

Statement of Environmental Effects

DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A FOUR (4) STOREY RESIDENTIAL FLAT BUILDING DEVELOPMENT CONTAINING 20 APARTMENTS OVER BASEMENT CARPARKING FOR 25 VEHICLES & STRATA SUBDIVISION AT 20 ROBERT STREET, PENRITH



Prepared by: Think Planners Pty Ltd
Document Date: 13 September 2018
Consent Authority: Penrith City Council

QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects: RFB
ADDRESS: 20 Robert Street, Penrith
COUNCIL: Penrith City Council
AUTHOR: Think Planners Pty Ltd
ARCHITECT: Design Cubicle

Date	Purpose of Issue	Rev	Reviewed	Authorised
23 July 2018	Draft Issue	Final	SK/JW	AB
13 September 2018	Submission Issue	Final	JW	AB

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

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Executive Summary

This Statement of Environmental Effects has been prepared in support of a Development Application for demolition of existing structures and the construction of a four (4) storey residential flat building containing 20 units over basement parking for 25 vehicles at 20 Robert Street, Penrith. The proposal also includes strata subdivision of the development on completion.

The proposal incorporates the following dwelling mix:

- 3 x 1 bedroom unit;
- 16 x 2 bedroom units; and
- 1 x 3 bedroom unit.

Located within close proximity to both Kingswood Train Station & Penrith Train Station, and within a short car trip to Nepean Hospital, the site is a regular shaped land parcel with a frontage of approximately 24.74m to Robert Street and a total site area of 1400m². The site is predominately flat.

The site is zoned R4 High Density under Penrith Local Environmental Plan 2010 and a '*Residential Flat Building*' is permissible with consent within the R4 Zone. The development proposal has been designed to align with the LEP controls and the provisions of Penrith DCP 2014, noting the proposal meets the building height control in the LEP.

The subject area is ideal for future urban intensification as it is located within close proximity to a large commercial centre, regional hospital, schools, public transportation and recreational opportunities. The development will permit an orderly development of the site and also permitting the site to fulfil its zoning potential whilst being consistent with Council's vision for the subject area and compatible with the existing character along Robert Street.

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

Site and Locality

The subject site is legally described as Lot 2 DP 513528, known as 20 Robert Street, Penrith. The site is a predominantly regular shaped land parcel with a frontage of approximately 24.74m to Robert Street and a total site area of 1400m². The site is predominately flat.

Bounded by existing medium to high density housing, the subject site is located within a residential block bounded by Robert Street to the north, Lemongrove Road to the west, King Street to the east and Thurston Street to the south. The block has been earmarked for higher densities by virtue of its R4 Zoning which permits buildings of up to 15m. It is expected with the high demand for housing within close proximity to essential services, public transport, schools and parks, the existing medium scale housing will be redeveloped for higher densities in the medium term. An aerial photograph of the subject block and the subject site is provided below:

