

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed Construction of a Residential Flat  
Building Development Comprising of 20  
Residential Apartments over 2 Levels of  
Basement Car Parking**

**at**

**No 29-31 Castlereagh Street  
Penrith**

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**April 2017**

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## TABLE OF CONTENTS

	<b>PAGE NO</b>
<b>1.0 INTRODUCTION</b>	1
<b>2.0 SITE ANALYSIS</b>	3
<b>2.1 Subject Site</b>	3
<b>2.2 Site Context</b>	5
<b>3.0 PROPOSED DEVELOPMENT</b>	9
<b>3.1 Description of Proposal</b>	9
<b>3.2 Details of the Proposed Development</b>	10
<b>3.3 Amenity considerations</b>	11
<b>4.0 PENRITH LEP 2010</b>	13
<b>5.0 PENRITH DCP 2014</b>	23
<b>6.0 SECTION 79(C) CHECKLIST</b>	39
<b>7.0 CONCLUSION</b>	51

## 1.0 INTRODUCTION

**Planning Direction P/L** has been engaged to prepare a Statement of Environmental Effects to accompany a development application to Penrith City Council.

The applicant seeks consent to carry out the following development on land known as No 29-31 Castlereagh Street, Penrith;

- Erect a six (6) storey residential flat building development including:
  - Twenty (20) apartments consisting of 4 x 1 bedroom apartments, 14 x 2 bedroom apartments and 2 x 3 bedroom apartments; and
  - Two levels of basement parking accommodating 28 car spaces, a large compartmentalised storage room, garbage store area and parking spaces for 8 bicycles.

The applicant and representatives met with Council officers to discuss the proposal on 17 May 2016. Council raised issues regarding the western setback of the proposal and potential impacts to a renovated adjoining dwelling situated within a conservation precinct. Also raised by Council was the interface with existing adjoining buildings to the east and north, garbage truck access, landscape content and setbacks.

The applicant engaged the services of *NBRS Architecture* to assist with the design resolution of the building. A site specific design solution has been generated, which appropriately addresses the streetscape and reasonably maintains neighbour amenity in the context of a high density zone. The design reflects issues raised by Council through the pre-development application process and after reviewing all comments made by Council. In particular the western setback has been increased and the number of apartments proposed has been substantially decreased from 29 to 20 apartments.

This statement of environmental effects is intended to assist Penrith City Council in its assessment of the development application and includes;

- A description of the site and the site context;

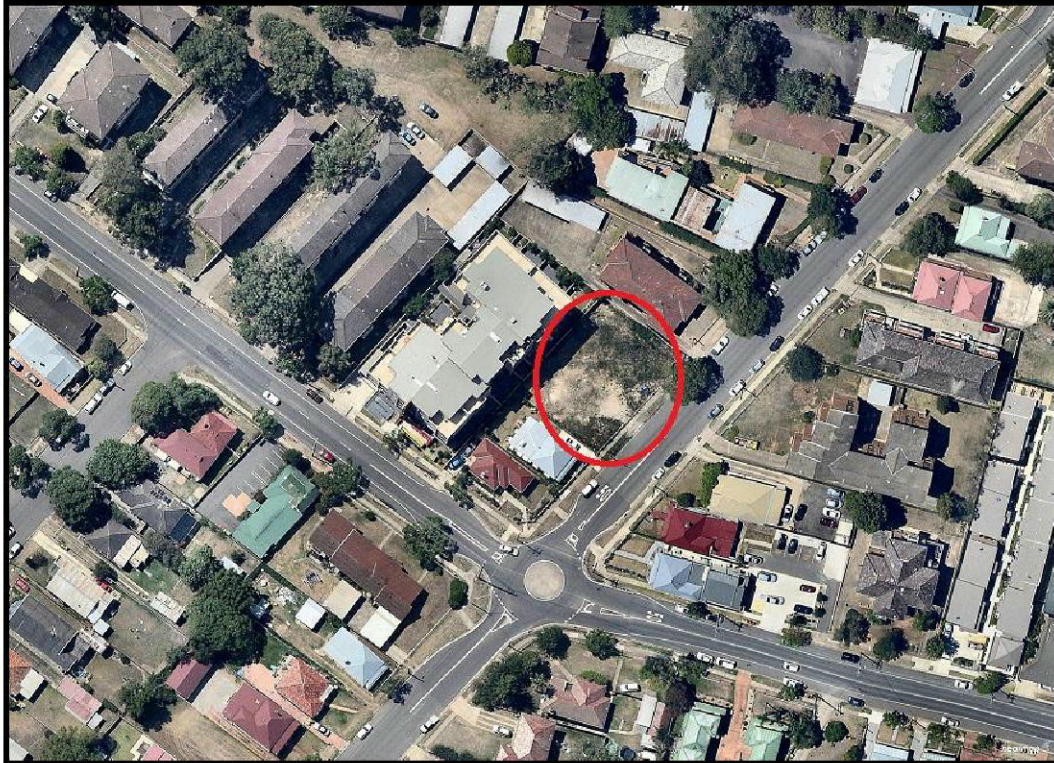
- A description of the proposal against the statutory framework in which the development application will be assessed;
- Conclusions relating to the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *pens Design Studio* and the Statement of heritage Impact prepared by *NBRS Architecture*.

## **2.0 SITE ANALYSIS**

### **2.1 Subject Site**

The subject site is situated on the northern side of Castlereagh Street and is known as 29-31 Castlereagh Street Penrith. The subject site is a single lot legally identified as being Lot 2 in DP 1190616.

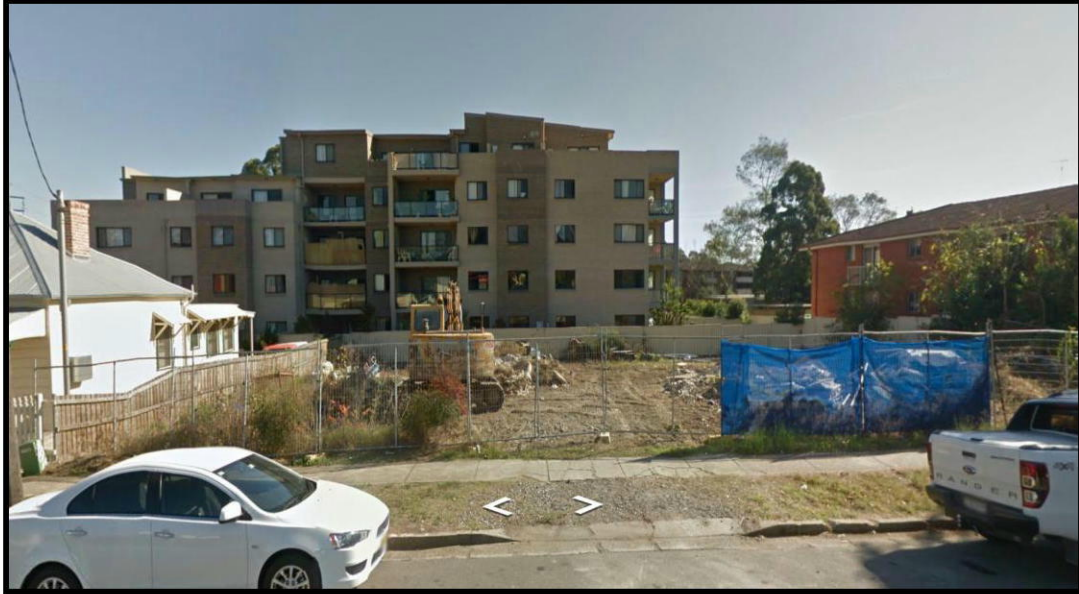


### **Locality Plan**

The subject site is generally regular in configuration having a frontage to Castlereagh Street of 33.87m, a rear boundary dimension of 33.4m and eastern and western side boundary dimensions of approximately 26.5m.

