

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0335
<b>Proposed development:</b>	Demolition of Existing Structures, Construction of Five (5) Storey Residential Flat Building Containing 30 Apartments & Two (2) Levels of Basement Car Parking & Land Remediation Works
<b>Property address:</b>	28 Evan Street, PENRITH NSW 2750 30 Evan Street, PENRITH NSW 2750 32 Evan Street, PENRITH NSW 2750
<b>Property description:</b>	Lot A DP 355720 Lot 1 DP 510281 Lot A DP 324069
<b>Date received:</b>	20 May 2019
<b>Assessing officer</b>	Paul Anzellotti
<b>Zoning:</b>	Zone R4 High Density Residential - LEP 2010
<b>Class of building:</b>	Class 2 , Class 7a
<b>Recommendations:</b>	Approve

### Executive Summary

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

Council is in receipt of a development application from Morson Group Architects proposing the demolition of existing structures and construction of a five (5) storey residential flat building containing thirty (30) apartments and two (2) levels of basement car parking at 28- 32 Evan Street, Penrith.

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

The development application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from the 31 May to 14 June, 2019. During this period, one (1) submission was received.

Following a requirement to re-exhibit the Development Application as the site was subsequently identified for remediation, the application was re-exhibited from the 14 February to 15 March 2020. During this re-exhibition period, no submissions were received.

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

### Building Form and Presentation

The built form is considered to provide for appropriate articulation to the Evan Street frontage with the proposal maintaining an acceptable ground floor base presentation and entrance to the basement level, well proportioned balcony layout and window openings to upper levels as well as architectural features serving to diminish scale and bulk for the built form providing depth to each facade. It is noted that the proposal is in part non-compliant with building separation requirements as provided by the Apartment Design Guide to the rear eastern setback. While so, noting the location of an adjoining cemetery and commercial uses, the proposed separation in this direction in this instance is considered appropriately justified. The building is therefore considered an acceptable addition to Evan Street which is currently undergoing a transition from low density to high density residential developments in accordance with the existing R4 High Density Zoning.

### **Site Isolation of No. 34 Evan Street**

The subject site is located directly adjoining a corner block along its southern boundary (being No. 34 Evan Street) which as a consequence of the proposal will not maintain the minimum lot width required for a future residential flat building. In this regard, No. 34 Evan Street is considered to be an isolated lot. While so, it is considered that the proposal has been accompanied with appropriate documentation to identify that the owner of the isolated lot has been provided with a genuine offer above the identified market valuation of this parcel of land, which was declined.

### **Relationship to Adjoining Heritage Item**

The subject site is located directly adjoining St Stephen The Martyr Churchyard Cemetery which is identified as a heritage item of local significance under the Penrith Local Environmental Plan 2010. The proposal will provide for a lapped and capped timber fence along its common boundary with the cemetery which is not considered to be out of place with its surrounds noting the nature of fencing in this area. In addition, the proposal has identified the provision of vegetation in the form of bushes and trees of various sizes proposed between the building and the rear boundary, which is considered to assist in minimising the visual impact of the proposal upon its surrounds. While the rear separation from the building to the boundary is non compliant with the Apartment Design Guidelines, the use of landscaping is considered to diminish the visual presentation of the proposal. In this regard and noting in principle that the remaining built form controls including building height are compliant, the proposal is considered to provide for an acceptable relationship with the adjoining heritage item.

### **Solar Access to Proposed Apartments**

An assessment of the provided plans has identified that 18 of the proposed 30 apartments (a total of 60%) will achieve an acceptable level of solar access between 9am and 3pm mid winter which is non compliant with the minimum 70% requirement of the Apartment Design Guide. Providing for a flexible approach, were three (3) additional apartments included which provide for direct solar access between 8am to 10am mid winter, the proposal would provide for a 70% compliance. Flexibility in this instance is considered supportable noting the constraints on the subject site, primarily its orientation which restricts the availability of solar access to the built form especially during the morning period. The proposal will also provide for 2.9m high floor to ceiling levels which will assist in capturing sunlight while the design has also incorporated splayed apartment walls for living areas in a north eastern or north western direction in an attempt to improve overall solar access to apartments. In this regard, the design is considered an acceptable response to the constraints of the subject site with the overall non compliant solar access supportable in this instance as the design is considered to have considered opportunities to capture as much sunlight as possible throughout the day.

An assessment under Section 4.15 of the EP&A Act 1979 (as amended) has been undertaken and the application is recommended for approval subject to appropriate conditions.



## Site & Surrounds

---

The subject site is located on the eastern side of Evan Street approximately 15m north of the intersection with Lethbridge Street, Penrith. The site comprises three allotments each containing a single storey dwelling house with ancillary detached structures. The site has a total combined site area of 1,624m<sup>2</sup>.

Development in the immediate vicinity of the site provides for a variety of uses from single dwelling houses on individual lots, commercial uses, residential flat buildings and a cemetery. To both the north and south of the subject site along the eastern side of Evan Street are single level detached dwelling houses of either colourbond or brick construction. Dwelling houses of a similar manner are provided to the western side of Evan Street from the intersection of Lethbridge Street (to the south) to the intersection of Higgins Street (to the north). These houses are punctuated via a lawnmower motor repair and service centre directly opposite the site at No. 29 Evan Street.

The subject site is located directly north of No. 34 Evan Street which is provided on the intersection of Evan Street and Lethbridge Street. Adjoining this corner lot to the east along Lethbridge Street are two commercial uses being No. 95 Lethbridge Street (medical centre and associated car parking approved under DA17/0548) and No. 93 Lethbridge Street which shares a boundary with the subject site and operates as a physiotherapy health consulting room. To the rear of these Lethbridge Street properties and adjoining the subject site along its western boundary is the St Stephen The Marytr Churchyard Cemetery which also fronts onto Fulton Lane to the east.

On the south western corner of Lethbridge Street and Evan Street (No. 104-108 Lethbridge Street) is currently under construction a three (3) storey residential flat building containing 20 apartments and basement car parking. This development under DA17/0336 was approved by the Penrith Local Planning Panel on the 14 January, 2019. Located on the north western corner of Evan Street and Lethbridge Street is a pathology consultancy while directly adjoining along the northern side of Lethbridge Street (No. 107-111 Lethbridge Street) is a six (6) storey residential flat building containing 44 apartments and associated basement car parking, approved under DA15/1121.

The surrounding area is currently transitioning from low density to higher density development, reflective of its R4 High Density zoning which stretches for the entire length of Lethbridge Street in an east to west direction.

The subject site is located to the south-east of the Penrith CBD, however is still within walking distance of the CBD, shopping facilities and transport including the Penrith railway station. In vicinity of the site are various schools, churches, parks, a bowling club, Police Station and public swimming pool.

## Proposal

---

The development proposes the demolition of existing structures and construction of a five (5) storey residential flat building containing 30 apartments and two (2) levels of basement car parking. Specifically, the proposed development includes the following key aspects;

### Basement Level 2

- The provision of a total of thirty one (31) residential car parking spaces,
- Ramp access for vehicles to upper level, and
- Circulation core providing for one (1) lift and one (1) fire stairs.

### Basement Level 1

- The provision of a total of twelve (12) car parking spaces including four (4) accessible spaces, one (1) car wash bay and seven (7) visitor parking spaces,
- Bicycle parking room containing ten (10) spaces,
- Sixteen (16) residential storage spaces,
- Waste and storage room including bulky waste room,
- Ramp access for vehicles to ground level, and
- Circulation core providing for one (1) lift, one (1) fire stairs and mechanical ventilation shaft.

### Ground Floor Level

- Vehicular access to the basement level from Evan Street,
- Pedestrian access to the proposed residential flat building and associated site landscaping,
- Provision of three (3) apartments consisting of 2 x 2 bedroom and 1 x 3 bedroom units each provided with a separate courtyard area,
- Communal open space area along northern and eastern boundary. The communal open space also consists of a communal open space room accessed from the lobby area,
- Pump room and storage room, and
- Foyer entry area, lobby with circulation core providing for one (1) lift, one (1) fire stairs and mechanical ventilation shaft.

#### Levels 1 to 3

- The provision of seven (7) x 2 bedroom units each with an associated balcony, and
- Lobby area with circulation core providing for one (1) lift, one (1) fire stairs, garbage room with dual chutes and mechanical ventilation shaft.

#### Level 4

- The provision of seven (7) apartments consisting of 2 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom units each with an associated balcony, and
- Lobby area with circulation core providing for one (1) lift, one (1) fire stairs, garbage room with dual chutes and mechanical ventilation shaft.

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

Unit Type	No of units
1 bedroom unit	2
2 bedroom unit	26
3 bedroom unit	2

#### Background

Prior to the receipt of the current proposal, DA17/1359 was lodged on the 21 December, 2017 with Council for No's 28-32 Evan Street, Penrith proposing the demolition of existing structures and construction of a six (6) storey residential flat building containing 54 apartments and three (3) levels of basement car parking. Following the assessment of the application raising concerns in part with compliance with SEPP 65 and the Apartment Design Guide, building height, engineering and waste issues, the application was subsequently withdrawn in May, 2018.

The current application was subject to a pre-lodgement meeting held with relevant Council staff members on the 22 November, 2018. In addition, the application has been subject to an Urban Design Review Panel (UDRP) meeting held with Council on the 14 November, 2018. The application was also subject to a further UDRP meeting since the receipt of the application and the matters raised during the panel meetings have been addressed in the proposed design. Commentary provided during the last UDRP meeting during the assessment of the proposal advised that:

- The design is commended in its revised form with its setbacks and deep soil zones,
- A variety of trees along the rear is required and a formalised row is not suitable,
- Trees should not overhang neighboring properties, although they can overhang the cemetery,
- The location of fire boosters and air conditioning units shall be shown on the plans, and
- In order to show that the height standard is unnecessary and therefore unreasonable as part of any Clause 4.6 variation request, plans would need to show a comparison of the proposal verses a compliant proposal in terms of shadow diagrams and in terms of visual impact.

The application was originally received by Council as a six (6) level building containing a total of forty (40) apartments. Following a review of information provided supporting the proposal it was identified that a Remediation Action Plan was required based upon the findings of a Preliminary Site Investigation. Following the receipt of the Remediation Action Plan and amended architectural plans, the overall number of apartments was reduced by 3 to thirty seven (37) with the proposal subsequently re-exhibited and re-advertised.

Following subsequent discussions with Council, the application was modified to provide for only thirty two (32) units and subsequently modified further to provide for a total of thirty (30) apartments as per the current proposal. The reduction in the number of apartments also provided for the removal of a residential level, providing for the current five (5) level building and compliance with the maximum building height applicable to the subject site.

## Plans that apply

---

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

## Planning Assessment

---

### • Section 4.15 - Evaluation

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

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

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

The application was originally submitted with BASIX Certificate No. 889228M\_02 dated 13 May, 2019, which confirmed that the development will meet the NSW government's requirements for sustainability. The layout of the proposed residential flat building has subsequently been modified via the provision of amended plans allowing for a reduction in the overall number of units proposed, but while so a revised BASIX Certificate has not been submitted with the amended application to clearly indicate that the revised development unit mix meets the required water, thermal comfort and energy targets. In this regard, a condition is to be included with any consent granted requiring that an amended BASIX Certificate be provided prior to the issue of any Construction Certificate.

## State Environmental Planning Policy No 55—Remediation of Land

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

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

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

In initial comments returned from Council's Environmental Management Team concerns were raised in relation to contamination on the subject site due to its proximity to the adjacent cemetery which was not addressed by the accompanying information and documentation provided in support of the proposal. To allow for further appropriate investigation in relation to potential contamination on the subject site, the applicant was requested to prepare a Preliminary Site Investigation that investigates the potential for soil and groundwater contamination. Subsequently, a Preliminary Site Investigation (PSI) Report prepared by SESL Australia dated 25 September, 2019 was received for Council's consideration.

A review of the received PSI identified that there is a low probability of potentially contaminated soil and groundwater (if any) by the cemetery activities impacting the proposed development given that burials within the cemetery ceased in 1943. In this regard, no further investigation specific to cemetery activities was required. While so, based upon the findings of the PSI, the application now included a Targeted Environmental Site Investigation (TESI) which provided for further soil sampling and analysis and found that contamination was discovered to be present on the subject site in the form of the following;

- Surface asbestos associated with each existing building,
- Asbestos in soil required to be further delineated and appropriately managed, and
- Impacted areas contaminated by benzo(a)pyrene.

The TESI stated that, *'if any impacted materials across the site are remaining on site...preparation of a Remedial Action Plan (RAP)...and validation of the remediation works in accordance with the RAP will be required to make the site suitable'.*

In this regard, the applicant was requested to submit a Remediation Action Plan that addressed the findings of the TESI and which also included an Unexpected Finds Protocol. This request was forwarded to the applicant who provided to Council a Remediation Action Plan prepared by SESL Australia dated December 2019. This was consequently re-referred to Council's Environmental Management Team who reviewed this document and provided the following comments:

*The Remediation Action Plan (RAP) addresses the areas of environmental concern that have been identified in the site investigations to date. The RAP proposes remediating the site to make it suitable for the proposed residential land use by the remedial option of excavation and offsite disposal. No objection is raised to the RAP and it satisfactorily addresses the known contamination on the site. The RAP also includes an unexpected finds protocol and details the works required for validation of the site. It is noted that the existing structures on the site comprise of asbestos containing materials as well as lead based paint potentially. The RAP does not detail the process for demolition of existing structures however, it is considered satisfactory that this aspect of the development be addressed through the imposition of conditions of consent, should consent be granted. Demolition of the structures, including handling of hazardous materials is required to comply with AS 2601 'The demolition of structures' and based upon the information submitted to date, the proposed site use and design of the development, further investigation of the site post demolition of structures is not considered necessary at this time.*

Noting the above and subject to appropriate recommended conditions to be included with any Development Consent granted, it is considered that the proposal has satisfactorily addressed the requirements of SEPP 55.

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

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

*"Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to the design quality principles, and the objectives specified in the Apartment Design Guide for the relevant design criteria."*

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

*50(1A) If a development application that relates to residential apartment development is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified designer.*

*50 (1AB) The statement by the qualified designer must:*

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

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

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

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

The development application has been submitted with a design verification statement prepared by a qualified designer (Peter Morson).

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

Table 1: Assessment Against Schedule 1 - Design Quality Principles	Officer Discussion
--------------------------------------------------------------------	--------------------

<p>Principle 1: Context and neighbourhood character</p>	<p>Good design responds and contributes to its context.</p> <p>Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character.</p> <p>Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposal is considered to have provided for a design which has responded appropriately to the context of the subject site.</p> <p>The development as proposed does have regard to the recommended building separation distances to each side boundary. While the rear setback is non compliant, this is acceptable in this instance noting the existing adjoining cemetery and commercial uses directly adjoining to the east and south east of the subject site.</p> <p>It is also noted that during the course of the assessment of the proposal, that a total of ten (10) apartments as well as an upper residential level were removed creating a design smaller in massing and numerically compliant with the maximum building height for the subject site.</p>
<p>Principle 2: Built form and scale</p>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>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</p>	<p>As detailed above, the development is considered to adequately respond to the site's context, that being an infill development maintaining a long frontage over 3 lots.</p> <p>The visual presentation of the built form is also considered an acceptable addition to the streetscape which is currently in transition from older low scale residential dwellings to larger residential flat buildings.</p> <p>The provision of compliant side separation distances is considered to be reflective of the desired future character of the area.</p>

Principle 3: Density	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The development is considered to be of an appropriate bulk and scale and does provide for acceptable internal and external amenity for residents.</p> <p>The density of the development is not considered excessive for the subject site resulting in appropriate unit amenity, car parking, waste collection and common open space proposed.</p>
Principle 4: Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</p> <p>Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The application is considered to identify that an appropriate level of solar access and natural ventilation is provided to the future built form. While solar access does not numerically meet minimum requirements overall for units from 9am to 3pm at mid winter, on balance it is considered that acceptable solar access will be received throughout the day and through the year.</p> <p>Internal living areas are provided with direct access to external living areas while solar shades to the northern elevation will also assist in restricting overbearing sunlight during the warmer summer period.</p>

Principle 5: Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.</p> <p>A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>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.</p> <p>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Deep soil has been co located to be generally in line with the communal open space on the ground floor.</p> <p>Landscaping provided to the street frontage is considered to enhance the built form while boundary landscaping is also considered to improve the presentation of the proposed built form to direct adjoining neighbours.</p>
Principle 6: Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>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.</p>	<p>The proposal is considered to provide for an appropriate level of amenity for the majority of future occupants in accordance with the requirements of the Apartment Design Guide in regard to room dimensions, privacy and ventilation.</p> <p>Furthermore, while solar access is numerically non compliant with ADG requirements, the proposed design is considered an acceptable response on balance to the orientation of the site to allow for appropriate sunlight to units throughout the year.</p>
Principle 7: Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The application is considered to have appropriate regard to the principles of Crime Prevention through Environmental Design. The proposal will present to Evan Street with casual surveillance achieved via the location of either balconies or windows to all elevations.</p> <p>The building design is not considered to create areas of concealment with clear lines provided in separating public and private areas.</p>



Principle 8: Housing Diversity and Social Interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The mix of units in the development is acceptable and a central lobby is proposed.</p>
Principle 9: Aesthetics	<p>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.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The development is assessed to be appropriate in bulk and scale.</p> <p>As detailed elsewhere in this table and in the assessment of the development against the Apartment Design Guide (ADG) below, the development is considered to be consistent with the design criteria and design guidance statements of the ADG.</p> <p>The design of the building is considered to respond adequately to the constraints of the site, the site dimensions and the needs of the future residents. The development is considered an acceptable addition to the streetscape providing for adequate landscaping, deep soil and canopy tree planting along the frontage of the site.</p>

Table 2: Assessment Against the Apartment Design Guide (ADG)			
Part	Required	Discussion	Complies
3A-1	Each element in the Site Analysis Checklist should be assessed.	<p>A Site Analysis plan was submitted with the application and identifies applicable elements as required within the Checklist.</p> <p>A written description of the proposal and subject site are also included in the submitted Statement of Environmental Effects and accompanying plans and reports.</p>	Yes
3B-1	Buildings to address street frontages.	The building frontage onto Evan Street is naturally orientated to the west and allows for direct access to the street from a main entry to the internal lobby area or separately to apartments on the ground level facing Evan Street.	Yes

3B-2	Living areas, Private Open Space (POS) and Communal Open Space (COS) to received compliant levels of solar access.	Refer to discussion under Part 3D and 4A.	Partial non-compliance for living areas but acceptable in this instance.
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%	Submitted shadow diagrams are considered to identify that while the adjoining residential dwelling to the south (No. 34 Evan Street) will be impacted by overshadowing by the current proposal, both the private open area and dwelling is considered to achieve acceptable solar access throughout the day.  For the private open area, a large portion of this area will main acceptable solar access until 11am with the dwelling house achieving direct solar access from late morning onwards.	Yes
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased.	As discussed above, adequate information has been submitted with the development application to enable an accurate assessment in this regard. The proposed building has been orientated at 90 degrees to the boundary with neighbouring properties to minimise overshadowing created, also noting the compliant building separations provided to the side boundaries.	Yes
3C-1	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.	Ground floor apartments with street frontage to Evan Street are provided with direct access to the street.	Yes
	Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.	Limited level differences are provided between the pavement height and the finished floor height of the ground floor apartments.	Yes
	Upper level balconies and windows to overlook the street.	All apartments along the street frontage overlook Evan Street.	Yes
	Length of solid walls should be limited along street frontages.	The presentation of the western elevation fronting Evan Street is provided with acceptable openings in the form of sliding doors to balconies or windows which has minimised the presentation of any solid walls.	Yes

	<p>Opportunity for concealment to be minimised.</p>	<p>Due to the nature of the lobby, areas of concealment and crime are not considered to be provided along the main ground floor lobby entry. The positioning of apartments above the front entryway is not considered to prevent views of persons entering the site from Evan Street, while the entry from Evan Street is considered to be distinguished and linear in nature maintaining a straight line to the ground floor lobby area so as to minimise any areas of concealment.</p> <p>The lift is also facing internally towards the lobby entry doors.</p>	Yes
	<p>Opportunities should be provided for casual interaction between residents and the public domain.</p> <p>Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</p>	<p>The mail box location is nominated on the plans to be adjoining the building entry. The positioning of the mail boxes in this position is considered to allow for casual interaction between residents and the public domain.</p>	Yes
3C-2	<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>Mail box locations are nominated on plans to be adjoining the building entry.</p>	Yes
	<p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.</p>	<p>While a potential electrical substation has been identified to the south western corner of the subject lot forward of the building line, the nature of landscaping proposed is considered to allow for suitable screening.</p> <p>Garbage storage rooms are integrated into the building within the basement level with the entry (being the entry to the basement) proposed along the southern elevation and not in view from the street. This location is considered appropriate and is not considered to create a negative streetscape or visual impacts.</p> <p>The location of the fire hydrant booster set to the northern end of the site along the Evan Street frontage is also considered to provide an opportunity for screening via landscaping.</p>	Yes

3D-1	Communal Open Space (COS) to have minimum area of 25% of site.	<p>408m<sup>2</sup> of COS is required under the ADG (25% of total site area).</p> <p>Submitted plans state that 432m<sup>2</sup> or 26% of the site is provided as COS. The area of COS is provided to the ground level along the eastern and northern boundaries. The COS area also includes a COS room abutting the outdoor area along the northern end and the ground floor lobby with an area of 23.1m<sup>2</sup>.</p> <p>The proposed COS area is assessed to be a high amenity and usable space for residents with equitable access to seating and barbecue facilities provided on the ground floor along the northern boundary.</p>	Yes
	Achieve a minimum of 50% direct sunlight to the principle usable part of the communal open space.	With an orientation towards either the north or east, the COS area is considered to achieve a minimum of 50% direct sunlight to the principle usable part throughout the day.	Yes
	COS to be consolidated into a well-designed, usable area.	Refer to discussion above.	Yes
	COS to be co-located with deep soil.	The COS area is provided in part within the deep soil area along the eastern and northern boundary of the subject site.	Yes
3D-2	COS is to be provided with facilities such as barbecue areas and seating.	Adequate seating or barbecue areas are provided within the COS area. A pergola is also identified on landscape plans with further details to be provided as a condition of consent with any development consent granted.	Yes
	COS is to be well lit and readily visible from habitable rooms.	Views down to the COS area are available.	Yes
3D-4	Boundaries should be clearly defined between public open space and private areas.	Boundaries between public and private space are clearly defined via the provision of fencing between apartment 02 and the northern site boundary which fronts onto Evan Street.	Yes
3E-1	Deep soil is to be provided at a rate 15% with a minimum dimension of 6m.	<p>116.41m<sup>2</sup> of deep soil is required under the ADG (7% of total site area).</p> <p>Submitted plans indicate that 116.41m<sup>2</sup> or 7.1% of the site is provided as deep soil and is provided in a 6m wide strip primarily along the southern boundary.</p> <p>It is noted that there are areas and pockets of deep soil provided to all boundaries, which while under 6m in width, are considered to assist in providing appropriate deep soil planting.</p>	Yes

3F-1	<p>Minimum required shared separation distances between habitable rooms and balconies are to be as follows:</p> <p>1-4 Storeys – 12m 5-8 Storeys – 18m</p>	<p>Building separation is as follows (measured from the face of the balcony/building to the side boundary):</p> <p><u>North Separation</u></p> <p>A setback of 6.0m is provided from the ground floor to the third floor level. A setback of 9.0m is provided for level 4,</p> <p><u>South Separation</u></p> <p>A setback of 6.0m is provided from the ground floor to the third floor level. A setback of 9.0m is provided for level 4.</p> <p><u>East Separation</u></p> <p>A setback of between 4.2m and 7m is provided from the ground floor to the third floor level. A setback of between 4.2m and 7m is provided for level 4.</p> <p>The proposal is provided with a partially non compliant separation from the ground level to level 3 and a non compliant separation for level 4. While the building is therefore non compliant to the rear elevation, it is noted that the subject site directly adjoins St Stephen The Martyr Churchyard Cemetery and No. 95 Lethbridge Street, this premises used as a physiotherapy clinic. In this regard, the retention of required separation distances to this elevation are considered appropriate to be relaxed as they do not directly adjoin onto a residential use with the expectation, especially for the neighbouring cemetery, that this use will be retained into the foreseeable future. It is also noted that an open car parking area is provided by No. 95 Lethbridge Street along its common boundary with the subject site.</p> <p>Noting the above, it is therefore considered that the varied building separation provided to the eastern boundary in this instance is acceptable and will not create overlooking or amenity concerns for adjoining properties.</p>	Partial non compliance but acceptable in this instance.
3F-2	Communal open space, common areas and access paths to be separated from private open space and windows to apartments.	The proposal is provided with landscaping and fencing to allow for appropriate separation.	Yes

	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	An acceptable separation has been provided between habitable rooms and circulation spaces.	Yes
	Balconies, and private terraces should be located in front of living rooms to increase internal privacy.	Balconies are generally provided adjacent living rooms.	Yes
	Windows should be offset from the windows of adjacent buildings.	<p>An acceptable separation is provided between proposed windows and openings on adjoining properties, as discussed within this report.</p> <p>While providing for an infill development within an existing low density area transitioning to a higher density residential use, separation to side boundaries is compliant with the ADG while separation non compliances to the rear eastern boundary are acceptable in this instance noting the neighbouring cemetery and commercial use along side the subject site.</p>	Yes
3G-1	Building entries to be clearly identifiable.	The entryway is adequately articulated with landscaping to allow it to be clearly identifiable from Evan Street.	Yes
3G-2	Building access ways and lift lobbies to be clearly visible from the public domain and communal spaces.	<p>The main pedestrian entry is visible from the street.</p> <p>The lift faces the lobby entry and is visible from the front door.</p>	Yes
3H-1	Car park access should be integrated with the building's overall facade.	The entry to the basement car park is adequately integrated into the building with access off Evan Street.	Yes
	Clear sight lines to be provided for drivers and pedestrians.	Adequate sight lines are provided for pedestrians or drivers exiting the basement.	Yes
	Garbage collection, loading and servicing areas are screened.	The bulky waste and garbage areas are incorporated into the building and screened from the street.	Yes
3J-1	The site is located within 800m of a railway station and is required to comply with the car parking rates in the ADG.	Not applicable in this instance as the site is over 800m from Penrith Railway Station (being the closest railway station to the site). Refer to discussion under Penrith DCP 2014.	N/A
3J-2	Secure undercover bicycle parking should be provided for motorbikes and scooters.	Ten (10) secure bicycle parking spaces are provided at basement level 1.	Yes

3J-3	Car park design and access is safe and secure - A clearly defined and visible lobby area or waiting area should be provided to lifts and stairs.	Lift lobby areas within Basement 1 and 2 are clearly defined and appropriately located and well lit and secured.	Yes
4A-1	Living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm mid-winter.	<p>Submitted plans are considered to demonstrate that 18 of the proposed 30 units (60%) will receive adequate solar access between 9am and 3pm.</p> <p>Furthermore, Unit 3 on the ground floor plus Units 44 and 45 on level 4 are considered to identify that between 8am and 10pm, 2 hours of direct sunlight is achieved. Were the sunlight to these units be considered as acceptable, 21 of the proposed 30 units (70%) would achieve compliance.</p> <p>Flexibility to allow for the inclusion of these units is considered appropriate in this instance as follows:</p> <ul style="list-style-type: none"> <li>- The subject site is provided with a southern boundary length of 32.12m and a northern boundary length of 34.28m, a difference of 2.16m. As a side boundary, direct solar access is limited to a maximum of 10 units from ground level to level 4. In addition, the orientation of the block being south east is also considered to limit units capturing solar access especially during the morning period.</li> <li>- The massing of the proposal is generally in line with ADG requirements (with the exception of the rear setback) and building height and allows for minimum 2.9m floor to ceiling heights which will assist in capturing sunlight within units. The proposal also provides for a north facing communal open space area which is considered an attractive option for future occupants.</li> <li>- The amenity of proposed units in relation to the receipt of solar access throughout the remainder of the year is considered acceptable. While the angle of the sun over summer, spring and autumn, will be higher than in winter, the duration of days is considered to allow the opportunity of improved amenity for units over the whole of the year, with all units achieving some form of solar access throughout the day.</li> </ul>	No, but acceptable in this instance.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter.	Complies.	Yes

4A-2	Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	Complies.	Yes
4A-3	Sun shading devices are to be utilised.	Sun shading devices are provided.	Yes
4B-3	60% of apartments are naturally ventilated and overall depth of cross-through apartments 18m maximum glass-to-glass line.	The submitted plans indicate that 63% of apartments (a total of 19) can achieve natural cross ventilation. This calculation includes Units 42 and 45 which were provided with an amended design to incorporate a skylight to achieve compliance	Yes
4C-1	Finished floor to finished ceiling levels are to be 2.7m for habitable rooms, 2.4m for non-habitable rooms.	The proposal is for 3.2m measured from finished floor level to finished floor level resulting in a 2.9m finished floor to underside of ceiling which is compliant with the ADG.	Yes
4D-1	<p>Apartments are to have the following min. internal floor areas:</p> <p>1 bed – 50sqm 2 bed – 70sqm 3 bed – 90sqm</p> <p>Additional bathroom areas increase minimum area by 5sqm.</p>	All proposed apartment sizes comply with the ADG requirements.	Yes
4D-2	In open plan layouts the maximum habitable room depth is 8m from a window.	All units comply with this requirement.	Yes
4D-3	Master bedrooms to be 10sqm's and other rooms 9sqm's.	All units comply with this requirement.	Yes
	Bedrooms to have a minimum dimension of 3m.	All units comply with this requirement.	Yes
	Living rooms to have minimum width of 3.6m for a 1 bedroom unit and 4m for 2 & 3 bedrooms.	All units comply with this requirement.	Yes
4E-1	<p>All units to have the following primary balcony areas:</p> <p>1 bed – 8sqm (2m deep) 2 bed – 10sqm (2m deep) 3 bed – 12sqm (2.4m deep)</p>	All units comply with this requirement.	Yes



4E-3	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	Air conditioning units have been nominated on the plans to the rear of the basement entry on the ground floor level. While the accompanying Acoustic Report has not explicitly discussed the impact created by the position of these units, an appropriate condition will be included with any consent granted requiring the operation of air conditioning units to comply with the necessary noise criteria.	Yes, subject to condition.
4F-1	Daylight and natural ventilation to be provided to all common circulation spaces.  Maximum 8 units off single core corridor.	Satisfactory via the provision of openable windows at the end of each circulation space. As these windows are also provided with a northern perspective, it is considered that sunlight will be provided to common circulation spaces throughout the day.	Yes
4F-1	Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.  Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	The application provides for a maximum of 7 units to any single level.	Yes
4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: 1 bed – 4m <sup>3</sup> 2 bed – 6m <sup>3</sup> 3 bed – 10m <sup>3</sup> With 50% of the above to be provided within the Units.	Submitted plans indicate that storage cages are provided with the basement car park.  Adequate area for internal storage accommodated within apartments.	Yes
4K-1	Flexible apartment configurations are provided to support diverse household types.	The development proposes a range of unit sizes, configurations and number of bedrooms to accommodate change over time and cater for differing households. Unit mix is as follows:  2 x 1 bedroom apartments 26 x 2 bedroom apartments 2 x 3 bedroom units	Yes
4L-1	Direct street access should be provided to ground floor apartments.	Direct street access is provided for ground floor apartments 01 and 02.	Yes

4M-1	Building facades to be well resolved with an appropriate scale and proportion to the streetscape and human scale.	<p>The proposal will present with a number of vertical features within the front facade onto Evan Street, in the form of wide balconies to all upper levels offset with a varied face brick finish. Each unit to the front facade is shaped by splayed walls fronting Evan Street with a rectangular balcony provided to their centre.</p> <p>The use of 'brushed leather' brick to the ground floor and upper level with the remainder of the building provided in a 'capital red' brick colour is considered an acceptable way to vary the colour tones and built form presentation.</p> <p>The built form is provided with compliant separation distances to each side boundary as well as being within the maximum building height and in this regard is not considered to create an overbearing addition to the streetscape. The cantilevered nature of units to the south west corner is not considered out of proportion with the remainder of the building with the 'brushed leather' ground level tone considered to assist in softening this presentation to surrounding properties.</p>	Yes
4O-1	Landscape design to be sustainable and enhance environmental performance.	<p>The proposed landscape design will allow for a mixture of small and medium trees ranging from 3m to over 20m in height (when mature) to be incorporated within deep soil areas to each boundary of the subject site.</p> <p>The nature of landscaping proposed is considered to allow for suitable screening of adjoining properties. In this regard, with residential neighbours only to the north and southern sides and noting the corresponding deep soil area in these locations, sufficient space is provided for vegetation to grow.</p> <p>The proposal will also provide for the indentation of the front fencing associated with ground floor units 01 and 02 facing Evan Street off the western boundary. This will create a large landscaped area to the perimeter of the subject site, which along with the remainder of landscaping proposed is considered to enhance the environment of the subject site.</p>	Yes
4Q-2	Adaptable housing is to be provided in accordance with the relevant Council Policy.	A total of 4 adaptable units are proposed which is acceptable.	Yes
4U-1	Adequate natural light is provided to habitable rooms.	Apartment depths and open floor plan arrangements allow light into kitchens, dining and living areas.	Yes
4V-2	Water sensitive urban design systems to be designed by suitably qualified professional.	The development application was referred to Council's internal Environmental Waterways Unit and was supported subject to the provision of appropriate conditions with any development consent granted.	Yes

4W-1	A Waste Management Plan is to be provided.	A Waste Management Plan was submitted and is generally acceptable subject to conditions.	Yes
	Circulation design allows bins to be easily manoeuvred between storage and collection points.	<p>Waste areas and manoeuvring is provided within the area of basement level 1. As garbage collection is to be provided on-site with a proposed garbage truck loading bay, the waste area is compliant with Council's DCP.</p> <p>The movement of a waste truck within the basement level were considered by Council's Traffic Engineering Section with no objection raised. Any approval granted will be appropriately conditioned to require suitable signage within the basement as well as a traffic signal system to ensure safety for waste collection.</p>	Yes

### Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

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

### Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

### Clause 4.3 Height of buildings

Under Clause 4.3(2), '*Height of Building Map*' under the Penrith Local Environmental Plan 2010, the subject site is provided with a maximum height requirement of 18m.

The proposal was originally provided with a building height over six (6) levels which provided for a partial building height non compliance to the south eastern end of level 6. The application has been subsequently amended to remove the upper level and provide for a five (5) storey building. This has also allowed for 3.2m floor to floor heights (2.9m floor to ceiling heights) to be provided to each level which is considered to improve the internal amenity for future occupants.

Noting the above, the proposal is provided with a compliant building height to the uppermost roof level of between 1.8m and 2.0m along the northern building edge. As the subject site falls to the south, numerical compliance is provided along the southern building edge from between 940mm to 850mm. The lift over run is compliant with the maximum 18m building height by 30mm, noting the fall in the contours of the subject site.

#### **Clause 5.10 Heritage conservation**

The subject site is located directly adjoining the St Stephen The Martyr Churchyard Cemetery which is identified as an item of Local Heritage Significance (Item No. 206) under the Penrith Local Environmental Plan 2010.

Accompanying plans identify that the immediate interface between each site will be provided via the proposed timber lapped and capped boundary fence (to be painted woodland grey on both sides) and a mixture of tree sizes provided to the deep soil area to the rear of the subject site. It is noted that either colourbond or timber fences currently border the heritage item.

The application was referred to Council's Heritage Advisor who raised no objection to the proposal but also encouraged the planting of landscaping along the eastern side (being the cemetery side). This has been identified on the architectural ground level plan but not the landscape plan. While so, the provision of planting to the cemetery is not permitted with the application as it does not formally include the adjoining lot as part of the proposal.

#### **Clause 7.2 Flood planning**

A review of Council's mapping information has identified that the subject site is partially flood affected by a 1% AEP storm event. The 1% AEP overland flow flood level in the vicinity of the subject site has been identified to be an estimated RL 35.9m AHD, with part of the subject land less than 0.5m above the 1% AEP flood level.

Freeboard levels are set out to ensure the safety of the property and occupants with a required freeboard for habitable areas at 0.5m above the flood planning level and non habitable areas required to be 0.3m above the flood planning level. In this regard, ground floor units are required to provide for a minimum finished floor level of RL 37.1m AHD and the driveway entrance is to provide for a minimum elevation of RL 36.2m AHD. A review of the proposal has identified that a RL 37.65m is provided to the ground floor apartments and a crest height of RL 36.85m is provided to the driveway entrance to the basement level from Evan Street. The required freeboards (for habitable and non habitable uses) have therefore been achieved with flood waters also not expected to inundate the site. In this regard, the proposal is not expected to have an adverse impact on overland flow paths.

In addition to the above, the proposal was accompanied by a Flood Risk Management Report which has identified flood risk management methods and strategies associated with the development. Were development consent forthcoming, this document will be included as part of any approval granted with its recommendations to be acted upon during the construction and occupation of any future building.

#### **Clause 7.4 Sustainable development**

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

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

The application is considered to have been accompanied with information demonstrating an acceptable site responsive design with the built form maximising available solar access, the opportunity for natural ventilation, adaptive reuse of a number of units as well as a BASIX Certificate (to be updated via a condition of consent to reflect modifications provided, should the application be approved) confirming the proposed development will meet the NSW Government's requirements for sustainability, if built in accordance with the identified commitments. In this regard, should the application be approved, the accompanying BASIX Certificate (as to be amended by a recommended condition of consent) will form part of the Development Consent.

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

### Draft Environment State Environmental Planning Policy

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

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

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

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

### Draft Remediation of Land SEPP

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

The proposed new land remediation SEPP will:

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

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

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

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies - see Appendix - Development Control Plan Compliance
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	Complies - see Appendix - Development Control Plan Compliance
D2.6 Non Residential Developments	N/A

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

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

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

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

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

### Context and Setting

While the subject site is located within a High Density Residential zoning, the area is currently in a state of transition from lower to higher density residential uses. Properties surrounding the subject site identify that varied uses are provided for in older and newer building forms, resulting in this area of Penrith not maintaining a distinct character. Directly adjoining a cemetery along its eastern boundary and 50m south of a B4 Mixed Use zoning, the area directly surrounding the subject site is characterised by multiple uses. These uses include a church (Penrith Anglican Church - St Stephens) to the north, numerous commercial uses along High Street and Evan Street, as well as commercial uses to both sides of the Evan Street/Lethbridge Street intersection to the site's south. Built

forms more synonymous with the R4 zoning are provided by a six (6) storey residential flat building at No. 107 Lethbridge Street while a part 3/part 4 residential flat building is currently under construction on the south western corner of Hope and Lethbridge Streets (No. 104-108 Lethbridge Street).

In response to its surrounds, the proposal will provide for a building of compliant height and required separation distances to both side boundaries. In addition, the front setback is considered to be responsive to adjoining built forms, while also in line with expected setbacks created by future residential flat buildings. The non compliant rear setback is considered acceptable in this instance as it will front onto an open area (being the St Stephen The Martyr Churchyard Cemetery) rather than abutting an immediate residential use. In addition, the proposal will provide for landscaping to this rear boundary, of which, its nature and size is considered to appropriately soften the progression from an open cemetery, to boundary fencing plus vegetation and then the built form.

Landscaping to the proposal is provided to each boundary alongside the residential flat building with mature tree sizes varying up to 20m in height. The mixture of trees will assist in greening the separation areas to the boundaries as well as softening the proposal's relationship with its immediate neighbours. With an open area (being the cemetery) to the rear of the subject site, which then is bounded by Fulton Lane, this provides for an additional public viewing area for the proposal in addition to the public domain along Evan Street. In this regard, the landscaping to be provided is an important element for the proposal to transition with its surrounds. This is further identified to the Evan Street frontage which has recessed fencing for ground floor units to enable a large landscaped area along the building's width.