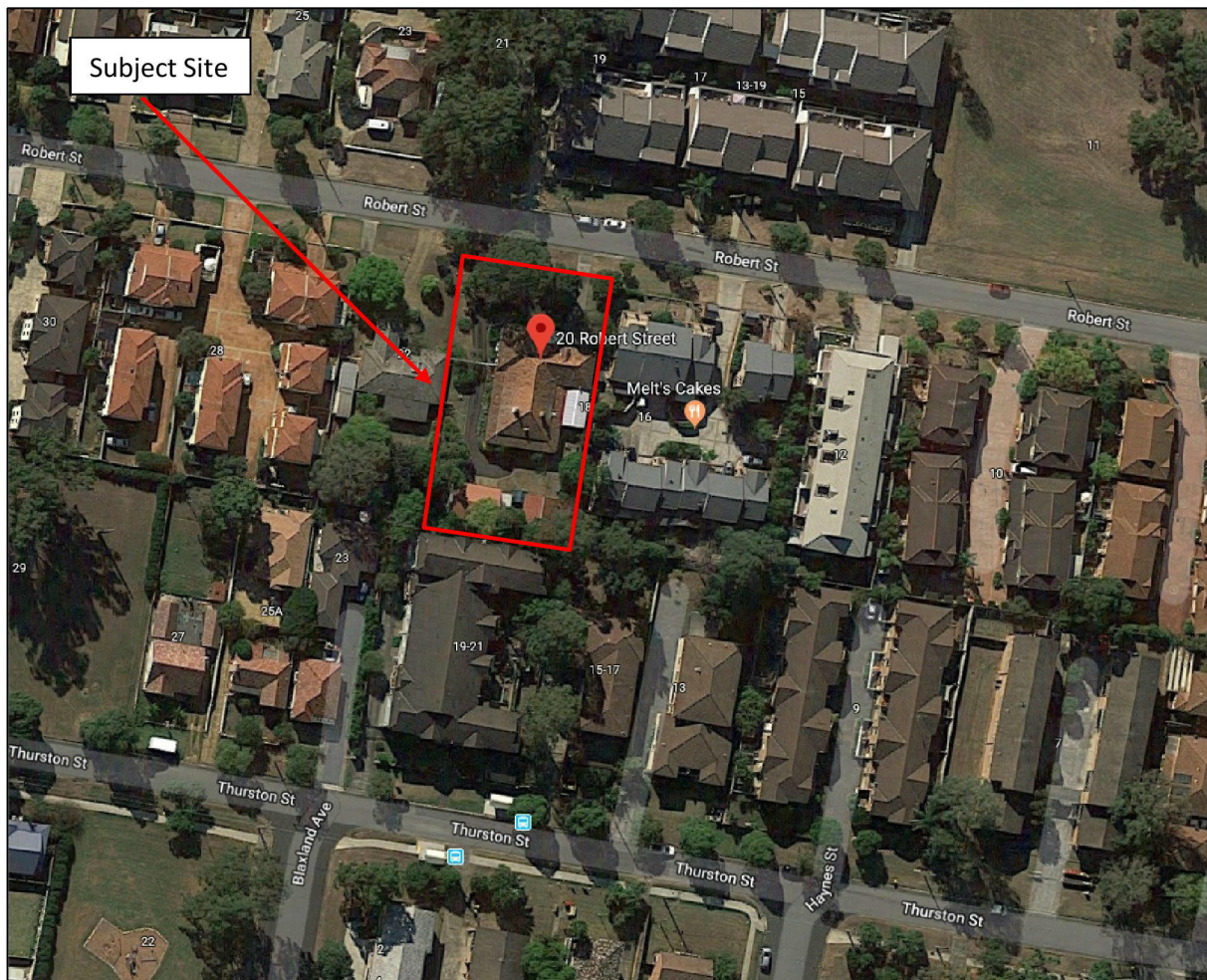


Figure 1: Aerial Photograph of Site

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

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



Figure 2: Locality Map

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

Photograph 1: Shows the existing subject site, as viewed from Robert Street.



Photograph 2: Shows a recently constructed multi dwelling housing development located opposite the subject site (15-19 Robert Street).



Photograph 3: Shows the existing streetscape of Robert Street, viewing eastwards.



Photograph 4: Shows the existing streetscape of Robert Street, viewing westwards.



Heritage

The site is not identified as a heritage item, it is not located within a heritage conservation area nor is it in the vicinity of any surrounding heritage items as illustrated by the heritage extract map below.



Figure 3: Heritage Map Sheet HER_012 Extract (Source: Penrith LEP 2010)

Description of Proposal

The proposal involves the demolition of existing structures and construction of a four (4) storey residential flat building with associated strata subdivision with the following aspects:

Unit Mix

The proposal incorporates a total of 20 units with the following dwelling mix:

- 3 x 1 bedroom unit;
- 16 x 2 bedroom units; and
- 1 x 3 bedroom unit.

Parking

The development proposal includes a total of 25 parking spaces within a basement level. The access ramp to the basement is located on the north-western section of the site. The parking breakdown is as follows:

Basement Level

A total of 25 car parking spaces including

- 21 residential spaces, including 2 accessible spaces.
- 4 visitor spaces, and
- 1 dedicated car wash bay.

The basement level also includes 4 bicycle parking spaces.

Waste Collection

The proposal is limited in size and is only 4 storeys and therefore no chute system is provided with garbage to be taken by residents to the ground floor holding area which is suitable.