The total area of the land is approximately **887m<sup>2</sup>**. A survey plan of the subject site accompanies the development plans.

The subject land does not incorporate any improvements being currently vacant.



### **Subject Site**

The subject site is not identified as having any heritage significance however the western part of the site is located within the Hornseywood Ave Conservation Area pursuant to the LEP. There are no items of heritage significance adjoining or in the immediate vicinity of the subject site. A statement of heritage impact has been prepared assessing the reasonability of the proposed development relative to the conservation area.

The proposed design and finishes to the building respond to the heritage conservation area.

With regards to topography the subject site is essentially level with a minor slope of approximately a metre towards the rear of the site from the street frontage. The subject site is capable of draining stormwater via gravity flow through an existing easement 2m wide, running through No 33 and 35 Castlereagh St to stormwater infrastructure in Derby Street.

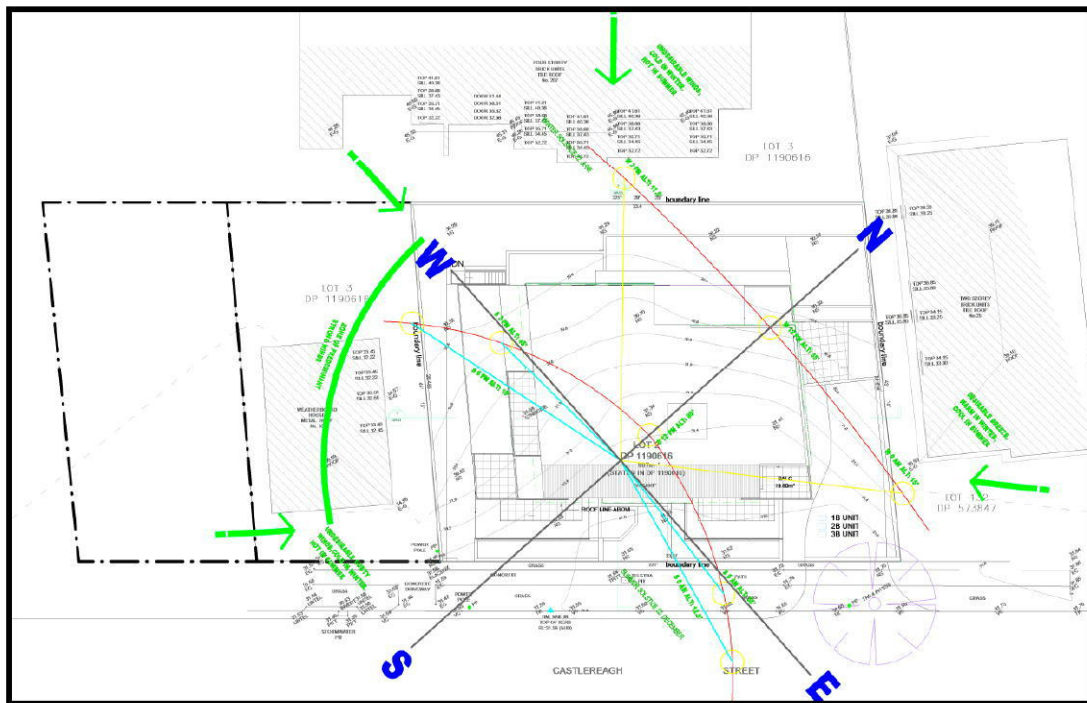
There are no trees requiring removal to facilitate the proposed development.

There is no critical habitat on site or within the vicinity of the subject site.

The proposal will not obstruct any significant views from adjoining properties across the subject site.

## 2.2 Site Context

The site is situated within an established and evolving residential precinct, characterised by detached dwellings and older style 2 and 3 storey walk-up residential flat buildings interspersed with some new large scale residential flat building development.



### Site Analysis Plan

The site is well-serviced by public transport, being within close walking proximity to the Penrith CBD with associated retail and commercial facilities and the train station with bus and rail services travelling to and from the Sydney and Parramatta CBD's.

Existing development in the immediate proximity of the subject site comprises:

- Immediately adjoining the subject site to the west is an older style single storey dwelling known as No 33 Castlereagh Street. This



adjoining building is well setback from the common boundary with the driveway access to the dwelling running parallel with the common boundary. The proposed development also maintains a generous varied setback from the common boundary. The proposed development has been well articulated along the western elevation ensuring ease of integration of the proposed building into the streetscape. The upper levels of the proposed building have been recessed to minimise impacts. In relation to overshadowing, it is noted that shadows will be cast in a sweeping motion across the southern boundary of the subject property mainly towards the street frontage during the winter solstice.



**Western Elevation**

The existing setbacks coupled with the design solution will ensure that the extent of overshadowing is reasonable in the context of the zone. In consideration of the high density zoning shadowing and privacy issues are well resolved through design.

- Adjoining the subject site to the east at No 25 Castlereagh Street is a small older style two storey residential apartment block of brick and tile construction. This adjoining building is reasonably well setback from the common boundary and the design solution proposes a substantial soft landscape area adjacent to the common boundary at ground level providing further separation. In addition windows along the eastern elevation have been kept to a minimum and generally

restricted to highlight type windows for the purposes of providing natural light and ventilation rather than viewing opportunities. Given the orientation of the site additional overshadowing of this adjoining property will be minimal as a result of the proposed development.



**View from Castlereagh Street of Adjoining and Nearby Properties**



**Eastern Elevation**

Privacy considerations are also well resolved through design, the orientation of windows and apartment layouts.

- Adjoining the site to the rear (north) is a new multi-storey apartment building bounding the subject site and the two residential cottages located to the west of the subject site. This adjoining building extends across the rear of the site is well setback from the rear boundary of the with a reasonable setback from the common boundary. Adequate separation between buildings will be achieved upon completion.

### **3.0 PROPOSED DEVELOPMENT**

#### **3.1 Description of Proposal**

The applicant seeks consent to carry out the following development on land known as No 29-31 Castlereagh Street Penrith:

- Erect a six (6) storey residential flat building development including:
  - Twenty (20) apartments consisting of 4 x 1 bedroom apartments, 14 x 2 bedroom apartments and 2 x 3 bedroom apartments; and
  - Two levels of basement parking accommodating 28 car spaces, a large compartmental storage room, garbage store area and parking spaces for 8 bicycles.

A compact design has been generated and largely influenced by adjoining buildings.

Generous side and rear setbacks have been incorporated into the design ensuring maximum exposure to sunlight is achieved to all apartments. The design further enhances the opportunities for all apartments to receive adequate cross ventilation opportunities and provides a pleasant outlook from balconies.

### 3.3 Details of the Proposed Development



PERSPECTIVE-CAMERA VIEW FROM CASTLEREAGH STREET

#### **Artists Impression – Castlereagh Street View**

Provided below is a numeric summary of the proposed development.

