sydney, the proposal is going to play an important role in setting the tone and scale for future comparable high density development within St Marys. A detailed discussion against the planning principle is provided below.

In accordance with the Planning Principle set out in *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* the following tests apply in determining whether development is compatible with surrounding development:

24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

These questions will be dealt with in turn however it is important to note that as set out in the planning principle *'Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve'*. Therefore, it can be seen that it is not necessary that the development adopt the same built form, scale, and appearance as surrounding developments.

In terms of the physical impacts of development the following points are made:

- Detailed shadow analysis demonstrates that adjoining properties achieve adequate solar access to open space and living areas.
- Privacy impacts are mitigated through the provision of appropriate building separation, smart internal apartment layouts, window placement (offset windows) and landscape embellishments works. The majority of living areas of the proposed units are oriented towards the street frontage and rear private open space area to mitigate privacy impacts to adjoining properties as far as practicable.
- Noise impacts arising from the proposal are limited to traffic movements. Given the location and design of the basement entry it is not anticipated that the level of noise generated will substantially impact on adjoining properties.
- The development proposal does not result in the constrained development potential of the adjoining properties or impact on any existing view corridors, noting that the subject site has been designed to present a suitable form of development in the locality.

Therefore, it can be seen that the physical impacts of the proposal are acceptable.

The planning principle establishes that the 3 key elements that define urban character are building height, setbacks, and landscaping. In this regard the following comments are made:

Height

- The proposal complies with the maximum height control contained in the Penrith LEP 2010.

Setbacks

- The development is compliant with the front setback however some variation is proposed to the side and rear setbacks. The compliant front setback ensures the proposed building will sit comfortably in the streetscape. It is expected that with the current demand for housing along Sydney's rail corridor, key arterial road networks and R4 zoning which has earmarked the subject site and subject block for higher mixed use densities, the proposal aims to set the tone and scale for comparable developments within this locality.
- The proposal will play an important role in not only setting the future streetscape rhythm but in cognisance of the site's existing context, appropriate setbacks and separation distances are proposed to ensure the proposal will not create any adverse amenity, visual or privacy impacts on adjoining properties.

Landscaping

- The landscape concept provides for deep soil and landscape embellishment works, that are consistent within a high density zone that will both maintain and enhance the levels of privacy and amenity enjoyed by existing residents of the area and for future residents of the proposal. The proposed landscaping will help to soften the built form of the proposed development and reduce the visual bulk and mass of the building and this will help the proposal to integrate with the site's context.

Based on the foregoing discussion it is considered that the development will exist in harmony with future development in the vicinity of the site and as such is worthy of support by Council as the development is compatible with the desired character of the locality.

Clause 17- Must be used for Affordable Housing for 10 Years

It is anticipated that conditions of consent will reinforce that the proportion of floor area to be used as affordable dwellings are to be used for a period of no less than 10 years as affordable dwellings.

State Environmental Planning Policy No.65- Design Quality of Residential Apartment Development and the Apartment Design Guide

The development application is accompanied by a design verification statement by Vitale Design (Registered Architect – Ben Vitale) verifying that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development facets and guidelines such as setbacks, building heights etc. is provided in the local planning controls discussion and tables below. An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below, noting that a number of these provisions are embodied within the Penrith Local Environmental Plan 2010 and the supporting Penrith Development Control Plan 2014.

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

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

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

ADG Element	Requirement	Proposed
3A Site Analysis required	Appendix 1 of the ADG	Site Analysis provided
3B Orientation	<p>Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%</p> <p>4 hours of solar access should be retained to solar collectors on neighbouring buildings</p>	<p>N/A. All adjoining properties receive more than 2 hours solar access in mid-winter.</p> <p>Adjoining properties do not contain solar collectors</p>