The proposal has also been designed to enable waste to be collected from Robert Street with a truck able to utilise on street loading in front of the site. Then waste contractors can collect from the bin storage room on the ground floor- noting that this is the way that all existing developments are serviced in Robert Street. Further the development is a small scale development of only 20 units and on-site collection is not feasible- nor is it desirable given the existing waste collection arrangements on Robert Street that utilise an on-street collection configuration to the various apartment buildings and townhouse developments.

Between Lemongrove Road and King Street there are 14 development lots, 12 of which already accommodate townhouses or apartments. All of the townhouses and apartments feature on-street collection. Therefore it is not reasonable or desirable to have 1 development in the street with on-site loading when all other developments simply present bins to the street- when this development can simply present bins to the street and there is a consistent bin collection arrangement in the street for all developments. This portion of Robert Street is also quiet with no through traffic other than residents given the primary roads are Lemongrove Road and King Street.

Stormwater Management

The proposal has been designed to provide for discharge to the kerb and gutter. This is after treatment via the WSUD measures.

Key Elements of Proposal

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

Level	Inclusions
Basement Level	Graded ramp access to the basement level is provided via Robert Street.
	25 car parking spaces with the following carparking breakdown: <ul style="list-style-type: none"> - 21 residential car parking spaces including 2 accessible car parking space; and - 4 visitor car parking spaces
	4 bicycle parking spaces.
	Residential storage space.
	Plant room.
	Storage room
	Lift core and stair well.
Ground Floor: Units 1-5	The ground floor accommodates a primary pedestrian pathway and ramp that provides direct access to lobby area of the proposed 4 storey RFB.
	The lobby area provides access to all 5 ground floor units and waste room and includes a lift core and stairwell.
	Each unit is provided with a kitchen, laundry, living area, dining area, and courtyard that is generally accessed from living areas.
	1 x 1 bedroom unit with courtyard.
	3 x 2 bedroom unit with courtyard.
	1 x 3 bedroom unit with courtyard
	Communal bin storage room.
	Landscaped areas.
	Foyer area leading to the dual lift cores.
	Driveway and vehicle ramp to basement level via Robert Street, in the north-western corner of the site.
First / Second Floors	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas. Each floor contains 6 units.
	1 x 1 bedroom unit with balcony per level (1 x 2 = 2. A total of 2 x 1 bedroom units).

	5 x 2 bedroom unit with balcony per level (5 x 2 = 10. A total of 10 x 2 bedroom units).
Third Floor	Each unit is provided with a kitchen, laundry, living area, dining area and balcony that is generally accessed from living areas. 3 x 2 bedroom units.
	Communal Open Space.
Rooftop Level	Rooftop communal open space.

The proposal also incorporates a number of ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans.

Planning Controls

Statutory Controls

The relevant Statutory Planning Controls include: -

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

Policy Controls

The applicable policy control documents are: -

- Penrith Development Control Plan 2014; and
- The Apartment Design guide.

Consideration of Planning Controls

The following summarises the relevant planning controls in relation to the proposal and makes comment regarding compliance with these controls- noting that only the key controls are discussed given the proposal is for a Pre-DA Meeting.

State Environmental Planning Policy 2004 BASIX

The application has been assessed and is accompanied by a complying BASIX certificate demonstrating a commitment to thermal and water efficiency.

State Environmental Planning Policy No. 55- Land Contamination

Given the historical use of the site for urban purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary given the residential use of the site and no indication of potentially contaminated materials on the site.

A Preliminary Site Investigation has been carried out that also confirms that the site is suitable for the development.

Council can be satisfied that the provisions of Clause 7 of the SEPP is satisfied. If any contaminated material or suspected contaminated material is unearthed during the construction process then actions consistent with the legislative requirements and guideline document will be undertaken.

SEPP 65 Design Quality of Residential Apartment Development and the Apartment Design Guide

The development application is accompanied by a design verification statement by Design Cubicle, verifying that a registered architect has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development controls such as setbacks, building depth, separation, height, etc. is provided in the local planning controls discussion and tables below.

The table below provides a detailed discussion against the relevant provisions of the Apartment Design Guide, noting that a number of these provisions are embodied within the Penrith Local Environmental Plan 2010 and supporting Penrith Development Control Plan 2014.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below.