<b><u>Issue</u></b>	<b><u>Proposed</u></b>
Site area	887m <sup>2</sup>
Height	A maximum of 18.275m to the lift overrun
Open Space	165.9m <sup>2</sup>
Front Setback	6m
Rear Setback	Min 5-6m - lower levels and up to 9m for the upper levels
Side setbacks	Min 3m ranging to 8m - western side Min 6m to the eastern side
Landscaping	35% or 311.3sqm
Storage	A large compartmentalised storage room provided
Parking	28 spaces 8 x bicycle spaces

### **3.4 Amenity Considerations**

#### **Relationship to neighbouring properties**

##### Overshadowing/privacy

In terms of overshadowing, shadows will be cast in a sweeping motion towards the southern (front) boundary and partly across the frontage of the adjoining western property during the winter solstice. The extent of overshadowing is reasonable given that the proposed building setbacks, compliance with the building height at the perimeter of the building and overall design initiatives. Ample solar access will continue to reach the adjoining rear, eastern and western properties during the winter solstice. In a high density living environment context where residential flat buildings are envisaged and given the orientation of the site, a reasonable outcome in terms of overshadowing is achieved.

With regards to privacy, it is noted that the proposed building has been substantially articulated along its side boundaries and windows have been offset and recessed to maximise privacy between buildings.

In the context of the zone reasonable measures have been implemented in the design to minimise privacy loss to the adjoining residential properties and in the future desired context. The outlook from the proposed building/respective apartments is directed towards the street rather than towards the adjoining properties.

##### Internal amenity

The private balconies within the development will gain sufficient sunlight access and have an area and configuration, which is conducive to passive recreational use. The private balconies will also be supplemented by the provision of common open space provided along the rear established in a landscaped setting and benefitting from a regular configuration.

Internal living areas of all apartments receive reasonable solar access and all apartments achieve natural cross ventilation. All apartments have a dual aspect and access gaining northern, western or eastern sunlight.

### Disabled access

The proposed development achieves appropriate ramp grades and access paths facilitating disabled access from the street. A lift is provided in the foyer, accessing all levels of the building including the basement parking levels. A level entry to the building foyer is provided at ground level. The proposed development complies with DDA guidelines in terms of disabled access.

### Streetscape

The design solution provides suitable articulation of all elevations and provides a reasonable balance of horizontal and vertical elements.

The proposed development will be a feature building in its environment and given the high density residential context of the zone. The front setback will be suitably landscaped enhancing the site's presentation to the street.

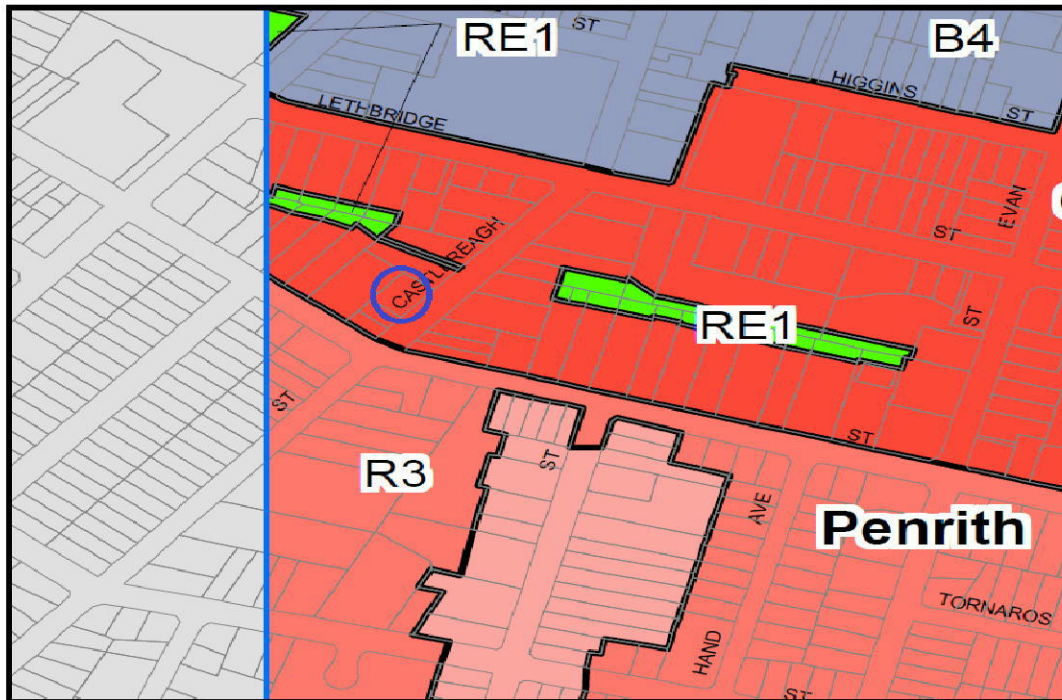
Neutral tones and finishes complimentary to the adjoining heritage items have been adopted to lessen any potential impacts on the adjoining dwellings situated within the heritage conservation area.

A waste management plan is submitted under separate cover addressing waste handling on-site.

## **4.0 PENRITH LOCAL ENVIRONMENTAL PLAN 2010**

### **4.1 Permissibility**

The subject site is zoned **R4 High Density Residential** pursuant to Penrith LEP 2010.



**Penrith LEP 2010 Zoning Extract**

The proposed use is best defined as a **residential flat building**, which means:

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

**Note.** *Residential flat buildings are a type of residential accommodation.*

The proposal complies with the above definition and is permissible in the zone with development consent.



## 4.2 R4 High Density Residential Zone Objectives

The specified zone objectives for the R4 zone are as follows:

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

### **Comment:**

The proposed development is highly consistent with the R4 High Density Residential zone objectives as outlined below:

- The proposed development suitably accommodates residential apartments on the subject site providing additional affordable housing opportunities within a well serviced locality. The proposed development represents a varied contemporary built form and housing type of development in the street.
- The proposed development is compatible with and complementary to surrounding residential land uses. The proposed development is consistent with the desired future character of the locality as established by the high density zone, the zone objectives and the relevant development controls.
- The subject site is located within close proximity bus services running into the Penrith CBD thus minimising car dependency.

The subject site is situated within close walking proximity to retail outlets such as Nepean Square.

- The proposed development will contribute to the quality of residential housing stock in the precinct and act as a catalyst for future high quality development in the locality. The proposed development is a contemporary development, designed so as not to detract from the adjoining dwellings situated within the heritage conservation area. The proposal will therefore be consistent with the desired future development character established for the precinct and represents an appropriate form of development on-site.
- The proposal will increase safety in the immediate precinct through increased pedestrian activity and offers additional surveillance opportunities thus enhancing the public domain.
- The proposal accords with the objectives ensuring a high degree of residential amenity is achieved in the locality.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

### **4.3 Building Height:**

**Clause 4.3** of the LEP sets a maximum height for development in accordance with the building height map.

The building height map specifies a maximum permissible height limit within the zone of 18 m.

The proposed development is for the construction of a residential flat building development with 6 levels of residential apartments with a maximum building height of 18.275m to the lift overrun. The applicant seeks to vary from the development standard based on the unique site circumstances and design initiatives proposed. A clause 4.6 justification for the proposed variation is provided later in the report.

#### **4.4 Floor Space Ratio:**

**Clause 4.4** of the LEP establishes the maximum floor space ratio for the subject site in accordance with the floor space ratio map.

There is no maximum floor space ratio applicable to the subject site.

#### **4.5 Other Relevant Clauses of the LEP**

**Clause 4.6** of the LEP relates to **Exceptions to development standards.**

*(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.*

*(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.*

*(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 Director-General must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) Development consent must not 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.*
- (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).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the 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,*

Comment:

Clause 4.6 of the LEP notably is designed to provide flexibility when applying development standards in recognition that all sites are different and some sites have distinct opportunities for redevelopment. Of particular note is objective (1)(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The subject site has a maximum building height control of 18.275m.

The proposed development gives rise to a small departure from the maximum building height to a minor extent by the perimeter parapet and lift overrun.