The splayed unit presentations to both the western and eastern elevations are considered to serve as appropriate inclusions into a streetscape currently maintaining a number of uses and forms. The use of louvres to east and west facing balconies is also considered to add visual interest, while the mixed use of 'capital red' and 'brushed leather' face bricks to the building facades is an acceptable approach in colour differentiating the building's base, central levels and upper level.

The proposal will provide for units to be cantilevered above the driveway to the basement entry. While so, supported by the external southern basement ramp wall alongside the vehicle entry, the presentation of the built form is still considered to be appropriately symmetrical and not look irregular in shape. In addition, the deep soil landscaping along the southern boundary will also provide for appropriate screening of this wall and soften its presentation to the adjoining southern neighbour.

### **Solar Access**

The application has been accompanied by architectural plans and eye of the sun diagrams which are considered to identify that 18 of the proposed 30 units (a total of 60%) will achieve a minimum of 2 hours solar access between 9am and 3pm at mid-winter and is therefore non compliant with the solar and daylight access requirements as provided by the Apartment Design Guide. Plans and supporting documentation have identified that if a further three units which obtain 2 hours of direct solar access are included in the calculations (being Units 3, 44 and 45 all receiving solar access from 8am to 10am at mid winter), then the total number of units within the building would be compliant with the required 70% minimum.

While it is acknowledged that specific numerical compliance with the Apartment Design Guide in this instance is not achieved, it is considered that a flexible approach in including the above mentioned units (Units 3, 44 and 45) should be supported in this instance. This is considered appropriate noting the south western orientation of the subject site which is not beneficial in capturing solar access especially during the morning period. The proposal is also considered to compensate for this concern via the provision of 2.9m floor to ceiling heights for each level. The use of these generous floor to ceiling heights in combination with full height openings is considered to allow for improved solar access to units. Furthermore, it is noted that all units will receive a portion of solar access throughout the day with no units receiving no solar access which is considered to identify a design which has attempted to maximise solar access for all areas of the building.

Taking into consideration the above points and a built form which provides for compliant side separations, a compliant building height and has during the assessment process allowed for a reduction in the proposed units by 25% from the original 40 to the current 30 units, flexibility in this instance is considered warranted in the calculation of solar access to units. The provision of solar access to north facing units is also considered to be restricted by the orientation of the subject site. While so, the proposed design is considered to attempt to maximise the receipt of sunlight to living areas via the use of angled walls maintaining sliding doors onto balcony areas to both the eastern and western elevations.



Due to the orientation of the subject site and with a cemetery along the majority of the eastern boundary and Evan Street to the west, the majority of overshadowing will fall upon the adjoining southern neighbour, No. 34 Evan Street. No. 95 Lethbridge Street (adjoining No. 34 Evan Street to its east and also sharing part of the subject site's eastern rear boundary) is currently occupied by a commercial use with open car parking to the rear. This site will maintain direct solar access during the morning period with overshadowing occurring from early afternoon onwards. As the site operates as a commercial use and also noting solar access will be provided throughout the whole of the morning, overshadowing impacts are considered acceptable.

For No. 34 Evan Street, solar access to the rear yard is maintained to at least 50% in the morning period until 10.30am at mid winter. Solar access to the rear yard is maintained in part throughout the day with solar access to over 40% of this area provided by 3.00pm. The dwelling house will be overshadowed during the morning but from late morning will receive direct solar access. On balance, solar access to No. 34 Evan Street is considered acceptable. Solar access to the dwelling is appropriate while the rear yard will be provided varying solar access which is considered to allow the occupants an opportunity for outdoor activities. Solar access during other parts of the year is also considered relevant to note with the sun providing a higher angle (as compared to mid winter in which shadow diagrams are prepared) resulting in longer periods of sunlight to larger areas of the rear yard of No. 34 Evan Street.

### ***Overlooking***

The proposal is provided with a number of fixed timber louvre screens to balconies along the east and west elevation of the building. While so, as the eastern elevation fronts primarily onto a cemetery and the west elevation onto Evan Street, the potential for overlooking to both these elevations is considered minimal. The north elevation is provided with louvre screening to each opening apart from proposed highlight windows. This is considered an effective means to restrict overlooking of the adjoining northern neighbour. It is also noted that the northern setback is provided with communal open space features such as seating and barbecue areas within a pergola area. Were approval forthcoming, it is considered appropriate to include a condition requiring an additional 300mm boundary screening above the 1.8m high boundary fencing to assist in maintaining privacy along this presentation on the ground floor level.

To the southern elevation, no openings are proposed to the ground level noting this elevation forms part of the entry/exit ramp for vehicles to the basement level from Evan Street. Levels 1 to 3 are provided each with five openings to this elevation. Two are provided as highlight windows to living areas, while an additional window is provided to a bedroom positioned alongside the southern wall. Overlooking from these openings is considered restricted noting the nature of the highlight windows and use of a bedroom throughout the day. It is noted that two remaining windows to living areas with openings are provided in vertical floor to ceiling windows with a height of 2.6m. As no louvres are provided to this elevation, it is acknowledged that overlooking may occur towards the southern neighbour. In this regard, to minimise overlooking concerns, it is considered appropriate to provide for obscured glazing for the lower fixed portion of this glassed opening, with a condition to be included with any development consent granted. For the south elevation of Unit 41 on level 4, while adhering to the 9m Apartment Design Guide separation requirements, two (2) windows are also provided with an overall height of 2.6m to the living area which are also considered appropriate and should be conditioned to provide also for obscured glazing to their lower portions.

The design has also provided for louvres to the ends of each balcony which will minimise concerns to adjoining northern and southern neighbours. The provision of louvres to the end of selected balconies is also considered to assist in maintaining privacy between apartments. In this regard and noting the compliant separations provided to the subject site's side boundaries adjoining residential neighbours in accordance with the requirements of the Apartment Design Guide, it is considered that appropriate measures have been incorporated into the design to minimise potential direct overlooking concerns.

### ***Landscaping***

The application has been accompanied with a landscape plan prepared by Conzept Landscape Architects which has identified the provision of landscaping throughout the subject site in association with the proposal. Two existing trees to the front setback of No. 28 Evan Street and a tree to the rear yard of No. 32 Evan Street are identified for removal. These trees have been identified for removal to accommodate the proposed building envelope, but while so are not considered significant in nature and their removal is acceptable. It is also noted that no trees or vegetation of significance is provided to No. 30 Evan Street. In this regard, it is also considered that

the accompanying landscape plan has provided for a vegetation scheme which will compensate for their removal.

Noting the above, landscaping associated with the proposal has identified bushes and trees to the front setback area which is considered to complement the visual impact of any lightweight fencing proposed to ground floor unit courtyard areas fronting Evan Street. As the front fencing of ground floor units fronting Evan Street is also setback from the western property boundary within the subject site, this has enabled this area to be provided with a varied mixture of vegetation which is considered to add to the overall character of the proposal when viewed from the public domain. It is noted that basement 2 is provided with a 2.6m setback and basement 1 a 4.05m setback to the front boundary below the positioning of this front landscaping. An assessment of the provided plans has identified a depth of 3.8m to the upper slab of basement 2 which is considered to allow for the healthy growth of mature trees in this location. Landscaping provided to the ground level adjoining the driveway entry onto Evan Street is also considered to assist in screening any blank wall presentation above or to the side of the basement entry while also maintaining an appropriate clearance for motorists to enter or leave the site without impeding sight lines.

The proposal will also provide for a mixture of landscaping and trees to the remaining side and rear setbacks which will allow for mature tree planting to deep soil zones. While varied setbacks are provided in part to basement levels 1 and 2 to both the northern and eastern boundary, the depth of deep soil in these areas is considered of a volume to accommodate the proposed vegetation identified. As discussed within this report, the landscaping to the rear will assist in serving as a visual buffer from the adjoining cemetery to the west allow for a softening in the transition to the proposed residential flat building height.

Landscaping to either side setback is considered to serve a dual purpose in screening the proposal while also serving as a mechanism to minimise overlooking and maintain privacy to adjoining properties. A 6m setback to both basement 1 and 2 to the southern elevation will provide for an acceptable deep soil depth to this side to allow for the healthy growth of trees and bushes. The main communal open space area along the northern boundary is also considered to be appropriately treated allowing for a mixture of timber decking with features, raised planter and a green wall fixed to the boundary to clearly identify this area and provide for appropriate privacy within the site as well as to the adjoining neighbour. While a pergola is also identified to the communal open space along the northern side boundary, no details are provided. In this regard, any consent forthcoming will be included with a condition of consent requesting this detail.

Noting the above, the proposal is considered to provide an appropriate mix of varied landscape features to all site boundaries. The proposal is also considered to demonstrate that the depth of soil is of a nature to accommodate mature trees and bushes which are of a nature to enhance the visual presentation of the proposal from adjoining properties as well as when viewed from the public domain.

Two street trees are currently located to the front of the subject site to the road reserve along Evan Street. Accompanying landscape plans have identified that one is to be retained and one is to be removed, each of these being an evergreen brush box (*Lophostemon confertus*). Plans have identified three (3) replacement street trees are to be provided also being of the *Lophostemon confertus* species. The provision of these trees as replacement trees is acceptable noting that the overall number of street trees is to be increased from 2 to 4. The provision of all street trees as identified on the landscape plan will be conditioned with any consent granted to be provided for prior to the occupation of the building.

### ***Access, Traffic and Parking***

The application was supported by a Traffic Statement prepared by Vagra Traffic Planning dated 15 February, 2019 which reviewed the arrangements proposed to the basement car park. Discussion was also provided on the accompanying swept path diagrams for the movement of vehicles in and out of this area. The design was considered to be in compliance with the relevant Australian Standards and would allow for all vehicles to enter and exit the subject site in a forward direction. In addition, all parking spaces proposed in the basement car parking area can be accessed without difficulty.

It is noted that Council's Traffic Engineer and Development Engineer have reviewed the proposal and raised no objection to the development subject to the provision of appropriate conditions. The application is considered to provide numerical compliance with the parking requirements of the Penrith Development Control Plan 2014 while also providing for a compliant number of bicycle spaces and accessible parking spaces.

The proposal is also not considered to create an immediate concern in regard to impact upon the existing road network via additional vehicle movements. The position of the basement entry off Evan Street is not considered to create any immediate impacts to the safety of intersections to the north or south with conditions of consent also to ensure that appropriate sight distances are maintained between pedestrians and vehicles using the basement driveway. The subject site is also well positioned in relation to the Penrith City Centre. This is considered to encourage future occupants to walk to destinations including the Penrith bus/rail interchange station being just over 1km away by foot.

### **Site Isolation of No. 34 Evan Street**

Directly adjoining the subject site to the south is No. 34 Evan Street maintaining a single storey detached dwelling house. This is provided as a corner lot at the intersection of Lethbridge Street and Evan Street with an irregular shaped lot at No. 95 Lethbridge Street adjoining to its eastern boundary. This adjoining corner lot is provided with a frontage of 15.24m onto Evan Street and a total site area of 480m<sup>2</sup>. It is noted that this adjoining site is also zoned R4 High Density Residential. Clause 2.5.3 'The Development Site' under Section D2 Residential Development of the Penrith Development Control Plan 2014 provides for the following control for residential flat buildings;

- 1) *Determine a minimum lot width for residential flat buildings:*
  - a) *adopt a minimum lot width of 20m in the R4 High Density Residential zone.*

As No. 34 Evan Street is non compliant with the minimum lot frontage required for a future residential flat building, this adjoining site is considered to be 'isolated' by the current proposal. To determine if it is feasible to allow for amalgamation of No. 34 Evan Street with the current proposal, adequate documentation has to be submitted with the application to demonstrate that a reasonable offer and negotiation process has occurred in relation to the owner of No. 34 Evan Street.

Following a request for information, a Valuation Report for No. 34 Evan Street prepared on behalf of the applicant by Valuations NSW was provided dated 20 July, 2018 identifying a valuation for the adjoining property of \$795,000. Accompanying documentation to the Statement of Environmental Effects has identified two offers were made to the owner of No. 34 Evan Street in exceedance of the valuation subsequently provided. In addition, correspondence was provided identifying the owner of No. 34 Evan Street refusing the offer in February, 2017.

Noting the above, it is considered that the Development Application has been accompanied with appropriate documentation showing that the applicant has prepared offers above the market value for the owner of the isolated site which were subsequently rejected. While amalgamation of the isolated site with No. 95 Lethbridge Street (and even No. 93 Lethbridge Street) is plausible to provide for a residential flat building in the future, noting the irregular shape of this amalgamation, the likelihood of this occurring is based upon market forces and consideration of an appropriate design and cannot be determined at this stage. It is considered using a long term analysis, that the dwelling house will remain as per current circumstances, or No. 34 Evan Street could be included in possible future non-residential uses as per adjoining properties directly to its east along Lethbridge Street. While parking provision on this site would be restrictive, it is noted that a 'home business' is permissible within the subject zone. Alternatively, a future amalgamation for expanded non-residential uses to the east along Lethbridge Street is also in principle considered a viable option.

### **Noise**

The application has identified the provision of mechanical services from the basement level and the provision of air conditioning units as potentially creating disturbances to either future occupants of the building or to adjoining properties. It is noted that the air conditioning units are positioned so as to be fronting the medical building customer car park at No. 95 Lethbridge Street which is considered to minimise impacts upon surrounding properties. While so, should the application be approved, it is considered appropriate to provide for a condition regulating offensive noise created by mechanical services in accordance with the provisions of the Protection of the Environment Operations Act 1997.

### **Accessibility**

The application was accompanied by an Accessibility Assessment Report prepared by Vista Access

Architects dated 10 April, 2019. This report confirms that the four (4) adaptable units (No's 01, 02, 12 and 13) can comply with the spatial requirements of Australia Standard 4299 for Adaptable Housing. In this regard, should the application be approved, a condition will be included requiring that the recommendations contained within this report be shown on the Construction Certificate plans.

In addition to the above, it is noted that a total of four (4) accessible car parking spaces have been provided, one for each accessible unit which is appropriate, while accessible access may be provided to ground floor communal open space from the lobby area within the building. The accompanying Accessibility Assessment Report has also identified building specifications for ramps, handrails, accessible car parking spaces, the passenger lift and signage to allow for compliance with Australian Standard 4299.

Objective 4Q-1 of the Apartment Design Guide requires that, '*Universal design features are included in apartment design to promote flexible housing for all community members*'. The design guidance under Objective 4Q-1 reads as follows;

*Development achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.*

The accompanying Accessibility Assessment Report identified a total of 8 apartments (being No's 01, 02, 12, 13, 18, 28, 38 and 53) being capable of providing compliance with the features of Silver level of the Livable Housing Guidelines via a provided table of design element requirements. While so, it is noted that this report was provided in support of the original proposed 40 apartments and has not been amended since. It is noted that the nominated apartment 53 for instance was originally provided to a now removed sixth storey. In this regard, 20% of the current 30 apartments requires only 6 apartments provide features of Silver level of the Livable Housing Guidelines. Were development consent forthcoming, it is considered appropriate that this report be updated via a condition of consent to nominate units from the current proposed design.

### ***Environmental Sustainability***

The proposed development will incorporate a number of sustainability initiatives for reduced water and energy consumption. These include passive solar design and orientation of building elements and primary living spaces to minimise heating requirements in winter and cooling requirements in summer. The proposal incorporates a rainwater retention and re-use system for stormwater collection. It is noted that the application was provided with a BASIX Certificate which has not been updated to reflect the architectural changes which have occurred during the assessment process. In this regard, were development consent forthcoming, any approval will be conditioned to require an updated BASIX Certificate.

### ***Social and Socio-Economic Impacts***

The application is not considered likely to result in any negative social impact in the area. The proposal has been assessed against the principles and objectives contained within the Penrith DCP, specifically those related to safety and security and is compliant in this regard. The development of the site will facilitate the provision of high density residential accommodation in accordance with the aims of the Penrith LEP 2010.

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

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

- The development is permissible with consent and consistent with the zone objectives.
- The use is compatible with future expected land uses.
- While identified as being flood affected, stormwater from the site is able to drain to Council's satisfaction.
- The grade and area of the site is capable of providing for, or connecting to the infrastructure required to service and maintain the development.
- The proposal responds to the site's constraints in terms of allotment orientation and likely future developments in the vicinity of the site.

## **Section 4.15(1)(d) Any Submissions**

## Community Consultation

The development application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from the 31 May to 14 June, 2019. During this period, one (1) submission was received.

Following a requirement to re-exhibit the Development Application as the site was subsequently identified for remediation, the application was re-exhibited from the 14 February to 15 March 2020. During this re-exhibition period, no submissions were received.

The concerns raised in this submission received are addressed below.

**Issue: Concern that the proposed development will create direct overlooking concerns to adjoining properties.**

**Comment:** The application as amended has provided for compliant building side separation to the subject site's boundaries in accordance with the requirements of the Apartment Design Guide. While partially non compliant to the rear boundary, as this is primarily adjoining the St Stephen The Martyr Churchyard Cemetery to the east as well as commercial premises fronting Lethbridge Street, immediate overlooking concerns in relation to adjoining residential properties are not generated by the proposal. The northern side elevation of the proposed building is provided with a series of louvres to openings which are considered to minimise overlooking concerns. In addition, the northern boundary fencing directly adjoining the communal open space area is provided with a 1.8m high 'vertical slats' fence which is also considered to assist in mitigating direct overlooking concerns to the neighbouring property. It is noted that were approval forthcoming, additional boundary screening up to a height of 2.1m would be provided for directly adjoining the barbecue facilities proposed.

While the southern elevation is not provided with louvres to openings, this is a consequence of the southern perspective and an attempt to provide for as much daylight as possible to these apartments. It is expected that these opening would be provided with a curtain for instance to assist in minimising overlooking from either living areas or bedrooms. While so, to assist in minimising any overlooking it is considered appropriate that the lower 50% portion of the full sized windows along this elevation (being the fixed glass) be provided in obscured glazing with a condition to be included with any development consent granted.

**Issue: Concern that the proposed development will create increased noise concerns to adjoining properties.**

**Comment:** The application has been accompanied with an amended Traffic Noise Assessment and Construction Noise and Vibration Management Plan which were reviewed and considered acceptable by Council's Environmental Management Section. The Traffic Noise Assessment report has provided for specific construction requirements to achieve internal noise criteria. The Construction Noise and Vibration Management Plan to be provided as part of any Development Consent granted has considered in part construction noise management levels, sleep disturbance and hours of operation. Sound levels of construction equipment has also been considered (including the excavation, demolition and construction phases) and is considered to be compliant with the noise criteria provided under the necessary Australian Standard. In this regard, subject to compliance with the requirements of this report, it is considered that a satisfactory noise compliant handling strategy has been provided.

Following the occupation of any future approved development, direct noise impacts to adjoining properties is not considered likely to create an immediate impact. While acknowledging an increase in density to the subject site, the nature and orientation of the proposed apartments is not considered in combination with compliant side setbacks to create an immediate noise concern for surrounding properties to the north, south or west.

**Issue: Concern that the proposed development will lower the quality of living in the surrounding area.**

**Comment:** The proposal will provide for a permissible use and built form within a high density residential

area. In this regard, it is not considered that researched evidence exists to identify that the provision of a residential flat building would have a direct impact upon the lifestyle of surrounding residents. It is noted also that the application was referred to Council's Community Safety Officer who raised no objection to the proposal subject to the inclusion of conditions in relation to building security and access control, the installation of CCTV cameras and other safety measures.

While acknowledging that the building mass will differ significantly from the existing dwelling houses, the area is currently in transition from a lower density to a higher density residential use, but while so, subject to compliance with appropriate conditions of consent, is not considered an inappropriate inclusion to this part of Evan Street.

## Referrals

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

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

## Section 4.15(1)(e)The public interest

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls. In this regard, the proposal is considered to be consistent with the relevant planning provisions. Subject to compliance with conditions of any development consent and based on the modifications to the development design as outlined within this report, the proposal is considered worthy of support.

## Section 94 - Developer Contributions Plans

Section 7.11 development contributions are applicable to the proposed development. In this regard, the following development contributions apply to the proposed development;

- Cultural Facilities - \$11,340.00
- District Open Space - \$102,617.00
- Local Open Space - \$37,113.00

The total Section 7.11 development contributions applicable to the proposal are \$151,070.00. In this regard, appropriate conditions of consent will be provided with any Development Consent granted.

## Conclusion

---

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

The proposal will provide for a built form which is considered to be consistent with the objectives of the Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014. It is noted that throughout the course of the assessment process, the proposal has been modified in a manner so as to reduce the number of proposed units by 10 as well as by removing a residential floor level. This has consequently provided for an amended design which is now compliant with the maximum building height requirement.

The proposal is considered to be generally compliant with the Apartment Design Guide requirements and has adequately demonstrated that an acceptable level of amenity will be provided to future occupants. While it's acknowledged that as an overall design the minimum solar access requirement has not been achieved, this is considered acceptable in this instance noting the orientation of the subject site which is considered to especially restrict direct sunlight throughout the morning period. While so, the proposal is of a nature which has best considered capturing direct sunlight into units, noting also the built form is considered to be compliant with natural ventilation and deep soil zone requirements, provides for an appropriately sized communal open space area and has compliant apartment sizes and unit layouts.

The bulk, scale and presentation of the building is considered an appropriate inclusion to Evan Street, with the application identifying that necessary attempts were conducted in attempting to incorporate an isolated site to the south while providing for a design which is not considered to impact upon the significance of the adjoining heritage listed cemetery.

The proposed development has been assessed against the relevant heads of consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal, subject to compliance with conditions, is in the public interest. The proposal is therefore worthy of support.

## Recommendation

---

1. That DA19/0335 for the demolition of all structures and construction of a five (5) storey residential flat building including 30 apartments and two (2) levels of basement car parking at 28-32 Evan Street, Penrith, be approved subject to the attached conditions; and
2. That those making a submission are notified of the determination.

## General

### 1 [A001 - Approved plans table](#)

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

Doc No.	Issue	Title	Prepared By	Date
<b>Architectural Plans</b>				
DA03	A	Demo Plan	Morson Group	12 May, 2019
DA04	D	Site Plan	Morson Group	20 May, 2020
DA05	E	Ground Level	Morson Group	20 May, 2020
DA06	D	Level 1	Morson Group	20 May, 2020
DA07	D	Level 2	Morson Group	20 May, 2020
DA08	D	Level 3	Morson Group	20 May, 2020
DA09	E	Level 4	Morson Group	26 May, 2020
DA11	D	Roof	Morson Group	20 May, 2020
DA12	C	Basement 1	Morson Group	4 May, 2020
DA13	C	Basement 2	Morson Group	4 May, 2020
DA14	D	Section 1 - Cross Section	Morson Group	20 May, 2020
DA15	E	Section 2 - Long Section-Waste Bay	Morson Group	20 May, 2020
DA16	D	Section 3 - Common Open Space	Morson Group	20 May, 2020
DA17	E	Section 4 - Long Section 2	Morson Group	20 May, 2020
DA18	E	Section 5 - Parking Ramp	Morson Group	20 May, 2020
DA19	E	Section 6 - Waste Room Section	Morson Group	20 May, 2020
DA20	G	West Elevation	Morson Group	3 June, 2020
DA21	G	East Elevation	Morson Group	3 June, 2020
DA22	F	North Elevation	Morson Group	3 June, 2020
DA23	F	South Elevation	Morson Group	3 June, 2020
DA28	B	Detailed Section	Morson Group	30 October, 2019
DA36	B	Fence Details	Morson Group	4 May, 2020
<b>Stormwater Plans all Job No. 180276</b>				
D00	C	Cover Sheet, Legend & Drawing Schedule	LAM Consulting Engineers	10 September, 2019
D01	C	Basement 2 Stormwater Drainage Plan	LAM Consulting Engineers	17 April, 2019
D02	C	Basement 1 Stormwater Drainage Plan	LAM Consulting Engineers	1 October, 2019
D03	F	Ground Floor Stormwater Drainage Plan	LAM Consulting Engineers	16 October, 2019
D09	D	Catchment Plan and MUSIC Model Results	LAM Consulting Engineers	10 September, 2019
D10	D	Stormwater Drainage Sections & Details Sheet 1	LAM Consulting Engineers	10 September, 2019
D11	F	Stormwater Drainage Sections & Details Sheet 2	LAM Consulting Engineers	16 October, 2019
D12	C	Stormwater Drainage Sections & Details Sheet 3	LAM Consulting Engineers	1 October, 2019
D13	A	Stormwater Longitudinal Section	LAM Consulting Engineers	10 September, 2019
D15	A	Erosion Control and Sediment Plan Sheet 1	LAM Consulting Engineers	26 February, 2019



D16	A	Erosion Control and Sediment Plan Sheet 2	LAM Consulting Engineers	26 February, 2019
<b>Landscape Plans all Reference No. LPDA 19 - 134</b>				
1	J	Landscape Plan	Conzept Landscape Architects	9 December, 2019
2	I	Hardscape Plan	Conzept Landscape Architects	18 October, 2018
3	A	Tree Root Section & Tree Planting Standard	Conzept Landscape Architects	18 October, 2019
4	I	Specification & Detail	Conzept Landscape Architects	18 October, 2019

- Remediation Action Plan prepared by SESL Australia, Reference No. J002300, Revision No. 1.1, Document Version 1.1 Final, dated 18 December, 2019;
- Traffic Noise Assessment prepared by Rodney Stevens Acoustics, Reference No. R190405R3, Revision 2, dated 5 December, 2019;
- Construction Noise and Vibration Management Plan prepared by Rodney Stevens Acoustics, Reference No. R190405R3, Revision 1, dated 5 December, 2019;
- Geotechnical Investigation Report prepared by Morrow Geotechnics Pty Ltd, Reference No. P1738\_01, dated 9 September, 2019;
- Access Report prepared by Vista Access Architects, Project Reference No. 19024, Issue A, dated 10 April, 2019 as amended by Condition **21** of this Consent;
- Stormwater Quality Report prepared by LAM Consulting Engineers, Reference No. 180276.R4, Revision 4, dated 1 October, 2019;
- Flood Risk Management Report prepared by LAM Consulting Engineers, Reference No. 180276.R1, Revision 1, dated 2 May, 2019;
- Basix Certificate No. 889228M\_02, dated 13 May, 2019 as amended by Condition **16** of this Consent; and
- Waste Management Plan accompanying the application.

## 2 [A014 - LOT CONSOLIDATION](#)

Lot A in Deposited Plan 324069, Lot A in Deposited Plan 355720 and Lot 1 in Deposited Plan 510281 are to be consolidated as one lot.

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

## 3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

## 4 [A038 - LIGHTING LOCATIONS](#)

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

## 5 [A046 - Obtain Construction Certificate before commencement of works](#)

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

## 6 [A Special \(BLANK\)](#)

**Prior to the issue of an Occupation Certificate**, a security roller shutter door is to be provided to the car parking entry and garbage truck/loading bay from Evan Street.

7 **A Special (BLANK)**

Construction and demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

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

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

8 **A Special (BLANK)**

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

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

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

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

9 **A Special (BLANK)**

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

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

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

10 **A Special (BLANK)**

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

11 **A Special (BLANK)**

**Prior to the issue of a Construction Certificate**, plans and details of all required boundary fencing, courtyard fencing and retaining walls shall be submitted to the Development Services Manager of Penrith City Council for approval. The fencing type(s) shall be consistent with the controls for fencing for residential flat buildings as outlined in Penrith Development Control Plan 2014. Timber retaining walls are not permitted.

12 **A Special (BLANK)**

**Prior to the issue of an Occupation Certificate**, all required boundary fencing, courtyard fencing and retaining walls shall be constructed (at full cost to the applicant/developer).

13 **A Special (BLANK)**

**Prior to the issue of a Construction Certificate**, a design verification statement must be obtained from a qualified designer shall be submitted to the PCA. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the approved development, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

14 **A Special (BLANK)**

**Prior to the issue of an Occupation Certificate**, a design verification statement from a qualified designer shall be submitted to the PCA. The design verification statement is to verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

15 **A Special (BLANK)**

**Prior to the issue of a Construction Certificate**, the design recommendations of the 'DA Access Report', prepared by Vista Access Architects, Project Reference No. 19024, Issue A, dated 10 April, 2019 shall be incorporated into the Construction Certificate plans.

16 **A Special (BLANK)**

**Prior to the issue of a Construction Certificate**, a revised BASIX Certificate reflecting the final approved plans is to be submitted to the nominated Certifying Authority.

17 **A Special (BLANK)**

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

18 **A Special (BLANK)**

A minimum of four (4) apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability and in accordance with the stamped approved plans. The adaptable units shall each be allocated an accessible car parking space compliant with AS 2890.6.

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

19 **A Special (BLANK)**

This building work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the *Home Building Act*.

20 **A Special (BLANK)**

**Prior to the issue of a Construction Certificate**, the Principal Certifying Authority is to be provided with written confirmation from the NSW Department of Primary Industry confirming that works approved under this consent do not require their advice or a Controlled Activity Approval (CAA).

Advisory note:

In the case where site conditions vary from that identified within the Geotechnical Report, as a result of further investigations or during the construction works, the advice of the Department of Primary Industries is to be sought as to whether a CAA is required and if so, the necessary approvals are obtained and complied with throughout the works.

21 [A Special \(BLANK\)](#)

**Prior to the issue of a Construction Certificate**, the Access Report prepared by Vista Access Architects, Project Reference No. 19024, Issue A, dated 10 April, 2019 provided as part of Condition 1 is to be amended so as to identify a minimum of six (6) apartments being capable of providing compliance with the features of Silver level of Livable Housing Guidelines as required by Objective 4Q-1 of the Apartment Design Guide.

22 [A Special \(BLANK\)](#)

**Prior to the issue of an Occupation Certificate**, a passenger traffic signal system in conjunction with the movement of any garbage waste collection vehicle is to be provided for to Basement Level 1 as identified by Drawing No. DA12 'Basement 1' prepared by Morson Group, Issue C, dated 4 May, 2020.

23 [A Special \(BLANK\)](#)

**Prior to the issue of an Occupation Certificate**, an additional 300mm high screening is to be provided along the northern boundary alongside the entire length of the paved communal outdoor bbq area. The additional screening is to be provided in a material as per the boundary fencing.

24 [A Special \(BLANK\)](#)

**Prior to the issue of an Occupation Certificate**, the bottom half of all glazed full length openings (being the fixed glass panel to a height of 1.3m) for all units and to the lobby area on each level along the southern elevation is to be provided in obscured glazing.

25 [A Special \(BLANK\)](#)

**Prior to the issue of a Construction Certificate**, details of the pergola provided along the northern boundary of the communal open area over the bbq and seating area are to be provided to the Certifying Authority. The pergola is to be constructed in a light weight timber material.

26 [A Special \(BLANK\)](#)

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

## 27 [A Special CPTED Requirements](#)

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

### **Lighting**

- All outdoor/public spaces including all entry and exit points, throughout the approved development must be lit so as to comply with the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must comply with AS 4282 - Control of the obtrusive effects of outdoor lighting.

### **Basement Car Parking**

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

### **Building Security & Access Control**

- Intercom, code or card locks or similar must be installed for all building entries including the car park.
- In order to comply with Australian Standard 220 – door and window locks must be installed in all dwellings and to all courtyard gates which are accessible from the ground floor.
- Lockable gates must be provided on side access points.
- CCTV is to be provided to survey any communal public space areas. Any CCTV footage must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- All pedestrian access points into the approved development from Evan Street must be restricted to residents only, by way of security gates with intercom, code or card locks.
- All user/sensor electronic security system, with intercom or swipe card access or alternate access control measures, must be installed to any vehicle entry or exit points to the basement car park as well to lifts, stair wells and garbage and storage areas, to limit unauthorised access to these areas.
- All barriers along pathways throughout the development (including fencing, landscaping, etc) must be permeable to eliminate any entrapment spots and blind corners.
- Entrances to the approved development must be easily recognisable through design features and directional signage and be clearly visible and legible to users.
- Letter boxes are to be provided in accordance with that shown on the plans.

### **Graffiti/Vandalism**

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

### **Landscaping**

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

## **Demolition**

## 28 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to the carrying out of any demolition works**, all services to the site shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

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

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

## 29 B003 - ASBESTOS

**Prior to commencement of demolition works on site**, a Portaloo with appropriate washing facilities must be located on the site. The Principal Certifying Authority is also to be satisfied that:

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

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

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

## 30 B004 - Dust

Dust suppression techniques are to be employed during the carrying out of any demolition works, site excavation and construction activities so as to reduce any potential nuisances to surrounding properties.

## 31 B005 - Mud/Soil

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

# Environmental Matters

## 32 D001 - Implement approved sediment& erosion control measures

**Prior to the commencement of works on site**, any erosion and sediment control measures must be installed (including the approved clearing of any site vegetation). The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the approved development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that the leaving of mud and soil from vehicular movements to and from the site does not occur during the demolition and construction associated with the construction of the approved development.

### 33 D004 – Site remediation works

Site remediation works shall be carried out generally in accordance with the approved Remediation Action Plan 28-32 Evan Street, Penrith NSW prepared by SESL Australia, Ref:J002300, Revision No. 1.1, Document Version 1.1 Final, dated 18 December 2019 as well as the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM 2013) and applicable NSW Environment Protection Authority Guidelines.

An appropriately qualified person/s (as defined below) shall:

- Supervise the remediation works.
- Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
- Address off site impacts and proposed management strategies where relevant.
- Certify by way of a Validation Report that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Validation Report to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted **within 30 days that the said works have been completed.**
- A Validation Report, prepared by an appropriately qualified person as defined below, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remediation Action Plan, the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM 2013) and relevant NSW Environment Protection Authority requirements.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement.**

{Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}



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

No fill material shall be imported to the site until such time as a Validation Certificate (which includes a copy of any report forming the basis for the validation) for the fill material has been submitted to Council and the Principal Certifying Authority. The Validation Certificate must:

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

An appropriately qualified person/s (as defined in the Penrith Development Control Plan 2014) shall:

- Supervise all filling works,
- (On completion of filling works) carry out an independent review of all documents relating to the filling of the site, and submit a "review findings" report to Council and any Principal Certifying Authority,
- Provide a Compliance Certificate or other written documentation to certify that any fill materials have been placed on the site in compliance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works must be provided with the Notice of Commencement.

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

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

**35 D009 - Covering of waste storage area**

Any waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least 2 waste bays or bins (to permit the separation of wastes), and are to be fully enclosed when the site is unattended.

**36 D010 – Appropriate disposal of excavated or other waste**

Any excavated material and other wastes generated by the approved development are to be re-used, recycled or disposed of in compliance with the approved waste management plan.

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

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



37 **D013 - Approved noise level 1**

Noise levels from the premises must not exceed the relevant noise criteria detailed in the Traffic Noise Assessment prepared by Rodney Stevens Acoustics, Report Reference No. 190405R3, Revision 2 and dated 5 December 2019.

The recommendations provided in the above-mentioned acoustic report must be implemented and incorporated into the design and construction of the development, and be **shown on plans accompanying the Construction Certificate application**.

A certificate is to be obtained from a qualified acoustic consultant certifying that the development (including plant and equipment) has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

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

38 **D Special (BLANK)**

The operating noise levels of any plan and equipment must not exceed 5dB(A) above the background noise level when measured at the sites boundaries. The provision of the Protection of the Environment Operations Act 1997 apply to the development to regulate offensive noise.

39 **D Special BLANK**

Should any "unexpected finds" occur during site excavation and earthworks, (including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining), works are to cease immediately and Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during the construction of the approved development, and if any remediation is required, prior to the commencement of any remediation works, the applicant is to seek development consent for those works from the Council.

40 **D Special BLANK**

Demolition and construction works are to be carried out in accordance with the Construction Noise & Vibration Management Plan prepared by Rodney Stevens, Report Reference R190405R3, Revision 1, dated 5 December 2019.

41 **D Special BLANK**

**Prior to the issue of the Construction Certificate**, further details on the type and location of all mechanical plant and equipment associated with the approved development is to be provided to Council for its consideration and approval. Suitable data and information on any noise impacts associated with the use of the plant and equipment, assessed by a qualified acoustic consultant, is to be supplied to demonstrate that the operation of the mechanical ventilation/air-conditioning equipment will comply with the noise criteria established in the Traffic Noise Assessment, prepared by Rodney Stevens, Report R190405R3, Revision 2, dated 5 December 2019.

42 **D Special BLANK**

**Prior to the issue of the Occupation Certificate**, a Compliance Certificate is to be submitted to the Principal Certifying Authority. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that all plant and equipment has been installed to comply with the above information and the noise criteria established in the Traffic Noise Assessment, prepared by Rodney Stevens Acoustics, Report Reference: R190405R3, Revision 2, dated 5 December 2019. This Compliance Certificate for the mechanical plant and equipment may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the noise criteria established in the before mentioned Traffic Noise Assessment.

43 **D Special BLANK**

No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council's stormwater system. All waste water from the site is to be removed by a licensed transporter and disposed of at an EPA licensed waste facility. All receipts and supporting documentation must be retained in order to verify lawful disposal of waste water and are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to both Council and the Certifying Authority prior to the commencement of works.

#### 44 **D Special BLANK**

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

- All on-site waste collection infrastructure, doors and access points (Waste Chute Room, Waste Collection Room, Bulky Goods Collection Room) are to be locked through Council's Abloy Key System. System specifications are outlined in Section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document.
- Operational specification requirements of the proposed traffic control system are to be submitted for review with information outlining how this system will integrate with Council's Abloy key system at points of ingress and egress manoeuvres by Council's heavy rigid waste collection contractors.
- All on-site waste collection infrastructure (Waste Chute Room, Waste Collection Room, Bulky Goods Collection Room) are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
- Amended swept path models are to be submitted for review in accordance with Section 2.2.3 of the 'Residential Flat Building Waste Management Guideline' document. On-street parking is to be provided for within this modelling.
- The waste collection room is to include 180 degree outwards opening dual doors.
- The waste collection room is to include a 1.8m unobstructed clearance zone between stored bin and the entrance to permit access and manoeuvrability in accordance with Section 3.5.2 of the 'Residential Flat Building Waste Management Guideline' document.
- All on-site infrastructure is to be designed to accommodate the specification of Council's 9.7m heavy rigid waste collection vehicle outlined in Section 2.3.1 of the 'Residential Flat Building Waste Management Guideline' document.

#### 45 **D Special BLANK**

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

- The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. Under such agreement, the developer is to indemnify the Council against claims for loss and damage. Under the agreement between the Council and the developer for waste collection, any waste collection measures will be required to comply with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. Council's waste collection service will not commence until the agreement between the developer and Council is formalised.
- Council's Waste and Resource Recovery Department are to conduct a site inspection to ensure all on-site infrastructure has been provided to permit a safe and efficient waste collection service.

## **BCA Issues**

#### 46 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building,

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

#### 47 E01A - BCA compliance for Class 2-9

All aspects of the building design must comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
  - complies with the performance requirements, or
  - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

## Utility Services

#### 48 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

#### 49 G004 - Integral Energy

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

In the event that a pad mounted substation is necessary to service the development as identified on the approved architectural and landscape plans), Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate is issued for the development (as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council). Confirmation is to be provided as to whether a blast wall or other protective structure is required.

#### 50 G006 -

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

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

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

**Prior to the issue of an Occupation Certificate**, written certification must be obtained from (and submitted to the Principal Certifying Authority) all relevant service providers to confirm that the telecommunications infrastructure is installed in accordance with the requirements of this condition and the relevant legislation in force at the time of construction.

## Construction

## 51 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

## 52 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

## 53 H Special (BLANK)

Clothes drying facilities are to be positioned so they are screened from public view.

# Engineering

54 **K101 - Works at no cost to Council**

All roadworks, stormwater drainage works, associated civil works and any land dedications, required to be carried out to effect the approved development must be undertaken at no cost to Penrith City Council.