3C Public Domain Interface	<p>Terraces, balconies should have direct street entry, where appropriate.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</p> <p>Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view</p>	<p>The front ground floor unit has direct access from Garner Street.</p> <p>Mail boxes are suitably located perpendicular to the street.</p> <p>Bin storage areas are unobtrusively located next to the vehicular entry and will largely be hidden from view from the public domain.</p>
3D Communal and Public Open Space	<p>Communal open space has a minimum area equal to 25% of the site</p> <p>50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm Minimum dimension of 3m</p>	<p>The development has not provided an area of common open space and seeks variation to these controls on the basis of the following:</p> <ul style="list-style-type: none"> • Within a 400m radius the site has access to South Creek Park, Victoria Park, Wilson Oval and Cook Park. The site is highly accessible to a number of generous areas of public open space. • The development is small in scale, providing only 12 units, and therefore the area of open space at the rear and side setbacks, is better utilised as areas of private open space. It is often the case that with developments of this size an area of common open space is unused and in the future it becomes derelict. Therefore placing the area in private ownership

		<p>ensures the space is better maintained and safer for the development.</p> <ul style="list-style-type: none"> • Creating rooftop common open space is not feasible for the scale of this proposal and would add to the bulk of the building which in this case is unnecessary.
3E Deep Soil Zones	<p>A deep soil zone equivalent to 7% of the site area must be provided</p> <p>If the site is between 650m² to 1500m² then the DSZ must have minimum dimensions of 3m</p> <p>If over 1500m² then min dimensions of 6m</p>	<p>A deep soil zone of 7% is provided.</p> <p>Where achievable the DSZs have minimum dimensions that are greater than 3m. The submitted landscaping plan illustrates that appropriate deep rooted landscaping is able to be accommodated within the deep soil areas. The deep soil zones are considered to be adequate and will facilitate and support healthy plant and tree growth that facilitates the appropriate management of water and air quality.</p>
<p>3F Visual Privacy</p> <p>Building Separation Up to 4 storeys (up to 12m)</p>	<p>12m between habitable rooms (6m)</p>	<p>Variation – minimum 3m provided from all windows to side boundaries. The site is 16.73m in total width and therefore full compliance with this requirement of the ADG would literally render the site undevelopable. The subject proposal is a permitted form of development on a site that would otherwise be left isolated resulting from constructed buildings on either side.</p>

		Therefore the proposal has been designed with a proposed variation but with the objectives of this section of the ADG still being met. See detailed discussion at the end of this table.
3J Car parking	<p>Car parking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:</p> <p><u>Metropolitan Regional (CBD) Centres:</u> 0.4 spaces per 1 bedroom unit. 0.7 spaces per 2 bedroom unit. 1.20 spaces per 3 bedroom unit. 1 space per 7 units (visitor parking).</p> <p><u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)</p>	N/A. This site is located more than 800m from St Marys Station.
4A Solar Access	<p>70% of Units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter</p>	<p>All of the 12 units receive greater than 2 hours solar access. Complies</p> <p>< 15%</p>
4B Naturally Ventilation	<p>60% of Units are cross ventilated in a building up to 9 storeys</p> <p>Overall width of a cross over or cross through apartment is < 18m</p> <p>Unobstructed window openings should be equal to at least 5% of the floor area served</p>	<p>All of the 12 units are cross ventilated.</p> <p>< 18m</p> <p>Complies</p>

4C Ceiling Height	2.7m for habitable and 2.4m for non-habitable.	2.7m provided. Complies.
4D Unit Sizes		
1 bed	50m ²	50-64m ²
2 bed	70m ²	72-85m ²
3 bed	90m ²	N/A
+ 5m ² for each unit with more than 1 bathroom.		Where second bathrooms are provided unit sizes exceed the minimum size by 5m ² . Complies.
Bedroom sizes		
Master	10m ²	Complies
Other	9m ²	Complies
Living rooms/dining areas have a minimum width of:		
3.6m	Studio/1 br	Complies
4m	2br/ 3br	Complies
Cross-over/Cross-through	NA	
Habitable Room Depths	limited to 2.5m x Ceiling Height (6.75m with 2.7m ceiling heights)	N/A as open plan layouts provided
Open Plan Layouts that include a living, dining room and kitchen.	8m to a window	Complies
4E Private Open Space		
Balcony Sizes		
1 bed	8m ² & 2m depth	Min 10m ² and 2m - complies
2 bed	10m ² & 2m depth	Min 10m ² and 2m - complies
3 bed	12m ² & 2.4m depth	N/A
Ground level/ podium apartments	15m ² & 3m depth	Min 16m ² and 3m - complies
4F Common Circulation and Spaces		
Common Circulation	8 -12 Unit per Plate	Maximum 3 - complies
Units per Plate		
Buildings over 10 storeys	Maximum of 40 units for a single lift	N/A