The proposed design provides maintains a clear floor to ceiling height of 2.7m to the core living rooms of all apartments. The ground floor pate is slightly elevated to assist with maintaining reasonable height clearance into the basement car parking levels and addresses gravity stormwater disposal from the site. Such a minor variation is considered within the ambit of clause 4.6 of the LEP.

The proposed building height has been derived after undertaking a thorough site analysis, reviewing Council recommendations and addressing site opportunities and constraints. The proposed design has been developed after consulting senior Council staff.

Strict compliance with the building height control in this instance is unreasonable and unnecessary for the following reasons:

- The proposed design amendments effectively improve the aesthetic appearance of the building by providing proportional levels and a non-trafficable rooftop. The non-compliant elements relate mainly to the lift overrun and part of the roof parapet at the front and the rear of the dwelling so doesn't necessarily impact on adjoining owners.

- The subject site is zoned R4 High Density Residential. The proposed additional building height is minor in the context of recent considerations by Council for other redevelopment nearby.

- The proposed building height and design initiatives are consistent with Council and State Government initiatives within well serviced localities.

· The subject site also offers the capacity to accommodate the additional building height given its location and large frontage to Castlereagh Street.

· No residential amenity is affected by the proposed increase in building height in terms of overshadowing impacts or loss of privacy with substantial side setbacks.

· The proposed building has been well modulated and articulated. A quality design has been achieved through the recent design amendments.

· The additional building height does not give rise to a breach of the floor space ratio.

· The proposed building height does however provide economic incentive to proceed to the construction stage and maximise the potential of an underutilised site. The reduced floor plate size of the development significantly eroded the potential density of the development and maximising the building height potential of the site is crucial to maintaining viability of the project.

· From a streetscape perspective, the additional building height is justified particularly as complying elements are presented to the street. Please refer to the Architectural design statement. The lift overrun is centrally located and not overly obvious from the property boundaries.

· No environmental or heritage issues arise with the variation sought.

· There is no state or regional issues arising should the building height variation be approved in this instance.

· No sites are isolated as a result of the development.

· The proposed development is consistent with the objectives of generating quality high density living in a R4 zone.

In view of the above, the proposed building height is an appropriate planning and urban design outcome. The proposed variation to the building height standard is justified in this instance. The proposed development is in the public interest as the proposal provides a high quality development in a well serviced locality. The proposed building height ensures that the zone and site potentially is fully utilised.

Council is requested to vary the building height control as proposed.

**Clause 5.10** relates to heritage conservation. The objectives of the clause are as follows: -

- (a) to conserve the environmental heritage of Penrith,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

The subject site is situated partly within a heritage conservation area known as Heritage Conservation Area 1. It appears that only half of the site is included within the conservation area. The western adjoining dwellings are included within the conservation area as is part of the adjoining residential flat building development to the north. It should be noted that the subject site has previously been approved for demolition and redevelopment and that there are no items of heritage significance within the immediate vicinity of the subject site.

A statement of heritage impact has been prepared by *NBRS Architecture Heritage* and accompanies the development plans. The heritage impact assessment concludes in part that *“The new development is sympathetic to the conservation area in terms of its stepped form. It will not detract from the visual setting of the conservation area due to the setbacks along the west boundary”*.

The design solution has taken into consideration the heritage conservation nature of the area and in particular an increased setback is provided along the western elevation adjoining the recently renovated dwelling.

In addition the external appearance and in particular the finished materials adopted have been informed by the heritage conservation nature of the locality. The proposed development has been design to be sympathetic and complimentary to the adjoining dwellings. Overall the proposed building will be a complimentary inclusion into the streetscape.

It should be noted that the site to the north of the subject land similarly is partly in the conservation area however has been recently developed for a similar scaled residential flat building. By virtue of the zone and density controls this form of development is encouraged within the immediate precinct.

The proposal is acceptable in relation to its potential impact on the heritage conservation area.

Refer to the heritage report for more detailed commentary.

**Clause 7.1** of the LEP relates to **Earthworks**.

*(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

*(2) Development consent is required for earthworks unless:*

*(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*

*(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

*(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*

*(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

*(b) the effect of the development on the likely future use or redevelopment of the land,*

*(c) the quality of the fill or the soil to be excavated, or both,*

*(d) the effect of the development on the existing and likely amenity of adjoining properties,*

*(e) the source of any fill material and the destination of any excavated material,*

*(f) the likelihood of disturbing relics,*

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*



*Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.*

Comment:

It is proposed to provide two levels of basement parking, with compliant ramp grades and parking provision. The applicant will abide by appropriate conditions of consent aimed at reducing stormwater run-off during excavation works and providing shoring.

It is unlikely that the site would contain relics or ground water within the drinking water catchment.

The applicant will implement appropriate sediment control measures and engineering techniques as required to ensure excavation is properly contained and the basement levels constructed without disturbance to adjoining properties.

#### 4.6 LEP Summary

**Provided below is a summary of controls:**

Map	Control
Floor Space Ratio N/A	N/A
Land Zoning	R4 High Density Residential
Height of Buildings 18m	18.275m
Minimum Lot Size	800m <sup>2</sup> – complies <b>887m<sup>2</sup></b>
Land Reservation Acquisition	N/A
Land Application	Applies
Heritage	No heritage items are located on site or adjacent properties. Located within a heritage conservation area. Designed to be complimentary and sympathetic to the heritage precinct in accordance with the provisions of the LEP
Key Sites Map	N/A

## **5.0 PENRITH DEVELOPMENT CONTROL PLAN 2014**

Penrith Development Control Plan (DCP) 2014 came into effect on 17<sup>th</sup> April 2015.

The DCP applies to all land within the Penrith Local Government Area (LGA) that is zoned under the Penrith Local Environmental Plan (LEP) 2010.

The DCP is to be read in conjunction with Penrith LEP 2010.

If there is any inconsistency between the DCP and Penrith LEP 2010, the LEP will prevail.

The purpose of this DCP is to supplement Penrith LEP 2010 and provide more detailed provisions to guide development.

<b>DCP PROVISIONS – RESIDENTIAL DEVELOPMENT</b>	<b>COMMENT</b>	<b>COMPLIANT</b>
<p><b>Residential Character</b></p> <p><b>A. Objective</b> In established areas new development should be planned and designed to reflect the character of traditional neighbourhoods established prior to 1970.</p>	<p>The proposed development is site specifically designed to take into consideration the older adjacent cottages within the heritage conservation area. In this regard generous setbacks are provided and overlooking is minimised. Neutral tones are to be incorporated into the colour scheme to further reflect the established character of the area.</p>	<p>The proposed design initiatives are consistent with the objectives for residential character in the zone having regard to the high density residential zoning of the subject site.</p>

	<p>Generous front and side setbacks are provided to further enhance the appearance of the building when viewed from the street and neighbouring properties.</p>	
<p><b>Preferred Configuration for RFB's</b></p> <p>1) New residential flat building development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:</p> <p>a) Traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens;</p> <p>b) Patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community;</p> <p>c) the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City.</p> <p>2) Within the relevant zones, established development is detached buildings or semi-detached pairs which are:</p> <p>a) separated from one another by landscaped courtyards;</p> <p>b) stepped floor plans and projecting verandahs;</p> <p>c) capped by a variety of pitched roofs.</p> <p>3) Within the relevant zones, established development provides a "green corridor" of trees and shrubs along the rear boundary:</p> <p>a) conserving remnant vegetation; and</p> <p>b) providing new shelter and habitat; and</p>	<p>Appropriate landscaped setbacks are proposed particularly to the adjoining residential dwellings.</p> <p>The subject site is situated within a high density residential zone accordingly an appropriately scaled residential flat building is proposed in keeping with the objectives of the zone.</p> <p>The building is stepped and articulated in keeping with the character of the locality.</p>	<p>Yes</p>