55 **K201 - Infrastructure Bond**

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

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

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

**Prior to the issue of any Construction Certificate**, an application is to be made to Council under Section 138 Roads Act for any works required to be carried out in a public road. Such application is to include payment of any application and inspection fees. These works may include but are not limited to the following:

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

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

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

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

57 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by LAM Consulting Engineers Pty Ltd, Job Number 180276, Sheet D00, Issue C, dated 10 September, 2019, Sheet D01, Issue C, dated 17 April, 2019, Sheet D02, Issue C, dated 1 October, 2019, Sheet D03, Issue F, dated 16 October, 2019, Sheets D09 and D10, both Issue D, both dated 10 September, 2019, Sheet D11, Issue F, dated 16 October, 2019, Sheet D12, Issue C, dated 1 October, 2019, Sheet D13, Issue A, dated 10 September, 2019 and Sheets D15 and D16, both Issue A, both dated 26 February, 2019.

A maintenance manual for the stormwater treatment measures shall be prepared.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. The rainwater tanks shall be connected for reuse as required by the BASIX Certificate.

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

58 [K211 - Stormwater Discharge – Basement Car parks](#)

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

59 [K222 - Access, Car Parking and Manoeuvring – General](#)

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

60 [K224 - Construction Traffic Management Plan](#)

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require approval of the Local Traffic Committee. The CTMP must include, but not be limited to the following:

Vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers.

The CTMP shall be certified by an appropriately accredited person or a Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the approved development and not severely impacted by the construction of this development.

The CTMP must be supported by a traffic control plan, designed to comply with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads.'

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

61 [K225 - Performance Bond](#)

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for extension of the road drainage system in Evan Street, Penrith.

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

Note:

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

62 [K226 – Basement Geotechnical Testing/ Dilapidation Report](#)

**Prior to the issue of a Construction Certificate**, the Certifying Authority must ensure that a geotechnical investigation, report and strategy has been carried out to ensure stability of any Council infrastructure and surrounding developments in the immediate vicinity of the site. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services (as amended).

A dilapidation report must be undertaken for all surrounding buildings and any Council owned infrastructure to ensure that no damage occurs as a result of the excavations associated with the approved development. If Council is not the Certifying Authority the dilapidation report must be submitted to Council **prior to Construction Certificate**. The dilapidation report must then be updated and submitted to the Certifying Authority and to Council if it is not the Certifying Authority (to confirm that no damage has occurred) **prior to the issue of any Occupation Certificate**.

63 [K301 - Sediment & Erosion Control](#)

Prior to commencement of any works associated with the approved development, all sediment and erosion control measures shall be installed to comply in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and the Managing Urban Stormwater series from the Office of Environment and Heritage.

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



64 **K405 - Turf to Verge**

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

65 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

66 **K502 - Works as executed – General and Compliance Documentation**

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

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

67 **K503 - Stormwater Compliance**

**Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

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

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

68 **K504 - Restriction as to User and Positive Covenant**

**Prior to the issue of an Occupation Certificate**, a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design measures) must be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development.

69 **K515 - Maintenance Bond**

**Prior to the issue of any Occupation Certificate**, a Maintenance Bond is to be lodged with Penrith City Council for extension of the road drainage system in Evan Street, Penrith. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

70 **K601 - Stormwater Management system operation and maintenance**

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

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

71 **K Special (BLANK)**

P· **Prior to the issue of an Occupation Certificate**, all residential apartment car parking spaces within the basement levels are to be marked to specific apartments provided for within the approved development. Parking spaces are to be allocated a minimum of one (1) space per each one or two bedroom apartment and two (2) spaces per each three bedroom apartment.

72 **K Special (BLANK)**

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

73 **K Special (BLANK)**

The subleasing of any car parking spaces is not authorised under this consent.

74 **K Special (BLANK)**

All vehicles are to enter and exit the site in a forward direction.

75 **K Special (BLANK)**

All car parking and manoeuvring must be in accordance with AS 2890.1, AS 2890.2, AS 2890.3, AS 2890.5, AS 2890.6 and Council requirements. This shall include:

- Column location requirements in accordance with AS 2890.1, Section 5.2 – Column Location and Spacing for columns beside car parking spaces.
- Sight distance requirements in accordance with AS 2890.1 and/or AS 2890.2, Figure 3.2 at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety.

76 **K Special (BLANK)**

The Certifying Authority must ensure that as much public parking as possible is to be maintained on Evan Street during construction works. All construction activities associated with the proposed development are to be contained on site. Any temporary construction zones will only be considered on Evan Street on application in exceptional circumstances. Any temporary construction zones required during construction will be the subject to a separate application to the Council and payment of the appropriate fees.

77 **K Special (BLANK)**

**Prior to the issue of an Occupation Certificate**, a management plan for waste collection is to be prepared by a suitably qualified traffic engineering consultant to ensure that the procedures for waste collection are carried out when waste collection vehicles service the site.

78 **K Special (BLANK)**

Waste service vehicles accessing the site shall be limited to a maximum length of 9.7 metres and a maximum height of 3.006 metres.

## Landscaping

79 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans as amended by the applicable conditions of this Development Consent and Sections C2 'Vegetation Management' and C6 'Landscape Design' of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

80 **L002 - Landscape construction**

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

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



81 **L003 - Report requirement**

A Landscape Implementation Report is to be submitted to the nominated consent authority at the appropriate time periods as listed below. This report must be prepared by a suitably qualified and experienced landscape professional.

Upon completion of the landscape works associated with the approved development and **prior to the issue of an Occupation Certificate** for the development, the Landscape Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

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

82 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to comply with the Tree Planting Specifications prescribed in Penrith Development Control Plan 2014.

83 **L006 - Aust Standard**

All landscape works are to meet industry best practice and the following relevant Australian Standards:

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

84 **L007 - Tree protection measures—no TMP with DA**

All trees that are approved to be retained are to be protected in compliance with the minimum tree protection standards prescribed in Section C6 'Landscape Design' of Penrith Development Control Plan 2014.

85 **L008 - Tree Preservation Order**

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

86 **L Special (BLANK)**

All trees and landscaping must be maintained in perpetuity to enable them to reach their full maturity potential in healthy growing conditions. This includes mature height, spread and form, consistent with the tree species. Pruning must not alter the natural form and height of trees.

## **Development Contributions**

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$11,340.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$102,617.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$37,113.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

## **Payment of Fees**

90 **P001 - Costs**

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

91 **P002 - Fees associated with Council land (Applies to all works & add K019)**

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure must be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## **Certification**

92 **Q006 - Occupation Certificate (Class 2 - 9)**

An Occupation Certificate must be obtained from the Principal Certifying Authority upon completion of all works and prior to the occupation of the approved building and the commencement of the approved use. The Occupation Certificate must not be issued if any conditions of this consent, (but not the conditions relating to the operation of the development), have not been complied with, or the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

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

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

93 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site, comply with this development consent (and related Construction Certificate issued for the approved development), and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation)

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

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### **C5 Waste Management**

The proposal will provide for the collection of waste generated by the future occupants of the building within basement level 1 via the provision of a Waste Chute Collection Room, Waste Collection Room and Bulky Goods Collection Room. Each residential level is provided with a waste chute for general and recycling waste which transfers waste to the basement level 1.

Heavy rigid waste collection vehicles (at a length of 9.7m) have been identified in the accompanying plans and documentation to access the basement level to collect waste. Trucks entering the basement level will be required to provide for a reversing manoeuvre within an active carriageway to appropriately access the waste loading area.

The application has been accompanied by swept path diagrams identifying the reversing nature of the truck in the basement level. Swept path diagrams have also identified that once the truck is parked at the waste loading area, vehicles are able to enter and exit the basement in a safe manner. Furthermore, plans have identified the provision of 'passenger vehicles traffic signal lanterns' to be in operation once the garbage truck has entered the building driveway. These signals are provided to allow for the waste collection vehicle to manoeuvre, within and from the subject site, clear of passenger vehicle movements. The following description has been provided with the accompanying Traffic Statement discussing the operation of the signal system;

*'...on arrival of Council's waste collection vehicle on site, the operator of the vehicle is to put in a call to the traffic signal system via the intercom contained within the access ramp. Upon activation of the signal system, red lanterns will be displayed to the signals situated within the access ramp and the upper basement parking level. Following a short delay to allow any vehicles already in the internal access ramp to complete its journey to the site access driveway, the lantern within the access ramp will then display a special green truck only lantern, whilst the passenger vehicle lanterns within the access ramp and the upper basement parking area will remain red. This will ensure that Council's waste collection vehicle will be able to safely travel from the site access driveway to the dedicated loading bay adjacent to the upper basement parking level clear of any potential passenger vehicle movements.'*

It is noted that the supporting plans and documentation have been reviewed by both Council's Waste Services and Traffic Engineering Sections and are considered acceptable. In this regard, any approval granted will be conditioned to provide for an appropriate signal system to the basement car parking to allow for the safe movement of vehicles within the proposal.

#### **C7 Culture and Heritage**

The subject site is located directly adjoining the St Stephen The Martyr Churchyard Cemetery which is identified as an item of Local Heritage Significance (Item No. 206) under the Penrith Local Environmental Plan 2010. This existing cemetery presents as an open area with a scattering of headstones as well as scattered trees, with a number located alongside Fulton Lane to its eastern boundary.

Plans provided identify that the immediate interface between each site will be provided with timber lapped and capped boundary fencing (to be painted woodland grey on both sides) and a mixture of tree sizes provided to the deep soil area to the rear of the subject site. It is noted that either colourbond or timber fences currently border the perimeter of the heritage item.

Noting the R4 High Density Residential nature of the subject site, it is considered that a future expectation was that a five level built form would be provided for as per the current proposal in line with the maximum building height provision. While non compliant building separations are provided as required by the Apartment Design Guide from the proposal to the eastern boundary, the immediate impact of this presentation is considered to be softened via the angled walls

provided and positioning of the balconies. Furthermore, the landscaping proposed to the rear setback in the form of mature trees is considered to assist in assimilating the proposal with its surrounds, enabling the lower levels to be partially screened and in turn reducing the amount of visible built form from the cemetery.

Noting the above, the immediate impact upon the adjoining heritage item is considered to have been appropriately considered via a compliant building height form and landscaping in the form of small to medium sized trees along the rear boundary.

### ***C10 Transport, Access and Parking***

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

<b>Land Use Element</b>	<b>Parking Rate</b>	<b>Required</b>
Residential Flat Building	- 1 space per 1 or 2 bedrooms	28
	- 2 spaces per 3 or more bedrooms	4
	- 1 space per 40 units for service vehicles	N/A
	- Visitor parking: 1 space per 5 dwellings	6
	- 1 space for car washing for every 50 units	1
<b>Total Required</b>		<b>39 spaces</b>

It is noted that the application is compliant with the required car parking rate, via the provision of a total of 43 parking spaces over two (2) basement levels. These parking spaces have also included a designated car wash bay and four (4) accessible car parking spaces associated with the provision of adaptable apartments. In this regard, it is considered that adequate parking facilities are provided to cater for future occupants and visitors to the proposed apartments. It is also noted that the application was referred to Council's Traffic Engineering Section which raised no objection to the proposal subject to the provision of appropriate conditions with any development consent granted.

While an excess of motor vehicle parking spaces is provided, accompanying plans have not identified the allocation of parking spaces to all units. In this regard, were approval forthcoming, a condition would be included requiring the appropriate allocation of parking spaces in accordance with the requirements of the Penrith Development Control Plan 2014.

## **D2 Residential Development**

The proposal has been assessed against the applicable provisions of this section and is found to be generally acceptable. Particular clauses which have provided for non compliances or relevant discussion points are identified below.

### ***D2.5 Residential Flat Buildings***

#### ***Clause 2.5.5 Landscaped Area***

Clause 2.5.5 'Landscaped Area' provides the following development control in relation to landscaped area for a R4 High Density Residential zone in which the subject site is located;

***Zone: R4 High Density Residential***

***Minimum Landscaped area % of the site: 35%***

In addition to the above, landscaped areas are to have a minimum width of 2m, with no basement encroachment, may include terraces and patios located no higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances but does not include substantially-paved areas such as buildings, driveways and covered garages. Noting these controls, an assessment of the provided plans has identified that with a site area of 1,633m<sup>2</sup>, a total of 571.55m<sup>2</sup> landscaped area is required. While so, only 407m<sup>2</sup> (25% of the total site) landscaped area is considered to have been provided with the proposal and is therefore non compliant by 164m<sup>2</sup>.

While it is acknowledged that the proposal is non compliant, it is noted that the proposal has provided for a compliant deep soil zone as well as a compliant communal open space area to the ground level. In this regard, it is considered that the proposal has provided for a good use of landscaping opportunities and noting that the deep soil and communal open space areas are in accordance with the Apartment Design Guide, a variation to this control in this instance is considered acceptable.

#### *Clause 2.5.6 Front Setback*

Clause 2.5.6 'Front and Rear Setback' provides the following development control in relation to front setbacks;

*Determine an appropriate front setback:*

- a) either average the setbacks of the immediate neighbours; or*
- b) 5.5m minimum whichever is the greater dimension.*

It is noted that the adjoining dwelling house to the south (being No. 34 Evan Street) is provided with a 5.2m front setback with the adjoining dwelling to the north (being No. 26 Evan Street) provided with a varying front setback of between 8m and 10m. Comparatively, the proposal will also provide for a varied front setback ranging from between 5.4m and 7.3m. Taking into consideration the splayed wall design provided for the proposed building fronting Evan Street, it will provide for an average front setback of 6.35m. It is also noted that for No. 26 Evan Street and properties to its north, were they to be developed for residential flat buildings in the future, that a 5.5m front setback would be expected to be provided.

The following control is also provided for under Clause 2.5.6 in relation to permissible encroachments within the front setback area;

- a) verandahs and pergolas only which are at a 4.5m minimum setback to the face of the verandah or pergola; and maximum of 50% of elevation.*

The proposal is provided with three (3) verandahs/balconies each, to levels 1 to 4 maintaining a setback from the Evan Street boundary of 4.8m and are therefore numerically compliant. The proposed building is provided with an overall width of 37.5m with balconies to each level at a width of 6.7m providing for a combined overall width of 20.1m (54% of the building width). While marginally non compliant with the maximum 50% of elevation control, no concern is raised in this instance as it is considered that the proposed balconies are appropriately integrated into the elevation providing for an acceptable mixture of splayed walls and balcony widths balanced with the remaining face brick presentation.

#### *Clause 2.5.18 Fences and Retaining Walls*

Clause 2.5.18 'Fences and Retaining Walls' requires that fences shall be no taller than 1.8m generally and of solid construction and no taller than 1.2m and of see through construction in front setback areas. Retaining walls are identified as being no taller than 500mm along the south eastern corner of the subject site. An assessment of the provided plans has identified the provision of a front fence also serving as the boundary to private open space for ground floor Evan Street facing apartments. The proposed fencing is setback 3.4m from the Evan Street property boundary to allow for landscaping within the deep soil area and provided with a solid construction up to 1m and black powder coated aluminium up to 1.6m in height which is considered an acceptable design. Further fencing is provided in an open style to the building's north along the building line in a see through construction up to a height of 1.8m which is considered to clearly identify the communal open space from the front setback area.

The proposal has also identified a screen wall along the northern boundary adjoining barbecue facilities associated with the communal open space. While no details are provided, it is considered appropriate with any approval granted to also incorporate a condition allowing for a 2.1m high fence in this location (an increase of 300mm from the boundary fence) to assist in maintaining privacy for the adjoining northern neighbour.

*Clause 2.5.20 Accessibility and Adaptability*

The following development control is provided for adaptable units;

*10% of all dwellings, or a minimum one dwelling, whichever is greater, must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), to be capable of adaption for people with a disability or elderly residents.*

As the proposal has provided for 4 of the 30 apartments (13%) to be provided as adaptable, the proposal is compliant with this control. In addition, it is noted that the application was accompanied by an Access Compliance Report which would be incorporated as part of conditions with any Development Consent granted.





# PROPOSED RESIDENTIAL FLAT BUILDING

28-32 Evans Street, Penrith, NSW, 2750

UNITS TYPES	
Type	Units
1B	1
1B + Study	1
2B	19
2B Adap. & Liv.	4
2B Livable	3
3B	2
30	

DEVELOPMENT DETAILS		
Site Area	1633m²	
Gross Floor Area (GFA)	2980m²	
Zoning	R4 High Density Residential	
	Allowable	Proposed
Floor Space Ratio (FSR)*	n/a	1.83:1
Total Storeys	6	6

Communal Open Space	25%	434.2m²	27%
Deep Soil Zones	7%	551m²	34%

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

GROSS FLOOR AREA	
Level	Area
GROUND LEVEL	405.6 m²
LEVEL 1	676.4 m²
LEVEL 2	676.4 m²
LEVEL 3	676.4 m²
LEVEL 4	545.5 m²
Grand total: 5	2980.3 m²

COMMON OPEN SPACE	
Area	% of Site
434.2 m²	26.59

LANDSCAPE AREA	
Area	% of Site
372.0 m²	22.78
102.8 m²	6.30
66.4 m²	4.06
541.1 m²	33.14

DEEP SOIL AREA		
Name	Area	% the Site
DEEP SOIL >6m	119.7 m²	7.33
DEEP SOIL (1.4-4m deep)	100.7 m²	6.16
DEEP SOIL <6m	330.7 m²	20.25
	551.1 m²	33.75

CAR SPACES REQUIRED	
3 Bed units: 2	4
2 Bed units: 22	22
2 Bed units Adaptable: 4	4
1 Bed units: 2	2
Visitors (1/5)	6
Service vehicles (1/40)	1
Washing bay (1/50)	
Grand total	39

CAR SPACES - TYPES	
Type	Number
Class 3 - 2500w x 5400d	32
Class 3 - 2500w x 5400d (Visitor)	6
Class 3 - 2500w x 5400d (Washing+Service)	1
Class 4 - 2500w x 5400d (Disabled)	4
Grand total: 43	43

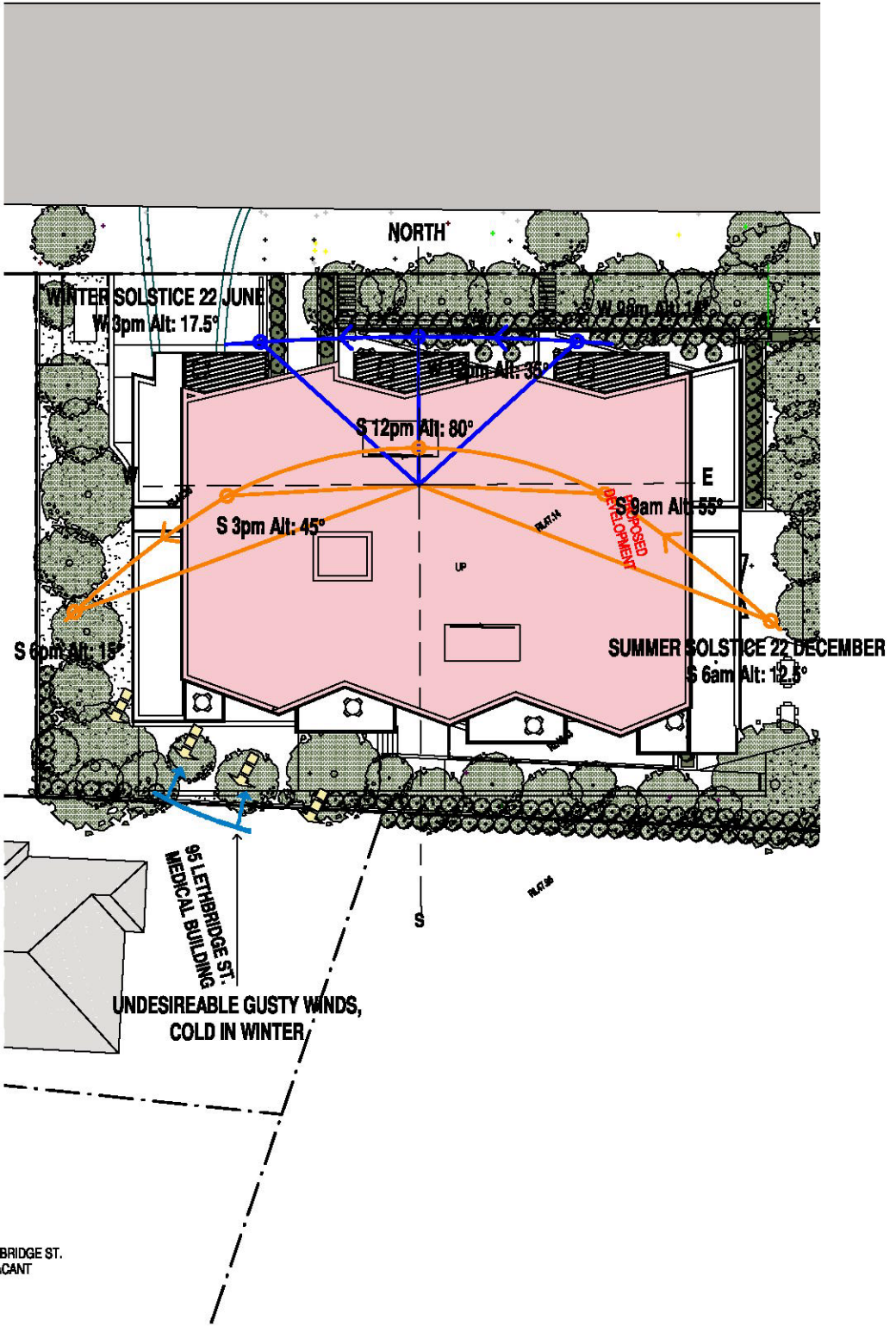
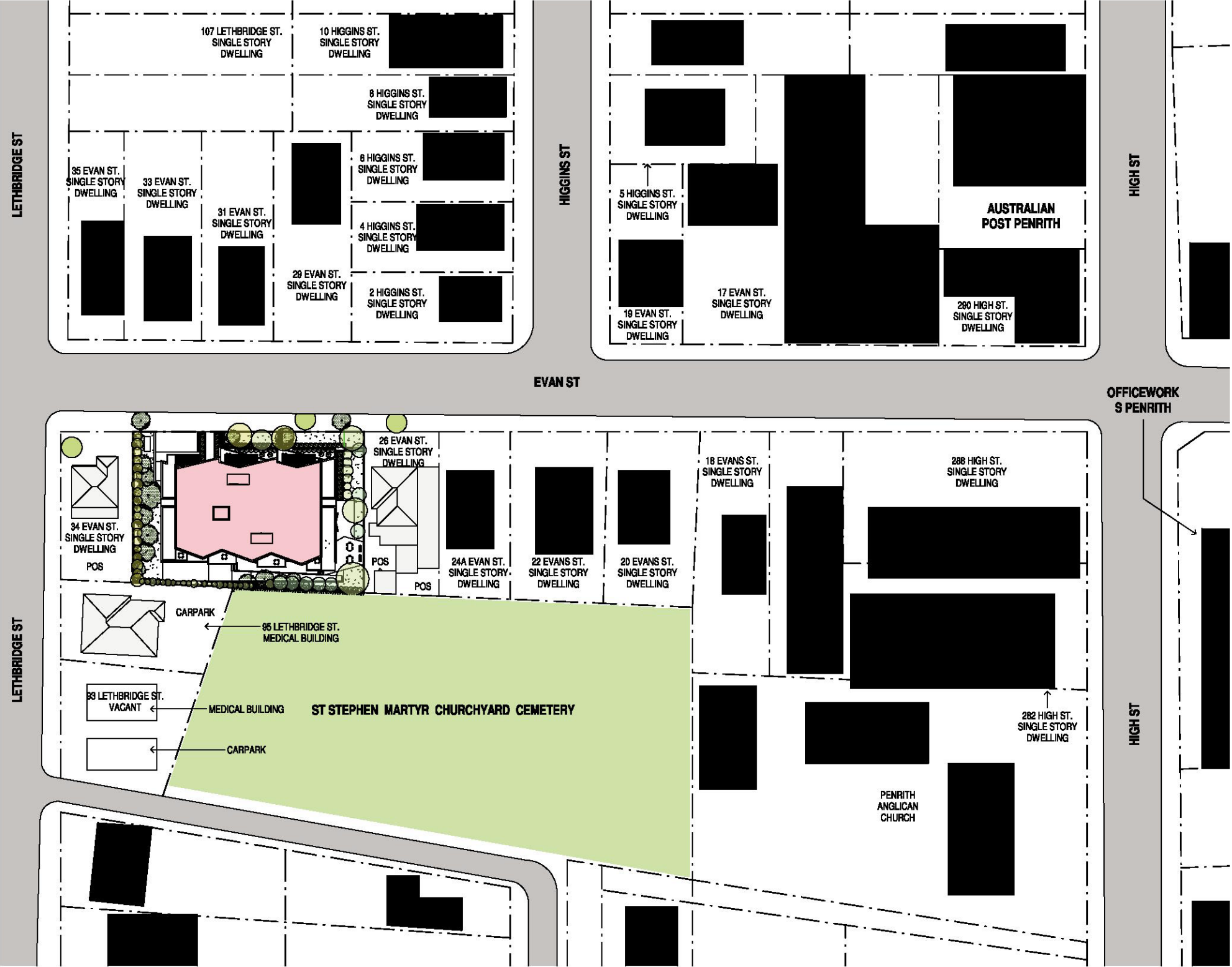
Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use Spaced Dimensions in preference to scale. All dimensions to be verified on site.  
Morson Group Pty Ltd © Copyright  
These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.  
ABN 41 159 480 056 NOMINATED ARCHITECT: P Morson(B100)

ISSUE	DATE	AMENDMENT																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
-------	------	-----------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--









SITE PLAN

SITE ANALYSIS



95 LETHBRIDGE ST - EXISTING SINGLE STORY DWELLING



CORNER OF EVAN ST & LETHBRIDGE ST



26 EVAN ST - EXISTING SINGLE DWELLING



28 / 30 EVAN ST - EXISTING SINGLE DWELLINGS TO BE DEMOLISHED



32 EVAN ST - EXISTING SINGLE DWELLING TO BE DEMOLISHED

ISSUE	DATE	AMENDMENT
A	12-05-2019	DA SUBMISSION
B	20-10-2019	DA SUBMISSION
C	04-06-2020	DA SUBMISSION
D	20-05-2020	DA SUBMISSION



PROJECT  
PROPOSED RESIDENTIAL FLAT BUILDING  
ADDRESS  
26-32 Evans Street, Penrith, NSW, 2750

CLIENT  
SavvaPL



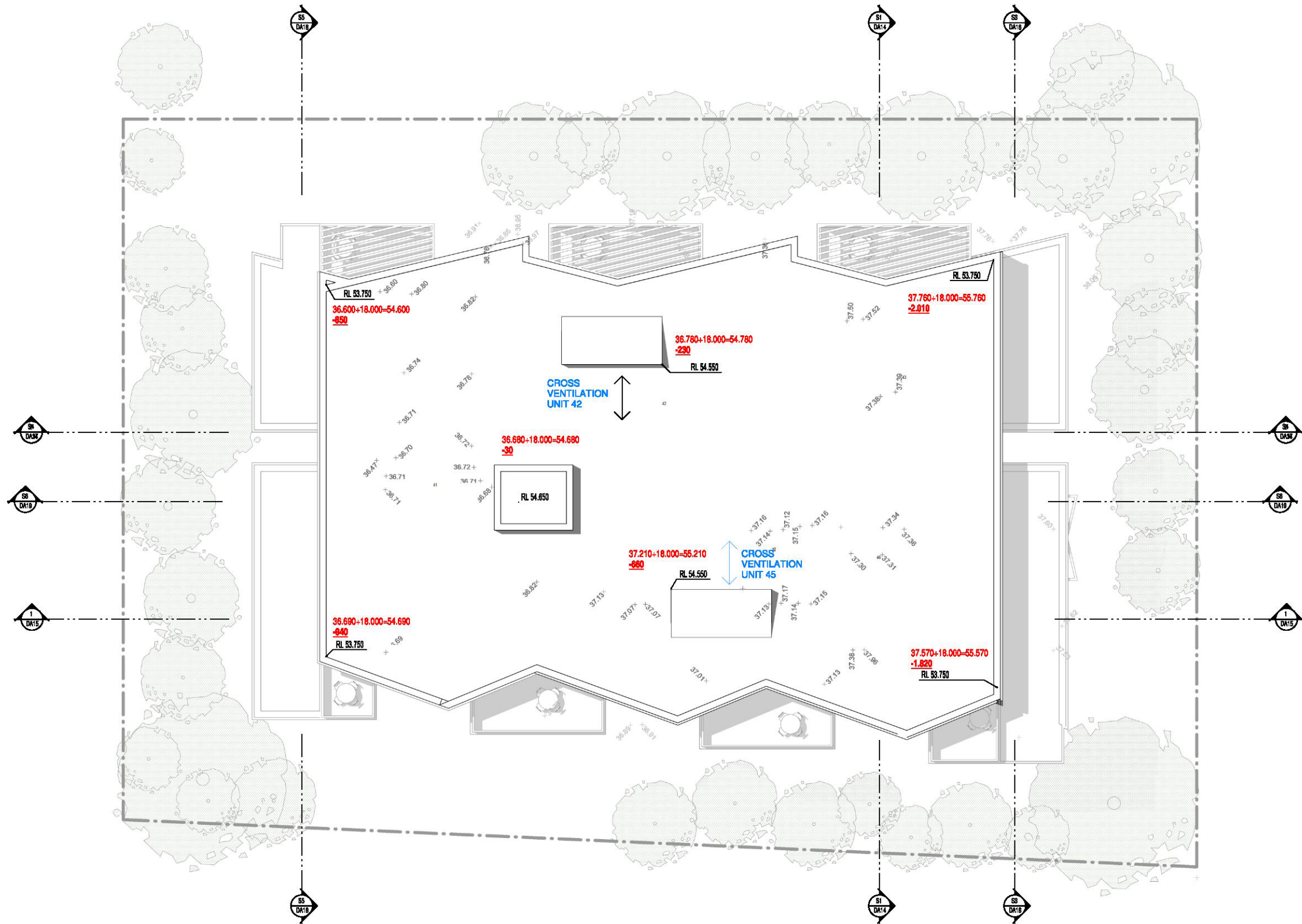
NON-REGISTERED ARCHITECT - P.F.  
JACOB MORSON ARCHITECTS  
2/211 158 400 000, 158 400 000  
www.jacobmorsonarchitects.com.au  
1/211 158 400 000, 158 400 000  
1/211 158 400 000, 158 400 000

SHEET NAME  
SITE PLAN  
SCALE  
As Indicated

DRAWING NUMBER  
DA04  
BUILDING  
D



EVAN ST



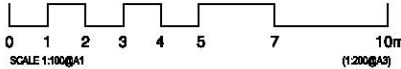
Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data furnished electronically. Recipients should obtain necessary accuracy in hard copy version for verification. Use of printed versions is preferred to access. All dimensions to be verified on site.

Morson Group Pty Ltd © Copyright

These drawings and designs are the copyright of Morson Group Pty Ltd and must not be used, reproduced or copied without the written permission of Morson Group Pty Ltd.

ABN 41 158 000 068 NOMINATED ARCHITECT: P Morson (P100)

ISSUE	DATE	AMENDMENT
A	12-05-2019	DA SUBMISSION
B	30-10-2019	DA SUBMISSION
C	04-06-2020	DA SUBMISSION
D	20-05-2020	DA SUBMISSION



PROJECT  
PROPOSED RESIDENTIAL FLAT BUILDING

ADDRESS  
28-32 Evans Street, Perth, NSW, 2750

CLIENT  
Seymour PL



NOMINATED ARCHITECT - P F  
JACOBSON ARCHITECTURE PARTNERS (P100)  
ACN 119 480 755, ABN 41 158 000 068  
www.morsongroup.com.au  
120 FIVE AVENUE  
FOURTH FLOOR PERTH, WEST AUSTRALIA 6003

SHEET SIZE: A4  
SCALE: 1:100  
DATE:

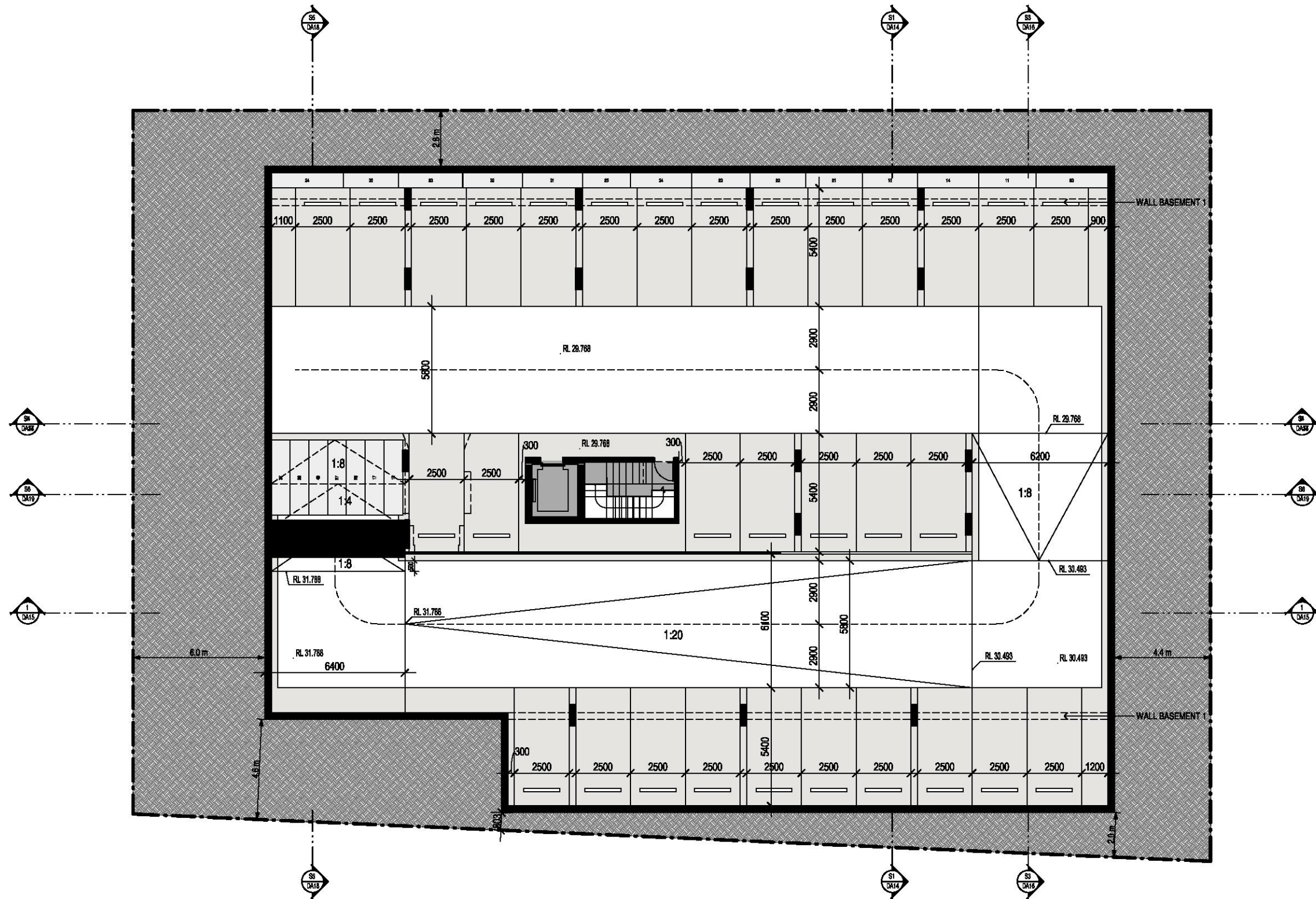
SHEET NAME  
ROOF

DRAWING NUMBER  
DA11  
BUILDING  
D









Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use of data is at the discretion of the user. All dimensions to be verified on site.

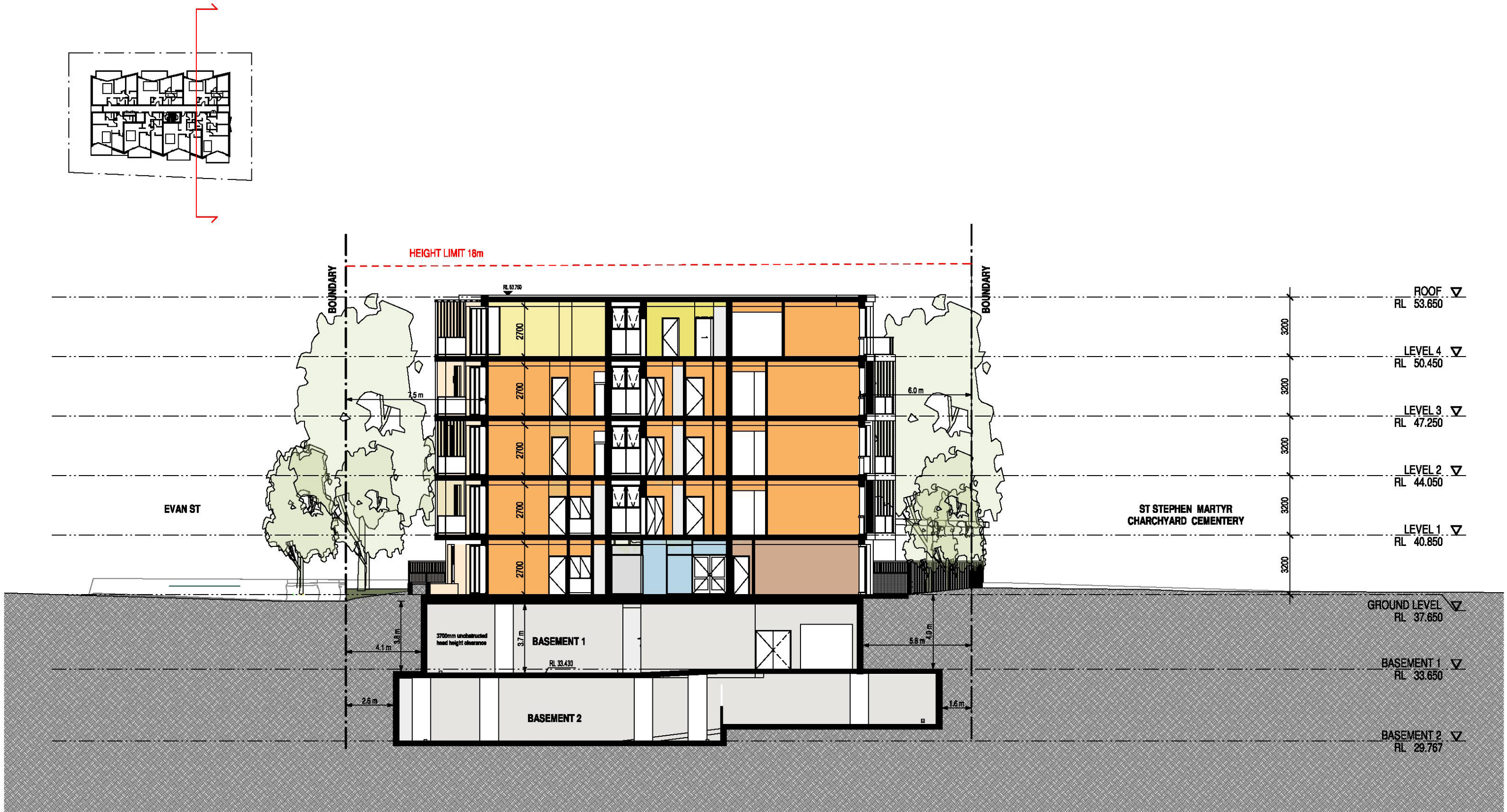
Morson Group Pty Ltd © Copyright

These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, reproduced or copied without the written permission of Morson Group Pty Ltd.