Corridors > 12m	Are articulated	All corridors have access to natural light
4G Storage 1 bed 2 bed 3 bed Min 50% of required storage is within the apartment but not in kitchens, bathrooms and bedrooms.	6m ³ 8m ³ 10m ³	Complies Complies N/A Complies
4O Landscape Design Site Area < 850m ² 850m ² to 1500m ² >1500m ²	1 medium tree (8-12m) per 50m ² of deep soil zone 1 large tree (12 -18m) or 2 medium trees per 90m ² of DSZ 1 large tree or 2 medium trees per 80m ² of DSZ	Complies N/A N/A

3F Visual Privacy Building Separation

Section 3F of the Apartment Design Guide relates to building separation, and indicates that windows and balconies up to four storeys should have a building separation of 12m or 6m to the boundary.

As outlined above the development is unable to achieve full compliance however careful design considerations have resulted in a development outcome that is able to meet the intent of these visual privacy and building separation controls as prescribed by the ADG.

The encroachments into the 6m setback zone are as follows:

- Southern side setback – 3m to main building line. Main areas of POS for all 3 units at ground level have been orientated away from this setback. This meets 2 key requirements. Firstly the avoidance of southerly aspect areas of POS and secondly the adjoining development is another residential flat building where balconies have been orientated towards the subject development site. Along this elevation windows are minimised and designed as highlight windows where possible.
- Western rear setback – 4m to the main building line. The site that adjoins to the rear has been developed for townhouses and there is no built form directly at the rear of the development site. At the rear there are trees and landscaping associated with an area of private open space.

- Northern side setback – 3m to main building line (where there are bedrooms proposed) and 5m to middle unit where living space is proposed. Moving up the levels within the building 3m side setback is proposed to balconies.

The above numerical non-compliances are considered to warrant support for the following reasons:

- The site to the south is developed as a residential flat building. The site to the north is developed for townhouses. This leaves this site in isolation and no options for consolidation.
- The total site width is such that a fully numerical setback compliant development would not be developable on this site.
- Highlight windows are proposed where the proposal interfaces with another residential flat building to ensure their privacy is protected.
- Strategic placement of planter boxes along both rear and side boundaries will ensure landscaping provides a good quality privacy screen to protect adjoining residents.
- Privacy screening is proposed on balconies to ensure privacy and amenity are enhanced.
- The landscaped setbacks to the side boundaries will allow for the planting of deep rooted landscaping that will assist in filtering views towards the private open space areas of adjoining properties.

Based on the above the reduced separation is considered reasonable.