<p>c) contributing to streetscape.</p> <p>4) Within the relevant zones, established development provides a front garden setback which may be filled by verandahs and private garden-courts:</p> <p>a) encourages active use by residents;</p> <p>b) provides for attractive front gardens.</p> <p>5) 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><b>Floor Space</b></p> <p>1) Determine a minimum lot width for residential flat buildings:</p> <p>a) adopt a minimum lot width of 20m in the R4 High Density Residential zone.</p> <p>2) For the purposes of calculating lot size and lot width, the lot does not include the area of any access corridor or right-of-carriageway.</p>	<p>There is no FSR control for the subject site. The subject site has a large frontage of 33.87m.</p>	<p>Yes</p>
<p><b>Urban Form</b></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; and</p> <p>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; and</p> <p>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>The subject site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and locality. Discussion in relation to the suitability of the proposed development in relation to neighbourhood character is included elsewhere within this SEE.</p>	<p>Yes</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>The facade of the building is suitably punctuated with window openings, balcony projections and a symmetrical treatment.</p>							
<p><b>Landscape Area</b></p> <p>1) Landscaped areas should provide:</p> <p>a) effective separation between neighbouring dwellings;</p> <p>i) healthy growth of new trees and shrubs;</p> <p>ii) long-term survival of existing vegetation required by Council to be preserved;</p> <p>iii) private courtyards for all dwellings and a green outlook;</p> <p>iv) front gardens that contribute to an attractive streetscape; and</p> <p>v) 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>3) Landscaped area must meet the following requirements:</p> <p>a) Landscaped areas should be:</p> <table border="1" data-bbox="191 1654 841 1854"> <thead> <tr> <th>Zone</th> <th>Minimum landscaped area % of the site</th> </tr> </thead> <tbody> <tr> <td>R1 Residential General</td> <td>40</td> </tr> <tr> <td>R4 High Density Residential</td> <td>35</td> </tr> </tbody> </table>	Zone	Minimum landscaped area % of the site	R1 Residential General	40	R4 High Density Residential	35	<p>A total landscape area of 30% is provided being a slight variation to the control. The variation is minimal and is largely attributable to the required compliant basement parking. It should be noted that a site specific design has been provided with strong urban design content. To enforce strict compliance with the landscape control would be unreasonable as it would significantly affect the design for no material gain. The proposal provides an appropriate level of landscaping particularly across the frontage and will be a feature of the streetscape.</p>	<p>Variation sought in this instance</p>
Zone	Minimum landscaped area % of the site							
R1 Residential General	40							
R4 High Density Residential	35							

<p>b) have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy;</p> <p>c) may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p> <p>e) should include verges that surround car parking areas and open driveways;</p> <p>f) should provide a reasonable area of private open space in accordance with the part within this section on design;</p> <p>g) where more than one building is proposed, that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.</p>		
<p><b>Setbacks</b></p> <p>1) Determine the maximum development footprint for your site:</p> <p>a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m</p> <p>b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.</p> <p>2) Within the rear boundary setback:</p> <p>a) there shall be no building encroachments either above or below ground (eaves excepted);</p> <p>b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;</p> <p>c) where there are physical encumbrances such as open drains, increase the setback accordingly.</p> <p>3) Determine an appropriate front setback:</p>	<p>The proposed development provides for a minimum front setback of 6m in excess of the DCP requirement.</p> <p>A minimum side setback of 6m is proposed along the eastern side elevation.</p> <p>A setback ranging between 3-8m is proposed to the western side boundary consistent with the setback previously approved by Council for a RFB on the site.</p> <p>A compliant 5-6m is provided to the rear</p>	<p>Yes</p> <p>Yes</p> <p>Variation justified</p>

<p>a) either average the setbacks of the immediate neighbours; or</p> <p>b) 5.5m minimum whichever is the greater dimension.</p> <p>4) Permissible encroachments within the front setback are:</p> <p>a) verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation.</p> <p>5) Garages and parking spaces are not permissible within the front setback.</p> <p>1) Cut and fill and maximum ground floor heights:</p> <p>a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;</p> <p>b) restrict cut-and-fill to a maximum of 500mm; and</p> <p>c) provide effective sub-soil drainage.</p> <p>2) Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual scale.</p> <p>3) Zero setbacks from the side boundary are not permissible, other than awnings to main building entrances.</p>	<p>setback enabling the creation of a regular building footprint and high amenity apartments, particularly on the lower levels. It should be noted that the adjoining northern residential flat building maintains a substantive setback to the common boundary ensuring adequate levels of privacy between buildings is maintained.</p>	
<p><b>Visual and Acoustic Privacy</b></p> <p>1) Demonstrate a package of measures that achieves reasonable visual privacy between adjacent dwellings:</p> <p>a) windows oriented towards their own private garden courtyard; and / or</p> <p>b) at least 9m between any windows that face each other; and / or</p> <p>c) screening measures, including:</p> <p>i) offsetting of windows; or</p> <p>ii) oblique orientation for windows; or</p> <p>iii) external screens to windows; or</p> <p>iv) courtyard walls and pergolas;</p>	<p>The outlook from apartments is directed to the street and inwards into the landscape setting on-site.</p> <p>Privacy is controlled through the selective placement of windows.</p> <p>Privacy considerations are well resolved.</p>	<p>Yes</p>

<p>note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening;</p> <p>d) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:</p> <p>i) are offset by a distance sufficient to limit views between windows; or</p> <p>ii) have sill heights of 1.7m above floor level; or</p> <p>iii) have fixed obscure glazing in any part of the window below 1.7m.</p>		
<p><b>Solar Planning</b></p> <p>1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:</p> <p>a) Providing shadow diagrams prepared by a qualified technician;</p> <p>b) Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas;</p> <p>c) Demonstrating shadows cast by neighbouring buildings;</p> <p>d) Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun;</p> <p>e) Ensuring that the proposed development provides 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>f) Ensuring that the proposed development provides 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>g) In situations where the existing overshadowing</p>	<p>Solar access to neighbouring properties is reasonably protected through the use of setbacks and the stepping in of the upper levels of the building. The subject property and adjoining properties will receive the requisite levels of solar access during the winter solstice. Shadow diagrams accompany the development plans.</p>	<p>Yes</p>



<p>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><b>Built Form Character</b></p> <p>1) In neighbourhoods with townscape significance, new development should:</p> <p>a) conserve vegetation that has visual or historical significance;</p> <p>b) adopt the prevailing configuration of garden areas, particularly the street's predominant front boundary set-back;</p> <p>c) adopt the predominant width, height, and scale of existing buildings;</p> <p>d) ensure that floor plans are stepped or articulated similar to the shape or form of surrounding buildings;</p> <p>e) adopt roof pitches, ceiling heights and forms that match neighbouring buildings;</p> <p>f) minimise the width and area of driveways visible from public frontages;</p> <p>g) conceal garages from public frontages (corner sites excepted).</p> <p>2) In areas with significant vegetation:</p> <p>a) aim to preserve established trees as blocks or corridors;</p> <p>b) ensure that the location of buildings and pavements does not affect long term survival of established trees;</p> <p>c) incorporate new plantings that reinforce the visual and habitat values;</p> <p>d) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.</p> <p>3) New development should not aim to provide a direct copy of traditional buildings:</p> <p>a) simple detailing of building forms and openings</p>	<p>Noted. The subject site is not identified within the DCP as being a significant site.</p>	<p>Yes</p>