AS/NZS 41:199 AND 41:200 NOMINATED ARCHITECT: P Morson(2010)

ISSUE	DATE	AMENDMENT	PROJECT	CLIENT	MORSON GROUP	UNLIMITED ARCHITECT - P.F.	SHEET NAME	BASEMENT 2	DRAWING NUMBER	DA13
A	12-05-2019	DA SUBMISSION	PROPOSED RESIDENTIAL FLAT BUILDING	25-22 Evans Street, Parrish, NSW, 2750	AS/NZS 41:199 AND 41:200 NOMINATED ARCHITECT: P Morson(2010)	AS/NZS 41:199 AND 41:200 NOMINATED ARCHITECT: P Morson(2010)	SHEET NAME	BASEMENT 2	DRAWING NUMBER	DA13
B	30-10-2019	DA SUBMISSION					SCALE	DATE	ISSUE NO.	C
C	04-05-2020	DA SUBMISSION					1:100			





Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data furnished hereunder by. Recipients should when necessary request a hard copy version for verification. Use of any data is at the discretion of the user. All dimensions to be verified on site.

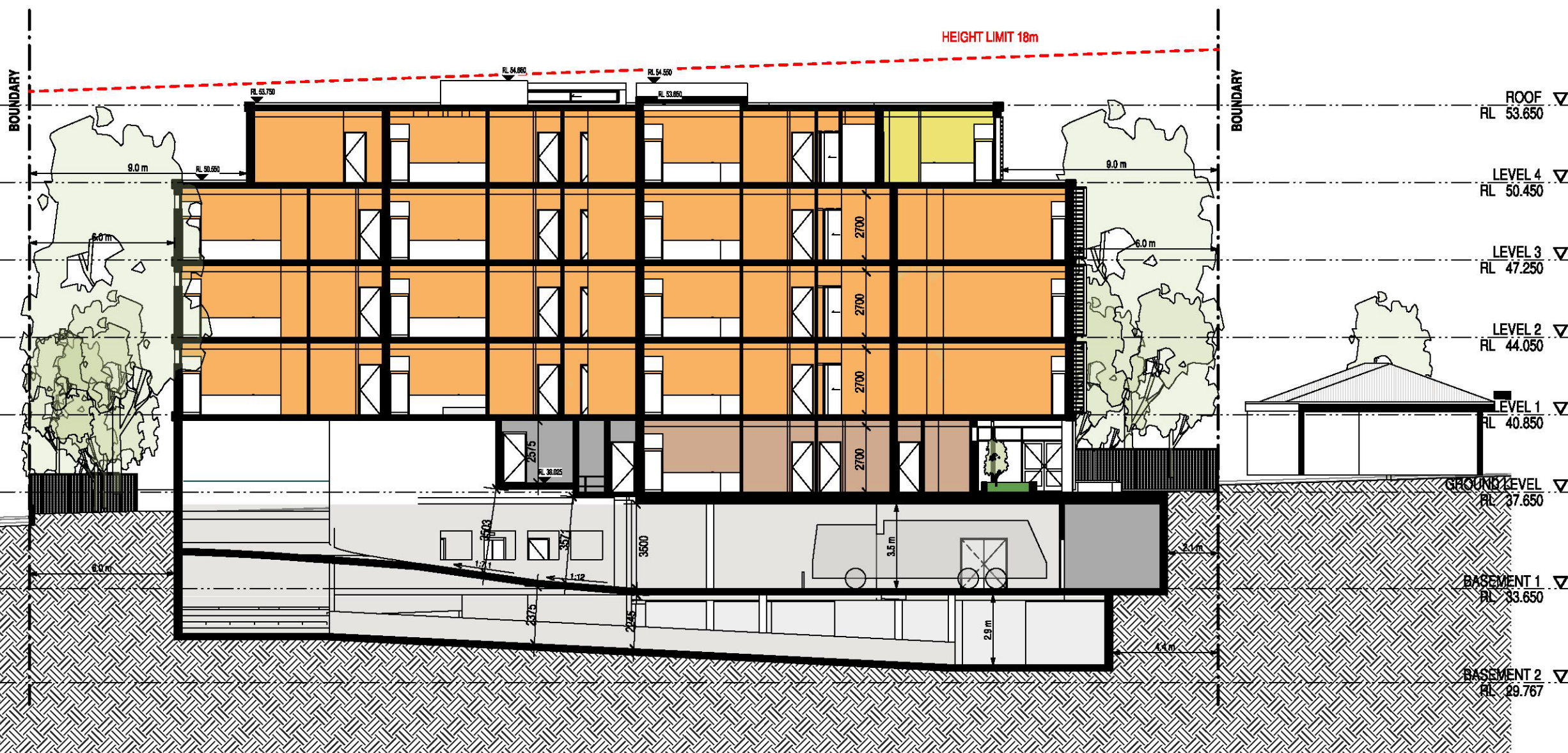
Morson Group Pty Ltd © Copyright

These drawings and designs are the property of Morson Group Pty Ltd and must not be used, reproduced or copied without the written permission of Morson Group Pty Ltd.

ABN 41 158 400 068 NOMINATED ARCHITECT: P. Morson (P100)

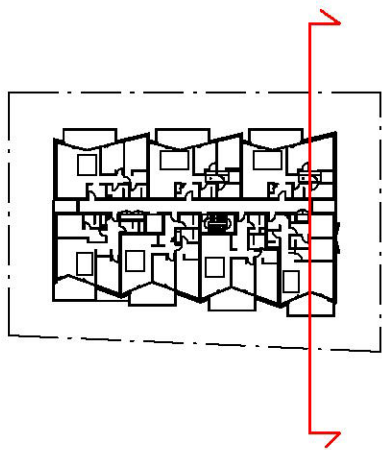
ISSUE	DATE	AMENDMENT	PROJECT	CLIENT	MORSON GROUP	SECTION 1 - CROSS SECTION	DRAWING NUMBER
A	12-05-2019	DA SUBMISSION	PROPOSED RESIDENTIAL FLAT BUILDING	ServusPL	158 400 068	SECTION 1 - CROSS SECTION	DA14
B	30-10-2019	DA SUBMISSION					
C	04-06-2020	DA SUBMISSION					
D	20-05-2020	DA SUBMISSION					



ISSUE NO.

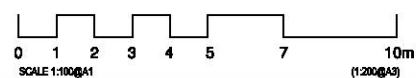
These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.





Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data furnished hereunder by. Recipients should obtain necessary accuracy and copy version for verification. Use of any dimensions in preference to scale. All dimensions to be verified on site.  
Morson Group Pty Ltd © Copyright  
These drawings and designs are the copyright of Morson Group Pty Ltd and must not be used, reproduced or copied without the written permission of Morson Group Pty Ltd.  
ABN 41 158 800 068 NOMINATED ARCHITECT: P. Morson (P100)

ISSUE	DATE	AMENDMENT
A	12-05-2019	DA SUBMISSION
B	20-10-2019	DA SUBMISSION
C	04-06-2020	DA SUBMISSION
D	20-05-2020	DA SUBMISSION



PROJECT  
PROPOSED RESIDENTIAL FLAT BUILDING  
ADDRESS  
28-32 Evans Street, Parrish, NSW, 2750

CLIENT  
Serraia PL

MORSON GROUP  
NOMINATED ARCHITECT - P.F.  
ARCHITECTURE  
28-32 EVANS STREET, PARRISH, NSW, 2750  
TEL: 02 9555 4944  
WWW.MORSONGROUP.COM.AU  
FOURTH FLOOR, PARRISH, NSW, 2750

SHEET SIZE: A1  
SCALE  
As Indicated

SHEET NAME

SECTION 3 - COMMON OPEN SPACE

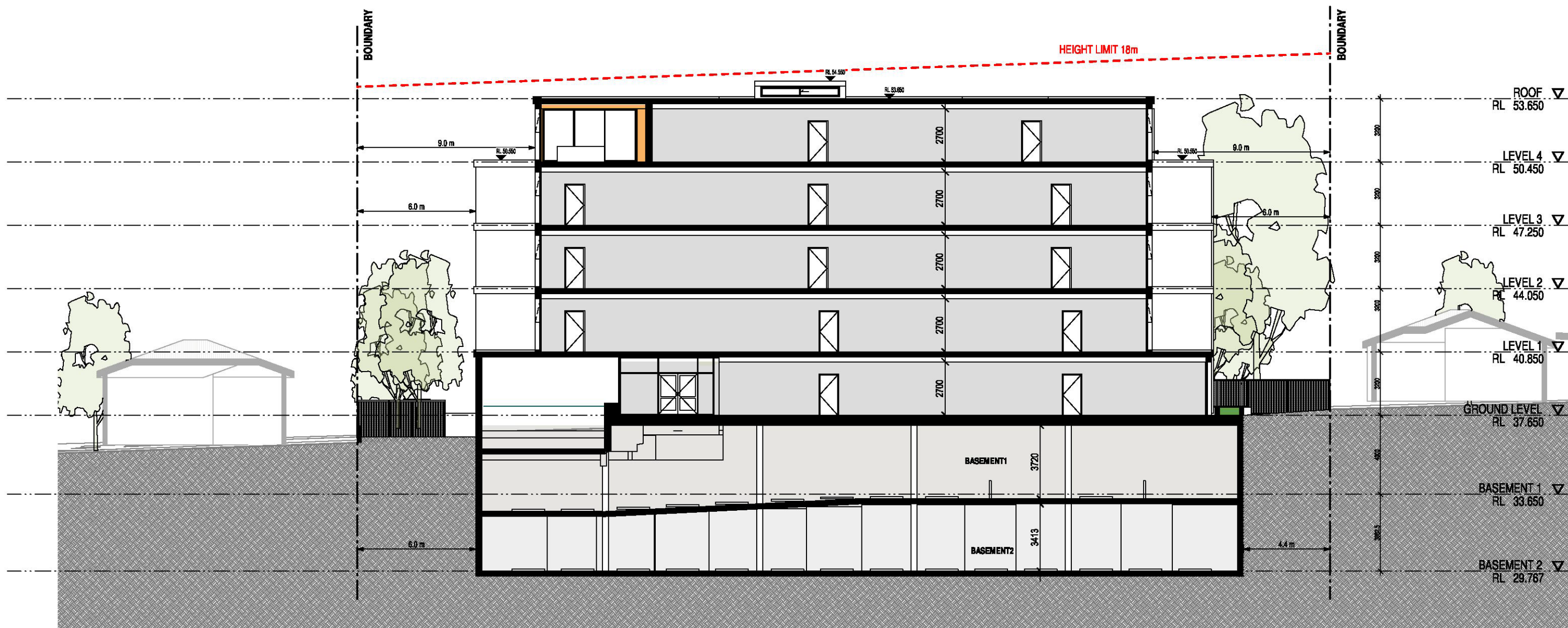
DRAWING NUMBER

DA16

BUILDING

D





ISSUE	DATE	AMENDMENT
A	12-05-2019	DA SUBMISSION
B	28-10-2019	DA SUBMISSION
C	28-10-2019	DA SUBMISSION
D	04-05-2020	DA SUBMISSION
E	20-05-2020	DA SUBMISSION

NORTH

PROJECT:  
**PROPOSED RESIDENTIAL FLAT BUILDING**

SITE ADDRESS:  
28-32 Evans Street, Parrish, NSW, 2750

CLIENT  
SternaAPL

MORSON GROUP

REGISTERED ARCHITECT - P.A.  
ARCHITECTS/STRATA/INTERIORS & CO  
ACN 69 403848, ABN 41 159 483 052  
100 MORRISON STREET SYDNEY NSW 1500  
PH: 02 9261 7777 FAX: 02 9261 1383

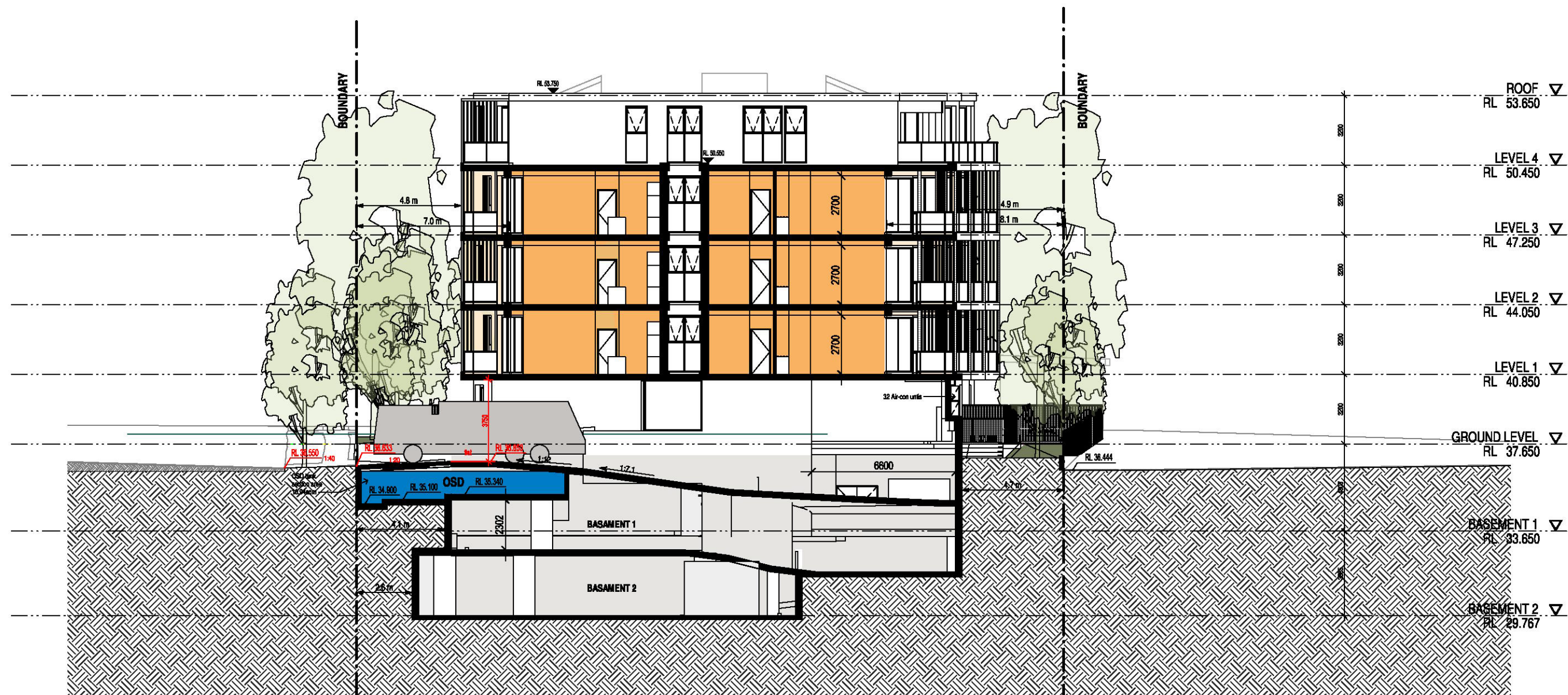
SHEET SIZE: A1  
SCALE DATE  
As Indicated

SHEET NAME  
**SECTION 4 - LONG SECTION 2**

DRAWING NUMBER  
**DA17**

BULE NO.  
**E**





ISSUE	DATE	AMENDMENT
A	12-05-2019	DA SUBMISSION
B	30-10-2019	DA SUBMISSION
C	29-12-2019	DA SUBMISSION
D	04-05-2020	DA SUBMISSION
E	20-05-2020	DA SUBMISSION

Document Set ID: 9179985

Version: 1, Version Date: 17/06/2020

ISSUE	DATE	AMENDMENT
A	12-05-2019	DA SUBMISSION
B	30-10-2019	DA SUBMISSION
C	28-12-2019	DA SUBMISSION
D	04-05-2020	DA SUBMISSION
E	20-05-2020	DA SUBMISSION



**PROJECT**  
**PROPOSED RESIDENTIAL FLAT BUILDING**

**ADDRESS**  
28-32 Evans Street, Parrith, NSW, 2750

CLIENT  
Stamps®



**NOMINATED ARCHITECT - P F**  
**MOOREN INCORPORATION NUMBER**  
 ACH 10F 480 066, ABN 41 1 89 402  
[www.moorengroup.com.au](http://www.moorengroup.com.au)  
 (02) 9300 4946  
 PO Box 120, North Sydney, NSW 1585

SHEET SIZE: A1  
SCALE: D  
As indicated

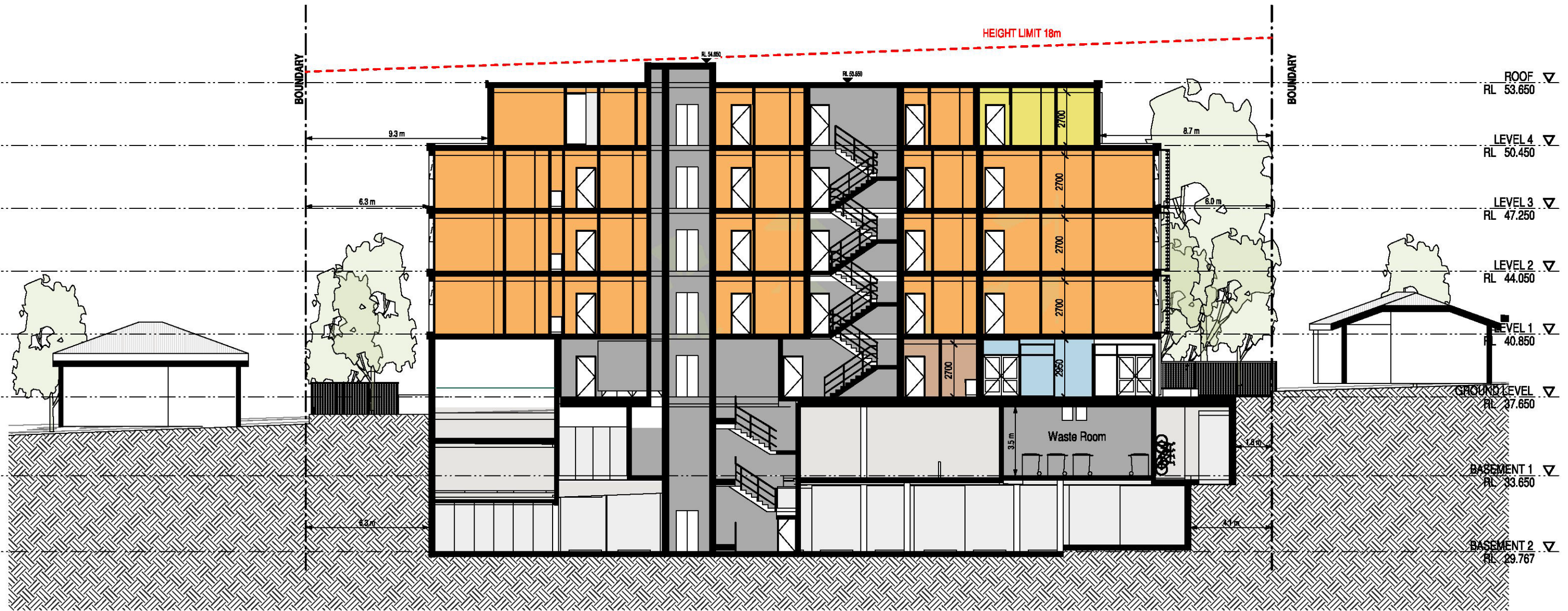
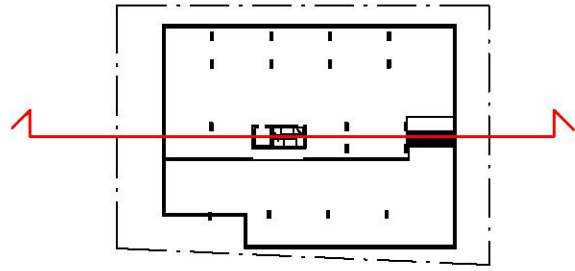
SHEET  
NAME

## SECTION 5 - PARKING RAMP

DRAWING NUMBER **DA18**

**BLUE NO.** **E**





Morson Group Pty Ltd accepts no responsibility for the usability, completeness or accuracy of data furnished electronically by third parties should it be necessary to use a hard copy version for verification. Use of any data is at the user's discretion. All dimensions to be verified on site.

Morson Group Pty Ltd © Copyright

These drawings and designs are the property of Morson Group Pty Ltd and must not be used, reproduced or copied without the written permission of Morson Group Pty Ltd.

ABN 41 158 400 068 NOMINATED ARCHITECT: P. MORSON (P100)

ISSUE	DATE	AMENDMENT
A	12-05-2019	DA SUBMISSION
B	20-10-2019	DA SUBMISSION
C	28-12-2019	DA SUBMISSION
D	04-05-2020	DA SUBMISSION
E	20-06-2020	DA SUBMISSION

Document Set ID: 9179985

Version: 1, Version Date: 17/06/2020



PROJECT  
PROPOSED RESIDENTIAL FLAT BUILDING

ADDRESS  
28-32 Evans Street, Parrish, NSW, 2750

CLIENT  
Serravallo



NOMINATED ARCHITECT - P.F.  
ARCHITECTURE & DESIGN  
ARCHITECTS  
100/100 EVANS STREET, PARRISH, NSW, 2750  
TEL: 02 9555 4944  
WWW.MORSONGROUP.COM.AU

SHEET SIZE: A4  
SCALE: As Indicated  
DATE:

SHEET NAME

SECTION 6 - WASTE ROOM SECTION

DRAWING NUMBER  
DA19

BUILDING  
E



	FBK1 NSW Bricks - BOWRAL CAPITAL RED 230x76-110-240- NAT		FBK2 NSW Bricks - BRUSHED LEATHER 230x76-110-240- NAT		PDC1 ALUMINIUM FRAMED WINDOW & DOORS DARK GREY		PDC2 ALUMINIUM SLABS EDGES & LOUVERS SHINNY GREY		PT01 PAINTED WALLS COLORBOND CHARCOAL		GL01 CLEAR GLASS WINDOWS		GL02 OBSCURE GLASS BALUSTRADES		TSC1 TIMBER LOOK POWDER COATED ALUMINIUM
-------------------------------------------------------------------------------------	----------------------------------------------------------------	-------------------------------------------------------------------------------------	-------------------------------------------------------------	--------------------------------------------------------------------------------------	------------------------------------------------------	---------------------------------------------------------------------------------------	--------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------	---------------------------------------------------------------------------------------	-----------------------------	---------------------------------------------------------------------------------------	-----------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------

Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use Spaced dimensions in preference to scale. All dimensions to be verified on site.

Morson Group Pty Ltd © Copyright

These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.

ABN 41 159 480 056 NOMINATED ARCHITECT: P Morson(B100)

ISSUE	DATE	AMENDMENT		PROJECT PROPOSED RESIDENTIAL FLAT BUILDING	ADDRESS 28-32 Evans Street, Perth, NSW, 2750	CLIENT StemmaPL		NOMINATED ARCHITECT - P F MORSON ARCHITECTURE ACN 139 480 056, ABN 41 159 480 056 www.morsongroup.com.au (08) 9385 4744 PO Box 170, Perth, NSW 2750	SHEET SIZE: A1 SCALE: As indicated	DATE	SHEET NAME WEST ELEVATION	DRAWING NUMBER DA20





Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use Spurred dimensions in preference to scale. All dimensions to be verified on site.

Morson Group Pty Ltd © Copyright

These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.

ABN 41 159 480 056 NOMINATED ARCHITECT: P Morson(B100)

ISSUE	DATE	AMENDMENT	PROJECT	ADDRESS	CLIENT	MORSON GROUP	NOMINATED ARCHITECT	SHEET SIZE	SCALE	DATE	SHEET NAME	DRAWING NUMBER	ISSUE NO.
C	2019-12-23	DA SUBMISSION	PROPOSED RESIDENTIAL FLAT BUILDING	28-32 Evans Street, Penrith, NSW, 2750	StemmaPL		P F MORSON ARCHITECT	A1	As indicated		EAST ELEVATION	DA21	G
D	2020-05-04	DA SUBMISSION					ACN 159 480 056 ABN 41 159 480 056						
E	2020-05-20	DA SUBMISSION					www.morsongroup.com.au						
F	2020-05-26	DA SUBMISSION					PO Box 170, Penrith, NSW 1505						
G	2020-06-03	DA SUBMISSION											



Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use Spurred dimensions in preference to scale. All dimensions to be verified on site.

Morson Group Pty Ltd © Copyright

These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.

ABN 41 159 480 056 NOMINATED ARCHITECT: P Morson(B100)

ISSUE	DATE	AMENDMENT
B	2019-10-30	DA SUBMISSION
C	2020-05-04	DA SUBMISSION
D	2020-05-20	DA SUBMISSION
E	2020-05-26	DA SUBMISSION
F	2020-06-03	DA SUBMISSION



PROJECT  
PROPOSED RESIDENTIAL FLAT BUILDING

ADDRESS  
28-32 Evans Street, Penrith, NSW, 2750

CLIENT  
StemmaPL

MORSON  
GROUP

NOMINATED ARCHITECT - P F  
ARCHITECT REGISTRATION NUMBER B100  
ACN 159 480 056 ABN 41 159 480 056  
www.morsongroup.com.au  
(02) 7585 4744  
PO Box 170, Penrith, NSW 1505

SHEET SIZE: A1  
SCALE DATE  
As indicated

SHEET NAME  
NORTH ELEVATION

DRAWING NUMBER  
DA22

ISSUE NO.  
F





	FBK1 NSW Bricks - BOWRAL CAPITAL RED 230x76-110-240- NAT		FBK2 NSW Bricks - BRUSHED LEATHER 230x76-110-240-NAT		PDC1 ALUMINIUM FRAMED WINDOW & DOORS DARK GREY		PDC2 ALUMINIUM SLABS EDGES & LOUVERS SHINNY GREY		PT01 PAINTED WALLS COLORBOND CHARCOAL		GL01 CLEAR GLASS WINDOWS		GL02 OBSCURE GLASS BALUSTRADES		TSC1 TIMBER LOOK POWDER COATED ALUMINIUM
-------------------------------------------------------------------------------------	----------------------------------------------------------------	-------------------------------------------------------------------------------------	------------------------------------------------------------	--------------------------------------------------------------------------------------	------------------------------------------------------	---------------------------------------------------------------------------------------	--------------------------------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------	---------------------------------------------------------------------------------------	-----------------------------	---------------------------------------------------------------------------------------	-----------------------------------	---------------------------------------------------------------------------------------	---------------------------------------------

Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use Spurred dimensions in preference to scale. All dimensions to be verified on site.

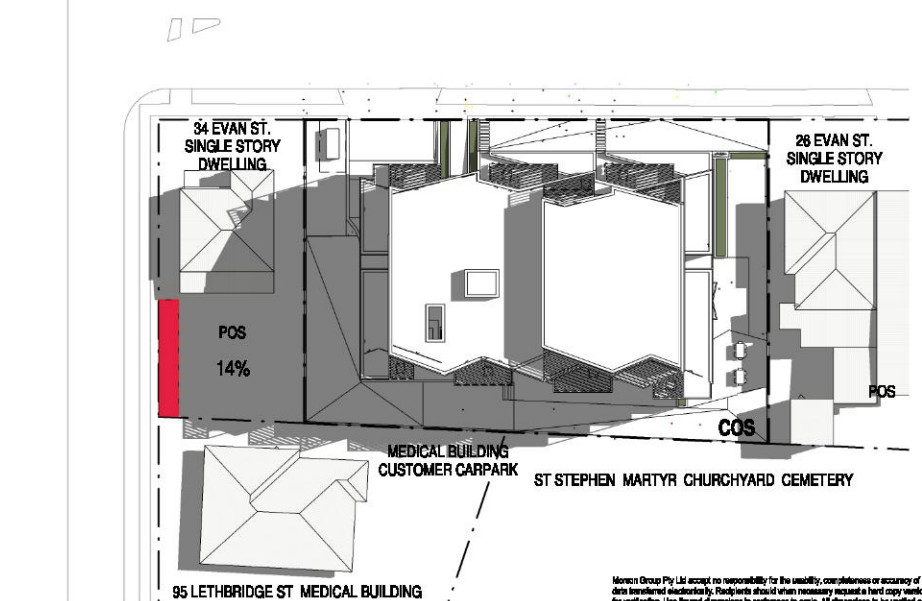
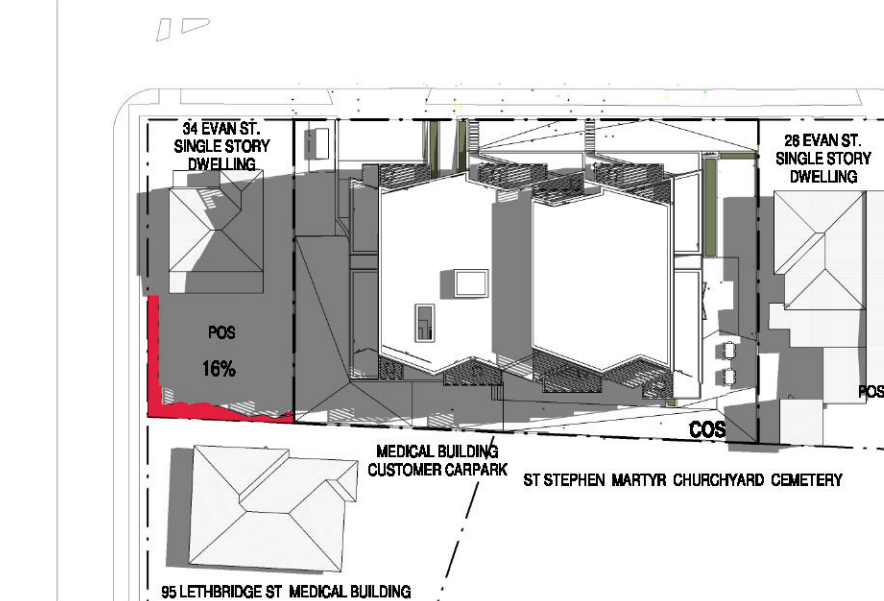
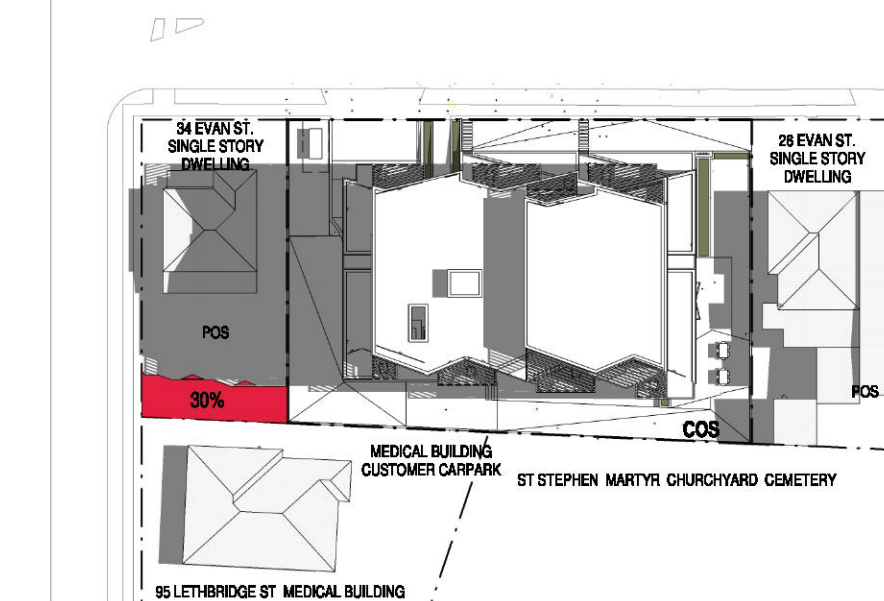
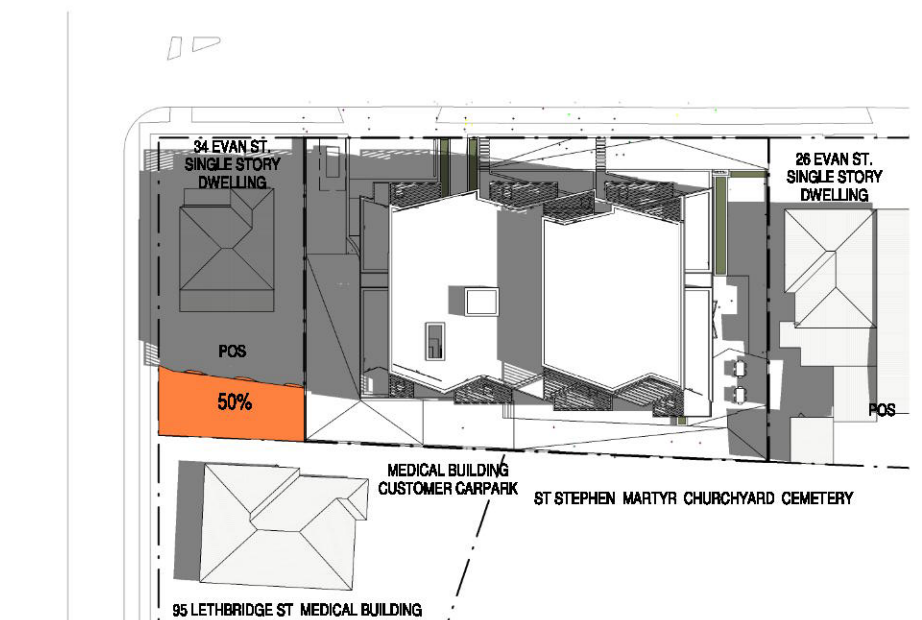
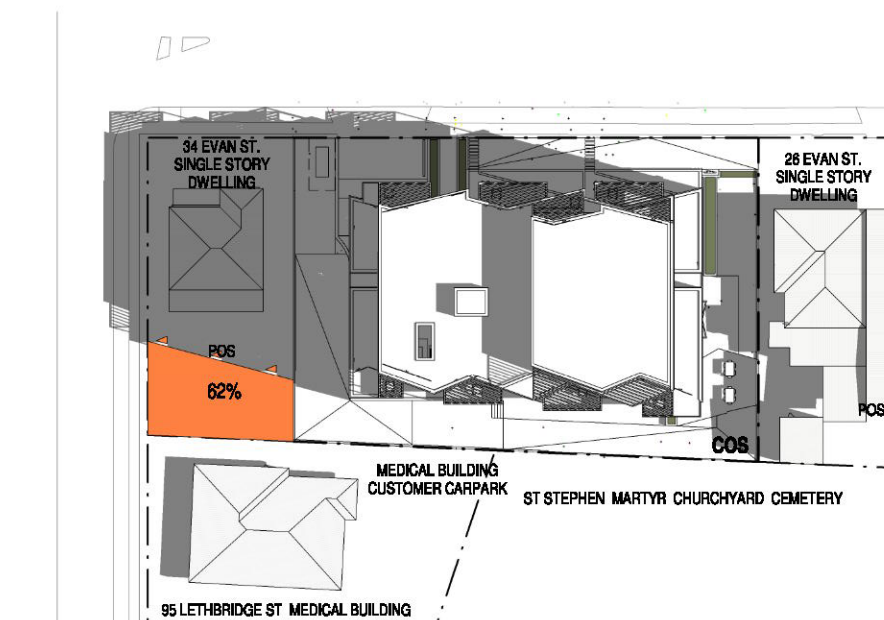
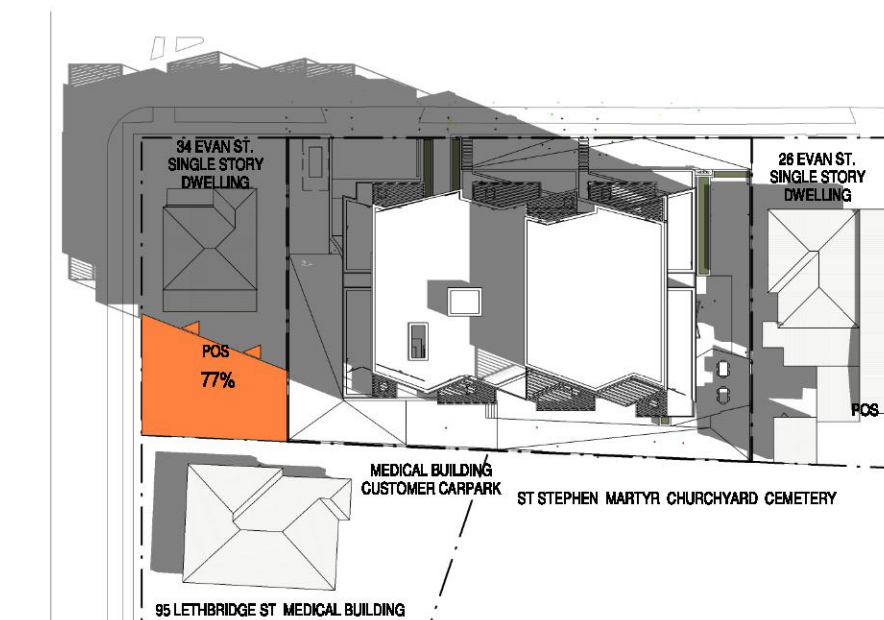
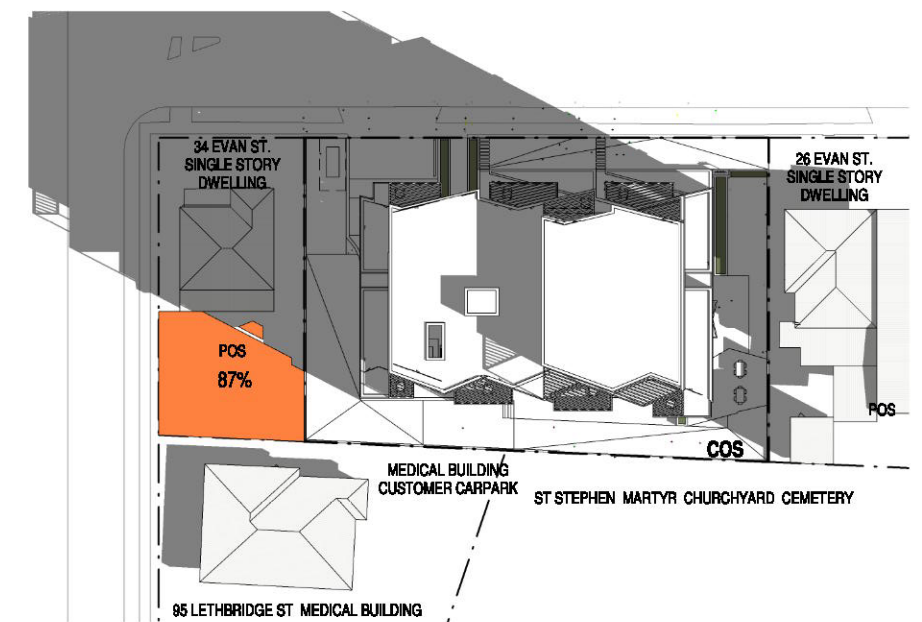
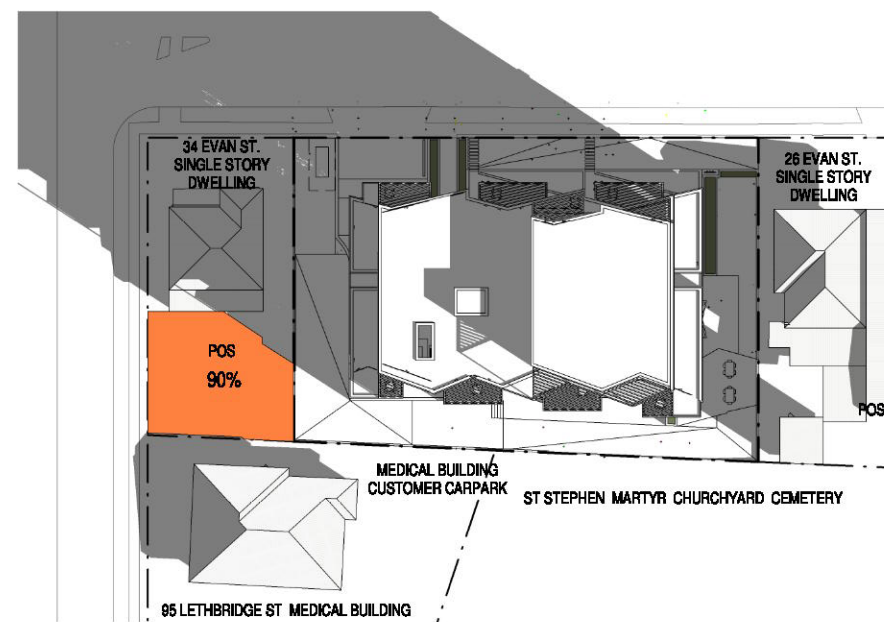
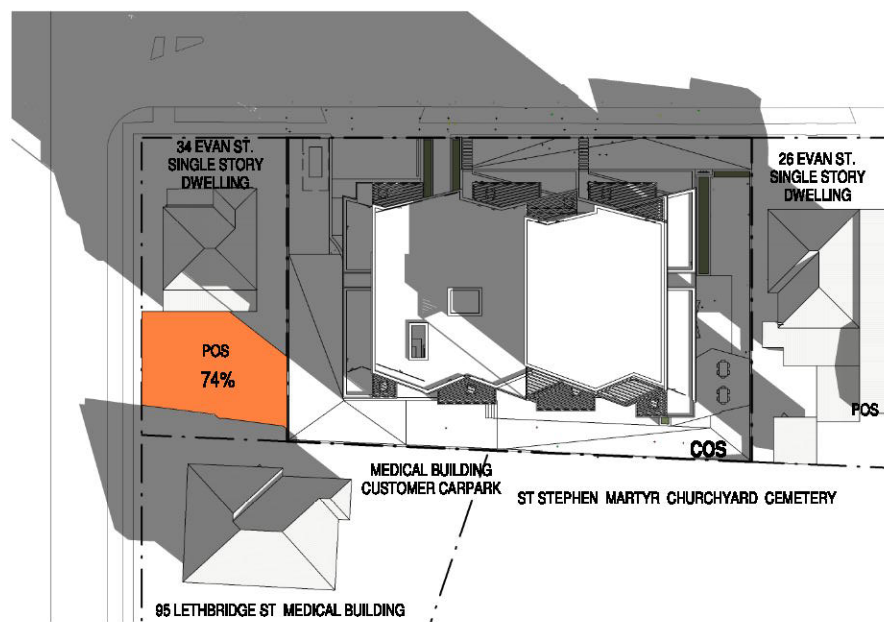
Morson Group Pty Ltd © Copyright

These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.