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

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

Penrith Local Environmental Plan 2010

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

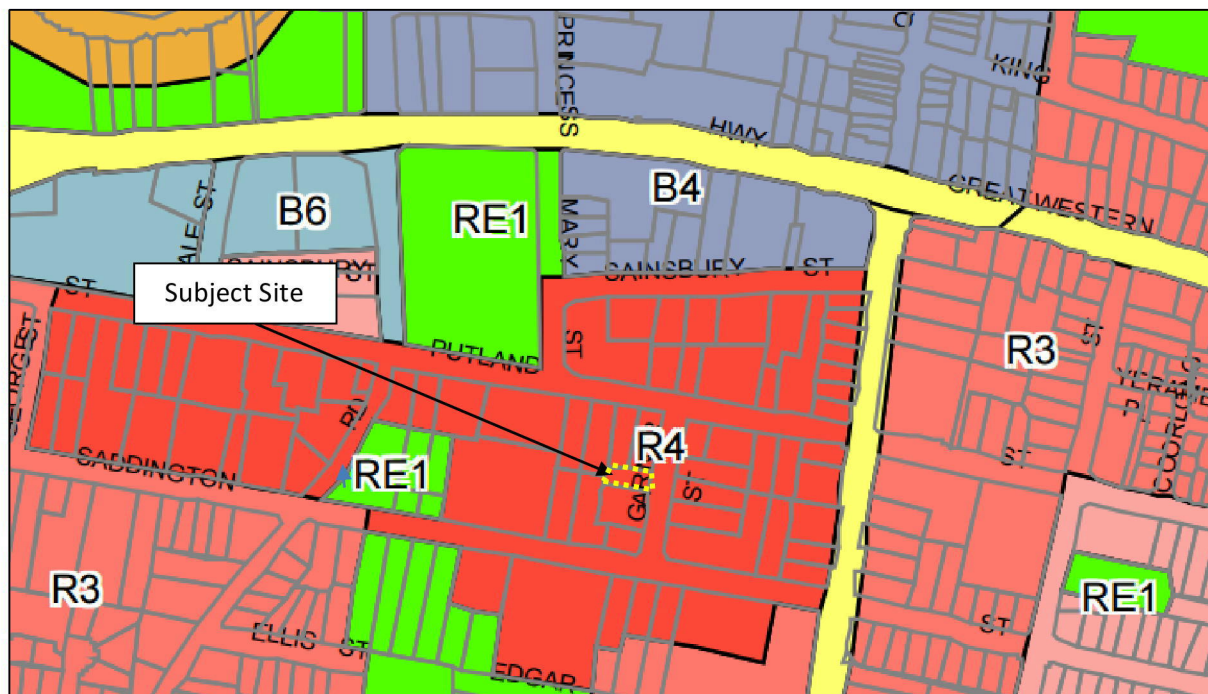


Figure 4: LEP Zoning Map Extract

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

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

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

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

The proposed development provides a residential flat building that will provide a variety of housing types and contribute towards increasing the housing stock of St Marys, while being consistent with the emerging high-density character of the subject area.

The site is well located and provides access to essential services, public transportation, schools, shops and recreation opportunities.

The residential flat development incorporates a contemporary design that achieves good presentation to Garner Street. The locality has been zoned for high density development and as such it is expected to transform over the next 5 to 10 years with planning controls permitting greater density in the locality.

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

Penrith Local Environmental Plan 2010 - Compliance Table			
Relevant Clause	Control	Comment	Complies
Zoning	R4 – High Density	Residential Flat Buildings are permissible with Council consent in the R4 – High Density Residential zone.	YES
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R4 High Density. The development will permit the site to develop to its full zoning potential whilst increasing housing stock within close proximity to schools, public transportation and services.	YES
2.6	Subdivision – Consent Requirements	No subdivision is proposed. Not applicable.	N/A
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on the site.	YES
Part 4 Principal Development Standards			
4.1A	Minimum Subdivision Lot Size: Residential Flat Building: 800m ²	A minimum lot size of 800m ² is identified for the site under the Penrith Local Environmental Plan 2010 Clause 4.1A. However, the minimum lot size is reduced to 450m ² under State Environmental Planning Policy (Affordable Rental Housing) 2009. The subject development site complies.	YES – SEPP ARH 2009
4.3	Height of Buildings- 15m	Complies	YES
4.4	Floor Space Ratio	No FSR control applies to the subject site. Not relevant.	N/A

Part 5 Miscellaneous Provisions			
5.6	Architectural Roof feature	The development does not propose an architectural roof feature.	N/A
5.9	Preservation of trees or vegetation	The subject site is within a well-established residential area, having historically been used for residential purposes therefore it is largely cleared of remnant vegetation. A landscape plan is submitted with the application proposing extensive landscape embellishment. The landscape treatment also seeks to soften the built form and integrate with the development and the site's context.	YES
5.10	Heritage	The site does not contain a heritage item and is not located within proximity to a heritage item or a heritage conservation area.	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	YES