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

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

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

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 – Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed residential flat building complex has been designed to address and provide direct pedestrian access via Robert Street. Passive surveillance opportunities are provided from primary living areas and balconies that overlook all streets. Direct pedestrian access to the proposed 4 storey building is provided through the centre of the site.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Not applicable	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Adjoining properties do not contain solar collectors	N/A

3C Public Domain Interface	<p>Terraces, balconies should have direct street entry, where appropriate.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided</p> <p>Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view</p>	<p>Terraces have direct access to the street entry, however appropriate access to all ground floor units is provided by the proposal.</p> <p>Appropriate location of mail boxes are provided. Complies.</p> <p>The garbage storage room is located within an enclosed room on the ground floor that is not visible from the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3D Communal and Public Open Space	<p><u>Design Criteria:</u></p> <p>Communal open space has a minimum area equal to 25% of the site</p> <p>50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm</p>	<p>250sqm provided or 17.86% of the site area, which is slightly under the required communal open space area of 25% required by the ADG, however the development is compliant with the DCP requirement for communal open space that is 10% of the required landscaped area. It is also noted that the development is located within proximity of several public open spaces, including Parker Street Reserve which is located approximately 200m from the site. Therefore the quantum of common area is significant for a development of only 20 units and consistency with the DCP and availability of local parks means that the technical variation to the ADG provision is acceptable given the small scale of the development proposed.</p> <p>Complies</p>	<p>Variation</p>

3E Deep Soil Zones	<p><u>Design Criteria:</u></p> <p>A deep soil zone equivalent to 7% of the site area must be provided</p> <p>If the site is between 650m² to 1500m² then the DSZ must have minimum dimensions of 3m</p> <p>If over 1500m² then min dimensions of 6m</p> <p><u>Design Guidelines:</u></p> <p>On some sites it may be possible to provide larger deep soil zones:</p> <ul style="list-style-type: none"> • 10% of the site as deep soil on sites with an area of 650m²- 1,500m² • 15% of the site as deep soil on sites greater than 1,500m² 	<p>98m² required and a deep soil area of 388m² or 27.7% of the site is provided. Complies.</p> <p>Complies with Minimum Dimension of 3m</p> <p>It is noted that the proposal provides a total of 27.7% of the site area for deep soil zones. Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3F Visual Privacy</p> <p>Building Separation Up to 4 storeys (up to 12m)</p> <p>Note: When adjacent to a lower density residential zone an additional 3m rear/ side setback is required</p>	<p><u>Design Criteria:</u></p> <p>12m between habitable rooms (6m)</p>	<p>The proposed 4 storey residential flat building development provides 6m setbacks to all of its boundaries and is therefore compliant.</p> <p>N/A.</p>	<p>Yes</p> <p>N/A</p>
3G Pedestrian Access and Entries	<p>Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas</p>	<p>The building provides clearly distinguishable entry points from Robert Street.</p>	<p>Yes</p>

3H Vehicle Access	<p>Car park access should be integrated with the building's overall façade</p> <p>Car park entry and access should be located on secondary streets or lanes where available</p>	<p>The vehicular access point is provided via Robert Street and integrates with the overall design of the building.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p>
3J Carparking	<p><u>Design Criteria:</u> Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:</p> <p><u>Design Guidelines:</u> Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas</p>	<p>N/A as not within 800m of a railway station. Designed to Comply with the Penrith DCP 2014.</p> <p>The proposal provides appropriate undercover and secure residential bicycle parking spaces within the basement level.</p>	<p>N/A</p> <p>Yes</p>
Part 4 – Designing the Building			
4A Solar Access	<p><u>Design Criteria:</u></p> <p>Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid Winter</p>	<p>70% or 14 units required achieve the required 2 hours of solar access at mid-winter. 20 units achieve 2 hours solar access and complies.</p> <p>0 units will receive no direct sunlight between 9am and 3pm Mid Winter.</p>	<p>Yes</p> <p>Yes</p>
4B Natural Ventilation	<p><u>Design Criteria:</u></p> <p>60% of Units are cross ventilated in a building up to 9 storeys</p>	<p>60% of units are cross ventilated.</p>	<p>Yes</p>