ABN 41 159 480 056 NOMINATED ARCHITECT: P Morson(B100)

ISSUE	DATE	AMENDMENT		PROJECT PROPOSED RESIDENTIAL FLAT BUILDING  ADDRESS 28-32 Evans Street, Penrith, NSW, 2750  CLIENT StemmaaPL	 <small>NOMINATED ARCHITECT - P F MORSON REGISTRATION NUMBER 8100 ACN 159 480 056 ABN 41 159 480 056 www.morsongroup.com.au (02) 7585 4744 PO Box 170, Penrith, NSW 1505</small>	SHEET SIZE: A1 SCALE DATE As indicated	SHEET NAME <b>SOUTH ELEVATION</b>	DRAWING NUMBER <b>DA23</b>  ISSUE NO. <b>F</b>
B	2019-10-30	DA SUBMISSION						
C	2020-05-04	DA SUBMISSION						
D	2020-05-20	DA SUBMISSION						
E	2020-05-26	DA SUBMISSION						
F	2020-06-03	DA SUBMISSION						





ISSUE	DATE	AMENDMENT
A	12-06-2019	DA SUBMISSION
B	30-10-2019	DA SUBMISSION
C	23-12-2019	DA SUBMISSION
D	04-05-2020	DA SUBMISSION



**PROJECT**  
**PROPOSED RESIDENTIAL FLAT BUILDING**

**ADDRESS**  
26-32 Evans Street, Parrith, NSW, 2750

CLIENT  
StoricaPI



MORSON  
GROUP

**NOMINATED ARCHITECT - P F**  
**MORISON RECREATION NEBULAR**  
 ACH 109 480-586, AHN 41 129-49  
[www.morisongroup.com.au](http://www.morisongroup.com.au)  
 (02) 9330-4966  
 PO Box 170, North Point, NSW 158

**SHEET**  
**SCALE**

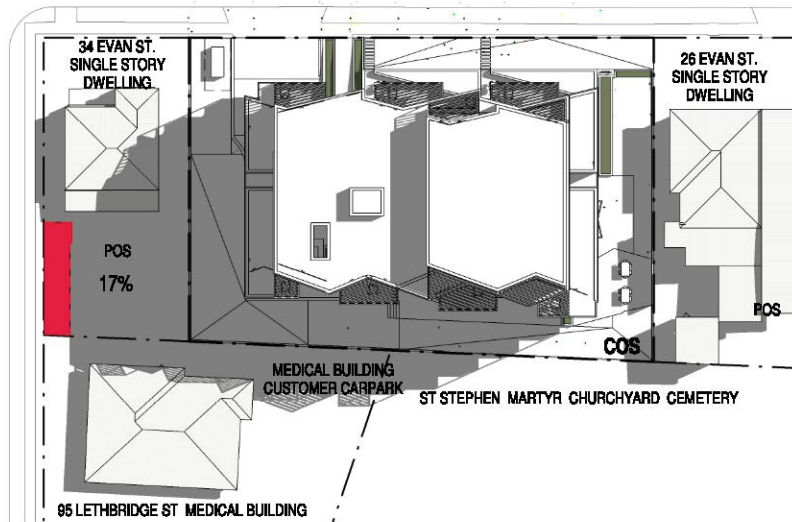
**SHEET  
NAME**

## SHADOW DIAGRAMS

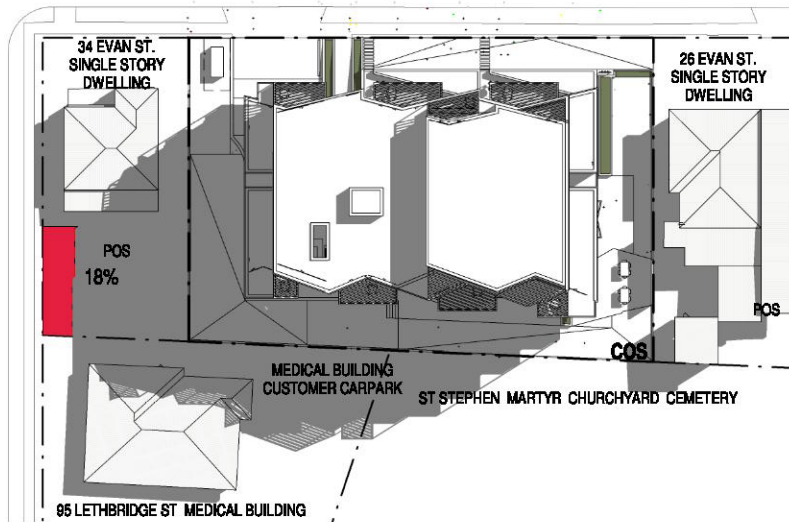
DA24

**ISSN NO.**

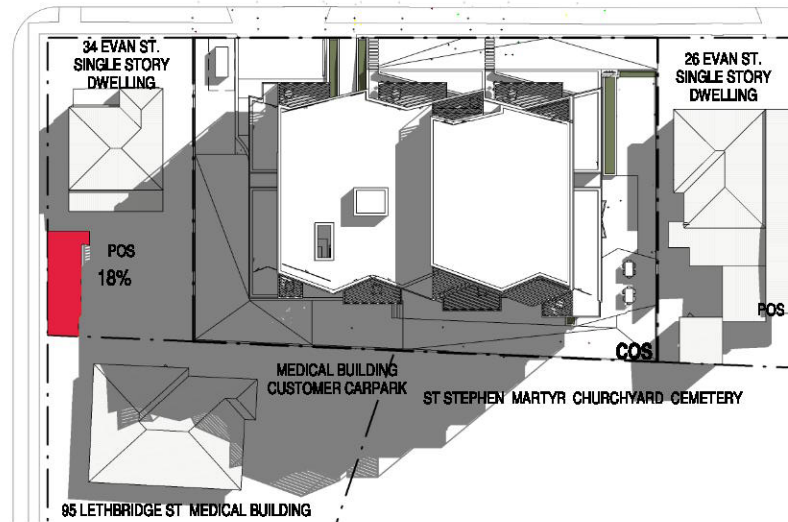




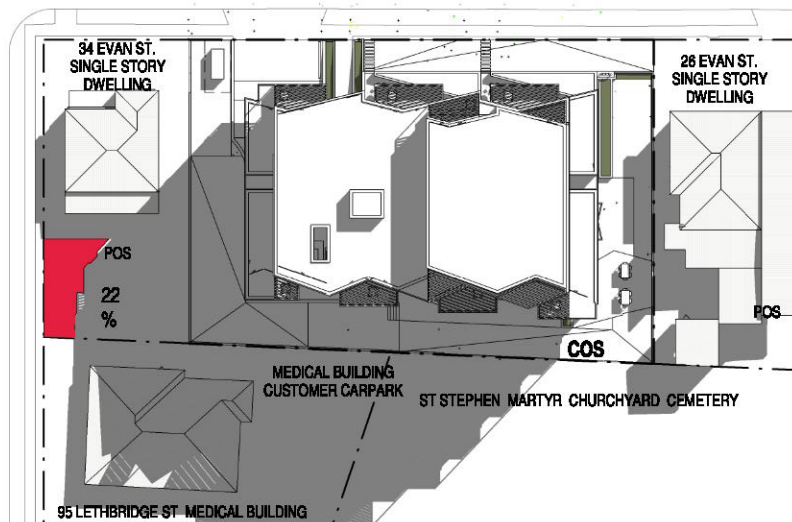
SHADOWS - JUNE 22nd 12:30PM



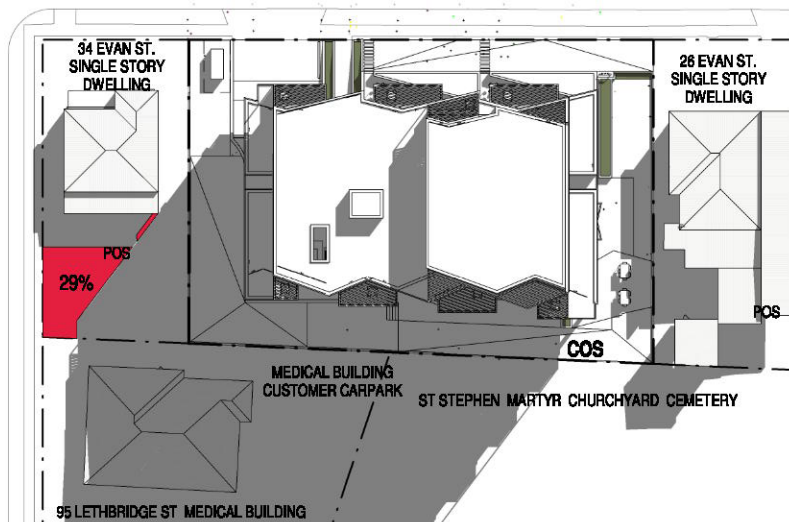
SHADOWS - JUNE 22nd 13:00PM



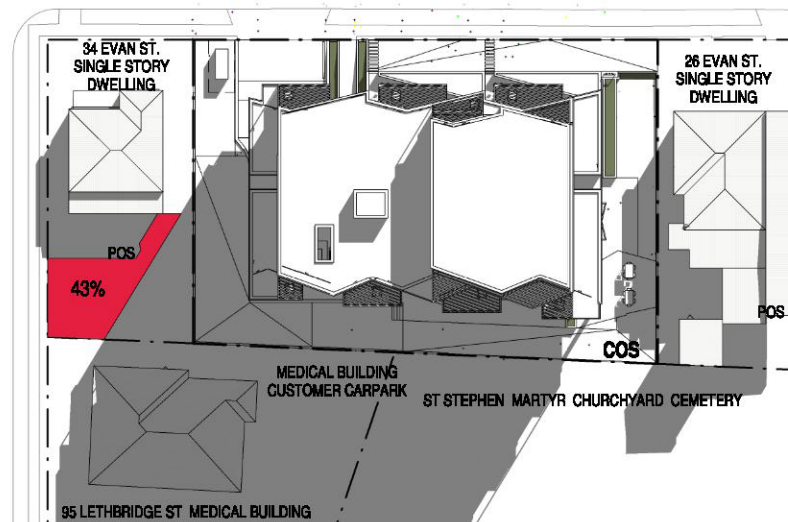
SHADOWS - JUNE 22nd 13:30PM



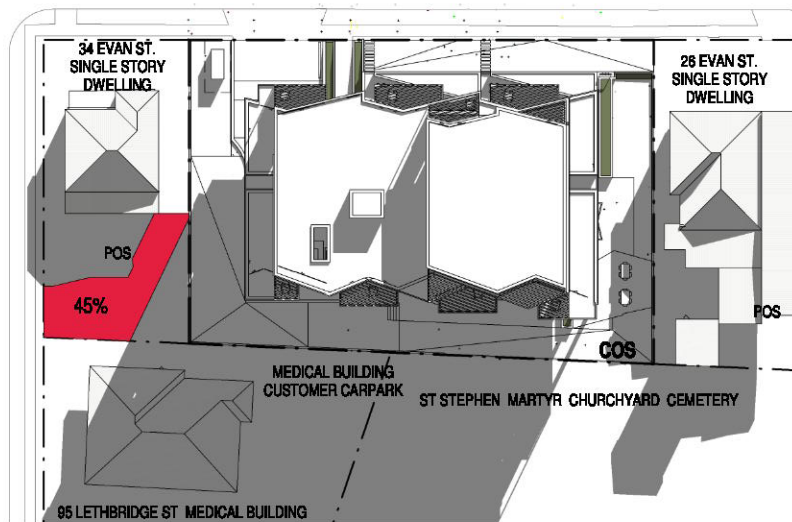
SHADOWS - JUNE 22nd 14:00PM



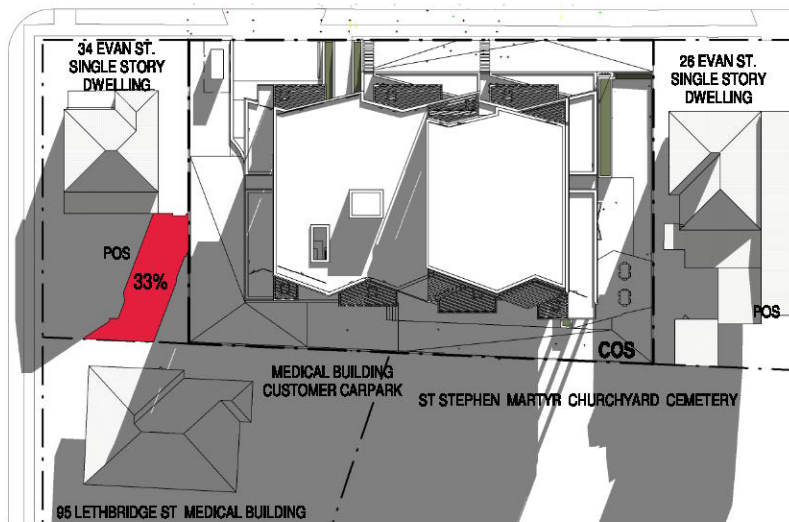
SHADOWS - JUNE 22nd 14:30PM



SHADOWS - JUNE 22nd 15:00PM



SHADOWS - JUNE 22nd 15:30PM



SHADOWS - JUNE 22nd 16PM

Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of  
 data transferred electronically. Recipients should ensure necessary account a hard copy version  
 for verification. Use of data is at the discretion of the user. All dimensions to be verified on  
 site.  
 Morson Group Pty Ltd © Copyright  
 These drawings and designs and the copyright thereof are the property of Morson Group Pty  
 Ltd and must not be used, reproduced or copied without the written permission of Morson Group  
 Pty Ltd.  
 AS/NZS 41:199 AND 41:200 NOMINATED ARCHITECT: P Morson(2017)

ISSUE	DATE	AMENDMENT
A	19-10-2019	DA SUBMISSION
B	29-12-2019	DA SUBMISSION
C	04-05-2020	DA SUBMISSION



PROJECT  
 PROPOSED RESIDENTIAL FLAT BUILDING  
 ADDRESS  
 25-32 Evans Street, Parrish, NSW, 2750

CLIENT  
 StarlinePL

MORSON  
 GROUP

UNLIMITED ARCHITECT - P.F.  
 ARCHITECT REGISTRATION NUMBER 5100  
 ACPA 100 400 200 400 400 400 400 400  
 www.morsongroup.com.au  
 02 9222 4744  
 PO BOX 170, PARRISH NSW 2750

SHEET SIZE: A4  
 SCALE  
 1:400

SHEET NAME  
 SHADOW DIAGRAMS

DRAWING NUMBER  
 DA25  
 SHEET NO.  
 C





WEST ELEVATION



EAST ELEVATION

ISSUE	DATE	AMENDMENT
B	2019-10-30	DA SUBMISSION
C	2020-05-04	DA SUBMISSION
D	2020-05-20	DA SUBMISSION
E	2020-05-26	DA SUBMISSION
F	2020-06-03	DA SUBMISSION

Document Set ID: 9179985  
Version: 1, Version Date: 17/06/2020

PROJECT  
**PROPOSED RESIDENTIAL FLAT BUILDING**  
ADDRESS  
28-32 Evans Street, Penrith, NSW, 2750

CLIENT  
StemsaPL

**MORSON GROUP**

NOMINATED ARCHITECT - P F F  
ARCHITECT REGISTRATION NUMBER: 8100  
ACCA 159 480 056, ABA 41 159 480 056  
www.morsongroup.com.au  
(02) 9785 4744  
PO Box 170, Penrith, NSW 1505

SHEET SIZE: A1  
SCALE DATE

SHEET NAME  
**VIEWS**

DRAWING NUMBER

**DA26**

ISSUE NO.

**F**

Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use Spurred dimensions in preference to scale. All dimensions to be verified on site.

Morson Group Pty Ltd © Copyright

These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.  
ABN 41 159 480 056 NOMINATED ARCHITECT: P Morson(8100)





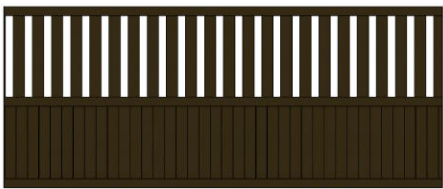
Morson Group Pty Ltd accept no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary request a hard copy version for verification. Use Spurred dimensions in preference to scale. All dimensions to be verified on site.

**Morson Group Pty Ltd © Copyright**

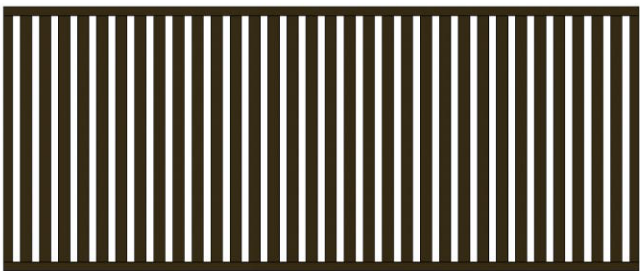
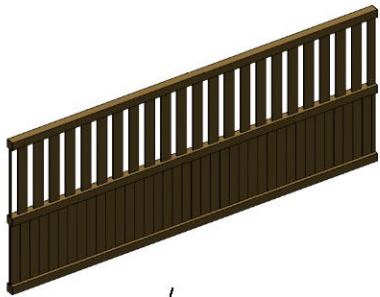
These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, retained or copied without the written permission of Morson Group Pty Ltd.

ABN 41 159 480 056 NOMINATED ARCHITECT: P Morson(B100)

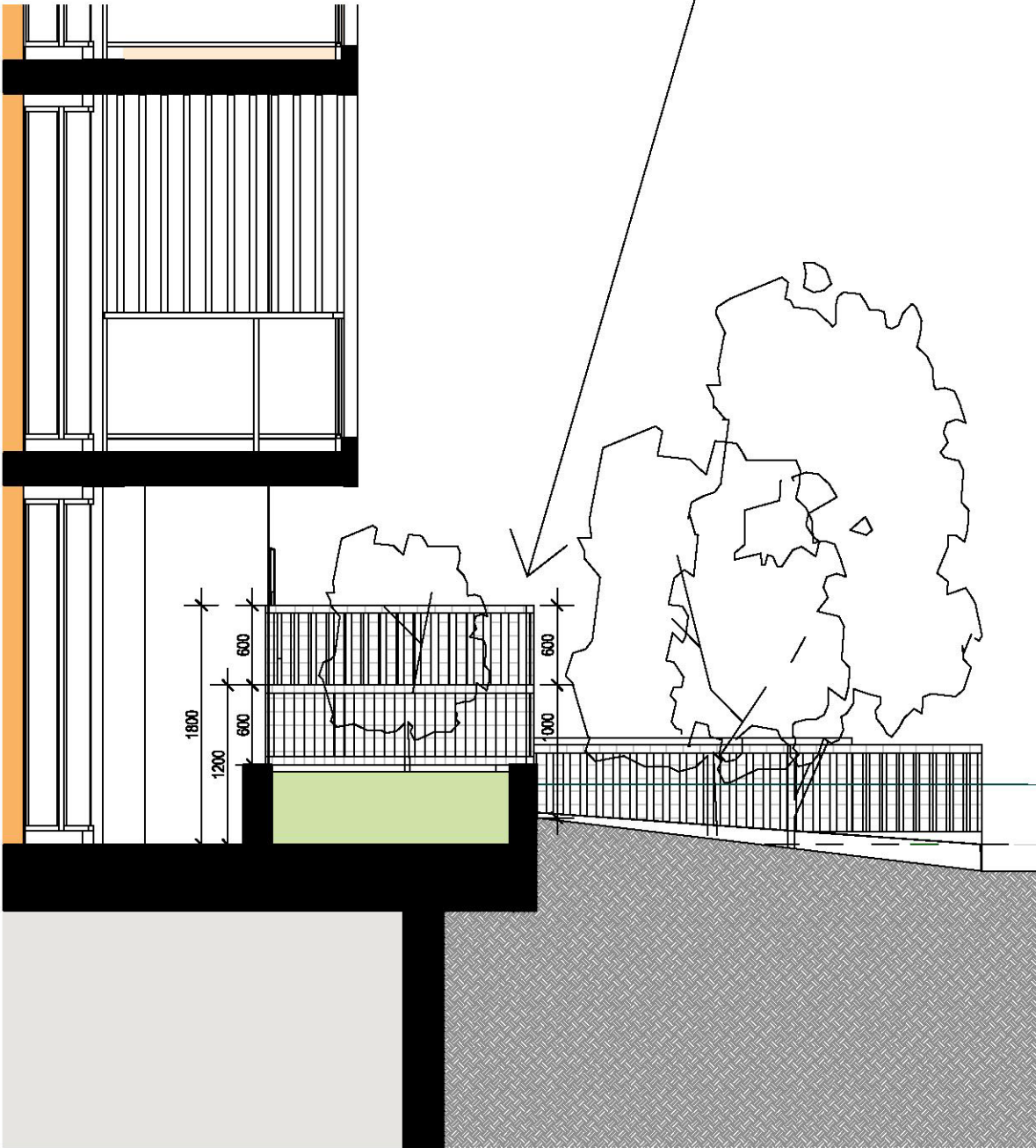
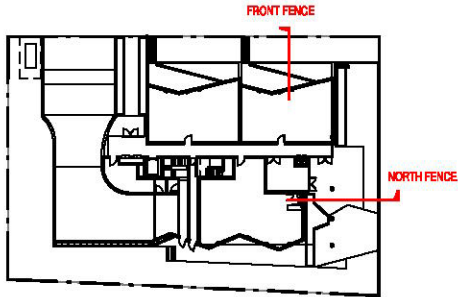
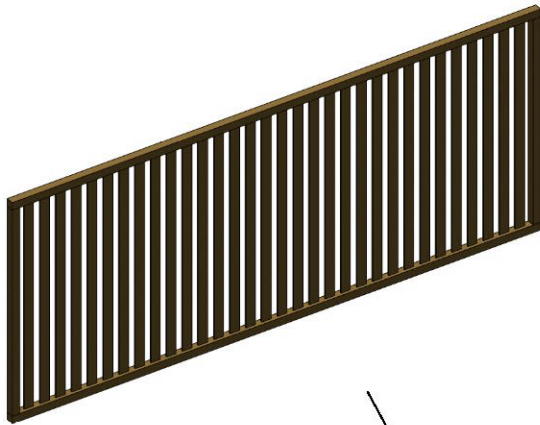




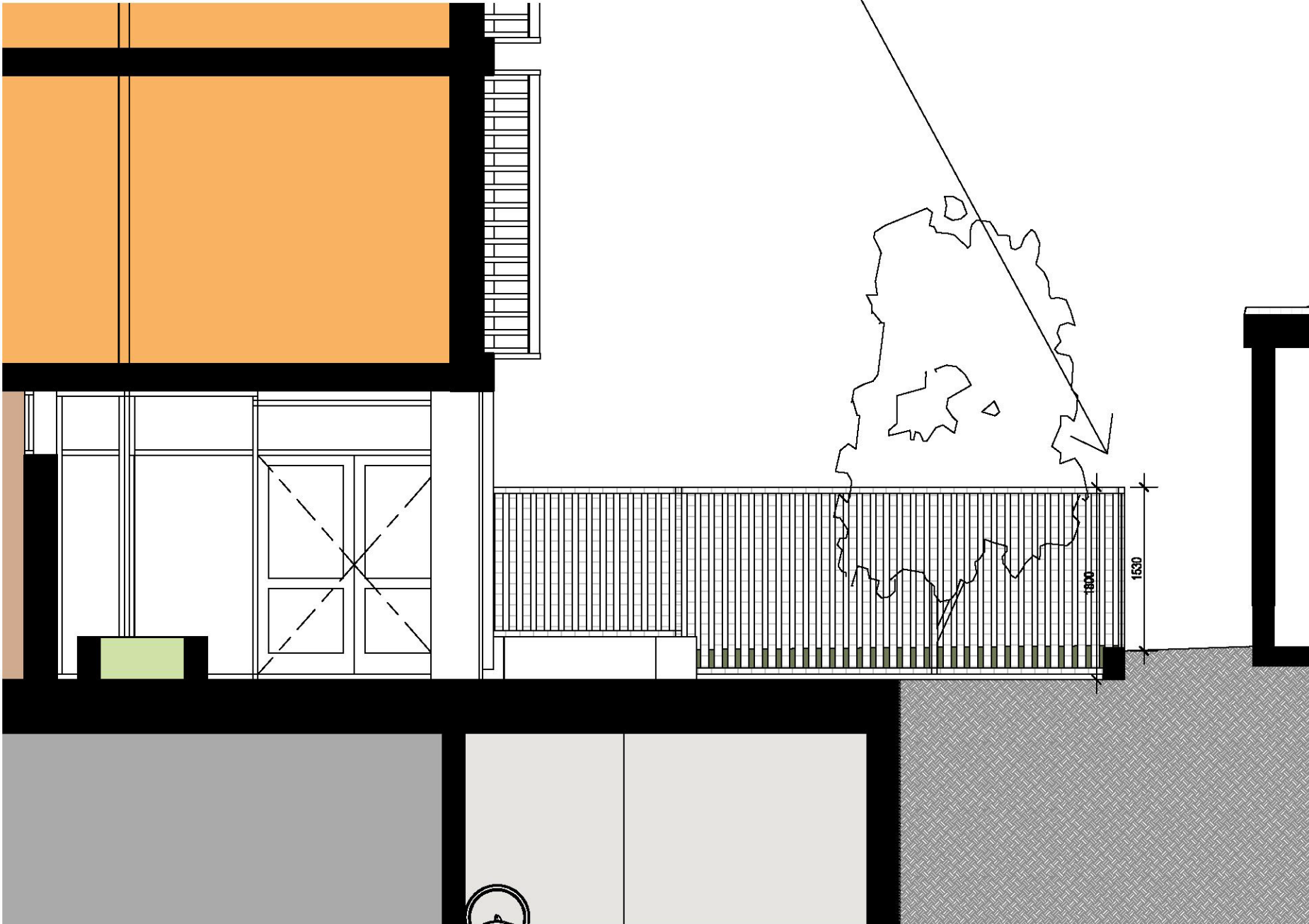
TIMBER LOOK POWDER COATED ALUMINIUM  
Slats 75mmx10mm



TIMBER LOOK POWDER COATED ALUMINIUM  
Slats 75mmx10mm



SECTION FRONT FENCE



SECTION NORTH FENCE

ISSUE	DATE	AMENDMENT
A	25-12-2019	DA SUBMISSION
B	04-05-2020	DA SUBMISSION

PROJECT  
PROPOSED RESIDENTIAL FLAT BUILDING  
ADDRESS  
25-27 Evans Street, Parrish, NSW, 2750

CLIENT  
Serravallo

MORSON  
GROUP

UNLIMITED LIABILITY - P.F.  
ARCHITECTS (NSW) PTY LTD  
ACN 159 480 556, ABN 41 159 480 556  
www.morsongroup.com.au  
225 COXS DRIVE  
POTTERY HILL, PARRISH, NSW 2750

SHEET SIZE: A4  
SCALE  
As Indicated

SHEET NAME  
Fence Details

DRAWING NUMBER  
DA36  
SHEET NO.  
B

Morson Group Pty Ltd accepts no responsibility for the usability, completeness or accuracy of data transferred electronically. Recipients should when necessary acquire a hard copy version for verification. Use of data is at the discretion of the user. All dimensions to be verified on site.  
Morson Group Pty Ltd © Copyright  
These drawings and designs and the copyright thereof are the property of Morson Group Pty Ltd and must not be used, reproduced or copied without the written permission of Morson Group Pty Ltd.  
AS/NZS 41:159 480 556 UNLIMITED LIABILITY - P.F. Morson(2019)

# EYE OF THE SUN - EAST



Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**EAST VIEW - 8-00AM JUN 22**



**EAST VIEW - 8-30AM JUN 22**



# EYE OF THE SUN - EAST



Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**EAST VIEW - 9-00AM JUN 22**



**EAST VIEW - 9-30AM JUN 22**

# EYE OF THE SUN - EAST

Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**



ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**EAST VIEW - 10-00AM JUN 22**



**EAST VIEW - 10-30AM JUN 22**

# EYE OF THE SUN - EAST

Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

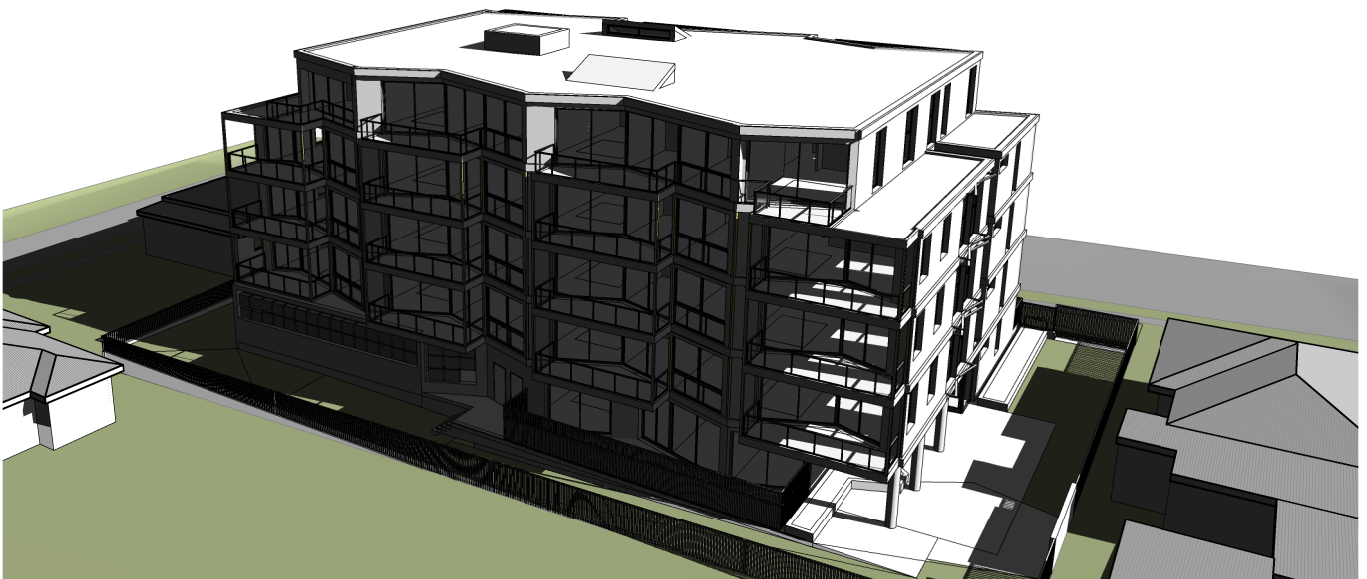


ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**EAST VIEW - 11-00AM JUN 22**



**EAST VIEW - 11-30AM JUN 22**



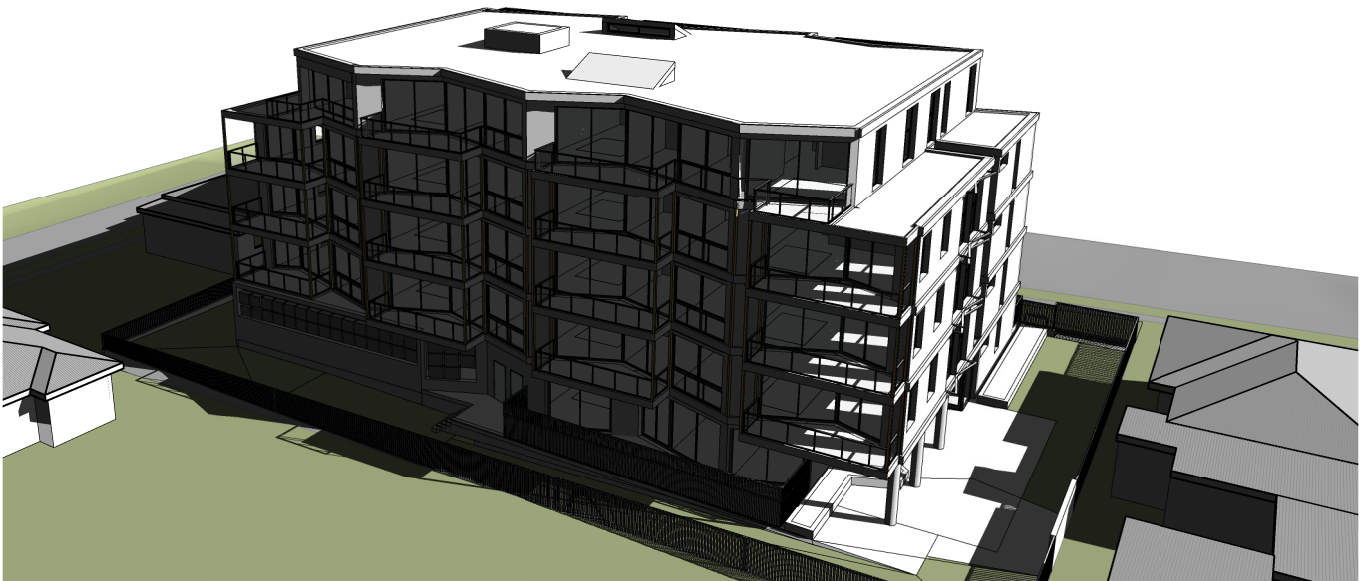
# EYE OF THE SUN - EAST



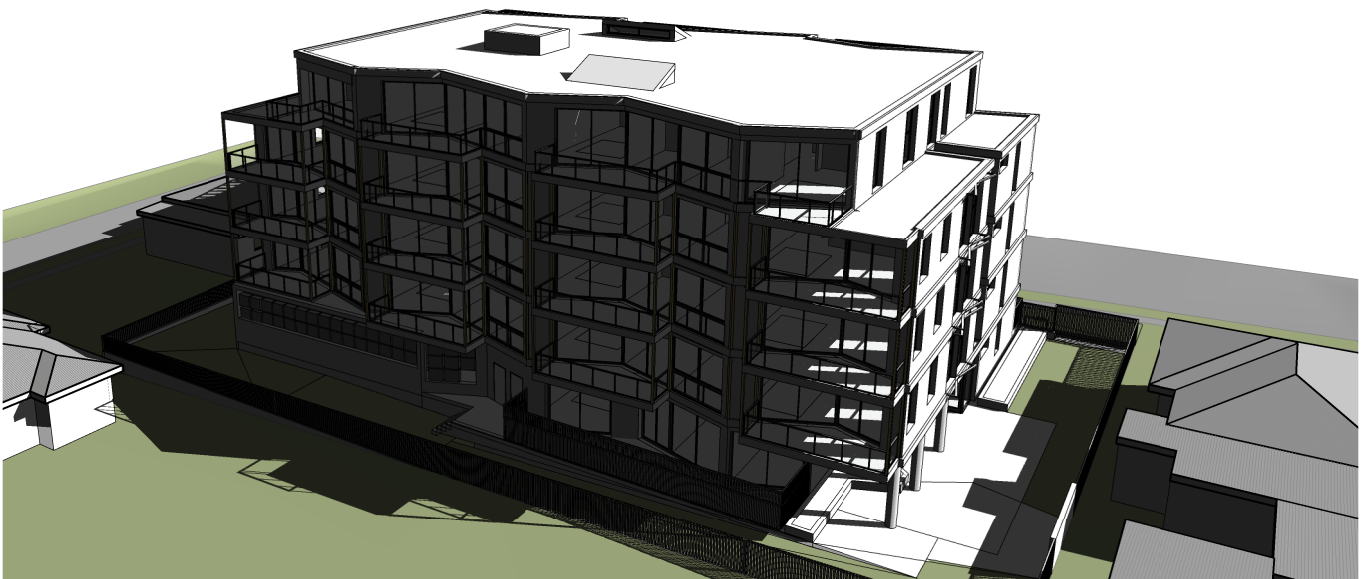
Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**EAST VIEW - 12:00PM JUN 22**