7.2	Flood planning	Not applicable.	N/A
7.3	Development on Natural Resources Sensitivity Land	The site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p><i>(a) conserving energy and reducing carbon dioxide emissions,</i></p> <p><i>(b) embodied energy in materials and building processes,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy efficiency.</p> <p><i>(c) building design and orientation,</i></p> <p><i>(d) passive solar design and day lighting,</i></p> <p><i>(e) natural ventilation,</i></p> <p>The majority of units receive good solar access and natural ventilation.</p> <p><i>(f) energy efficiency and conservation,</i></p> <p><i>(g) water conservation and water reuse,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy/water efficiency.</p> <p><i>(h) waste minimisation and recycling,</i></p> <p>Waste management and recycling is addressed through the attached waste management plan.</p> <p><i>(i) reduction of vehicle dependence,</i></p> <p>Proposal is located within a 50m radius of bus stops with regular services to St Marys, Penrith, Mt Druitt and Kingswood that gives alternative means of transport.</p> <p><i>(j) potential for adaptive reuse.</i></p> <p>Given the zoning of the site as R4 there is limited adaptive re-use potential on the site.</p>	YES

7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	YES

Penrith Development Control Plan 2014

All relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<p><u>1.1.1 Site Analysis</u> A Site Analysis has been prepared and is attached as part of this application. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.</p> <p><u>1.1.2 Key Areas with Scenic and Landscape Values</u> The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010.</p> <p>Not applicable.</p>	<p>YES</p> <p>N/A</p>
1.2	Design Principles	<p><u>1.2.2 Built Form – Energy Efficiency and Conservation</u> The proposed development maximise solar access to units and is designed in a manner that achieves natural ventilation to all 12 units. A BASIX certificate is attached to this statement.</p>	YES

		<p><u>1.2.3 Building Form – Height, Bulk and Scale</u></p> <p>It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site.</p> <p>The site complies with the maximum height control that applies for the site under Penrith LEP 2010.</p> <p>It is noted that the subject area is currently ongoing a transformation from low density residential dwelling to a high density housing, with the proposal designed to be consistent with the future high density built form character of the precinct.</p>	YES
		<p><u>1.2.4 Responding to the Site's Topography and Landform</u></p> <p>The subject site which has a moderate fall, which slopes from Garner Street to the rear however this will not impact upon the site's ability to accommodate the proposed residential flat development noting the minor steps in the building form proposed.</p>	YES
		<p><u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u></p> <p>The proposed development incorporates active façades that will permit casual surveillance of Garner Street, as well as the common areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p>	YES

		<p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><u>1.2.6 Maximising Access and Adaptability</u></p> <p>Proposal has been designed to provide access to and from the site for people with mobility issues.</p>	YES
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	<p>The subject site is within a well-established residential area, having historically been used for residential purposes. The site contains only a small number of trees that are to be removed. The proposed development replaces these with trees capable of growing to a medium sized height to ensure that the landscaped setting of the area is enhanced.</p> <p>The site is not identified as being located within the Natural Resources Sensitive Map under Penrith LEP 2010.</p> <p>Extensive landscape embellishment is to be undertaken. The landscape treatment also seeks to soften the built form and integrate with the development and the site's context.</p>	YES
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	Subject site is not identified as being within a Bushfire Prone Land under Penrith LEP 2010. Not applicable.	N/A
C3 Water Management			
3.1	Water Conservation	The development application is accompanied by a complying BASIX certificate that outlines how water usage will be minimised.	YES

3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the catchments natural water systems.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	YES
3.3	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within close proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	<p>The proposed development is to be for a RFB development.</p> <p>Although the proposal contains a basement level it is not considered that the proposal will impede existing ground water flows. It is considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.</p>	N/A
3.5	Flood Planning	The subject site is not identified as being flood prone. Not applicable.	N/A
3.6	Stormwater Management and Drainage	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	YES

C4 Land Management			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	YES
4.3	Erosion and Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. An Erosion and Sediment Control Plan is attached as part of this application.</p>	YES