	Overall width of a cross over or cross through apartment is < 18m <u>Design Guidelines:</u> The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	No cross-over or cross through units. Development has a mix of dual aspect apartments, single aspect and corner apartments.	N/A Yes
4C Ceiling Height	<u>Design Criteria:</u> 2.7m for habitable and 2.4m for non-habitable.	Complies	Yes
4D Unit Sizes	<u>Design Criteria:</u> Studio 35m ² 1 bed 50m ² 2 bed 70m ² 3 bed 90m ² + 5m ² for each unit with more than 1 bathroom.	All units comply with many units exceeding. Where additional bathrooms have been provided unit sizes have been increased by at least 5m ² ,	Yes
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
Habitable Room Depths	<u>Design Guidelines:</u> Limited to 2.5m x Ceiling Height	N/A as open plan layouts provided	N/A
Bedroom sizes Master Other	10m ² 9m ²	Comply Comply	Yes Yes
Living rooms/dining areas have a minimum width of: 3.6m 4m	Studio/1 br 2br/ 3br	Comply Comply	Yes Yes

Open Plan Layouts that include a living, dining room and kitchen.	8m to a window	Complies given unit depths and design layouts.	Yes
4E Private Open Space Balcony Sizes 1 bed 2 bed 3 bed Ground level/ podium apartments	<u>Design Criteria:</u> 8m ² & 2m depth 10m ² & 2m depth 12m ² & 2.4m depth 15m ² & 3m depth	Complies Complies Complies Complies with many exceeding 15m ² .	Yes Yes Yes Yes
4F Common Circulation and Spaces Common Circulation Units per Plate Corridors > 12m	<u>Design Criteria:</u> 8-12 Unit per Plate Are articulated	Lift core is to serve a maximum of 6 units per plate. The corridors are articulated.	Yes Yes
4G Storage	1 bed 6m ³ 2 bed 8m ³ 3 bed 10m ³ Min 50% of required storage is within the apartment	The proposal provides: 1 bed: >6m ³ 2 bed: >8m ³ 3 bed: >10m ³ This is provided within the basement/ground floor and within the units themselves, with a minimum of 50% of storage to be provided within each individual unit. The proposed development is considered to offer storage space that aligns with the provisions of the ADG.	Yes

4H Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighboring buildings/adjacent uses</p> <p>Windows and door openings are generally orientated away from noise source</p> <p>Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p>	<p>Development has provided adequate separation from neighbor buildings/properties in-line with 3F Visual Privacy – design criteria above.</p> <p>Where appropriate windows and door openings are orientated away from noise sources.</p> <p>The application is designed to create different ‘zones’ with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4K Apartment Mix	A variety of apartment types is provided	<p>A diversity of apartments is proposed as follows:</p> <p>3 x 1 bedroom unit; 16 x 2 bedroom unit; and 1 x 3 bedroom unit.</p> <p>The proposed unit mix will offer a variety of housing choice. The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes
4M Facades	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements. Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the wider Penrith LGA.	Yes

4O Landscape Design	1 large tree or 2 medium trees per 80m ² of DSZ	Consistent as per landscaping, noting where appropriate existing trees are to be retained.	Yes
4Q Universal Design 20% of the total apartments	Achieve Liveable House Guidelines silver level universal design features	20% of units achieve silver level universal design features.	Yes
4U Energy Efficiency		The future development application will be accompanied BASIX certificate indicating energy efficiency for each residential unit provided. Furthermore it is noted that 100% of units achieve the minimum 2 hours of solar access at mid-winter and over 60% units achieve natural ventilation.	Yes
4V Water Management and Conservation	Reduce mains consumption, and reduce the quantity of storm water runoff.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	Supply WMP Allocate storage area	Provided Appropriate waste storage areas are provided.	Yes Yes
4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes

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

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

Penrith Local Environmental Plan 2010

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

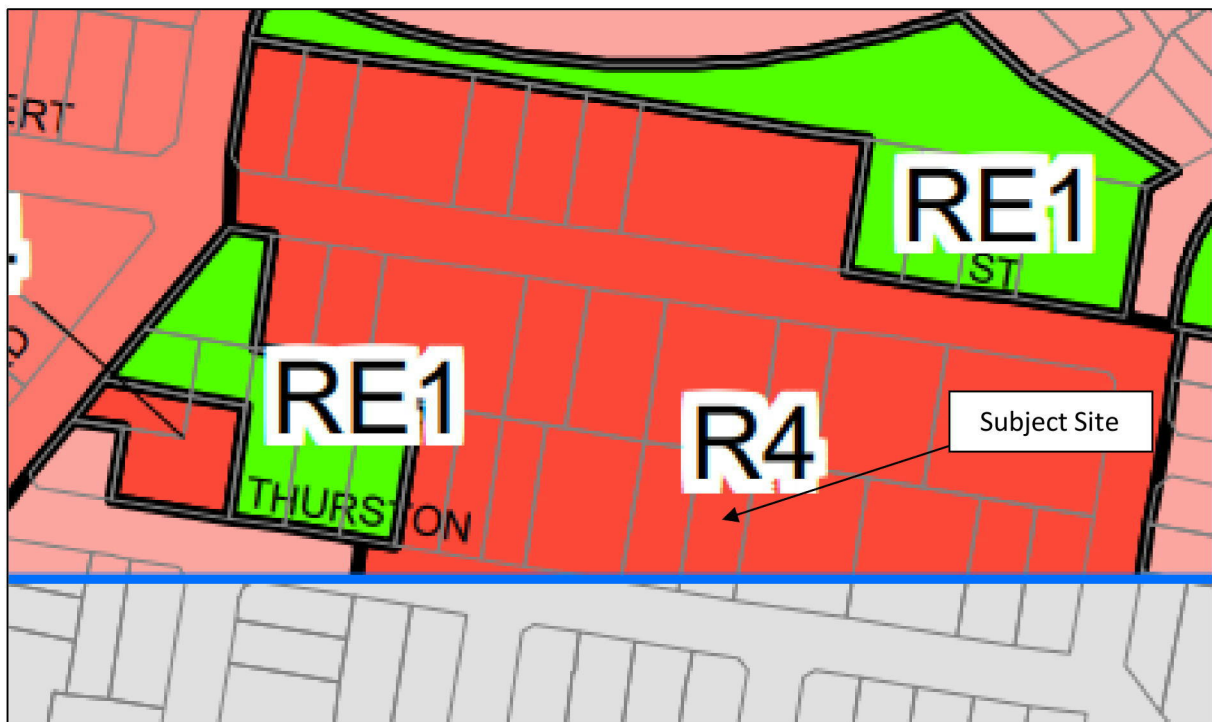


Figure 4: Land Zoning Map Sheet HER_012 Extract (Source: Penrith LEP 2010)

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

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

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

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.

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

The proposed development provides a residential flat building that will provide a variety of housing types and contribute towards increasing the housing stock of Penrith, whilst being consistent with the emerging high-density character of the subject area. The site is well located and provides access to essential services, public transportation, schools, shops and recreation opportunities.

The residential flat development incorporates a contemporary design that achieves good presentation to both streets. The locality has been zoned for high density development and as such it is expected to transform over the next 5 to 10 years with planning controls permitting greater density in the locality. The proposal aims to provide a strong interface to Robert Street whilst aiming to set the tone and scale for future comparable RFB within the subject residential block.

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

Penrith Local Environmental Plan 2010 - Compliance Table			
Relevant Clause	Control	Comment	Complies
Zoning	R4 – High Density	Residential Flat Buildings are permissible with Council consent in the R4 – High Density Residential zone.	YES
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R4 High Density. The development will permit the site to develop to its full zoning potential whilst increasing housing stock within close proximity to schools, public transportation and services.	YES
2.6	Subdivision – Consent Requirements	Strata subdivision is proposed on completion of the development.	YES
2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on the site.	YES

Part 4 Principal Development Standards			
4.1A	Minimum Subdivision Lot Size: Residential Flat Building: 800m ²	A minimum lot size of 800m ² is identified for the site under the Penrith Local Environmental Plan 2011 Clause 4.1A. The subject site has a total site area of 1400m ² . Complies.	YES
4.3	Height of Buildings- 15m	Penrith Local Environmental Plan states that the maximum building height within the subject site is 15m. The development proposes a 3-4 storey residential flat building that is fully within the height limit.	YES
4.4	Floor Space Ratio	No FSR control applies to the subject site. Not relevant.	N/A
Part 5 Miscellaneous Provisions			
5.6	Architectural Roof feature	The development does not propose an architectural roof feature.	N/A
5.10	Heritage	The site does not contain a heritage item and is not located within proximity to a heritage item or a heritage conservation area.	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.	YES