**EAST VIEW - 12:30PM JUN 22**



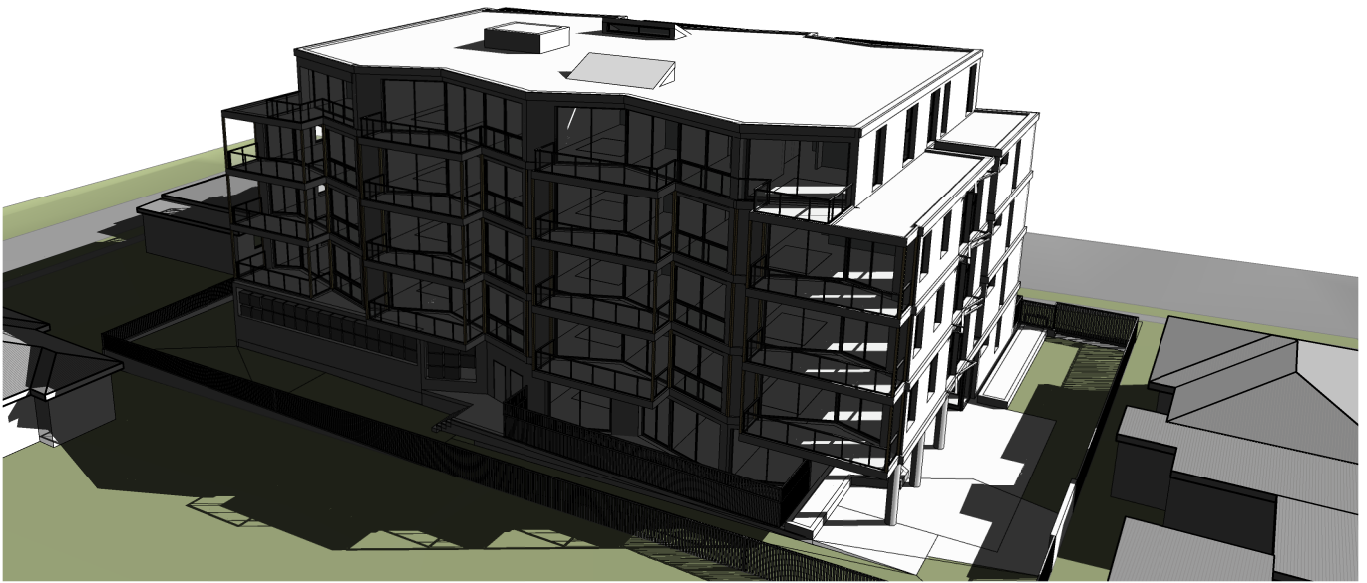
# EYE OF THE SUN - EAST



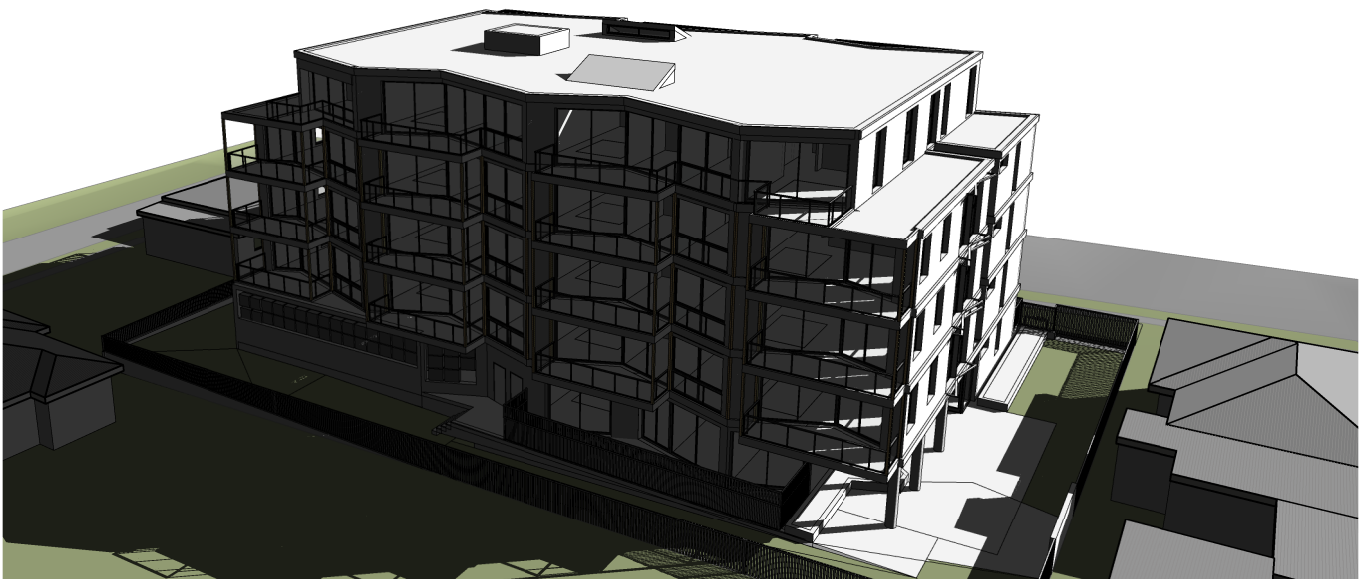
Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**EAST VIEW - 13-00PM JUN 22**



**EAST VIEW - 13-30PM JUN 22**

# EYE OF THE SUN - EAST



Project No. **18026**

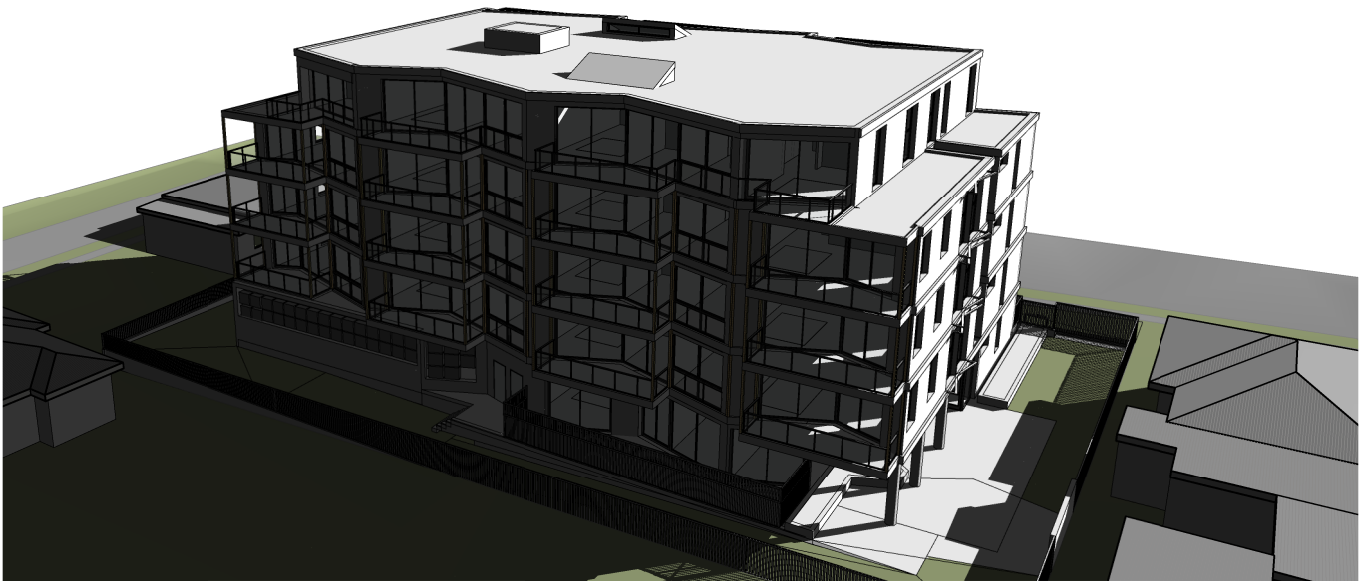
Project **PROPOSED RESIDENTIAL FLAT BUILDING**

Address **28-32 Evans Street, Penrith, NSW, 2750**

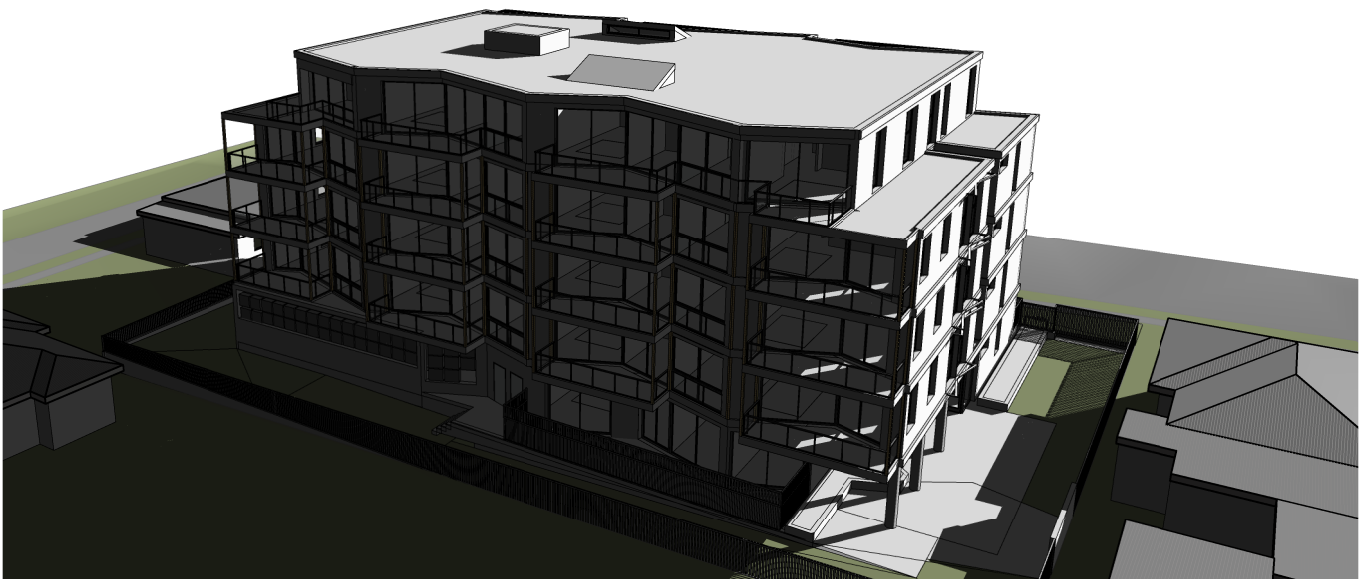
Project Status **DA**

Client **StemaaPL**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335



**EAST VIEW - 14-00PM JUN 22**



**EAST VIEW - 14-30PM JUN 22**

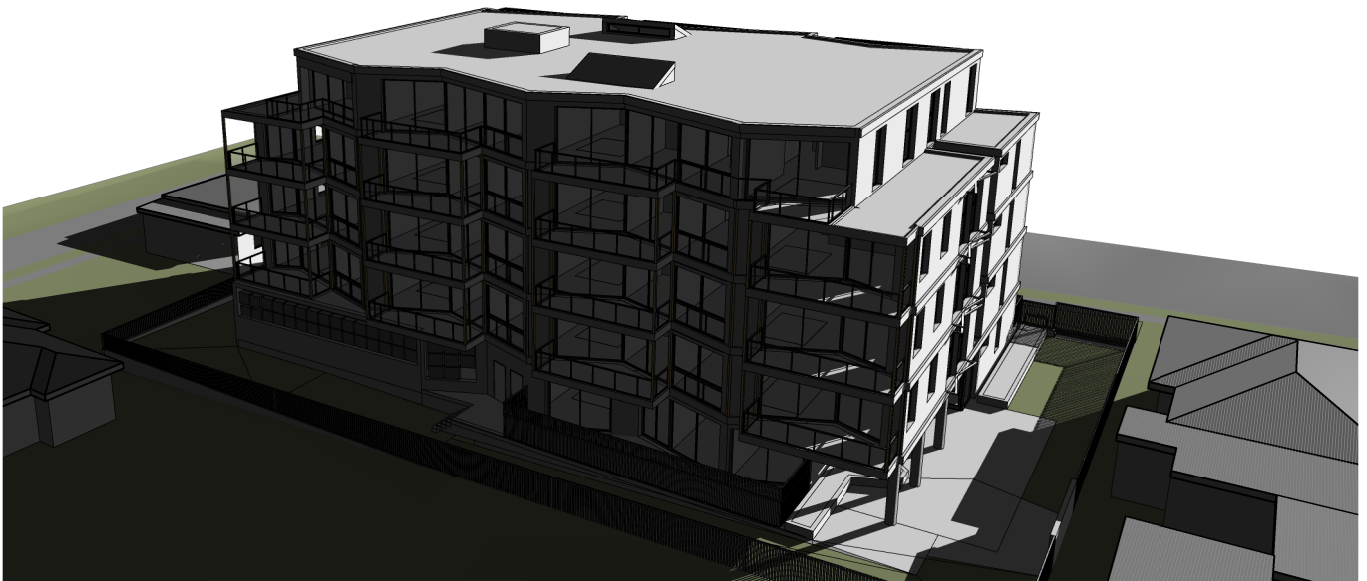
# EYE OF THE SUN - EAST



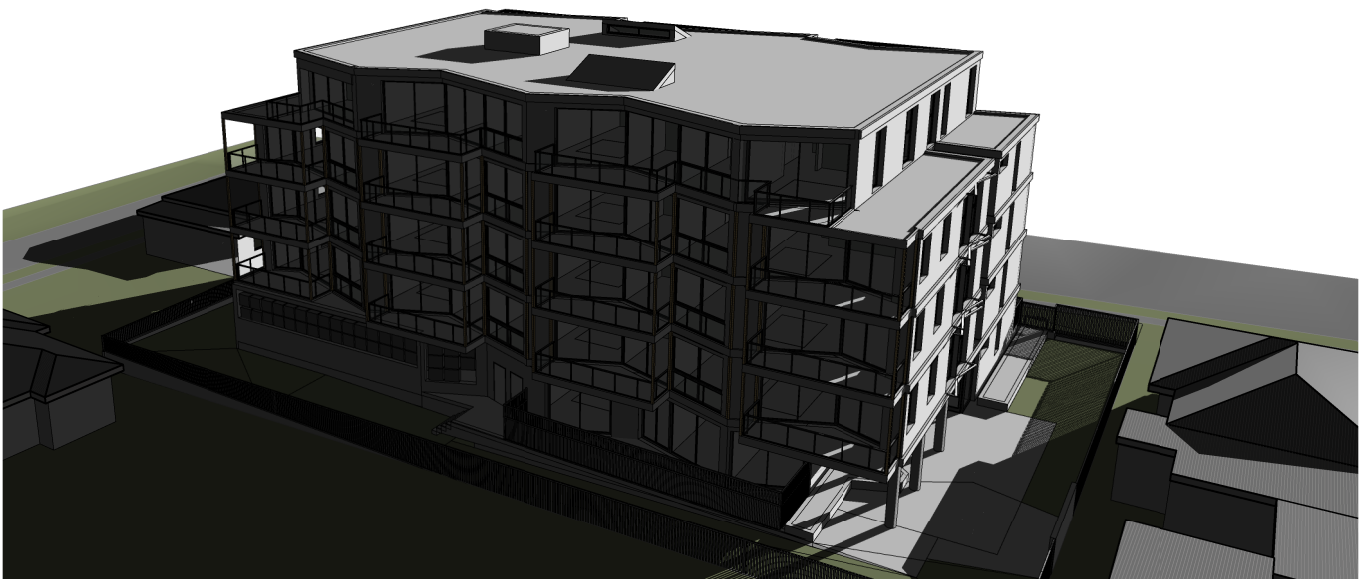
Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**EAST VIEW - 15-00PM JUN 22**



**EAST VIEW - 15-30PM JUN 22**

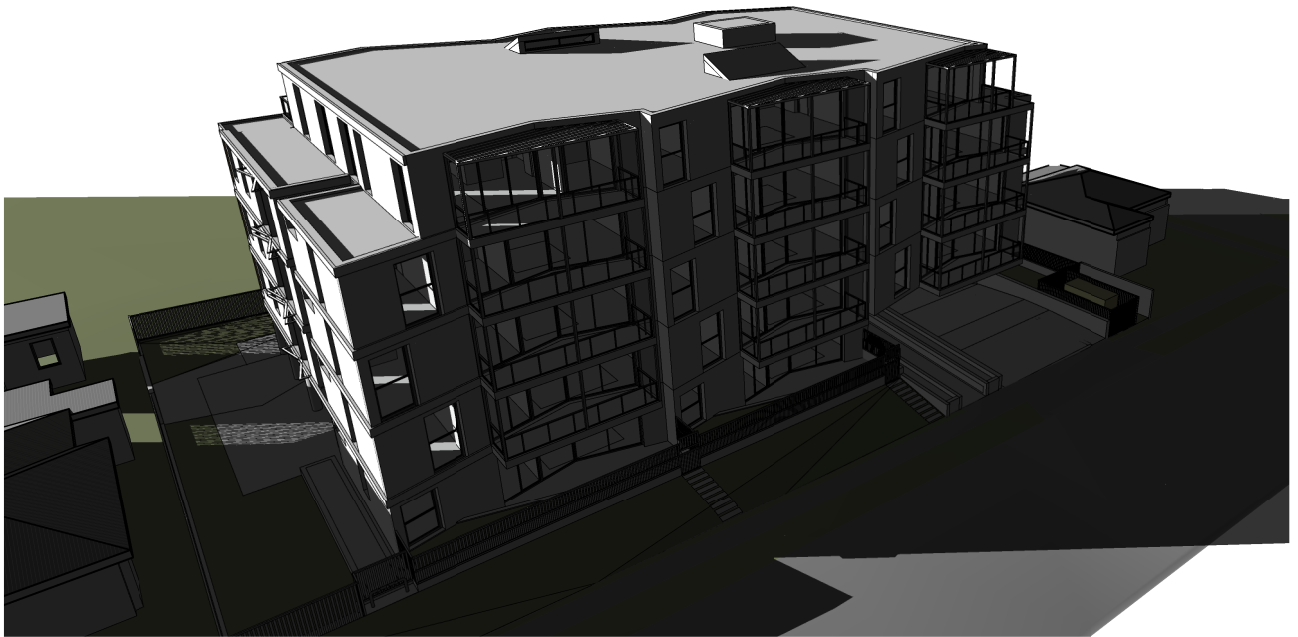
# EYE OF THE SUN - WEST



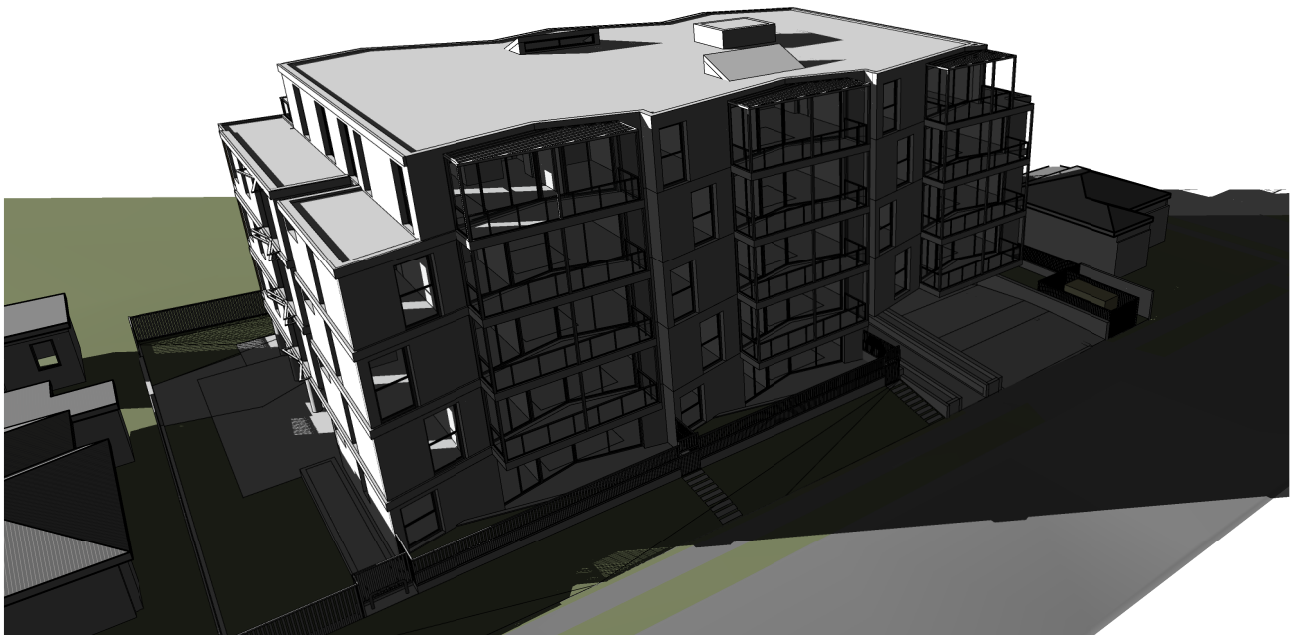
Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**WEST VIEW - 8-00AM JUN 22**



**WEST VIEW - 8-30AM JUN 22**



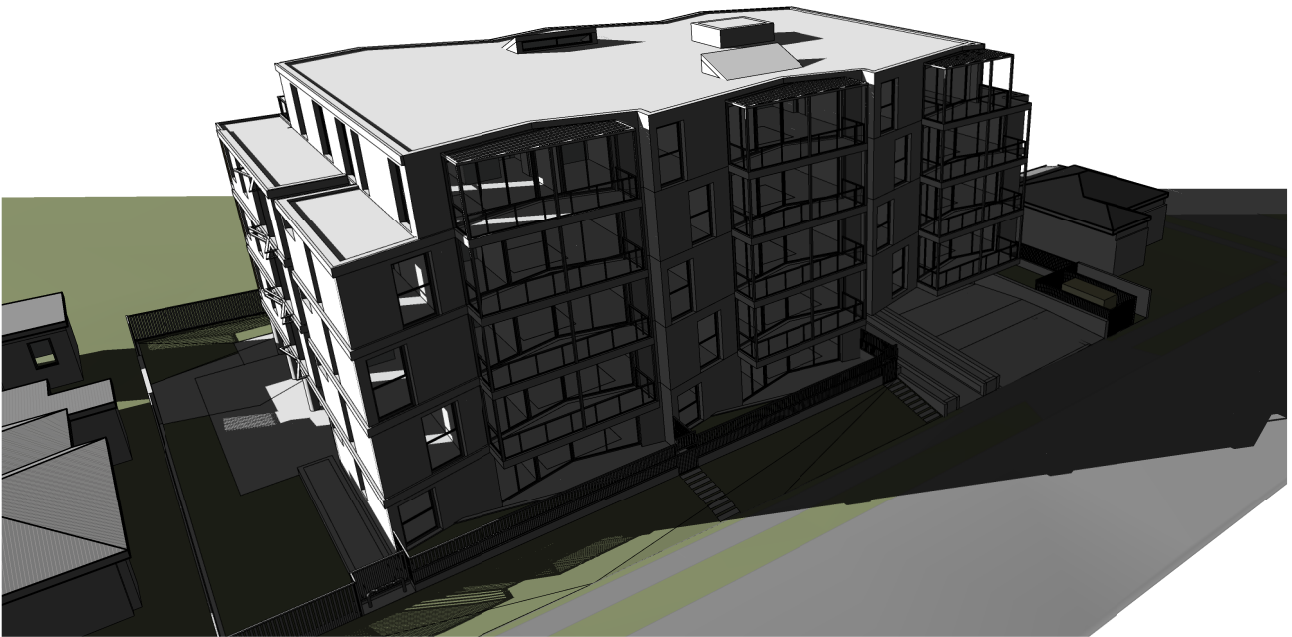
# EYE OF THE SUN - WEST



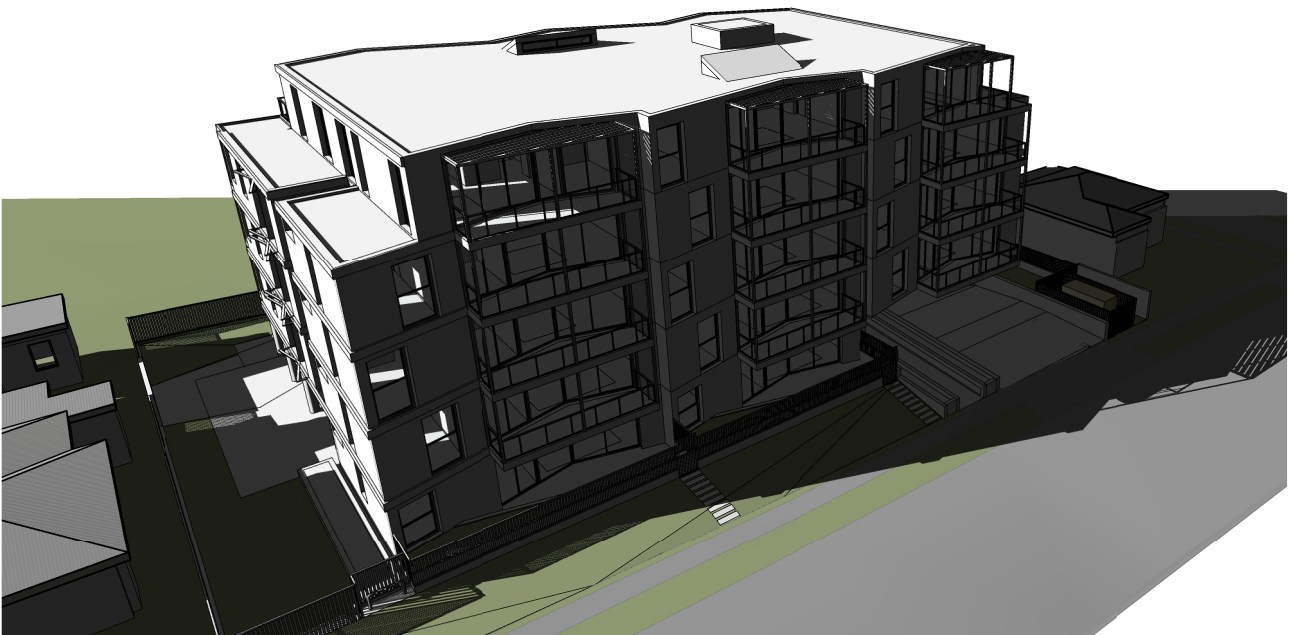
Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**WEST VIEW - 9-00AM JUN 22**



**WEST VIEW - 9-30AM JUN 22**

# EYE OF THE SUN - WEST



Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**WEST VIEW - 10-00AM JUN 22**



**WEST VIEW - 10-30AM JUN 22**

# EYE OF THE SUN - WEST



Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: [info@morsongroup.com.au](mailto:info@morsongroup.com.au) P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**WEST VIEW - 11-00AM JUN 22**



**WEST VIEW - 11-30AM JUN 22**



# EYE OF THE SUN - WEST

Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**



ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**WEST VIEW - 12-00PM JUN 22**



**WEST VIEW - 12-30PM JUN 22**



# EYE OF THE SUN - WEST



Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



UNIT 51 & 52 DAYLIGHT ACCESS - ZOOM IN VIEW

**WEST VIEW - 13-00PM JUN 22**



**WEST VIEW - 13-30PM JUN 22**

# EYE OF THE SUN - WEST



Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**WEST VIEW - 14-00PM JUN 22**



**WEST VIEW - 14-30PM JUN 22**

# EYE OF THE SUN - WEST



Project No. **18026**  
Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
Address **28-32 Evans Street, Penrith, NSW, 2750**  
Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
E: info@morsongroup.com.au P: (02) 9380 4946  
P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**



**WEST VIEW - 15-00PM JUN 22**



**WEST VIEW - 15-30PM JUN 22**



# COMPLIANCE TABLE



Project No. **18026**  
 Project **PROPOSED RESIDENTIAL FLAT BUILDING**  
 Address **28-32 Evans Street, Penrith, NSW, 2750**  
 Project Status **DA**

ACN 159 480 056, ABN 41 159 480 056  
 E: info@morsongroup.com.au P: (02) 9380 4946  
 P: PO Box 170, Potts Point, NSW, 1335

Client **StemaaPL**

## SEPP 65-COMPLIANCE TABLE

No.	Type	Time	Hours 9am to 3pm	Daylight Access fom 9am to 3pm	Hours 8am to 3.30pm	Daylight Access fom 8am to 3:30pm
-----	------	------	------------------	-----------------------------------	---------------------	--------------------------------------

### GROUND LEVEL

01	2B Adap. & Liv.	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
02	2B Adap. & Liv.	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
03	3B	from 08:00 to 10:00	1h	No	2h	Yes

### LEVEL 1

11	2B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
12	2B Adap. & Liv.	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
13	2B Adap. & Liv.	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
14	2B	from 08:00 to 09:30	15'	No	1h 15'	No
15	2B	from 08:00 to 09:30	30'	No	1h 30'	No
16	2B Livable	from 08:00 to 09:30	30'	No	1h 30'	No
17	2B	from 08:00 to 14:30	5h 30'	Yes	6h 30'	Yes

### LEVEL 2

21	2B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
22	2B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
23	2B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
24	2B	from 08:00 to 09:30	15'	No	1h 15'	No
25	2B	from 08:00 to 09:30	30'	No	1h 30'	No
26	2B Livable	from 08:00 to 09:30	30'	No	1h 30'	No
27	2B	from 08:00 to 14:30	5h 30'	Yes	6h 30'	Yes

### LEVEL 3

31	2B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
32	2B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
33	2B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
34	2B	from 08:00 to 09:30	15'	No	1h 15'	No
35	2B	from 08:00 to 09:30	30'	No	1h 30'	No
36	2B Livable	from 08:00 to 09:30	30'	No	1h 30'	No
37	2B	from 08:00 to 14:30	5h 30'	Yes	6h 30'	Yes

### LEVEL 4

41	3B	from 13:00 to 15:30	2h	Yes	2h 30'	Yes
42	3B	from 12:00 to 15:30	3h	Yes	3h 30'	Yes
43	1B + Study	from 08:00 to 15:30	6h	Yes	7h 30'	Yes
44	2B	from 08:00 to 10:00	1h	No	2h	Yes
45	2B	from 08:00 to 10:00	1h	No	2h	Yes
46	1B	from 08:00 to 14:00	6h	Yes	7h 30'	Yes

18/30  
60%

21/30  
70%







LANDSCAPE WORK SPECIFICATION

PRELIMINARIES

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

- The landscape plans should be read in conjunction with the architectural plans, hydraulic plans, service plans and survey prepared for the proposed development.
- All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.
- Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of landscape works and handstand poles.
- All outdoor lighting specified by architect or client to be installed by qualified electrician
- Anomalies that occur in these plans should be brought to our immediate attention.
- Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with AS 4970-2009 Protection of trees on development sites. Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health.

Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw.

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

Erosion & pollution control measures shall incorporate the following:

- Construction of a sediment trap at the vehicle access point to the subject site.
- Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.
- Earth banks to prevent scour of stockpiles
- Sandbagged kerb sediment traps
- Straw bales & geotextile sediment filter.
- Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to 'Guidelines for Erosion and Sediment Control on Building Sites' by DLWC (2000) for construction techniques

SOIL WORKS

2.01 MATERIALS

**Specified Soil Conditioner (Generally to improve site soil)**

The specified soil conditioner for site top-soil improvement shall be an organic mix complies with AS 4454-2012 Composts, soil conditioners and mulches. Note that for sites where soil testing indicates toxins or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

**New gardens & proposed Planting**

New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported soil. All mixes are to comply with AS4419-2003 Soils for Landscaping and garden use, & AS 4454 Composts, Soil conditioners & mulches.

**Specified Soil Mix - Turf**

The specified soil mix for all turf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river and (reasonably coarse), and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress.

**Site Topsoil**

Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix when site topsoil runs out.

2.02 INSTALLATION

**a) Testing**

All testing is to be conducted in accordance with AS4419-2003 Soils for Landscaping and garden use. Methods for testing soils for engineering purposes. Site soil shall be given a pH test prior to modifying to ensure conditions are appropriate for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the pH shall be adjusted accordingly with sulphur or lime to suit.

Note that a soil test conducted by the Sydney Environmental & Soil Laboratory or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape contractor shall implement the recommendations of this test.

**b) Set Out of Individual Trees & Mass Planting Areas**

All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form of marking, ready for inspection and approval. Locate all services.

**c) Establishing Subgrade Levels**

Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:

- Mass Planting Beds - 300mm below existing levels with specified imported soil mix.
- Turf areas - 100mm below finished surface level.

Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

**d) Subgrade Cultivation**

Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse tilth. Grade subgrades to provide falls to surface and subsurface drains, prior to the placement of the final specified soil mix.

**e) Drainage Works**

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

**f) Placement and Preparation of Specified Soil Conditioner & Mixes.**

- Trees in turf & beds - Holes shall be twice as wide as root ball and minimum 100mm deeper - backfill hole with 50/50 mix of clean site soil and imported 'Organic Garden Mix' as supplied by ANL or approved equal.
- Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm. Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine tilth and good growing medium in preparation for planting.
- Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm. Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

PLANTING

3.01 MATERIALS

**a) Quality and Size of Plant Material**

All trees supplied above a 25L container size must be grown and planted in accordance with AS 2303 2015 Tree stock for landscape use. Certification that trees have been grown to AS2303:2015 guidelines is to be provided upon request of Council's Tree Management Officer.

**Above - Ground Assessment:**

The following plant quality assessment criteria should be followed:

*Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is apically dominant, has even crown symmetry, free from included bark & stem junctions, even trunk position in pot, good stem structure*

**Below - Ground Assessment:**

Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering. For further explanation and description of these assessment criteria, refer to AS2303:2015. All plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above.

**b) Stakes and Ties**

Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unapainted, straight hardwood, free of knots and pointed at one end. They shall be 2200mm x 50mm x 50mm Hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

**c) Fertilisers**

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilizers shall be used.

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS

5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

2.01 MATERIALS

1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET

2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST), NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING





# STATEMENT OF ENVIRONMENTAL EFFECTS

For a Proposed Residential Flat Building at 28-32 Evan St, Penrith, NSW, 2750

Wednesday, October 30, 2019

Revision: C



---

Morson Architects Pty Ltd  
ABN 54 603 944 556.  
Nominated Architect: Peter Morson  
(NSW Rego no. 8100), (QLD Rego no. 5340)

L2, 3 Barrack St, Sydney, NSW, 2000  
Ph: 02 9380 4946, M: 0439 477 181  
E: info@morsongroup.com.au  
E: peter@morsongroup.com.au



pg. 1

## Revision History

Version	Author	Reviewed	
First round for Pre lodgement 20 March 2019	KR	PM	12 March 2019
Version A For DA lodgement	KR		8 May 2019
Version B amended for site isolation attachments	KR		6 August 2019
Version C amended	KR		28 October 2019

## Authorship

This statement is prepared by Kim Rothe, Bachelor of Applied Science (Environmental Science) (Hons) of Matsuplan Planning Services. 23 Years of Experience in Assessment Planning both in a public and private capacity.



## CONTENTS

<b>1. INTRODUCTION.....</b>	<b>4</b>
<b>2. CAPITAL INVESTMENT VALUE.....</b>	<b>5</b>
<b>3. THE LOCALITY AND SITE.....</b>	<b>5</b>
<b>4. BACKGROUND / RELEVANT HISTORY.....</b>	<b>8</b>
<b>5. DESCRIPTION OF THE PROPOSAL .....</b>	<b>8</b>
<b>6. ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15.....</b>	<b>13</b>
6.1 Section 4.15(1)(a) Environmental Planning instruments .....	13
6.2 Integrated Development.....	13
6.3 Relevant State Instruments and Legislation .....	14
6.4 Penrith Local Environmental Plan 2010.....	25
<b>7.0 Section 4.15(1)(a)(ii) DRAFT AMENDMENTS TO STATUTORY CONTROLS..</b>	<b>27</b>
<b>8.0 Section 4.15(a)(iii) DEVELOPMENT CONTROL PLANS .....</b>	<b>27</b>
8.1 Penrith Development Control Plan 2014.....	27
<b>9.0 Section 4.15(1)(a)(iv) APPLICABLE REGULATIONS .....</b>	<b>35</b>
<b>10.0 Section 4.15(1)(b) THE LIKELY IMPACTS OF THE PROPOSAL.....</b>	<b>36</b>
<b>11.0 Section 4.15(1)(c) THE SUITABILITY OF THE SITE .....</b>	<b>36</b>
<b>12.0 Section 4.15(1)(e) THE PUBLIC INTEREST – CONCLUSION .....</b>	<b>37</b>

**Appendix 1 - Clause 4.6 Request for Variation – Clause 4.3 Building Height – Page 45**

**Appendix 2 – Site Isolation documentation, valuation reports and documentation of letters of offer to owner of 34 Evan Street, Penrith -Page \*\***

**Appendix 3 – Cost of Works summary**

## 1. INTRODUCTION

This amended Statement of Environmental Effects is prepared for the consideration of Penrith Council in support of development of three existing allotments for a new residential flat building. It involves the demolition of the three existing dwelling houses and construction of a six storey residential flat building comprising 40 apartments and basement parking for 49 cars, at 28-32 Evan Street, Penrith. The purpose of this report is to describe the development and review the relevant planning requirements relating to the proposal. This report has been updated to reflect alterations made to the proposal following lodgement and the raising of issues by the Council.

The proposal has been designed to relate to its site, surrounding uses, and minimise impacts to the surrounding residential or heritage affected premises. It also provides for an assessment of the proposal, having regard to relevant legislation and the Penrith Council Policies. The preparation of this Statement is pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (As amended) and Clause 50 of the *Environmental Planning and Assessment Regulation 2000*.

In the preparation of this Statement of Environmental Effects the site considers the following drawings and documents:

- Architectural Plan suite prepared by Morson Group PTY LTD
  - DA00 – Views and Schedules
  - DA01 – SEPP 65 Compliance Schedule
  - DA02 – SEPP 65 Design Criteria and Objectives
  - DA03 – Demolition Plan
  - DA04 – Site Plan
  - DA05 – DA11 – Floor Plans Ground level to Level 5 and Roof
  - DA12 – DA13 – Basement 1 and 2
  - DA14 – DA20 – Sections 1 to 7
  - DA21 – DA24 – Elevations
  - DA25 – Shadows
  - DA27 – Views
  - DA28 – Detailed slab Section
  - DA29 – Detailed Section North

Other plan documentation included in the package includes:

- Survey Plan, by Higgins Surveyors;
- BCA Assessment Report;
- *amended* Landscape Plan, by Conzept Landscape Architects Revision I
- Geotechnical Investigation Report, by Morrow, Dated 9 September 2019

- Construction Noise and Vibration Management Plan by Rodney Stevens Acoustics, 1 October 2019
- *amended* Stormwater Drainage Layout Plans and Stormwater Drainage Report, by LAM Consulting Revision C 10 September 2019;
- Statement of Compliance Access for People with a Disability, by Accessible Building Solutions;
- BASIX Certificate and NatHERS Certificate, by Eco Certifiers;
- Traffic and Parking Assessment Report by Stanbury Traffic Planning 23 October 2019;
- Statement of Heritage Impact by Heritage 21 dated March 2019
- Construction and Demolition Waste Management Plan;
- Operational Waste Management Plan, by Elephants Foot; and

Documentation directly attached to this Statement of Environmental Effects includes:

- *amended* Clause 4.6 Exception to Development Standards submission relative to Height of Buildings at Clause 4.3 of Penrith Local Environmental Plan 2010 (LEP 2010), by MPS;
- Site Isolation Documentation, letters of offer and correspondence regarding the purchase of 34 Evan Street, Penrith, by Agile Conveyancing.
- Quantity Surveyors Cost Summary Report, by WT Partnership;

## **2. CAPITAL INVESTMENT VALUE**

As detailed in the associated Development Cost Report by WT Partnership submitted separately, the project has a development cost of \$22,600,000.00. Therefore, the Penrith Council Local Planning Panel is the consent authority.