4.4	Contaminated Lands	<p>The site is currently used for urban purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination. Nothing on site indicates a previous contaminating use.</p> <p>If any contaminated material or suspected material is unearthed during the construction process then actions consistent with the legislative requirements and guideline documents will be undertaken.</p>	YES
4.5	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not relevant.	N/A
C5 Waste Management			
	Waste Management Plan	<p>A Waste Management Plan is attached as part of this application.</p> <p>Notwithstanding this it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>A bin bay is provided adjacent to the driveway entry.</p>	YES
C6 Landscape Design			
		<p>A landscape concept plan, prepared by Fuggle and Associates Landscape Architects, accompanies this development application.</p> <p>The concept plan details the landscape embellishment works proposed and it can be seen that these works will substantially improve the streetscape presentation of the site as well as softening the proposed built form.</p>	YES
C7 Culture and Heritage			
7.1	European Heritage	The site does not contain a heritage item and is not located within proximity to a heritage item or a heritage conservation area. Not relevant.	N/A

7.2	Aboriginal Cultural and Heritage	Not relevant.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significance. Not relevant.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and for entering and exiting the site.</p> <p>The proposed parking area and ancillary driveways will not contribute to the creation of traffic hazards.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p>	YES
10.3	Key Transport Corridors	The subject site is not located with a key transport corridor. Not relevant.	N/A
10.5	Parking, Access and Driveways Parking Rates 1 space per 1 or 2 br unit 2 spaces per 3 br unit 1 space per 40 units for service vehicles Visitor: 1 space for every 5 dwellings 1 space per 40 units for car washing up to a max of 4 spots.	<p>Proposed dimensions for car parking spaces are consistent with Council control. See plan for detail.</p> <p>The development proposes the construction of 12 units and 11 car parking spaces are provided. The parking provision for this development is in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009. 1 visitor parking space is provided although not technically required under the SEPP (ARH) provisions. A space for service vehicles and car washing is not provided within this development due to the number of units, it is not considered necessary.</p>	YES – SEEP ARH 2009

C11 Subdivision			
		No subdivision is proposed as part of this development and as such the controls contained under C11 Subdivision do not apply to the current development.	N/A
D2 Residential Development			
2.5	<p>Residential Flat Buildings</p> <p>New residential flat building development should adopt key features of established suburban design.</p> <p>Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture"</p>	<p><u>2.4.2 Preferred Configuration for Residential Flat Buildings</u></p> <p>The development has courtyards and private open space areas that front Garner Street.</p> <p>Garages are within a basement and will not result in garage architecture.</p> <p>The proposed layout and siting of the units are consistent with the layout patterns of other comparable RFB developments within the Penrith LGA.</p>	<p>YES</p> <p>YES</p>
2.5.3	<p>Development Site</p> <p>Minimum lot width of 20m in the R4 High Density Residential zone.</p>	The proposal has a site frontage of 16.73m to Garner Street and as such does not comply with Council's minimum lot width requirements for Residential Flat Buildings within the R4 Zone. The site is able to achieve a development that provides adequate car parking, landscaping and a good level of amenity for future residents in terms of privacy. It is considered that this variation can be supported as largely the proposal achieves compliance with key planning controls with a reduced site width.	Variation
2.5.4	<p>Urban Form</p> <p>1. For dwellings fronting the street, adopt a traditional orientation:</p> <p>a) living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties; and</p> <p>b) private gardens fill the front setback area;</p>	Unit 1 adopts a traditional orientation with their living room and courtyard addressing the site's front setbacks. Where appropriate, the front setback is landscaped and garages are within a basement so as not to dominate the streetscape.	YES