		<p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Council's current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
7.2	Flood planning	The site is not identified as being flood prone by Council's flood planning land map sheet FLD_012.	YES
7.3	Development on Natural Resources Sensitivity Land	The site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p><i>(a) conserving energy and reducing carbon dioxide emissions,</i> <i>(b) embodied energy in materials and building processes,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy efficiency.</p> <p><i>(c) building design and orientation,</i> <i>(d) passive solar design and day lighting,</i> <i>(e) natural ventilation,</i></p> <p>The majority of units receive good solar access and natural ventilation.</p> <p><i>(f) energy efficiency and conservation,</i> <i>(g) water conservation and water reuse,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy/water efficiency.</p> <p><i>(h) waste minimisation and recycling,</i></p> <p>Waste management and recycling is addressed through the attached waste management plan.</p>	YES

		<p><i>(i) reduction of vehicle dependence,</i></p> <p>Proposal is located within a 100m radius of bus stops with regular services from Penrith to Werrington (758) that gives alternative means of transport.</p> <p><i>(j) potential for adaptive reuse.</i></p> <p>Given the zoning of the site as R4 there is limited adaptive re-use potential on the site.</p>	
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. (SLV_012) Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	YES

Penrith Development Control Plan 2014

The key DCP controls are contained in the table below.

Penrith Development Control Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<p><u>1.1.1 Site Analysis</u></p> <p>A Site Analysis has been prepared and is attached as part of this application. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.</p>	Yes
		<p><u>1.1.2 Key Areas with Scenic and Landscape Values</u></p> <p>The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.</p>	N/A
1.2	Design Principles	<p><u>1.2.2 Built Form – Energy Efficiency and Conservation</u></p> <p>The proposed development maximise solar access to units and is designed in a manner that achieves natural light and ventilation. A BASIX certificate is attached to this statement.</p>	Yes
		<p><u>1.2.3 Building Form – Height, Bulk and Scale</u></p> <p>It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site.</p> <p>The site complies with the maximum height control that applies for the site under Penrith LEP 2010 and adopts a 4 storey form.</p> <p>It is noted that the subject area is currently ongoing a transformation from low density residential dwelling to a high density housing, with the proposal designed to be consistent with the future high density built form character of the precinct.</p>	Yes

		<p><u>1.2.4 Responding to the Site's Topography and Landform</u> The subject site is predominately flat.</p> <p><u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u> The proposed development incorporates active façades that will permit casual surveillance of Robert Street as well as the common areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><u>1.2.6 Maximising Access and Adaptability</u> Proposal has been designed to provide access to and from the site for people with mobility issues.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	<p>Council consent is sought for the removal of identified trees from the site, noting that where appropriate, existing trees are to be retained.</p> <p>The site is not identified as being located within the Natural Resources Sensitive Map under Penrith LEP 2010.</p>	Yes

		<p>Proposed extensive landscape treatment seek to soften the built form and integrate with the development and the site's context within a high residential density context.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal.</p> <p>Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.</p>	
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	Subject site is not identified as being within a Bushfire Prone Land under Penrith LEP 2010. Not applicable.	N/A
C3 Water Management			
3.1	Water Conservation	The development application is accompanied by a complying Basix certificate that outlines how water usage will be minimised.	Yes
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the catchments natural water systems.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within close proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	<p>The proposed development is to be for an RFB development. It is not considered that the proposal will impede existing ground water flows.</p> <p>It is considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.</p>	N/A

3.5	Flood Planning	The subject site is not identified as being flood prone. Not applicable.	N/A
3.6	Stormwater Management and Drainage	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application. It is noted that the proposal incorporates an easement over the downstream property.</p>	Yes
C4 Land Management			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes

4.3	Erosion and Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
4.4	Contaminated Lands	<p>The site is currently used for urban purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination. Nothing on site indicates a previous contaminating use.</p> <p>If any contaminated material or suspected material is unearthed during the construction process then actions consistent with the legislative requirements and guideline documents will be undertaken.</p>	Yes
4.5	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not relevant.	N/A
C5 Waste Management			
	A bin chute is to be provide to all RFB's over 3 storeys in height.	The proposal is limited in size and is only 4 storeys and therefore no chute system is provided with garbage to be taken by residents to the ground floor holding area which is suitable. This is suitable given the small scale of the development and the ground floor bin storage area.	Variation