## **3. THE LOCALITY AND THE SITE**

The site comprises three allotments on the eastern side of Evan Street near the intersection of Evan Street with Lethbridge Street

The legal property descriptions of the sites are as follows:

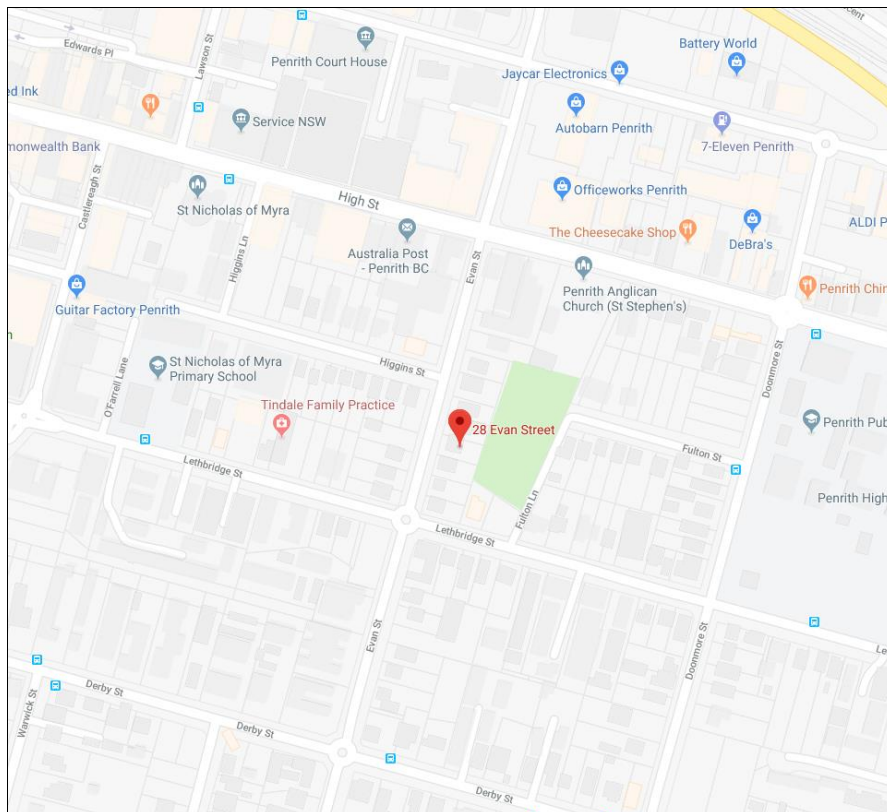
- Lot A in Deposited Plan No. 324069, 28 Evan Street; Penrith
- Lot A in Deposited Plan No. 355720, 30 Evan Street; Penrith
- Lot 1 in Deposited Plan No. 510281, 32 Evan Street; Penrith



The overall cumulative subject site has an approximate primary frontage of 49.18 metres to Evans Street, and a length of 34.28 m along the northern boundary, and a length of 32.12 m along the southern boundary and rear eastern boundary of 49.23 m.

Each individual allotment which comprise the site contain single detached dwellings with some limited trees principally in the front yards of the lots. Vehicular access is from Evan Street only.

Adjoining development includes dwellings to the north and south, a physiotherapy premises in a former dwelling to the south east and cemetery attached to the rear of Penrith St Stephens Church which fronts high street.



**Figure 1:** Location Plan of the site (Source Google.com)



**Figure 2:** Aerial of the site (Source Google.com)

The immediate locality is principally low density single dwellings interspersed with some medical facilities in former dwellings. Further norther and north west, the residential density increases into medium density forms until transitioning into the Penrith City centre commercial district and train interchange.



**Figure 3:** 32 Evan Street looking north (Source Google.com)





**Figure 4:** 28 Evan Street looking south (Source Google.com)

The site is not a heritage item nor located in an indefinable conservation area however does back onto an identified Heritage item of St Stephen's Anglican Church, Hall and Cemetery (I206) at 258-280 High Street. The item is identified as being an item with local Heritage significance.

#### **4. BACKGROUND / RELEVANT HISTORY**

##### Relevant history

This application is preceded by an earlier application DA17/1359 Demolition of Existing Structures & Construction of Six (6) Storey Residential Flat Building containing 54 Apartments & Three (3) Levels of Basement Car Parking. The application was lodged 22 December 2017. Council raised a number of issues associated with the proposal in a letter dated 21 May 2018. The client nominated to withdraw the application.

The subject application is a similar application however the architectural suite is prepared by a new design firm and has had multiple consultations with Council to respond to the issues as raised in the preceding application.

Initial consultation on the revised design occurred on 14 November 2018 for Councils Urban Design Review Panel. Written feedback was provided by Council and included concerns relating to:

- Context and neighbourhood character
- Appropriateness of development to future character
- Built form, scale and character matter including setbacks, site isolation to 95 Lethbridge Street, front/side setback variations.
- Building height variation



- Landscaping and Open Space issues including heritage matters, waste collection location, deep soil plantings and locations.
- General apartment amenity design issues.

A further pre-lodgement meeting occurred on 22 November 2018 with written follow up advice provided on 28 November 2018. This included matters including:

- Concerns relating to site isolation
- Geotechnical report required
- Height Variation request required
- SEPP 65 statement required
- Contamination report required
- Acoustic impacts / noise report
- Waste management, Waste water management details required.
- Engineering (Stormwater, Earthworks and Traffic) matters and criteria provided.
- BCA report required details fire safety, accessibility
- Bin requirements detailed including garbage truck collection and waste chute matters.

Prior to lodgement of this subject application, a second Urban Design Review Panel Advice meeting occurred at Council on 20 March 2019 with further written advice provided including

- Concerns maintained of the extent of variation to Clause 4.3 Building Height control
- Clause 4.6 is insufficient and does not address key Land and Environment Court judgements.
- Landscaping character is improved with refinements recommended to basement configuration for further deep soil opportunities.
- Relocation of substation recommended
- Landscaping plans require significant amendment to reflect the landscape character of suburban Penrith.
- Ground floor communal area to be update to incorporate a room and BBQ facilities
- Southern landscaped area more appropriate as a planted area and not an active usable space. Roof space area recommended in lieu of less available ground areas for communal space.
- Commentary provided on solar access
- Alternative design treatments recommended to be applied to northern elevation of apartments on level 3.
- Heritage report required to embellish on current built form and reasoning why current design is suitable.

The as submitted architectural package, associated report and plans have considered and responded to the as raised concerns.

Following lodgement of the application, detail review of the proposal and referral, Council has sent a detailed issues letter on 19 August 2019. This amended statement, plan suite and amended / further reports respond to those issues as raised.

## 5. DESCRIPTION OF PROPOSAL

The proposal *as amended* involves the demolition of the three existing dwelling houses and the construction of a five to six storey residential flat building containing 37 (*reduced from 40*) apartments with the following unit mix:

Unit type	Number	Percentage
1 bedroom	6	16%
2 bedroom	30	81%
3 bedroom	1	3%
<b>Total</b>	<b>37</b>	<b>100%</b>

Four apartments within the proposal are adaptable.

The development also proposes two (2) basement levels to contain the car parking and principle services and associated storage and service areas with parking for forty nine (47) cars inclusive of:

- Four (4) disabled spaces,
- Seven (7) visitor spaces.
- One (1) washing / service bay

The basement area also has sufficient space and clearance for one medium rigid garbage vehicle to internally collect rubbish in the basement or provide for an internalised furniture loading area.

In detail the floors are described as follows:

### Demolition

All existing buildings and structures will be demolished as part of the proposed development. Please refer to the Demolition Plan prepared by Morson Group Architects. All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider *AS 2601 - 1991: The Demolition of Structures*.

### Tree Removal

The proposal includes the removal of 3 trees significant from the subject site. The trees are not home to any significant habitats of flora and fauna and are either not suitable to be considered for retention or require removal to facilitate the building envelope of the proposed development. No adverse impacts in relation to habitats or amenity is likely, as these trees will be replaced as part of the proposed landscape treatment.

### Excavation and Filling

Excavation is proposed for the subject site to provide two levels of basement car parking, residential storage, vehicle manoeuvring area and servicing. At its deepest point, excavation will occur to a level of RL29.455. This will involve an excavation area of approximately 7800 m<sup>3</sup> of material from the site. Generally, the proposed development will not have any detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

## **Basement Car Park**

The vehicle access to the site is on the southwestern side of the frontage to Evan Street. The pedestrian entrance is in about the middle of the frontage and includes an accessible ramp and path up to the main entrance to the building at Ground level.

A two-way ramp curves down to the first basement level where there is access to a loading facility, four (4) disabled car parking spaces, seven (7) visitor spaces and a service vehicle space. There is also access at this level to the main garbage room, the lift and fire stairs, storage and on site detention.

The ramp winds down another level to the lower basement level of the building. The lower basement comprises the lift, fire exit stair and parking for thirty-five (35) cars. It is to be noted that the footprint of the lower basement is larger than the upper basement level principally over the east side of the footprint. Above the level basement at this point is further deep soil planting.

There are dedicated rooms for residential storage on level 1 as well as a separate bicycle storage area

## **Ground Floor**

This level is at street level and includes the main vehicular and pedestrian entrances to the building.

This level also contains three (3) apartments consisting of one (1) x 3 bedroom apartment and two (2) x 2 bedroom apartments. Two units directly face Evan Street. Two (2) of the apartments are adaptable. All ground floor apartments have outdoor terraces.

This level also contains the common lift facility, fire stairs, pump and services rooms. There is also a separate room for residential storage.

The pedestrian entry is identifiable from the street and has generous proportions.

There is access at the rear of this level towards the rear of the site with a dedicated common room (18.3 m<sup>2</sup>) and part covered, part open communal open space area at the rear of the building.

## **Level 1**

There are seven (7) apartments on this level consisting of seven (7) x 2 bedroom apartments. Each apartment has a private balcony that is a minimum or exceeds 10 m<sup>2</sup>.

Service risers, Lift and fire stair access are also provided. The corridor ends to the north and south are recessed from their principle building facades.

## **Level 2**

There are seven (7) apartments on this level consisting of seven (7) x 2 bedroom apartments. Each apartment has a private balcony that is a minimum or exceeds 10 m<sup>2</sup>.



Service risers, Lift and fire stair access are also provided. The corridor ends to the north and south are recessed from their principle building facades.

### **Level 3**

There are seven (7) apartments on this level consisting of seven (7) x 2 bedroom apartments. Each apartment has a private balcony that is a minimum or exceeds 10 m<sup>2</sup>.

Service risers, Lift and fire stair access are also provided. The corridor ends to the north and south are recessed from their principle building facades.

### **Level 4**

There are six (6) apartments on this level consisting of four (4) x 1 bedroom apartments and three (3) x 2 bedroom apartments. Each one-bedroom apartment has a private balcony which that is a minimum or exceeds of 8 m<sup>2</sup>. Each two-bedroom apartment has a private balcony that is a minimum or exceeds 10 m<sup>2</sup>.

Service risers, Lift and fire stair access are also provided. The corridor ends to the north and south are recessed from their principle building facades.

The foot print of this floor is reduced from the levels below.

### **Level 5**

There are six (6) apartments on this level consisting of two (2) x 1 bedroom apartments and four (4) x 2 bedroom apartments. Each one-bedroom apartment has a private balcony which that is a minimum or exceeds of 8 m<sup>2</sup>. Each two-bedroom apartment has a private balcony that is a minimum or exceeds 10 m<sup>2</sup>.

Service risers, Lift and fire stair access are also provided. The corridor ends to the north and south are recessed from their principle building facades.

### **Roof Level**

There is no direct access to the principle roof level. The highest structural feature will be the lift overrun at RL 56.350 but well recessed from the principle roof edge. The visible roof parapet will be RL55.45.

### **Materials and Finishes**

The materials and finishes include a combination of face brick, rendered and painted masonry walls. Windows and main doors to be aluminium framing and privacy screens to also be composed of Aluminium. The balustrades to the balconies and terraces are principally glass

Anodised aluminium windows frames and external doors are proposed in a colour to complement the colours of the building.

Details of the materials and colours are shown on Drawing Elevations

## **Works on Council Property**

The proposal will require removal of the existing residential vehicular crossovers and construction of a new principle vehicular crossover into the basement and pedestrian connection. Details of the works will be provided to meet Council's minimum engineering standard.

## **Utilities**

The utility services available to the site including electricity (including a new electricity substation), telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

## **Waste**

A Waste Management Plan has been prepared for the demolition, construction and operational phases of the development and is included in this application. The building can comply with any appropriate condition of consent imposed in relation to waste management.

## **Stormwater**

A stormwater management system has been developed to accommodate the development works, as well as comply with Council's requirements. This includes provision for *Water Sensitive Urban Design (WSUD)*. A Stormwater Management Report and Plans have been prepared and updated by LAM Consulting Engineers and included with the application.

## **6. ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15**

The following matters are to be considered in the assessment of this development application under Section 4.15 of the Environmental Planning & Assessment Act, 1979 (As amended).

### **6.1 SECTION 4.15(1)(a) ENVIRONMENTAL PLANNING INSTRUMENTS**

#### **6.2 Integrated Development**

The proposal does not constitute Integrated Development and does not require concurrent approval from any other State Government Bodies.

#### **6.3 Relevant State Instruments and Legislation**

### **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

The proposed development is subject to the provisions of SEPP 65 because in accordance with Clause 4(b) the policy applies to the erection of a new residential flat building comprising 3 or more storeys and 4 or more dwellings, whether or not the building includes uses for other purposes, such as shops and is therefore subject to the SEPP.

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development
- Provide sustainable housing in social and environmental terms.
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define.
- Better satisfy the increasing demand, changing social and demographic profile of the community.
- Maximise amenity, safety and security for the benefit of occupants and the wider community.
- Minimise the consumption of energy from non-renewable resources

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

An assessment has been made of the proposal against the relevant design quality principles of Schedule 1 of the SEPP as well as consideration of the objectives of Part 3 and Part 4 of the Apartment Design Code.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in housing choice and stock in the area. Furthermore, the proposed development is significantly consistent with the aims and provisions of the ADG as indicated in the following ADG Compliance Table:

Table 1: Assessment Against Schedule 1 Design Quality Principles		Comments
<b>Principle 1: Context and neighbourhood character</b>	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character.</p> <p>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The proposed development significantly contributes to the local context &amp; character of the area. The site(s) have only recently undergone rezoning for high density purposes and the locality is under transition from low density to high density in accordance with the zone provisions.</p> <p>By providing a diverse range of apartment options which are affordable for a wider demographic of people, it not only assists with the population intensification issue currently within Sydney, but also provides social &amp; economic benefits for the community.</p> <p>These include new homes for workers in businesses, improvement to environmental conditions ie. parks, roads (through contributions) and social interaction &amp; participation in community events just to name a few.</p> <p>The Landscaping strategy has been critically analysed to ensure that is not only enhances the</p>



	<p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>existing character of the neighbourhood, but also the future character. If each development can do the same, it will create a continuous green network of planting. By doing so, it will not only acknowledge the key built &amp; natural features of the area, but also improve them.</p>
<p><b>Principle 2: Built form and scale</b></p>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>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</p>	<p>If you were to walk down Evan St. today, the local neighbourhood character is best summarised by single storey, detached residences with 1-2 buildings under construction.</p> <p>This however is not an accurate depiction of the intended future character of Evan St. Currently, a few developments around are under construction, approved, or under review; all of which are six storey, residential flat buildings. With this in mind some critical design decisions were made to appropriately consider the future neighbourhood context.</p> <p>The built form &amp; public domain is clearly defined by a row of canopy trees lining the site. To minimise visual &amp; acoustic privacy issues, we located all of the private balcony areas to the North-West (Evan St) &amp; South-East (Cemetery). This will provide a more desirable outlook and increase activation specifically to Evan St.</p> <p>All side &amp; rear setback are generally compliant in order to reduce overshadowing on the surrounding properties. See 'Principle 9: Aesthetics' for further information.</p>
<p><b>Principle 3: Density</b></p>	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>Housing affordability is a key issue within Sydney that affects both Individuals &amp; Families. Increased supply of various housing options delivered through increased density at an affordable price is key in dealing with the increased levels of densification.</p> <p>The proposal aims to cater for a diverse number of individuals &amp; families looking to get into the housing market. Located within walking distance to the Nepean hospital, it provides good potential renting possibilities for owners. Similarly, the number of jobs &amp; community facilities within Penrith (and the greater region) continues to increase, not to mention the work being done on the local environment; specifically, at the Nepean River.</p> <p>Both Penrith &amp; Kingwood train stations are in close proximity to the development, as well as</p>

		local buses which frequently operate along the Northern Rd (150m walk).
<b>Principle Sustainability</b>	<p><b>4:</b> Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</p> <p>Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>As Penrith has a large temperature variation between Winter &amp; Summer Solstice, the need to provide sustainability and amenity through passive design was one of the key drivers for the proposal. By creating numerous corner apartments, it allows natural ventilation rather than mechanical heating or cooling. We have well exceeded the minimum requirement (62%) for cross ventilation in SEPP65.</p> <p>Additional to this, we have ensured that over 70% of the apartments will have great access to daylight all year round. This will reduce the reliance on artificial lighting and in turn, energy.</p> <p>On each level, we have provided a Bin Chute system with both Residual &amp; Recycling options. This is to be stored within the waste room (Basement) and be collected multiple times throughout the week to ensure it is being dealt with responsively.</p>
<b>Principle Landscape</b>	<p><b>5:</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.</p> <p>A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, microclimate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social</p>	<p>We have worked closely with our Landscape Architect to ensure that the Landscape design achieves our intent. To improve the local context, neighbourhood character screen the building &amp; connecting an existing green network,</p> <p>we propose a continuous tree row of canopy trees. They will have a mature growth height of approximately 9m, which will assist in bringing down the scale of the built form.</p> <p>We have consciously created a large area of Deep Soil to the proposal. This will allow us to have significant planting in that area.</p> <p>We want the Landscaping &amp; Building to work together &amp; complement one another.</p>

		interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	
<b>Principle Amenity</b>	<b>6:</b>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>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.</p>	<p>Providing greater than adequate amenity for the future inhabitants of the proposal is critically important to us. The shape and general arrangement of the apartments are efficient; spacious &amp; a large majority allow for natural ventilation.</p> <p>Over 70% of the apartments will receive great access to sunlight all year round; reducing the requirements for artificial lighting.</p> <p>To mitigate visual privacy concerns associated to building separation, we propose a variety of external elements which, when placed in the correct position, completely eliminate any privacy issues.</p> <p>As we have carefully considered the landscaping strategy, residents are generally screened by large canopy trees, which also contribute towards shielding the hot summer sun whilst providing another level of privacy/acoustic treatment to the surrounding context.</p>
<b>Principle Safety</b>	<b>7:</b>	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Residents enter through a walkway through a secure, clearly defined access point &amp; into the entry foyer. Not only will the main entry be adequately lit at night, the window provided next to the car park entry overlooks this area; encouraging passive surveillance at all times.</p> <p>All of the public &amp; private spaces are clearly defined and well integrated to the local neighbourhood.</p>
<b>Principle Housing Diversity</b>	<b>8:</b>	Good design achieves a mix of apartment sizes, providing housing choice for different	We have created a distinctively different Common Areas for the residents being under cover but also open air transitioning to full outdoor area. The facilities provided in the space



<b>Social Interaction</b>	<p>demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>will suit both the existing &amp; future social mix of the development.</p> <p>There are a variety of apartment sizes in the development. They range from 50m<sup>2</sup> to 120m<sup>2</sup>. Although a majority of the apartments are two bedrooms and approximately 80m<sup>2</sup>, they vary significantly in terms of general arrangement, amenity, location and outlook.</p> <p>The common outdoor area also includes a room and quality space for social interaction including BBQ facilities and high quality landscape setting to further promote social interaction.</p>
<b>Principle Aesthetics</b>	<p><b>9:</b> 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.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>Typically, the streetscape character of the area is predominantly individual, free standing houses. Now re-zoned for increased densification, we believe it is important to bring that character through in our facade treatment &amp; overall building envelope.</p> <p>Along Evan St, the proposal reads as four individual towers. This has been achieved by altering the scale, composition, colours &amp; textures of each tower. The design similarly considers the internal layout &amp; structure of the building as a priority to ensure amenity &amp; functionally is not sacrificed.</p> <p>The East &amp; West elevations have been carefully considered. Using a variety of colours, horizontal &amp; vertical elements, we have broken down the scale of the building and provided a suitable transition between the North &amp; South facade differences.</p>

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

Part 3	Required	Discussion
<b>3A-1 Site Analysis</b>	Each element in the Site Analysis Checklist should be assessed.	<p>A Site Analysis plan was submitted with the application and identifies applicable elements as required within the Checklist.</p> <p>A written description of the proposal and subject site are also included in this submitted Statement of Environmental Effects and accompanying plans and reports.</p>
<b>3B1 Orientation</b>	Buildings to address street frontages.	Building has been designed to have principle pedestrian, vehicular and a significant number of apartments addressing Evan Street.
<b>3B-2 Orientation</b>	Living areas, Private Open Space (POS) and Communal	The proposal has been designed to maximise solar access to apartments and the common

	<p>Open Space (COS) to receive compliant levels of solar access.</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%</p>	<p>outdoor open spaces. The development achieves this by providing principle unit orientations to the east or west. The outdoor space at the ground level gets solar access from the east and north.</p> <p>Adjoining dwellings and buildings to the south benefit for the subject building being sited to maximise separate to those to the south. Accordingly, adjoining sites receive adequate solar access</p>
<b>3C-1</b> <b>3C-2</b> <b>Public Domain Interface</b>	<p>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.</p>	<p>There are courtyards attached to the street orientated ground level apartments including their adjoining living rooms which will enable passive surveillance to the street. There is however no direct access from these apartments to the street for general for basic security.</p> <p>Balconies orientated to the street allow for further passive surveillance to the street.</p> <p>The principle building entry is wide and visible from the street. Mailboxes are provided within this foyer area</p>
<b>3D-1 Communal and Public Open Space</b>	<p>Communal Open Space (COS) to have minimum area of 25% of site.</p> <p>Achieve a minimum of 50% direct sunlight to the principle usable part of the communal open space.</p> <p>COS to be consolidated into a well designed, usable area.</p> <p>COS to be collocated with deep soil.</p>	<p>434.2m<sup>2</sup>, this equates to 26.59% of the site. Any part of the communal open space achieves more than 2 hours of direct sun light. In addition to that the main part of the communal space, the North East corner, where the tables and barbecues are placed, receives direct sun light from 10am to 15pm. See 'Principle 9: Housing Diversity &amp; Social Interaction' below for further details.</p>
<b>3D-2 Communal and Public Open Space</b>	<p>COS is to be provided with facilities such as barbeque areas and seating.</p> <p>COS is to be well lit and readily visible from habitable rooms.</p>	<p>The principle ground floor open space area is serviced with communal facilities such as a BBQ, fixed seating and quality landscaped setting.</p> <p>The principle communal spaces are accessed from communal circulation areas. Being located at the rear of the site assist in maintaining privacy and security for the residents.</p>
<b>3D-4 Communal and Public Open Space</b>	<p>Boundaries should be clearly defined between public open space and private areas.</p>	<p>All ground floor communal spaces are well separated from private outdoor spaces by both siting and orientation.</p>
<b>3E-1 Deep Soil Zones</b>	<p>Deep soil is to be provided at a rate 15% with a minimum dimension of 6m.</p>	<p>There is a total combined Deep Soil Area of 551m<sup>2</sup>. As a percentage of the site, this equates to 33.75%. Along the South boundary, there is a large strip of deep soil, 6m width, of 119.7m<sup>2</sup>,</p>

		7.33% of the site, exceeding the minimum requirement.
<b>3F-1 Visual Privacy</b>	Minimum required shared separation distances between habitable rooms and balconies are to be as follows: 1 - 4 Storeys – 12m 5 – 8 storeys – 18m	Refer to discussion of this table in the Statement of Environmental Effects (SEE) for a detailed building separation discussion.
<b>3F-2 Visual Privacy</b>	Communal open space, common areas and access paths to be separated from private open space and windows to apartments.  Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.  Balconies, and private terraces should be located in front of living rooms to increase internal privacy.  Balconies are generally provided adjacent living rooms. Windows should be offset from the windows of adjacent buildings.	Separation is provided to all communal spaces.  All apartments are separated from circulation areas and communal spaces.  All living rooms in apartments have adjoin outdoor private spaces or balconies which enhance privacy.
<b>3G-1 Pedestrian Access and Entries</b>	Building entries to be clearly identifiable.	Principle building pedestrian entry identifiable from Evan Street.
<b>3G-2 Pedestrian Access and Entries</b>	Building access ways and lift lobbies to be clearly visible from the public domain and communal spaces.	The lift lies in the corridor which connects the foyer to the communal open space. There are minimal concealable spaces. Ground floor apartments provide for further opportunities for additional passive surveillance
<b>3H-1 Vehicle Access</b>	Carpark access should be integrated with the building's overall façade.  Clear sight lines to be provided for drivers and pedestrians.  Garbage collection, loading and servicing areas are screened.	The basement access point is integrated with the façade and comprises a minimal part of the overall façade presented to Evan Street.  Basement access is separated from pedestrian access.  All garbage collection will occur in the basement area.
<b>3J-1 Bicycle and Car Parking</b>	The site is located within 800m of a railway station and is required to comply with the car parking rates in the ADG.	The site is not within 800 metres of a railway station but is in reasonable close proximity to the Penrith Town Centre.



		Notwithstanding this, an adequate amount of parking is provided to the development.
<b>3J-2 Bicycle and Car Parking</b>	Secure undercover bicycle parking should be provided for motorbikes and scooters.	Space in the basement area provides for bicycle parking and motorbikes.
<b>3J-3 Bicycle and Car Parking</b>	Carpark design and access is safe and secure. A clearly defined and visible lobby area or waiting area should be provided to lifts and stairs.	Basement car parking area is secured.  The lift area is visible and separate from the main parking areas.
<b>Part 4</b>	<b>Required</b>	<b>Discussion</b>
<b>4A-1 Solar and daylight access</b>	Living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm midwinter.	A total of 26/37 apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter. This equates to 70%.  100% of apartments receive direct sunlight between 9am and 3pm at mid winter
<b>4A-2 Solar and daylight access</b>	Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	All apartments have windows with a favourable solar orientation which do not impact upon privacy and does not rely on any high sill windows to overcome solar access matters.
<b>4A-3 Solar and daylight access</b>	Sun shading devices are to be utilised.	Sun shading devices are provided.
<b>4B-3 Natural ventilation</b>	60% of apartments are naturally ventilated and overall depth of cross through apartments 18m maximum glass to glass line.	A total of 27/37 apartments are naturally cross ventilated. This equates to 72.5% and well exceeds to minimum of 60%. Due to the nature of the design and creation of corner apartments, this will provide great amenity.  There are no cross-over apartments in the proposed design.
<b>4C-1 Ceiling heights</b>	Finished floor to finished ceiling levels are to be 2.7m for habitable rooms, 2.4m for non-habitable rooms.	The design has allowed 2950mm between each level, all minimum ceiling heights can be achieved. Refer to detailed cross section provided in the architectural suite (DA28).
<b>4D-1 Apartment size and layout</b>	Apartments are to have the following min. Internal floor areas: 1 bed – 50sqm 2 bed – 70sqm 3 bed – 90sqm Additional bathroom areas increase minimum area by 5sqm.	All minimum apartment sizes are achieved
<b>4D-2 Apartment size and layout</b>	1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum	All habitable room depths comply with the calculation (2.5 x ceiling height)  All habitable room depths, with open plan layouts, are less than 8m from a window

	habitable room depth is 8m from a window	
<b>4D-3 Apartment size and layout</b>	<p>Master bedrooms to be 10sqm's and other rooms 9sqm's.</p> <p>Bedrooms to have a minimum dimension of 3m.</p> <p>Living rooms to have minimum width of 3.6m for a 1 bedroom unit and 4m for 2 &amp; 3 bedrooms.</p>	All Master Bedrooms have a minimum area of 10m². In a majority of the apartments, the second bedroom is also 10m².
<b>4E-1 Private open space and balconies</b>	All units to have the following primary balcony areas: 1 bed – 8sqm (2m deep) 2 bed – 10sqm (2m deep) 3 bed – 12sqm (2.4m deep)	All minimum primary balcony sizes are met.
<b>4E-3 Private open space and balconies</b>	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	Air-conditioning to be located on basement area, which will also help minimize breaches to the height control.
<b>4F-1 Common circulation and spaces</b>	<p>Daylight and natural ventilation to be provided to all common circulation spaces.</p> <p>Maximum 8 units off single core corridor.</p>	<p>Circulation spaces are provided with natural light.</p> <p>There are maximum 7 apartments per level.</p>
<b>4F-2 Common circulation and spaces</b>	<p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.</p> <p>Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.</p>	All apartments comply.
<b>4G-1 Storage</b>	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <p>1 bed – 4m³ 2 bed – 6m³ 3 bed – 10m³</p> <p>With 50% of the above to be provided within the Units.</p>	All minimum storages are met. Refer to storage schedule in the architectural suite.
<b>4K-1 Apartment mix</b>	Flexible apartment configurations are provided to support diverse household types.	The development proposes a range of unit sizes, configurations and number of bedrooms to accommodate change over time and cater for differing households.
<b>4L-1 Ground floor apartments</b>	Direct street access should be provided to ground floor apartments.	No direct street access is provided for ground floor apartments whilst preserving the passive surveillance features of the development.

<b>4M-1 Facades</b>	Building facades to be well resolved with an appropriate scale and proportion to the streetscape and human scale.	It is understood the proposal will be subject to review by Council's Urban Design Review Panel.  The design has well-articulated and modulated facades with shadow lines, material changes and built form changes. It is submitted that the development accords with these requirements.
<b>4O-1 Landscape design</b>	Landscape design to be sustainable and enhance environmental performance.	Refer to the submitted landscaping plan
<b>4Q-2 Universal design</b>	Adaptable housing is to be provided in accordance with the relevant Council Policy.	Four (4) adaptable apartments are proposed which comply with Councils requirements.
<b>4U-1 Energy efficiency</b>	Adequate natural light is provided to habitable rooms.	Apartment depths and open floor plan arrangements allow light into kitchens, dining and living areas.
<b>4V-2 Water management and conservation</b>	Water sensitive urban design systems to be designed by suitably qualified professional.	Refer to the separate Engineering Plans. On site detention and a rain water tank are included in the design.
<b>4W-1 Waste management</b>	A Waste Management Plan is to be provided.	A waste management plan has been submitted dealing with demolition, excavation, construction and ongoing waste management at the site.
<b>4W-1 Waste management</b>	Circulation design allows bins to be easily maneuvered between storage and collection points	General circulation is maximised throughout the development. Furniture can be easily moved from the basement to the floors.  Garbage can be collected from within the basement area, with sufficient areas for collection, separation and temporary storage provided before off site disposal.

### Separation Discussion

The building has been redesigned to improve upon separations to adjoining properties. In this regard, separations to the existing single dwelling property to the south (34 Evan Street, Penrith) have been increased to be 50% of the required separation distances for 1-4 storeys being 6 metres. The 5<sup>th</sup> and 6<sup>th</sup> storeys of the building are further setback. A compliant but separation requirement is utilised to the northern extent of the building.

34 Evan Street is a potentially isolated site and the setback/separation is fully compliant with SEPP 65 requirements and maximised as far as reasonably possible. Any future development on 34 Evan Street, Penrith can benefit of having two principle orientations and any design can put servicing areas and secondary rooms of apartments on its northern side to maximise privacy and separations.

The proposal is fully compliant with separation requirement for the northern and southern principle elevations where future adjoining development may occur. In further justification the following comments are also tendered.



- The is no overshadowing impacts at the northern elevation to the existing adjoining properties
- Walls to the northern and southern side of the building can be acoustically treated to ensure there will be no adverse noise transmission.
- Orientation of the apartments is to the east or west (and for the entire building). Principle living area outlook is in these directions and not directly north or south. This is supported by the modular apartment design and layout of the building.
- Privacy screening, window sizing and other privacy measures are utilised in these locations to further mitigate privacy concerns.

Councils Favourable consideration is requested in this regard.

### **State Environmental Planning Policy No. 55 - Remediation of Land**

This SEPP provides a state-wide practice for the remediation of contaminated land. Under clause 7 (1) (a) of State Environmental Planning Policy No. 55 – Remediation of Land, requires the contamination and remediation of land to be considered in determining development applications.

The land has in the past been used exclusively for residential purposes. There is no property history to suggest that any contaminating uses occurred on the site. Council can therefore be satisfied that the land is not contaminated and remediation of the land is not required. The land is therefore suitable for its continued use for residential purposes. No further consideration is therefore required under clause 7 (1) (b) and (c) of SEPP 55.

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

BASIX, the Building Sustainability Index, ensures residential developments are designed to use less potable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

A BASIX assessment has been carried out and a BASIX certificate has been obtained confirming that the targets for thermal and energy efficiency and water conservation have been met.

The BASIX Certificate is submitted with the development application and the BASIX commitments and plans are endorsed with independent ABSA certification.

### **State Environmental Planning Policy (Infrastructure) 2007**

The proposal does not constitute traffic generating development or development of a kind listed in Clause 104 and the related Schedule 3 of the SEPP nor is adjacent to an identified classified road.

Notwithstanding this, a Traffic Impact Assessment Report is submitted with the development application. The report addresses the existing traffic conditions in the locality, parking rates under the Penrith DCP and the design and access and egress to and from the basement car park.

The report concludes that the proposal is satisfactory. It will comply with the design requirements of AS2890.1 and will not create any unsatisfactory traffic conditions for the locality.

## **6.4 Penrith Local Environmental Plan 2010**

### **Aims and objectives of zone**

The site is zoned “*R4 High Density Residential*” Zone under the provisions of the Penrith Local Environmental Plan 2010. The objectives and permissibility characteristics of the zone are:

#### **“1 Objectives of zone**

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

“*Residential Accommodation*” which includes “*Residential Flat Buildings*” are a permissible form of development with consent of Council in the zone.

The proposal will be consistent with the zone objectives because it provides for the housing needs of the community in this high density residential area of Penrith. It will not compromise the amenity of the surrounding area and is of a height, scale and density that is envisaged by the planning controls. It will also achieve a high standard of design quality and amenity for residents.

The proposed development is for a residential flat building and provides for the needs of its residents in a manner which is generally compliant with objectives and provisions outlined in the PLEP and PDCP. The proposed development does not preclude the development of other land uses in the R4 zone

The proposed development is of a high quality design which promotes the desired future residential character and amenity of the surrounding area.

Demolition is permissible pursuant to Clause 2.7 of the LEP 2010 and permission is also sought as part of this application.

### **Penrith Local Environmental Plan 2010 Controls**

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

The cumulative site exceeds the required minimum area for Residential Flat Building Development in accordance with this clause.

It is noted that 34 Evan Street, Penrith to the south will be a residual allotment if the subject development is approved. It is to be noted that the Development has proceed to make independent valuations and reasonable market offers to the current owner of the land to amalgamate the lot into the overall development site and not result in isolated sites. This documentation has been prepared in accordance with the procedure as set out in *Melissa Grech v Auburn Council [2004] NSWLEC 40*. This documentation is included as an attachment to this application.

#### **Clause 4.3 - Height of Buildings**

The maximum permitted building height for the subject site is 18 metres.

As a result of the proposed development the maximum overall height of the residential flat building is proposed to be 18.730 m to the lift overrun. The height of the building varies from a compliant 17.68 m in height at the northern end of the proposed building to the roof at RL54.680, with the height increasing towards the southern end of the building and exceeds the height of buildings standard to a maximum height of 18.220 metres.

The height of the lift overrun will be RL54.80 or overall height of 18.730 metres and will also exceed the height of buildings standard.

A written exception to the height of buildings standard in accordance with Clause 4.6 of the LEP is submitted with the development application. The exception to the height standard is considered to be well founded and Council and the consent authority can be satisfied for the reasons outlined, that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives of the zone. The breach in height is considered minor and principally as a result of the topography of the site does not result in any additional impact on adjoining residents, nor the public domain.

#### **Clause 5.10 - Heritage Conservation**

The site is not identified as a heritage item or part of a heritage conservation area (HCA) nor is it located near an HCA. The principle heritage items which is in close proximity to the site is the cemetery attached to Penrith St Stephens Anglican Church. Given the proposed land use and the location of these heritage items, the proposed development is unlikely to adversely



impact these items of heritage. Please refer to the associated Heritage Report which details the significance of the item and the potential impacts from the proposed development.

### Clause 7.1 - Earthworks

Part of the site will be excavated to accommodate the basement and lower ground levels. These two levels will comprise basement car and bicycle parking, residential storage and a loading and servicing areas. At its deepest point, excavation will occur to a level of RL 30.255. This will involve an excavation area of 7800 m<sup>2</sup>.

The excavation area has been setback from all boundaries to ensure there is no impact on the adjoining buildings and to also allow for deep soil landscaping between the boundaries and the basement area.

### Clause 7.4 – Sustainable Development

The development will incorporate a site of sustainable features to minimise materials and resources consumption.

### Clause 7.7 Servicing

The site is currently serviced and proposed development is capable of being serviced with augmentation of services as required.

## 7.0 Section 4.15(1)(a)(ii) DRAFT AMENDMENTS TO STATUTORY CONTROLS

There are no draft amendments noted to any statutory controls applicable to the proposal.

## 8.0 Section 4.15(1)(a)(iii) DEVELOPMENT CONTROL PLANS

### 8.1 Penrith Development Control Plan 2014

Sections of the DCP not directly applicable to the development have been omitted from the table.

CL.	Standard/Control	Complies	Comment
<b>C1 Site Planning and Design Principles</b>			
1.1.1 Site Analysis	Yes		Provided in architectural suite and adheres to the requirements of the DCP. Adjoining sites identified and opportunities created for separation and privacy through design. The Heritage Listed cemetery site also affords an ongoing opportunity for long-term outlook to the east north east.

<b>1.1.2. Key Areas with Scenic and Landscape Values</b>	N/A	Site not identified as a key site with landscape value.
<b>1.2. Design Principles</b>	Yes	The revised design has had regard for the general design principles and issues raised in the previous application.
<b>1.2.2. Built Form - Energy Efficiency and Conservation</b>	Yes	Energy efficiency is achieved principally via BASIX certification and incorporation of as many passive energy efficient features such as solar orientation, cross ventilation etc.
<b>1.2.3. Building Form - Height, Bulk and Scale</b>	Yes	The built form is considered to be of high quality, articulated and modulated. As detailed throughout this statement, we consider the proposal to be of appropriate high and general density for the future intentions of the site based on the zone and local conditions. The building is contextually appropriate given the future intention of the site, zoning and for a suburb in transition from low to high density development.
<b>1.2.4. Responding to the Site's Topography and Landform</b>	Yes	The sites general topography is generally level and will not be significantly altered beyond creation of the basement and building itself. Given the zoning of the site and surrounding land, if development on surrounding sites is fully achieved then the surrounding sites will also be of high density.
<b>1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)</b>	Yes	<p>The design of the building will include well defined secured entry points, passive surveillance to the street, high quality and secured open space areas.</p> <p>The main lift is visible from the main entry lobby area.</p> <p>Access to the basement is secured with lift access so does not require tenants to exit to the street to enter the building.</p>
<b>1.2.6 Maximising Access and Adaptability</b>	Yes	The development is accessible and provides sufficient numbers of fully adaptable apartments.

## C2 Vegetation Management

<b>2.1. Preservation of Trees and Vegetation</b>	Yes	<p>Development consent is sought for the removal of all existing vegetation. The site is not identified bushland area nor bushfire prone land.</p> <p>Appropriate replacement landscaping is proposed which will positively contribute to the locality's landscape and scenic quality. Refer to the Landscape Plan submitted separately.</p>
--------------------------------------------------	-----	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**C3 Water Management**

<b>3.6. Stormwater Management and Drainage</b>	Yes	The site is not in proximity to any natural watercourse or lakes or significantly flood prone areas. Stormwater Management plans are submitted as a separate plan suite and include for on site detention and reuse? basement pump out and Water Sensitive Urban Design (WSUD).
------------------------------------------------	-----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**C4 Land Management**

<b>4.1. Site Stability and Earthworks</b>	Yes	Excavation required for basement area only and given the general level topography and lack of proximity to the side boundaries, no special structural support will be required.
<b>4.2. Landfill</b>	Yes	Some soil will be able to be reused on site however the majority of fill will need to be taken off site to approved landfill sites. This requirement can also be readily conditioned by Council.
<b>4.3. Erosion and Sedimentation</b>	Yes	Sedimentation and Erosion Control Plans are included in the Engineering plan suite.
<b>4.4. Contaminated Lands</b>	Yes	Site has an extended history of residential occupation. Please refer to SEPP 55 Heading of SEE.
<b>4.5. Salinity</b>	Yes	The site is not subject to agriculture or routine inundation and given the extended residential history of the site, is unlikely to be impacted by Salinity issues.