	<p>and c) garages are concealed behind dwellings.</p> <p>2.Dwellings behind the street frontage should adopt similar principles:</p> <p>a) living rooms and entrances face the street, and / or the landscaped rear boundary setback;</p> <p>and b) private gardens fill the rear setback area.</p> <p>3. Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width side setback:</p> <p>a) step the alignment of all facades – generally one corner and a substantial indentation for every 10m run of wall;</p> <p>b) divide buildings into separate wings – a deep indentation located centrally in the longest walls; or a central garden courtyard;</p> <p>c) vary the width of side setbacks – a combination of garden courtyards and access ways; and</p> <p>d) lined by an “avenue” of shady overhanging trees;</p> <p>e) cap the stepped floor plan with a variety of pitched roof forms;</p> <p>f) Windows should be inserted into every elevation.</p>	<p>Given the depth and size of the site courtyards and living areas are orientated towards the side boundaries for only the middle units and the other units have either a frontage to Garner Street or face onto the rear setback area.</p> <p>The development avoids the visual appearance of a ‘gun barrel’ style development by adopting the design suggestions within this section of the DCP.</p> <p>The building has a number of steps and indents with a large indent in the middle of the site that visually breaks up the bulk of the building.</p> <p>Given the size of the site and the proposed design this is not considered relevant to this proposal.</p> <p>The development has been articulated through shadow casting features and stepping external walls.</p> <p>Deep rooted landscaping is provided along the perimeter of all boundaries.</p> <p>The indented roof provides visual relief to the development.</p> <p>Windows are provided along all elevations.</p>	<p>YES</p> <p>YES</p> <p>NA</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>
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2.5.5	<p>Landscaped Area</p> <p>Where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement.</p> <p>Landscaped area equivalent to 35% of the site with a minimum width of 2m and no basement encroaching</p>	<p>The development has not provided an area of common open space and seeks variation to these controls on the basis of the following:</p> <ul style="list-style-type: none"> • Within a 400m radius the site has access to South Creek Park, Victoria Park, Wilson Oval and Cook Park. The site is highly accessible to a number of generous areas of public open space. • The development is only small in scale, providing only 12 units, and therefore the area of open space at the rear and side setbacks, is better utilised as areas of private open space. It is often the case that with developments of this size an area of common open space is unused and in the future it becomes derelict. Therefore placing the area in private ownership ensures the space is better maintained and safer for the development. • Creating rooftop common open space is not feasible for the scale of this proposal and would add to the bulk of the building which in this case is unnecessary. <p>It should be noted that regardless of this the development proposal provides 7% DSZ are per the ADG.</p>	Variation
2.5.6	<p>Front and Rear Setbacks</p> <p>Rear Setback: 6m</p>	<p>The rear setback proposed is 4m. This variation sought to the setback controls is discussed in greater detail above under SEPP 65. The rear setback requirement relates to providing a continuous green corridor along the rear boundaries of groups of sites. In this case resulting from the lot orientation and adjoining sites there is no continuous green corridor that can</p>	Variation

	<p>Front Setback: Average of neighbouring development or 5.5m minimum.</p> <p>Balconies can have a 4.5m setback provided less than 50% of the elevation</p> <p>Garages and parking space are not to be located within the front setback.</p>	<p>be established. In this case the key role of the rear setback is in providing adequate privacy separation and this has been addressed above under the table detailing SEPP 65 controls.</p> <p>Proposal adopts a 6.475m front setback that is consistent with other development in the locality.</p> <p>Balconies are setback 4.5m and are less than 50% of the elevation. Complies</p> <p>Garages and parking space are not located within the front setback. Complies.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
2.5.7	<p>Side Setbacks</p> <p>Cut and fill and maximum ground floor heights: a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level; b) restrict cut-and-fill to a maximum of 500mm;</p> <p>Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual scale.</p> <p>Zero setbacks are not permitted</p>	<p>Cut and fill is limited to 1.25m on a portion of the site. Given the sloping nature of the siting and noting that the majority of the development is < 500mm above NGL, it is considered that this is an appropriate design response to the sites constraints.</p> <p>The roof pitch is <25 degrees.</p> <p>As discussed previously, variation to the side setback controls is proposed and detailed discussion about this matter is provided above under the SEPP 65 controls table.</p>	<p>YES</p> <p>Minor Variation due to Slope.</p> <p>YES</p> <p>Variation</p>
2.5.8	<p>Visual and Acoustic Privacy and Outlook</p> <p>windows oriented towards their own private garden courtyard;</p> <p>at least 9m between any</p>	<p>Windows from primary living are orientated towards private open space areas to provide an appropriate outlook.</p>	<p>YES</p>

	windows that face each other	Reduced side setbacks are proposed however, it is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.	Variation
2.5.9	<p>Solar Planning</p> <p>A minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;</p> <p>A minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings</p> <p>Where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.</p>	<p>The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as cross ventilation of the proposed dwellings. It is noted that 100% of dwellings receive a minimum of 2 hours sunlight between 9am and 3pm during winter and all private courtyards, which are oriented to the north to receive adequate solar access.</p> <p>The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development. See shadow diagram for detail.</p>	<p>YES</p> <p>YES</p>
2.5.10	Significant Townscapes & Landscapes	The site is not within an area of townscape or landscape significance. Not relevant.	N/A
2.5.11	Corner Sites and Park Frontages	Not applicable.	N/A