<p>is preferred to the use of "stuck-on" detailing applied to gable ends and verandahs;</p> <p>b) the pitch and form of roofs, and articulation of floor plans are of particular importance;</p> <p>c) frequent use of shadow-casting elements such as verandahs and awnings is important to reduce the scale of long walls;</p> <p>d) traditional proportions for window and door openings should be employed;</p> <p>e) use of traditional joinery details for windows, doors and verandahs and fences should be concentrated in elevations that are visible from public places.</p>		
<p><b>Building Design</b></p> <p>1) Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of buildings and to reflect typical features of established cottage developments:</p> <p>a) walls with alignments that step in both plan and section;</p> <p>b) windows and doors inserted into all visible walls;</p> <p>c) a variety of pitched roofs, predominantly hipped.</p> <p>d) lower storeys that project beyond the line of the top storey, and are capped by roofs; or terraces to the upper storey apartments;</p> <p>e) the top storey designed as a "penthouse" with extensive glazing in the form of windows and large doors surrounded by terraces and pergolas;</p> <p>f) a variety of overhangs that cast shadows including:</p> <p>i) roofs with wide eaves;</p> <p>ii) awnings and pergolas;</p> <p>iii) balconies enclosed by corner columns and a variety of balustrades;</p> <p>iv) wide terraces at ground level;</p>	<p>The design solution provides suitable articulation of all elevations and provides a reasonable balance of horizontal and vertical elements.</p> <p>The proposed development will be a feature building in its environment and given the high density residential context of the zone. The front setback will be suitably landscaped enhancing the site's presentation to the street.</p>	<p>Yes</p>

<p>g) variation in building materials, for example:</p> <ul style="list-style-type: none"> <li>i) a "solid" masonry base;</li> <li>ii) intermediate levels that appear lighter: coloured or painted brickwork, with projecting "screens" of balconies that are located in particular at corners of buildings;</li> <li>iii) a lightweight "penthouse" upper storey, capped by overhanging roofs and open pergolas, with terraces and balconies surrounded by open-style balustrades.</li> </ul> <p>2) Variety in architectural features should be apparent in all visible facades including:</p> <ul style="list-style-type: none"> <li>a) facing the street;</li> <li>b) facing side driveways; and</li> <li>c) facing neighbouring residential properties.</li> </ul> <p>3) Basements for car parks should rise no higher than 1.5m above ground provide a minimum 2.2m vertical clearance for vehicles.</p>		
<p><b>Energy Efficiency</b></p> <p>1) Adopt a configuration for dwellings that promotes cross-ventilation:</p> <ul style="list-style-type: none"> <li>a) corner apartments with two external walls;</li> <li>b) apartments that sit between two opposite external walls.</li> </ul> <p>2) Adopt an appropriate orientation for rooms and windows:</p> <ul style="list-style-type: none"> <li>a) living areas - facing within 30 degrees of solar north is desirable;</li> <li>b) windows - at least 50% of glazing facing solar north is desirable; unprotected glazing facing east, west or south shall be avoided; for every room, windows in two external walls are desirable;</li> <li>c) where the desired orientation cannot be achieved, higher compliance with other energy efficiency standards shall be achieved.</li> </ul> <p>3) Provide effective shading from summer sun and employ effective glazing:</p>	<p>Cross ventilation is achieved to all apartments.</p> <p>All windows and doors have a northern, eastern or western orientation.</p> <p>The proposed development performs well in regards to energy efficiency and cross ventilation.</p> <p>A BASIX report is included in the submission.</p>	<p>Yes</p>

<p>a) overhanging eaves: at least 450mm wide;</p> <p>b) external, adjustable screening for windows, doors and skylights to habitable rooms;</p> <p>c) pergolas over courtyards;</p> <p>d) for any large south-facing window: high performance glass eg. double glazing in thermal break frames;</p> <p>e) windows and doors facing east, south or west: high performance glass eg. double glazing in thermal break frames;</p> <p>f) all windows and external doors: weather-stripping should be used.</p>		
<p><b>Design of Dwellings and Courtyards</b></p> <p>1) Common circulation areas should facilitate access by people carrying parcels and removal of furniture:</p> <p>a) corridors at least 1.2m wide;</p> <p>b) stairs with landings at least 1.2m deep.</p> <p>2) A reasonable area of private open space should be provided for each dwelling:</p> <p>a) for dwellings at ground level:</p> <p>i) a minimum of 20m<sup>2</sup>;</p> <p>ii) as courtyards at ground level; and / or</p> <p>iii) terraces located not higher than 1.5m above ground level; and</p> <p>iv) for street-front dwellings: individual entrances to terraces or courtyards from the street;</p> <p>b) for dwellings above ground - balconies that are a minimum of 10m<sup>2</sup>;</p> <p>c) all required open space should include one area:</p> <p>v) measuring at least 2.5m by 2.5m;</p> <p>vi) suitable for outdoor dining; and</p> <p>vii) located immediately next to, and level with, a living or dining room; and</p> <p>viii) incorporating an area for outdoor clothes</p>	<p>All common circulation areas accord with the development controls.</p> <p>Appropriately sized courtyards and balconies in accordance with the minimum requirements are provided to each of the apartments.</p> <p>All balconies will receive northern, eastern or western sunlight.</p> <p>Communal open space is provided at ground level at the rear of the development and along the side setback areas. Appropriate deep soil zones are provided as required.</p>	<p>Yes</p>

<p>drying that is visually-screened to a height of at least 1.5m above floor level;</p> <p>ix) Landscaped areas should maximise the area available for private courtyards and gardens.</p> <p>3) Dwellings should have rooms that are planned and oriented:</p> <p>a) to maximise privacy,</p> <p>b) to provide a "green" outlook across open space;</p> <p>c) to facilitate natural ventilation and day lighting.</p> <p>4) Rooms should have dimensions and an area that:</p> <p>a) can accommodate the range of furniture typically associated with their function; and</p> <p>b) recognise that furnishing options may be restricted by the location of windows and doors.</p>		
<p><b>Garages</b></p> <p>1) Garage and parking areas should be planned to:</p> <p>a) minimise disruption to traditional or established streetscapes by concealing from the street;</p> <p>b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation;</p> <p>c) minimise transmission of noise to adjoining dwellings;</p> <p>d) provide secure parking;</p> <p>e) allow for maintenance access to rear garden courtyards; and</p> <p>f) provide for effective and healthy landscaping along verges and boundaries.</p> <p>g) permit all turning movements, full opening of vehicle doors as defined by AS 2890.1-1993;</p> <p>2) Basements should have:</p> <p>a) a low appearance, rising no higher than 1.5m above ground;</p> <p>b) natural ventilation, either screen walls; or</p>	<p>The proposed development accords with the minimum car parking requirements providing a total of 28 parking spaces within the basement levels of parking.</p> <p>Two levels of basement parking are provided designed in accordance with Australian Standards in relation to ramp grades and turning areas.</p> <p>The use of basement level parking will ensure that noise from vehicles is reasonably contained on-site and that vehicles can leave the site in a forward</p>	<p>Yes</p>