**C5 Waste Management**

<b>5.1. Waste Management Plans</b>	Yes	A waste management plan is provided with the application and deals with the demolition, excavation, construction and ongoing waste management upon the site. Demolition materials to be sent to construction waste management and recycling facilities as appropriate.
<b>5.2.2.4 Residential Flat Buildings</b>	Yes	<p>Ongoing waste management include chute access on each floor, elephants foot compactus in the basement with sufficient ancillary storage area to hold rubbish bins until collection from within the basement. The basement design has provided for sufficient manoeuvring area for a garbage truck to enter, manoeuvre, collect and exit the site in a forward direction.</p> <p>Separate chutes are provided for general and recyclable wastes. Waste holding area can be conditioned to meet construction requirements.</p>



**C6 Landscape Design**

<b>6.1 Controls</b>	Yes	The development is a category 3 development and a detailed Landscaping Plan has been submitted with the application which addresses the requirements of this section of the DCP.
<b>6.1.2. Protection of the Environment</b>	Yes	An appropriate suite of low water use plantings has been selected or can be easily altered should Council deem any plantings inappropriate.
<b>6.1.4. Site Amenity</b>	Yes	Landscape design has been utilised to enhance the general setting of the building and also the communal outdoor areas within the building.  Deep soil area is provided in accordance with the residential section of the DCP.

**C7 Culture and Heritage**

<b>7.1. European Heritage</b>	Yes	Refer to independent Heritage Report prepared to detail the significance of the cemetery attached to Penrith St Stephens Anglican Church and discuss the lack of impact to this site.
-------------------------------	-----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**C8 Public Domain**

<b>8.1. Pedestrian Amenity</b>	Yes	Pedestrian and vehicular access to the site is separated. Pedestrian entry point is easily identifiable from Evan Street, with all-weather protection.
--------------------------------	-----	--------------------------------------------------------------------------------------------------------------------------------------------------------

**C10 Transport, Access and Parking**

<b>10.1. Transport and Land Use</b>	Yes	The building is in close proximity to the Penrith town centre with public transport links. the proposal can assist in reducing car usage.
<b>10.2. Traffic Management and Safety</b>	Yes	The proposal is not a traffic generating development as defined by SEPP Infrastructure. A traffic report accompanies the application which details the proposals acceptability from a parking, manoeuvring and access standpoint.
<b>10.3. Key Transport Corridor</b>	N/A	The proposal is not located adjacent to an identified key transport corridor.
<b>10.5. Parking, Access and Driveways</b>	Yes	A traffic report accompanies the application which details the proposals acceptability from a parking, manoeuvring and access standpoint. Parking and Manoeuvring area has been designed to AS2890 standard requirements including adequate basement space for clearance and turning circles for a medium rigid truck.

The proposal provides for 47 car parking spaces and includes seven (7) visitor spaces, one (1) car wash bay and four (4) accessible spaces.

There is sufficient space in the basement for 1 garbage truck or small removalist truck space for servicing.

**10.6. Pedestrian Connections** Yes

The pedestrian entry is separate from the vehicular entry and easily identifiable from Evan Street.

**10.7 Bicycle Facilities** Yes

Bicycle facilities are provided in the basement area.

### C11 Subdivision

**11.1. General Subdivision Requirements** Yes

Strata subdivision of the development will be sought post approval and consolidation of the development

### C12 Noise and Vibration

**12.1. – 12.3 Road Rail Traffic Aircraft Noise** N/A

The site is not unreasonably affected by any external noise sources which require additional abatement for residential amenity.

### C13 Infrastructure and Services

**C13 Infrastructure and Services** Yes

The site currently has access to all necessary infrastructures services such as roads, water and sewer and electricity. Where necessary, these can be augmented. Such matters are typically conditional matter of any approval. This will include any requirements for the new substation.

The site is no burdened by any known easements.

## PART D LAND USE CONTROLS

### D2 RESIDENTIAL DEVELOPMENT

The development is subject to the control as set out under this section of the DCP specifically, those of Section 2.5 Residential Flat Buildings

### 2.5 Residential Flat Buildings

**2.5.1 Residential Character** Yes

The development will be in accordance with the zoning and the desired future character of the locality. The immediate area is in transition as per the zoning intention.

**2.5.2 Preferred Configuration for** Yes

The building is designed to be a high quality traditional single block form over basement with surrounding landscaping.

<b>Residential Buildings</b>	<b>Flat</b>	This statement also covers the design principles and general controls of SEPP 65.
<b>2.5.3 The Development Site</b>	Yes	The cumulative site meets the zoning, minimum frontage and site area requirement.
<b>2.5.4. Urban Form</b>	Yes	<p>The proposed building has the elements of traditional orientation but is articulated via differing built form and materials.</p> <p>Ground level dwellings to the street have private and raised gardens directly adjacent to internal living areas as well as the rear orientated apartments.</p> <p>Garage level is in the form of a basement with the vehicular access being the only principle form visible from Evan Street.</p>
<b>2.5.5 Landscaped Area</b>	Yes	<p>551.1 m<sup>2</sup> or 33.75% of the site will be dedicated deep soil is proposed including the area located over the basement. Significant swathes of the setback areas are capable of supporting significant vegetation.</p> <p>Communal open space is provided at 15% principally from the semi outdoor area provided to the north eastern ground floor of the site.</p>
<b>2.5.6 Front and Rear Part Setbacks</b>	Part	<p>The proposal generally complies with the stipulated front (western) and rear (eastern) setbacks with small exceptions to the zig zagging front and rear proposed built form principally for articulation and privacy reasons. Generally, the majority of the building is compliant or exceeds the minimum setback requirements. The modulated design however does result in non-compliances with the setback requirements. This is more accurately depicted in drawing SK01 of the architectural suite.</p> <p>There is an all-weather cover over the entrance and which is within the front setback area however this is in line with the articulation requirements of B.(4)(a).</p> <p>Rear setback wise, the building is orientated towards the non-habitable cemetery to the east north east and commercial operations to the east south east.</p>
<b>2.5.7 Side Setbacks</b>	Yes	There are no zero-line side setbacks proposed however appropriate setbacks are proposed to the northern and southern side elevations for privacy and separate purposes. Refer to the SEPP 65 Separation distances discussion earlier in this statement.



**2.5.8 Visual and Acoustic Privacy and Outlook**

Yes

The design intends to maximise privacy with the modulated and articulated façade to create spaces of privacy for apartments on the front and rear setback alignments. Fixed screens to the balconies supplement the privacy and add shadowing to outdoor areas.

Apartment layouts and separation provide for privacy to future buildings either to the north or south. Buildings in these location will also need to adhere to principle street frontages. Secondary rooms and non-habitable areas of apartments are laid out in the side setback areas to minimise separations requirements and not provide for constraints to future adjoining development to the north.

**2.5.9 Solar Planning**

Yes

Refer to submitted solar access diagram suite. Generally, apartments will receive adequate solar access complying with the minimum required 2 hours of solar access either in the morning or afternoon depending on their orientation on the building which will be either east or west.

There are no directly southern orientated apartments in the proposal.

**2.5.10 Townscapes & Landscapes**

Yes

The building is a new and articulated design which does not replicate existing surrounding development or recent new residential flat building developments.

Sufficient space is provided around the building for landscaping and softening of the façade of the building.

The building is plat roof however the angled façade and balconies with create articulation and shadow lines. There are no featureless stretches of straight walls on the building.

**2.5.11 Corner Sites and Park Frontages**

N/A

The site is not a corner site or have any outlook to public parks.

**2.5.12 Building Design**

Yes

A high quality and articulated architecturally designed built form with appropriate landscaped gardens is proposed.

The site is within an identified redevelopment precinct which is evolving from traditional low density single dwellings to multi storey and high density residential apartment buildings.

The proposal responds and contributes to its desired context by engaging and appropriate density with articulated high quality design. The existing low density forms of the surrounding are unlikely to remain in its current built form for long. The built form (including its height, bulk and scale) is compatible with the future intended high density residential

apartment building anticipated by the zoning and that which has been approved on adjacent properties.

#### **2.5.13 Energy Efficiency** Yes

The design is supported by a valid BASIX certificate to accompany the development. The design has utilised as many passive features as possible with no directly southern orientated apartments, dual orientation where available and shallow apartment depths.

Shading devices are utilised as appropriate.

#### **2.5.14 Design of Dwellings and Private Courtyards** Yes

The design of the building is such that privacy is promoted between apartments (both in a horizontal and vertical plane) whilst still providing for solar access.

Ground floor apartments have private courtyards which exceed 25 m<sup>2</sup> and are generally at ground level.

Above ground level apartments are provided with balconies which exceed the minimum 10 m<sup>2</sup> minimum requirement.

#### **2.5.15 Garages** Yes

The basement generally will not project above natural ground level and entry point is setback behind primary building line. Basement will be secured.

#### **2.5.16 Garden Design** Yes

The rear boundary setback area provides a combination of private gardens and communal open space.

The proposed landscape design will positively contribute to the locality's landscape and scenic quality. Refer to the Landscape Plans submitted separately.

#### **2.5.17 Paving Design** Yes

Paving has generally been minimised in favour of providing sufficient landscaping. The covered communal open space area maximises landscaping outside of the building footprint.

#### **2.5.18 Fences and Retaining Walls** Yes

Fencing to Evan Street to be low masonry with landscaping beds proposed to Street orientated apartments to be used to create privacy.

Boundary fences to be typical 1.8 metre high colourbond.

#### **2.5.19 Safety and Security** Yes

Entry foyer is large and directly visible from the street.

Dwellings are either orientated to the front or rear of the site with living rooms adjacent to outdoor area or balcony for passive surveillance.

There is no more than a maximum of 8 dwellings per floor.

**2.5.20 Accessibility and Yes  
Adaptability**

There are a total four or five apartments proposed within the development are capable of being adapted for use by people with disabilities.

The building is serviced by a lift and the entirety of the building will be visitable.

A Statement of Compliance Access for People with a Disability Report, by Accessible Building Solutions is submitted separately.

**2.5.21 Storage and Yes  
Services**

All building services to be provided in basement. Apartments will be served by a combination of in apartment and further storage to be provided in basement.

**9.0 Section 4.15(1)(a)(iv) APPLICABLE REGULATIONS**

Unreasonable accessibility related impacts are not anticipated as part of the proposal. The site is located in a highly accessible area close to Penrith Town centre, major roads and is also within proximity to public bus stops and Penrith Station (1.5km).

Nonetheless, Access consultants were engaged to determine whether the proposal would comply with onsite related accessibility standards or other relevant legislation. In summary, their assessment concludes that the proposal is capable of complying with relevant accessibility standards. This is largely because the proposal provides 2 accessible units with respective disabled car parking spaces, achieves level or close to level access between the adjoining public domain, and one lift will service all above ground residential levels.

Clause 92 of the EPA Regulation 2000 requires consideration of Australian Standard AS 2601-1991: The demolition of structures. It also requires compliance with this, by standard by condition of consent.

It is intended that any noise generated from the site will comply with the relevant provisions of the *Protection of Environment Operations Act* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. The proposal can meet applicable noise criteria to protect the amenity of the nearby industrial and residential premises.

Despite these comments, it is to be noted, at the time of consideration of the application, the resultant will be in operation and beyond any conditional requirements, there should be no new construction required. The use in itself should not result in any ongoing or unreasonable noise generation occurring from the premises.

**10.0 Section 4.15(1)(b) THE LIKELY IMPACTS OF THE PROPOSAL**



The proposed development will result in additional housing stock being provided to the area in the form of one, two and three bedroom apartments. This will assist in achieving Council's housing targets and will improve the housing choice for residents wishing to reside in the local area.

There are no negative social or economic impacts as a result of the proposed development. The proposed development will not have any adverse impacts to the streetscape character of Evan Street.

The proposed development will have a positive economic impact by providing a higher standard of architectural design than the existing low density residential development. The development will also offer a positive contribution to Sydney's property market and the variety of housing choice throughout Sydney, by providing a diverse range of residential units that are complemented by a high standard of design.

#### **11.0 Section 4.15(1)(c) THE SUITABILITY OF THE SITE**

The development proposed is such that it would not affect the suitability of the site to accommodate the development nor impact upon adjoining sites in the locality ability to support new development in accordance with the zoning and desired future character of the zone.

The ongoing use is considered to be within the public interest for the following reasons:

1. The site is appropriately zoned and the construction of a residential flat building is permissible with consent of Council in the zone.
2. The proposal can site comfortably within the locality without adverse impacts to any adjoining residential premises;
3. The use will support the local workers and residents.
4. The proposal will improve the usage and residential density on the site and assist in maintaining the vitality of the area;
5. There are no precipitate constraints posed by adjacent land uses, this includes the cemetery.

The application therefore satisfies this section of the Act.

#### **12.0 Section 4.15(1)(e) THE PUBLIC INTEREST - CONCLUSION**

This DA seeks approval for the construction of a part 5 part 6 storey residential flat building at 28-32 Evan Street, Penrith. Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing additional housing supply in a highly accessible and well serviced area outweigh any disadvantage and as such the proposed development will have an overall public benefit.

The SEE provides an assessment of the proposal against the relevant environmental planning framework. The framework in this case includes *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*, the Penrith Local Environmental Plan 2010, as well as the Penrith Development Control Plan 2014.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal is consistent with the outcomes sought by the relevant planning controls and is appropriate given the unique physical characteristics of the site.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing additional housing supply in a highly accessible and well serviced area outweigh any disadvantage and as such the proposed development will have an overall public benefit.

In particular, the proposal would increase the diversity of housing available in the region, achieve compatibility with the future built form character anticipated by the planning controls, and improve the current built form.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a built form of high architectural standard and consistent with the desired future character of the site;
- Provide a high quality of amenity for residents by enhancing privacy and maximising solar access;
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.

## **APPENDIX 1 – Clause 4.6 Request for Variation – Clause 4.3 Building Height**

### **1. INTRODUCTION**

This is a formal written request that has been prepared in accordance with Clause 4.6 of the Penrith Local Environmental Plan 2010 to support an amended development application submitted to Penrith Council for a proposed part 5/part 6 storey residential flat building at 28-32 Evan Street, Penrith ("the site").

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

As the following request demonstrates, by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application, not only would the variation be in the public interest because it satisfies objectives of the subject R4 High Density Residential zone and the standard, but it would also result in a better planning outcome.

The development standard that this request seeks approval to vary is the Height of Buildings control in Clause 4.3 of the Penrith Local Environmental Plan 2010 (PLEP). It is acknowledged that the maximum height prescribed for this site according to the NSLEP is 18m. This request seeks to vary / request exception to the proposed maximum height of 18m, specifically, the development proposes to vary the maximum height by 1.2m, at the highest point.

CI 4.6(2) states that development consent may be granted for development even though the development would contravene a development standard. However, this does not apply to a development standard that is expressly excluded under cl 4.6(8) of the PLEP 2010. The maximum height development standard is not identified under subclause 4.6(8) and therefore is not specifically excluded from the operation of CI 4.6 of NSLEP 2013.

This request has been prepared having regard to the Department of Planning and Environment's Guidelines to Varying Development Standards (August 2011) and relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal

In Sections 3, 4 and 5 of this request, flexibility is justified in this case in terms of the matters explicitly required by clause 4.6 to be addressed in a written request from the applicant. In Sections 6 and 7, additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by Clause 4.6 or the assumed concurrence of the Secretary is addressed.

### **2. NSW LAND AND ENVIRONMENT COURT: CASE LAW (TESTS)**

Planning principles and judgements issued by the Land and Environment Court (NSW LEC) provide guidance in relation to requests to vary a development standard under clause 4.6 of the NSLEP 2013. The case law that has been considered in the preparation of this clause 4.6 request are as follows:

- Winten v North Sydney Council
- Wehbe v Pittwater [2007] NSW LEC 827
- Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC

- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC
- Moskovich v Waverley Council [2016] NSWLEC 1015
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118

### **Winten v North Sydney Council**

The decision of Justice Lloyd in Winten v North Sydney Council established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated. Initially this applied to State Environmental Planning Policy – Development Standards (SEPP 1) and was subsequently updated to address clause 4.6 of the Standard Instrument templates.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979 (EP&A Act)?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case (and is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case); and
- Is the objection well founded?

### **Wehbe v Pittwater [2007] NSW LEC 827**

The decision of Justice Preston in Wehbe v Pittwater [2007] NSW LEC 827 expanded on the findings in Winten v North Sydney Council and established the five (5) part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consents that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable; or
- Is the "zoning of particular land" unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land. Consequently, compliance with that development standard is unnecessary and unreasonable?

### **Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC**

More recently in the matter of Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC, initially heard by Commissioner Pearson, upheld on appeal by Justice Pain, it was found that an application under Clause 4.6 to vary a development standard must go beyond the five (5) part test of Wehbe V Pittwater [2007] NSW LEC 827 and demonstrate the following:



- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP;
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs; and
- All three elements of clause 4.6 have to be met and it is best to have different reasons for each, but it is not essential.

### **Randwick City Council v Micaul Holdings Pty Ltd [2016] NSW LEC 7**

In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSW LEC 7 Preston CJ noted at paragraph 7 that development consent cannot be granted for development that contravenes a development standard unless the consent authority:

- Considers the cl 4.6 objections (the requirement in cl 4.6(3)); and
- Was satisfied that, first, the cl 4.6 objections adequately addressed the matters required to be demonstrated by cl 4.6(3) (the requirement in cl 4.6(4)(a)(i)) and, second, the development will be in the public interest because it is consistent with the objectives of the height standard and the FSR standard and the objectives for development within the R3 zone in which the development is proposed to be carried out (the requirement in cl 4.6(4)(a)(ii)).

The consent authority does not have to be directly satisfied that compliance with each development standard is unreasonable or unnecessary in the circumstances of case, but only indirectly by being satisfied that the applicant's written request has adequately addressed the matters in 4.6(3)(a) and (b). In this respect he also noted that in assessing whether compliance with the development standards was unreasonable or unnecessary an established test is consistency with the objectives of the standard and the absence of environmental harm.

### **Moskovich v Waverley Council [2016] NSWLEC 1015**

Commissioner Tour reflected on the recent Four2Five decisions and said:

- Clause 4.6(3)(a) is similar to clause 6 of SEPP 1 and the Wehbe ways of establishing compliance are equally appropriate [at 50]. One of the most common ways is because the objectives of the development standard are achieved – as per Preston CJ in *Wehbe* at 42-43.
- Whereas clause 4.6(4)(a)(ii) has different wording and is focused on consistency with objectives of a standard. One is achieving, the other is consistency. Consequently, a consideration of consistency with the objectives of the standard required under clause 4.6(4)(a)(ii) to determine whether non-compliance with the standard would be in the public interest is different to consideration of achievement of the objectives of the standard under clause 4.6(3). The latter being more onerous requires additional considerations such as the matters outlined in *Wehbe* at 70-76. Such as consideration of whether the proposed development would achieve the objectives of the standard to an equal or better degree than a development that complied with the standard.

**Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118**

Most recently, in reflecting upon recent case law regarding clause 4.6 variation requests, Chief Judge Preston confirmed (in this judgement):

- The consent authority must, primarily, be satisfied the applicant's written request adequately addresses the 'unreasonable and unnecessary' and 'sufficient environmental planning grounds' tests:

*"that the applicant's written request ... has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard ..." [15]*

- On the 'Five Part Test' established under *Wehbe v Pittwater Council* [2007] NSWLEC 827:

*"The five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way..." [22]*

- That clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development:

*"Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]*

This clause 4.6 variation has specifically responded to the matters outlined above and demonstrates that the request meets the relevant tests with regard to recent case law.

**3. EXTENT OF VARIATION****Site**

This submission is made in support of a Development Application (DA) for the construction of a residential flat building. This request specifically seeks to vary the maximum building height standard that applies to the subject site.

The site comprises three allotments on the eastern side of Evan Street near the intersection of Evan Street with Lethbridge Street

The legal property descriptions of the sites are as follows:

- Lot A in Deposited Plan No. 324069, 28 Evan Street; Penrith
- Lot A in Deposited Plan No. 355720, 30 Evan Street; Penrith

- Lot 1 in Deposited Plan No. 510281, 32 Evan Street; Penrith

The overall cumulative subject site has an approximate primary frontage of 49.18 metres to Evans Street, and a length of 34.28 m along the northern boundary, and a length of 32.12 m along the southern boundary and rear eastern boundary of 49.23 m

The immediate locality is principally low density singles dwellings interspersed with some medical facilities in former dwellings. Further norther and north west, the residential density increases into medium density forms until transitioning into the Penrith City centre commercial district and train interchange.

### **Control and Variation Sought**

Under the PLEP, the subject site is located in an area with a prescribed height of 18m, as shown in the Height of Building Map.

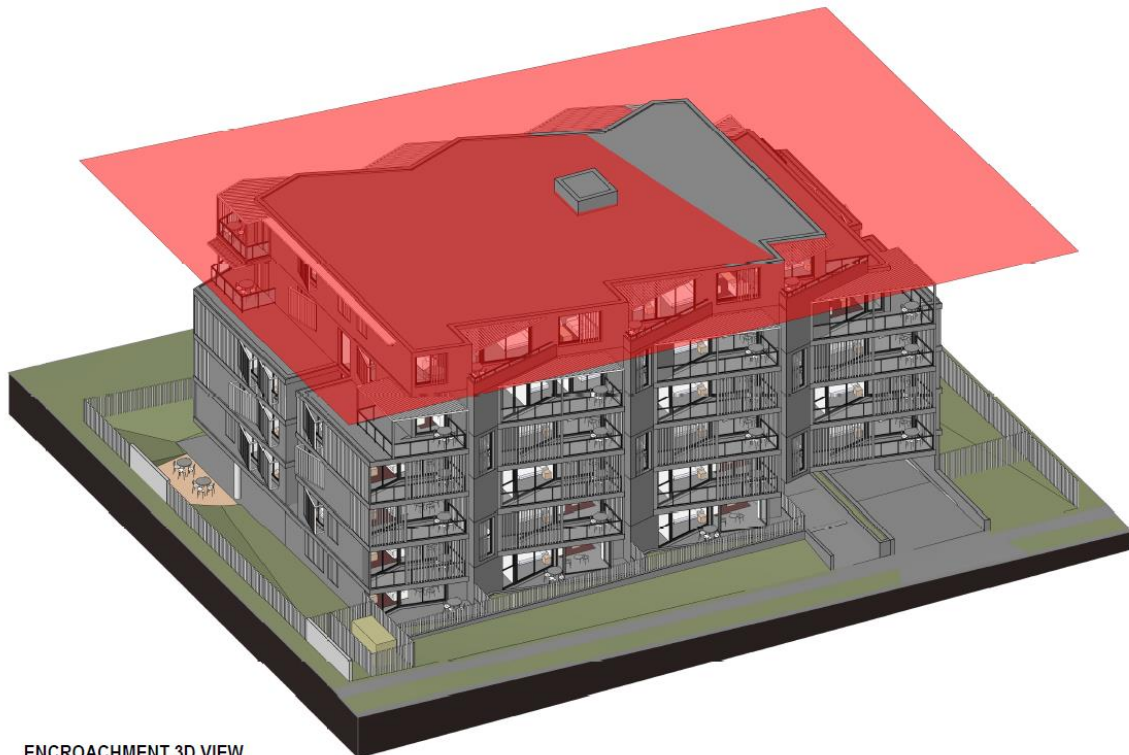
The proposal *as amended* has a maximum building height in the north western through to the south western corner of the site measured from ground level 'existing', of 18.85 metres as detailed in the architectural package by Morson Group Architects.

The height of the lift overrun will be RL56.350 or overall height of 19.670 metres and will also exceed the height of buildings standard.

Therefore, the proposal breaches the standard by 1670 mm on the lift overrun and maximum of 850 mm to the general roof level. Specifically, the portions of the building above the 18m height limit includes part of a portion of the western roof and parapet, Nonetheless, the overwhelming majority of the building as amended is, below the 18 m height limit. The level of non compliance has increased to address concerns raised by the Council. The proposal however is not fundamentally altered in terms of the breach generated or impacts (or lack of) created as a result. This is depicted in the figure provided below:



**Figure 5:** Extract of height plane diagram of the *as amended* proposal (Morson Group Architects)



**Figure 6:** Extract of height plane diagram as *submitted* (Morson Group Architects)



The proposed development as amended seeks a variation to the height standard whilst ensuring that the proposal delivers an appropriate built form that is consistent with the zone objective as outlined in the PLEP and the desired future character of the area as outlined in the Penrith DCP.

The breach of the standard has been proposed to provide a built form that is compatible with the existing and anticipated future character of the area.

#### **4 COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THIS CASE. Clause 4.6 (3(a))**

The following sections provide a comprehensive assessment of the request to vary the HOB development standard in accordance with clause 4.6 of the PLEP 2010. Detailed consideration has been given to the NSW LEC case law identified when undertaking this assessment.

##### **Is the Planning Control a Development Standard?**

The maximum height of buildings control prescribed under Clause 4.3 of the PLEP 2010 is a development standard capable of being varied under Clause 4.6 of PLEP 2010.

##### **Is the Development Standard Excluded from the Operation of Clause 4.6?**

The development standard is not excluded from the operation of Clause 4.6 as it is not listed within Clause 4.6(6) or Clause 4.6(8) of PLEP 2010.

##### **What is the Underlying Object or Purpose of the Standard?**

Compliance with the Height of Buildings development standard is unreasonable or unnecessary in the circumstances of this case because, as detailed below, the objectives of the development standard are achieved, notwithstanding non-compliance with the standard

PLEP 2010 Clause 4.3 Objectives	Comments
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	The building proposal will not be compatible with the current low density development prevalent in the locality however the proposal is entirely consistent with the desired future character of the locality and substantially compliant with the height control and hence intended bulk and scale as established in the PLEP 2010.
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,	The development will not result in the unreasonable loss of solar access to any adjoining properties including potential future development. No public parks or critical infrastructure will be adversely impacted as a result of the development.
(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,	The adjoining cemetery grounds will not be adversely impacted as a result of the development receiving uninterrupted solar

	access in the morning and how relatively minimal overshadowing in the afternoon.  No scenic or visually important areas will be impacted by the development.
(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.	The height of the proposal is substantially compliant and the areas in breach of the control does not contain tangible development yield. The design is also stepped to provide transitions to potential future development to the north and south.

As noted above in the objective analysis, the breach of the standard allows a built form that is consistent with the desired future character of the surrounding area, particularly the buildings that are located on the adjoining properties or recent approvals in the area.

The proposal as amended responds to the natural gradient of the site and the breach is a result of the design of the proposal providing minor breaches to maintain floor levels and not from large topographical changes

From an objective standpoint, the proposed development will not offend any of the objectives of the Development Standard.

## **5. THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD. (cl. 4.6(3(b))**

The following environmental planning grounds justify the breach of the standard and are summarised as follows:

- The proposal has been amended to respond to Concerns raised by Council. Whilst the proposal has been raised in overall height to respond to those concerns, the impacts arising from the proposal, and their acceptability have not been fundamentally altered.
- Council did not raise any specific concerns with the acceptability of the as originally submitted Clause 4.6 Request for variation to a development standard statement.
- The proposal will continue to provide opportunity and view sharing to which will not materially change as a result of strict compliance with the height standard;
- The proposed non-compliance does not generally result in any additional environmental impacts, when compared to a development that is located wholly below the maximum HOB standard;
- The variation of the standard allows for a development that is consistent with the desired future character of the area,
- The proposed non-compliance is minor and will not be noticeable to the general public,
- The variation of the height standard does not result in significant additional overshadowing from the proposal and will have only a minimal impact on adjoining existing and future potential developments. The proposal demonstrably complies with solar access requirements.
- Compliance with the standard would be incongruous with the recent approvals in the area and desired future built form character in the surrounding area, resulting in a building which has an abrupt change in height relative to its neighbours;

- The proposed RFB is designed with regard to building modulation, orientation and window positioning as to consider the visual privacy of surrounding buildings. In particular, there are no privacy impacts caused by the variation itself as no windows are situated within the portions of the building which are setback above the 18m height limit;
- The proposal would not result in an improved planning outcome than if compliance were to be achieved.

**6. THE PROPOSAL WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE STANDARD AND THE OBJECTIVES OF THE ZONE. [cl.4.6(4)(a)(ii)]**

In Section 4 (above), it was demonstrated that the proposal is consistent with the objectives of the development standard. The proposal as amended is also consistent with the objectives of the zone as explained in Table 2 (below).

R4 High Density Residential Zone objective	Comments
To provide for the housing needs of the community within a high density residential environment.	The existing buildings on the site provides three low density dwellings and associated car parking. The proposal as amended provides 37 new units achieving additional housing capacity for the community. The breach of the standard does not result in any inconsistency with this objective.
To provide a variety of housing types within a high density residential environment.	The proposal is for a residential flat building within a high density residential zone. The development is permissible with consent and the proposal provides increased housing stock to the locality.  The proposal provides a mix of 1, 2 and 3 bedroom units. The breach of the standard does not result in an inconsistency with this objective.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable to the proposed development. The proposal is entirely residential.  The breach of the standard does not result in an inconsistency with this objective.
To ensure that a high level of residential amenity is achieved and maintained.	The proposal achieves a high level of amenity for its residents. The proposed residential flat building has no adverse privacy impacts on the adjoining buildings due to the orientation of apartments, balconies and most windows to the front and rear of the site. Any side facing windows in the proposal have been designed as highlight windows or have privacy measures. The development provides ADG compliant solar access to the proposed units and produces minimal solar impacts on surrounding built forms

	<p>as evident in the shadow diagrams within the Architectural Plans.</p> <p>Generously sized units are proposed which each have access to ample useable private open space, as per ADG requirements.</p> <p>As noted earlier, it is noted the locality is in transition from low density to high density.</p> <p>The proposed breach would not affect the high level of amenity achieved by adjoining residential flat buildings by way of views, privacy or overshadowing. As such, the breach of the standard is consistent with this objective.</p>
To encourage the provision of affordable housing.	With significant increase in housing stock in the locality, this can put downward pressure on existing housing prices. This development is however not specifically intended to be an affordable low cost housing scheme.
To ensure that development reflects the desired future character and dwelling densities of the area.	It is contended the development is substantially in accordance with this objective. The development represents some of the earliest development in the area in accordance with the zoning of the site.

As can be seen from Table 1 in Section 4 and Table 2 in Section 6, the proposal is consistent with the objectives of the standard and the objectives of the zone and is therefore considered to be in the public interest.

#### **7. CONTRAVENTION OF THE DEVELOPMENT STANDARD DOES NOT RAISE ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING. [CL. 4.6(5)(A)]**

Varying the development standard as proposed by this application, will not result in any outcome which would be prejudicial to planning matters of state or regional significance.

It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

#### **8. THERE IS NO PUBLIC BENEFIT OF MAINTAINING THE STANDARD. [cl.4.6(5)(b)]**

The breach of the standard is minor and is principally concerned with limited roof, roof parapet and the lift overrun. The minor breach in height will not result in material additional visual bulk or scale of the building when viewed from the public domain.

The variance maintains no additional privacy impacts and continues to allow satisfactory sunlight to the adjoining buildings. The maximum variation is measured to be approximately 1.67 m at its largest extent to ancillary plant only and thus is considered minor in nature.



Furthermore, the overwhelming majority of the building is in compliance with the control.

Accordingly, there is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the Height of Buildings standard and hence there are very minor disadvantages.

The benefits of the proposal therefore outweigh any disadvantage and as such the proposal will have an overall public benefit.

**9. Clause 4.6(5)(c) – Are there any other matters required to be taken into consideration by the Secretary before granting concurrence?**

There are no additional matters that need to be considered within the assessment of the Clause 4.6 Request and prior to granting concurrence, should it be required.

**10. CONCLUSION**

This Clause 4.6 variation request demonstrates, as required by Clause 4.6 of the Penrith Local Environmental Plan 2010, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development achieves the objectives of the development standard and is consistent with both the objectives of the R4 High Density Residential Zone and Clause 4.3 Height of Buildings clauses of PLEP 2010.
- The proposed development, notwithstanding the variation, is in the public interest with there being no public benefit in maintaining strict adherence to the standard; and
- The variation does not raise any matter of State or Regional Significance.
- The proposed non-compliance does not generally result in any additional environmental impacts.

Based on the reasons outlined above, it is considered that maintaining strict compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case and thus, not be in the public interest. Accordingly, it is concluded that this clause 4.6 request is well founded and that the particular circumstances of the case warrant flexibility in the application of the HOB development standard.

**APPENDIX 2 – Documentation / Letters of Offer to 34 Evans Street, Penrith**

All originals can be produced upon request.

----- Forwarded message -----

From: Sergiy Jiriaevev <[simpl@ozemail.com.au](mailto:simpl@ozemail.com.au)>

To: <[dejan12@gmail.com](mailto:dejan12@gmail.com)>

Cc: "simpl" <[simpl@ozemail.com.au](mailto:simpl@ozemail.com.au)>

Bcc:

Date: Tue, 29 May 2018 22:44:43 +1100

Subject: Re: Valuation of 34 Evan Street Penrith 2750

Good evening Dejan,

I unsuccessfully tried to contact you over the phone this afternoon (around 5.30pm) to discuss the progress of our Development Application and our previous offers made to you through our conveyancer on:

- 24 January 2017. The offer was sent to you via email and consisted of \$850,000.
- 27 January 2017. The offer was sent to you via email and consisted of \$870,000
- 5 June 2017. The offer was made within the meeting in our architect's office at North Sydney which you were reluctant to discuss.

You have declined all the above mentioned offers by making a counter offer of \$1,500,000. Please see attached letters containing the offers and your response (a copy of your email) to these offers.

Two weeks ago, I attended a meeting at Penrith Council during which the progress of the above mentioned application has been discussed.

One of the concerns raised by the Council related to the independent valuation of your property and we could not show to the Council our attempt to conduct this valuation.

Therefore, in order to resolve this issue, we have to conduct two independent valuations of the Current Market Value of your property as soon as practicable.

Unfortunately, the valuation cannot be conducted without a full access to your property. Taking into account this circumstance, we would like to ask your permission to get a full access to your property as soon as practicable and disclose your mobile telephone number 0416 522 210 to the valuers to arrange a time of valuation.

As soon as the outcome of this valuation becomes available, we will provide you with the best offer we possibly can.

If you have any queries, please do not hesitate to contact me on my direct no. 0412 460 327 or via email.

Kind Regards,

Sergiy Jiriaevev

Suite 11, 44 Bridge Street, Sydney, NSW 2000.

T: (02) 9251 5984

F: (02) 9299 1879

M: 0412 460 327

E: [simpl@ozemail.com.au](mailto:simpl@ozemail.com.au)

----- Forwarded message -----

From: Irene Vakarin <[agileconveyancing@gmail.com](mailto:agileconveyancing@gmail.com)>

To: Tatiana Stack <[tatiana@shorestack.com.au](mailto:tatiana@shorestack.com.au)>, Sergiy Jiriaev <[simpl@ozemail.com.au](mailto:simpl@ozemail.com.au)>, Alexander Krishtal <[alexanderkrishtal@hotmail.com](mailto:alexanderkrishtal@hotmail.com)>

Cc:

Bcc:

Date: Mon, 18 Dec 2017 15:14:27 +1100

Subject: Fwd: Stemma Pty Ltd proposed Purchase

----- Forwarded message -----

From: **Deki Nestor** <[dejannn12@gmail.com](mailto:dejannn12@gmail.com)>

Date: 27 February 2017 at 11:56

Subject: Re: Stemma Pty Ltd proposed Purchase

To: Irene Vakarin <[agileconveyancing@gmail.com](mailto:agileconveyancing@gmail.com)>

With kind regards we refuse your offer.

Thank you

On 27 Feb 2017 10:27 AM, "Irene Vakarin" <[agileconveyancing@gmail.com](mailto:agileconveyancing@gmail.com)> wrote:

Dear Dejan

Please see our letter for your attention.

We look forward to your early response.

Regards

Irene Vakarin

Agile Conveyancing

PO Box 4061, Bexley North NSW 2207

Mob: 0416 128 004

Fax: 9554 4652

[www.agileconveyancing.com.au](http://www.agileconveyancing.com.au) LEAP Email Reference |F:31216000|M:17437| (Please do not delete)



Our Ref: IV:17437  
Your Ref:

Phone 9554 4651  
Mobile 0416 128 004  
Fax 9554 4652

PO Box 4061  
Bexley North NSW 2207

email@agileconveyancing.com.au  
www.agileconveyancing.com.au

24 February 2017

Stemaa Pty Ltd TASA Unit Trust  
28 Eccles Street  
ASHFIELD NSW 2131

Dear Sir/Madam

**Your Purchase from Kavvalos**  
**Property: 32 Evan Street, Penrith**

We refer to our telephone discussion on 24 February 2017. We confirm that Irene Vakarin of our office spoke to Mr Dejan to follow up on the offer made to you on 24 January 2017.

We note that you verbally refused the offer made to you on 24 January 2017 and made a counter offer of \$900,000.00 and a unit of your choice in any prospective development. Your counteroffer is hereby refused as we are instructed that it is commercially unfounded.

Accordingly, we hereby make a further offer to you to acquire your property for the price of \$870,000.00.

We look forward to your early response.

Yours faithfully  
**Agile Conveyancing**

Irene Vakarin



ABN: 85 215 738 814

Refinancing or new mortgages

Sales and purchases of residential or commercial property

Leasing





Our Ref: IV:17437  
Your Ref:

Phone 9554 4651  
Mobile 0416 128 004  
Fax 9554 4652  
PO Box 4061  
Bexley North NSW 2207  
email@agileconveyancing.com.au  
www.agileconveyancing.com.au

24 January 2017

Mr D Nestorovic  
34 Evan Street  
PENRITH NSW 2750

Dear Mr Nestorovic

**Stemaa Pty Ltd Purchase from Nestorovic  
Property: 34 Evan Street, Penrith**

We act on behalf of Stemaa Pty Ltd Trustee for the Tasa Unit Trust and are instructed to make a formal offer to you as the owner of 34 Evan Street, Penrith NSW 2750.

Stemaa Pty Ltd Trustee for the Tasa Unit Trust wish to purchase the said property for the amount of \$850,000.

We look forward to your response.

Should you have any queries do not hesitate to contact our office.

Yours faithfully  
**Agile Conveyancing**

Irene Vakarin



ABN: 85 215 738 814

Refinancing or new mortgages

Sales and purchases of residential or commercial property

Leasing



15 February 2019  
Ref 18773

Stemaa Pty Ltd  
c/- Morson Group  
PO Box 170  
POTTS POINT NSW 1335

Attn: Mr Peter Morson

Dear Peter,

**28-32 EVAN STREET, PENRITH**  
**REVIEW OF PROPOSED BASEMENT CAR PARKING ARRANGEMENTS &**  
**PREPARE SWEEP TURNING PATH DIAGRAMS**

As requested, we have reviewed the arrangements proposed in the basement car parking area as illustrated on the attached drawings all prepared by *Morson Group Architects*, as follows:

- DA05 Issue No. P2 dated 5 February 2019
- DA12 Issue No. P2 dated 5 February 2019, and
- DA13 Issue No. P2 dated 5 February 2019

I can confirm that the layout of the basement car parking area and associated vehicular access to the basement car parking area complies with the requirements of the Standards Australia publication *Parking Facilities Part 1: Off-Street Car Parking AS2890.1 – 2004* and *Parking Facilities Part 6: Off-Street Parking for People with Disabilities AS2890.6 – 2009* in terms of ramp grades and widths, aisle grades and widths, parking bay dimensions and column locations.

Also attached are a number of swept turning path diagrams which have been prepared using the *Autodesk Vehicle Tracking 2019* program in accordance with the requirements of *AS2890.1 – 2004*, confirming that all vehicles will be able to enter and exit the site whilst travelling in a forward direction at all times, and that all parking spaces proposed in the basement car parking area can be accessed without difficulty.

Please do not hesitate to contact me on telephone 9904 3224 should you have any enquiries.

Yours sincerely

Robert Varga  
Director  
Varga Traffic Planning Pty Ltd