2.5.12	Building Design	<p>1. The development adopts a variety of architectural features designed to minimise the apparent scale and bulk of the proposed storey RFB by:</p> <ul style="list-style-type: none"> - incorporation of stepping alignment of walls - use of a variety of colours and materials for construction - projecting balconies and awnings. <p>2. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes that are typical of comparable development within the Penrith LGA.</p> <p>Materials used are consistent with that existing in the area while being contemporary in character.</p> <p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>3. The facades of the proposed units include windows and doors along all visible walls and the use projecting verandahs to provide an attractive built form.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
2.5.13	Energy Efficiency	<p>The application has been provided with a BASIX certificate indicating appropriate energy efficiency for each residential unit is provided.</p> <p>Furthermore, living rooms have been oriented to the north with the proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as natural ventilation.</p>	YES

		<p>100% of units will achieve more than 2 hours solar access at mid-winter (ADG prevails) and the building depth and apartment design ensures 100% of units are naturally cross-ventilated.</p> <p>Appropriate shading devices including overhanging eaves are proposed to provide adequate shading from the summer sun.</p>	
2.5.14	<p>Design of Dwelling and Private Courtyards</p> <p>Corridors at least 1.2m wide and stairs with landings at least 1.2m deep.</p> <p>Ground floor courtyards minimum 20m²</p> <p>Upper courtyards 10m² and 2.5m x 2.5m and incorporate an outdoor drying area that is screened to 1.5m above floor level.</p>	<p>The corridors are 1.2m wide to facilitate people carrying parcels and moving furniture.</p> <p>1 of the courtyards is less than 20m² however the proposal meets the requirements for POS as prescribed by the ADG. These courtyards are very useable and have a pleasant outlook.</p> <p>All upper storey apartments have a minimum area > 10m² and have room for an outdoor drying area.</p>	<p>YES</p> <p>YES – complies with ADG.</p> <p>YES</p>
2.5.15	<p>Garage Design</p> <p>Basements should have a low appearance, rising no higher than 1.5m above ground;</p> <p>Vehicle entrances designed to complement the architecture and landscaping of each building;</p> <p>Individual up and down ramps;</p> <p>Undercover storage:</p>	<p>The basement protrudes a maximum of 1.2m above natural ground level.</p> <p>The vehicle entrance width and egress to each street is consistent with the existing character of the area and will assist with ensuring compatibility with the surrounding built form.</p> <p>Vehicle waiting bay provided – complies with intention.</p> <p>Provided. Complies</p>	<p>YES</p> <p>YES</p> <p>Variation</p> <p>YES</p>

2.5.16	Garden Design	<p>Where appropriate, small to medium trees are to be planted along the sites front and side boundaries.</p> <p>See landscaping plans for detail.</p>	YES
2.5.17	Paving Design	<p>Where appropriate, hard paved surfaces are minimised to maximise landscaping and gardens.</p> <p>The proposal provides attractive driveways and provide for verge plantings beside driveways and paths.</p>	YES
2.5.18	Fencing and Retaining Walls	<p>Proposed fencing is to be consistent with that existing within Penrith Local Government Area of similar residential flat buildings. The proposed fencing is compliant with Council controls.</p>	YES
2.5.19	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance to Garner Street as well as to driveways and landscaped areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	YES

2.5.20	<p>Accessibility and Adaptability</p> <p>10% of dwellings must be adaptable</p>	<p>2 adaptable units (16%) are provided.</p> <p>Proposal has been designed to provide access to and from the site for people with a disability.</p>	YES
2.4.22	<p>Storage and Services</p> <p>10m³ of storage per unit</p>	<p>The proposal provides 8m³ of storage through a combination of basement storage areas and areas in accordance with ADG.</p> <p>Letter boxes and other services are provided.</p>	YES - ADG

Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.