<p>terraced embankments, with each step a maximum of 500mm, and landscaped as part of the side boundary court;</p> <p>c) a "capping" of private courtyards or balconies opening from the lowest level of dwellings (if basements extend beyond the main building walls);</p> <p>d) vehicle entrances designed to complement the architecture and landscaping of each building;</p> <p>e) individual up and down ramps;</p> <p>f) a central median;</p> <p>g) overhung by balcony structures; and</p> <p>h) undercover storage:</p> <p>i) garbage and recycling bins in a secured area located close to the street entrance and detailed according to Council codes; and</p> <p>ii) household items: in secured enclosures for each dwelling, or associated with secured private parking spaces.</p> <p>3) For dwellings that require two spaces:</p> <p>a) parking may be arranged in a stacked configuration</p> <p>4) Garages and parking spaces are not permissible within the front setback.</p>	<p>direction.</p> <p>The basement area will provide appropriate storage areas as required pursuant to the DCP.</p> <p>A bicycle parking area is also provided for 8 bicycles.</p>	
<p><b>Safety and Security</b></p> <p>1) Encourage a sense of community:</p> <p>a) Each common stairwell should serve no more than 10 dwellings.</p> <p>b) The public street and /or common pathways should be overlooked by:</p> <p>i) Entrances to dwellings or to ground level; terraces;</p> <p>ii) Windows to living rooms, dining rooms and/or kitchens; and</p>	<p>All areas within the development are appropriately delineated. Illumination is provided throughout the proposed development to ensure safe access in and around the site and to provide additional security to residents and visitors.</p>	<p>Yes</p>

<p>iii) Private terraces and balconies</p> <p>c) fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.</p> <p>2) Ensure that at least one continuously-occupied room in each dwelling (a kitchen or living room) overlooks:</p> <p>a) the front street;</p> <p>b) driveways and garage forecourts.</p> <p>3) Prevent concealment of intruders by:</p> <p>a) uniform lighting levels across common areas such as driveways;</p> <p>b) planning which does not provide hidden recesses;</p> <p>c) along common pathways: selection of appropriate plant species according to height and density.</p>	<p>A single security entrance to the building further enhances the security aspects of the proposal.</p> <p>A security garage door is proposed at the base of the driveway to the parking levels.</p>	
<p><b>Accessibility and Adaptability</b></p> <p>1) Demonstrate that planning and design measures do not prevent access by people with disabilities:</p> <p>a) access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances;</p> <p>b) stair nosings should have a distinctive colour and texture;</p> <p>c) dwellings should have:</p> <p>d) dimensions consistent with AS 1428.1-1998-Design for access and mobility.</p> <p>e) hallways at least 1m wide.</p> <p>f) circulation areas in bathrooms at least 1 m wide.</p> <p>2) Demonstrate that dwellings have been designed to meet the needs of an ageing population:</p> <p>a) incorporate design measures which are appropriate to people with disabilities; and</p>	<p>All apartments are fully accessible with lift access from the basement level to all levels of the building.</p> <p>Two apartments are provided as adaptable dwellings.</p>	<p>Yes</p>

<p>b) employ lever-type door handles and traditional cruciform tap-handles; and</p> <p>c) provide for future low cost modifications to bathrooms:</p> <p>i) future removal of hobs from shower recesses;</p> <p>ii) provision for future attachment of grab-rails to walls.</p> <p>d) provide for future low-cost modifications to kitchens including replacement of under bench shelves with drawers &amp; attachment of grab-rails.</p> <p>e) provide appropriate levels and location of lighting.</p> <p>3) 10% of all dwellings or a minimum one dwelling, whichever is greater, must be designed in accordance with the Australian Adaptable Housing Standard (AS4299-1995), to be capable of adaptation for people with a disability or elderly residents.</p> <p>4) Where possible, the mandatory adaptable dwellings shall be located on the ground floor.</p> <p>5) The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS4299-1995).</p> <p>6) Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard regarding parking for people with a disability.</p>		<p>Two disabled car spaces with a shared zone is provided in the car parking area.</p>
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<p><b>Storage and Services</b></p> <p>1) Provide storage for household items:</p> <p>a) at least 10m<sup>3</sup> per dwelling; either</p> <p>b) as cupboard space within the dwelling in addition to wardrobes; or</p> <p>c) within a lockable garage, not encroaching upon the parking space; or</p> <p>d) in weather-proof lockers that are not visible from the street.</p> <p>2) Letter boxes should be provided according to Australia Post specifications:</p> <p>a) adjacent to the front boundary;</p> <p>b) located conveniently for residents entering the site (by car or on foot);</p> <p>c) integrated with the design of landscaped areas, fences and buildings.</p> <p>3) Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for:</p> <p>a) additional telephone lines and outlets;</p> <p>b) additional electrical outlets;</p> <p>c) satellite or cable-based reception.</p>	<p>Appropriate storage in accordance with the minimum requirements is provided internally to each apartment.</p> <p>Compartmentalised storage areas are located within the basement parking levels.</p> <p>The letter boxes will be appropriately positioned and all services are available to the subject site.</p>	<p>Yes</p>
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## 6.0 SECTION 79(C) CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 79(C) of the Environmental Planning and Assessment Act 1979.

### 1. Matters for consideration – General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979 ), that apply to the land to which the development application relates,*

### **Comment:**

The proposal is permissible in the zone and satisfies the zone objectives. The proposal is compliant with the principal Penrith LEP 2010 development standards pursuant to clause 4.6 of the LEP. The proposal also meets the majority of performance requirements of the Penrith DCP 2014 with a minor variation in relation to landscape content and setbacks. Such is justified in the context of the site and given the design initiatives.

### SEPP 55 Remediation of Land

The subject site has been used for residential use for a considerable time and there is no notable activity visible on-site to suggest that the site is contaminated.

A phase 1 contamination report is however provided given a prior record of dumping on the site.

### SEPP No 65 – Design Quality of residential Flat Buildings

The proposed development has been designed by a registered Architect and an Architectural Design Verification Statement is included in the submission under separate cover.

This assessment of the proposal is made in accordance with respect to the Design Quality principles as set out in SEPP 65, part 2. As noted in the introduction:

- *Good design is a creative process which, when applied to towns and cities, results in the development of great urban places: buildings, streets, squares and parks.*
- *Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.*
- *Good Design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges.*
- *The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.*

#### ***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 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.*

**Assessment:**

The subject site falls within a precinct which has recently been zoned to accommodate high density housing. The proposed development appropriately provides a desired built form to relate to the surrounding built form particularly the adjoining apartment building to the north.

Issues relating to setbacks, height and appropriateness of the development relative to adjoining properties, has been appropriately resolved in the design.

The proposed design ensures reasonable spatial separation will be established between developments to the north, west and east.

In view of the above, the proposed development is appropriate in its context.

***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.*

## **Assessment**

The proposed development is consistent with the development controls guiding built form. As such the proposed design is representative of the desired future character of the locality. The proposed building is compliant with the principal numerical controls of the LEP.

### ***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.*

## **Assessment**

The proposed development achieves a reasonable density given the site's ideal location within close proximity to the Nepean shopping precinct and Penrith CBD. A comfortable provision of apartments is proposed utilising the services and facilities of the precinct.

The density has been comfortably accommodated on the site in a manner that does not compromise the amenity of future occupants/adjoining owners particularly in respect of solar access and privacy considerations.

The proposed density is proportionate with the land size and presents a viable form of development for the site.

### ***Principle 4: Sustainability***

*Good design involves design features that provide positive environmental and social outcomes. Good sustainable design includes use of natural cross breezes 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.*

### **Waste Management Plan**

A waste management plan for the full life cycle of the proposal has been prepared.

### **Energy Assessment**

*An energy assessment for the buildings has been prepared.*

### **Stormwater Management**

The following objectives are noted:

- To minimise the impacts of residential development and associated infrastructure on the health and amenity of natural waterways
- Reduce the volume of stormwater on infrastructure by retaining it on site – possibly by minimising impervious areas by using pervious or open pavement materials
- Retaining runoff from roofs and balconies in water features as part of the landscape design or for reuse by activities such as toilet flushing
- Landscape design incorporating appropriate vegetation
- Optimising deep soil zones
- A Stormwater Concept Plan has been prepared as part of the hydraulics design for the project.

### **Assessment**

The proposed design solution is entirely consistent with the principles of the SEPP No 65 particularly through the orientation and design of the apartments (solar access and ventilation) and the choice of construction materials to reduce heating and cooling costs; the provision of substantial areas of deep soil to assist in natural water absorption and reduce run off and the selection of appropriate planting/landscaping (refer to landscape plan). The proposed apartments meet the energy efficiency requirements of Council.

### ***Principle 5: Landscape***

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

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.*

### **Assessment**

The proposed design provides an appropriate deep soil planting zone to the rear, side and front setback areas.

The proposed landscape design has been prepared with the intent of achieving the following:

- Planting opportunities at the rear including deep soil planting within the side setbacks.
- Using planting and landscape elements appropriate to the scale of the development and relative to the local context.
- Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open space.
- Provides a sufficient depth of soil to enable the growth of mature trees.
- Minimises maintenance by using robust landscape elements.

### ***Principle 6: Amenity***

*Good design positively influences internal amenity for residents and external amenity for 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.*

## **Visual privacy**

*Visual privacy measures protect residents ability to carry out private functions within all rooms and private open spaces without compromising views, outlook, ventilation and solar access or the functioning of internal or external spaces. The consideration of visual privacy requires an understanding of the adjacent context, site configuration, topography the scale of the development and the layout of the residential flat building.*

Some of the better practice measures that should be considered include:

- Locating and orienting new development to maximise visual privacy externally and internally, during the day and night.
- Designing building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments by:
- Using balconies to screen other balconies and any ground level private open space.
  - Separating communal open space common open areas and access routes through the development from the windows of rooms, particularly habitable rooms
  - Changing the level between ground floor apartments with their associated private open spaces and the public domain or communal open space.
  - Using detailed site design and building design elements to increase privacy without compromising access to light and air.

## **Apartment layout**

The internal layout of an apartment establishes the spatial arrangement of rooms, the circulation between rooms and the degrees of privacy of each room.



Several of the key objectives for apartment layout are

- To ensure the spatial arrangement of apartments is functional and well organised;
- To ensure the apartment layouts provide high standards of residential amenity;
- To maximise the environmental performance of apartments;
- To accommodate a variety of house hold activities and occupants needs.

Some of the key better design practices include:

- Providing private open space in the form of a balcony, a terrace, a courtyard or a garden for every apartment.
- Orienting main living areas towards the primary outlook and aspect and away from neighbouring noise sources.
- Locating main living spaces adjacent to main private open space.
- Locating habitable rooms and where possible kitchens and bathrooms on the external face of the buildings thereby maximising the number of rooms with windows.
- Maximising the opportunities to facilitate natural ventilation and to capitalise on natural daylight.

### **Natural Ventilation**

Some of the better design practices for natural ventilation in residential flat buildings include:

- Utilising the building layout and section to increase the potential for natural ventilation, this includes the introduction of dual aspect apartments.
- Minimising the interruptions for airflow in an apartment, generally by encouraging more open layouts.
- Grouping rooms with similar usage together which allows for better compartmentalisation.

### **Daylight Access**

Daylight consists of sunlight –diffuse light from the sky- and sunlight – direct beam radiation from the sun. Daylight changes with the time of day,

season and weather conditions. The variability contributes to pleasant environments to live and work in. Within an apartment day lighting reduces reliance on artificial light, improving energy efficiency and resident amenity.

Some of the key better practice:

- Plan the layout to maximise general north orientation of the residential apartments.
- Ensure direct daylight to communal open space between March and September and provide appropriate shading in summer.
- Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.
- Ensure daylight access to habitable rooms and private open space particularly in winter.

### **Ground level Apartments**

Ground floor apartments are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the apartment building and its landscape to respond to the streetscape and the public domain at the pedestrian level. Ground floor apartments also support housing choice by providing accessibility to the elderly and or disabled and support families with small children. Ground floor apartments extend the lifestyle choices available in apartment buildings by facilitating activities, such as gardening, play and pet ownership.

Comment:

Some of the key better design practices that are relevant for this project include:

Balancing privacy requirements by utilising a change in level from the common domain; providing appropriate fencing, lighting and /or landscaping to meet privacy and safety requirements for occupants.

The proposed design provides for the appropriate use of ground floor spaces consistent with the above including a change in level relative to the communal open space areas.

Daylight and natural ventilation is maximised to all apartments.

### ***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 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, providing opportunities for social interaction amongst residents.*

#### **Assessment**

The locality has been zoned to permit the scale and density of development proposed. The Council considers that the subject site is appropriate for such a form of development given the site's zoning. The subject proposal accords with the zone objectives.

The proposed development although situated within a high density zone contains only 20 apartments offering different characteristics and a high level of amenity.

### ***Principle 9: Architectural Expression***

*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 well designed apartment buildings responds to the existing or future local context, particularly desirable elements and rhythms of the streetscape*

#### **Assessment**

The proposed development has been suitably treated and includes appropriate finishes to have a high aesthetic content. The proposal provides an appropriate mix of finishes and an appropriate scale and form of building relative to the adjoining conservation area and adjoining cottages. The proposed building and finishes will ensure the building does not compete or dominant any nearby heritage items. The proposed design reflects

contemporary design initiatives, which should make the development a feature of the streetscape.

The subject site is well serviced by utilities and public transport and is within walking distance of bus services.

The proposal is consistent with the aims of the SEPP.

*(a) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.*

**Comment:**

The proposed development provides for the orderly development of the subject land.

The proposed development responds to the desired character and development pattern of the locality in respect of building form, height, mass, bulk, scale and setbacks as generated by the LEP controls.

The proposal has positive social and economic implications providing good amenity housing within close proximity to the local town centre.

In terms of social and economic impacts, the proposal represents a substantial reinvestment in this location and provides contemporary and affordable housing opportunities within a well-established locality with strong public transportation.

The proposal is reasonable in the context of the zone.

*(b) The suitability of the site for the development.*

**Comment:**

The subject site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and locality. The

subject site is also zoned specifically to encourage a higher density residential development; therefore the proposal is consistent with Council's broad objectives for the precinct.

(c) *Any submissions made in accordance with the Act or the regulations.*

**Comment:** Nil

(d) *The public interest*

**Comment:**

No adverse matters relating to the public interest arise from the proposal. The proposal has the favourable outcome of furthering the principles of urban consolidation and urban renewal. The proposal will provide additional employment through the construction phase.

It is in the public interest to provide a variety of residential housing stock in the immediate area. It is also in the public interest to provide a high quality development that will stimulate the surrounding property market.

## **7.0 CONCLUSION**

The proposed development appropriately responds to the circumstances of the site and its context and the provisions of Council planning controls pursuant to clause 4.6 of the LEP.

The proposed development presents an appropriate built form for a prominent site.

Overall the proposed development has been well designed and includes suitable articulation of the street facing facade and provision of distinct indented upper levels to ensure the building will be a feature of the streetscape.

In designing the proposed development, specific regard has been given to generating a development with Architectural interest, with a high degree of articulation set in a landscaped environment. The proposed building is well sited and includes neutral finishes to relate well to the surrounding heritage conservation area.

The proposed development has been designed to adopt the principles of ESD.

The proposed development does not give rise to adverse amenity issues affecting nearby residential properties in the context of a high density residential environment. The proposal is an appropriately scaled building and the proposed increase in housing density is consistent with the zone objectives.

In view of the above, the proposed development is desirable and appropriate. Council approval is recommended.