		<p>The proposal has also been designed to enable waste to be collected from Robert Street with a truck able to utilise on street loading in front of the site. Then waste contractors can collect from the bin storage room on the ground floor- noting that this is the way that all existing developments are serviced in Robert Street. Further the development is a small scale development of only 20 units and on-site collection is not feasible- nor is it desirable given the existing waste collection arrangements on Robert Street that utilise an on-street collection configuration to the various apartment buildings and townhouse developments.</p> <p>Between Lemongrove Road and King Street there are 14 development lots, 12 of which already accommodate townhouses or apartments. All of the townhouses and apartments feature on-street collection. Therefore it is not reasonable or desirable to have 1 development in the street with on-site loading when all other developments simply present bins to the street- when this development can simply present bins to the street and there is a consistent bin collection arrangement in the street for all developments. This portion of Robert Street is also quiet with no through traffic other than residents given the primary roads are Lemongrove Road and King Street.</p>	
C6 Landscape Design			
		<p>A landscape concept plan, prepared by a Landscape Architect, accompanies this development application.</p> <p>The concept plan details the landscape embellishment works proposed and it can be seen that these works will substantially improve the streetscape presentation of the site as well as softening the proposed built form.</p>	<p>Yes</p>

C7 Culture and Heritage			
7.1	European Heritage	The site does not contain a heritage item and is not located within proximity to a heritage item or a heritage conservation area. Not relevant.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significance. Not relevant.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and for entering and exiting the site. The proposed parking area and ancillary driveways will not contribute to the creation of traffic hazards. The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.	Yes
10.3	Key Transport Corridors	The subject site is not located within a key transport corridor. Not relevant.	N/A
10.5	Parking, Access and Driveways Parking Rates 1 space per 1 or 2 br unit (19 required) 2 spaces per 3 br unit (2 required) Resident: 21 spaces required. Visitor: 1 space for every 5 dwellings: 4 1 space per 40 units for car washing =0.5 Total: 25 required plus car wash bay.	Proposed dimensions for car parking spaces are consistent with Council control. See plan for detail. The development proposes the construction of 20 units comprising 3 x 1 br units, 16 x 2br units and 1 x 3br unit. Utilising the DCP rates, the development requires: Resident Spaces: 21 Visitor Spaces: 4 Carwash bays: 0.5 Total: 25 plus carwash bay The proposal provides for 25 spaces, composed of; 21 residential spaces; and	YES

		4 visitor spaces. Plus, a dedicated car wash bay.	
C11 Subdivision			
D2 Residential Development			
2.5	Residential Flat Buildings New residential flat building development should adopt key features of established suburban design. Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture"	<u>2.4.2 Preferred Configuration for Residential Flat Buildings</u> The development has courtyards and private open space areas that front Robert Street. Units front Robert Street and adopts a traditional orientation with the living room and courtyards to the primary street setback. Garages are within a basement and will not result in garage architecture. The proposed layout and siting of the units are consistent with the layout patterns of other comparable RFB developments within the Penrith LGA.	Yes Yes Yes
2.5.3	Development Site Minimum lot width of 20m in the R4 High Density Residential zone.	The proposal has a site frontage of 27.74m to Robert Street and as such complies with Council's minimum lot width requirements for Residential Flat Buildings within the R4 Zone.	Yes
2.5.4	Urban Form 1.For dwellings fronting the street, adopt a traditional orientation: a) living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties; and b) private gardens fill the front setback area; and c) garages are concealed behind dwellings.	Units front Robert Street and adopts a tradition orientation with their living room and courtyards addressing the site's front setbacks. Where appropriate, the front setbacks are to be landscaped and garages are within a basement so as not to dominate the streetscape.	Yes

	<p>2. Dwellings behind the street frontage should adopt similar principles: a) living rooms and entrances face the street, and / or the landscaped rear boundary setback; and b) private gardens fill the rear setback area.</p> <p>3. Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width side setback:</p> <p>a) step the alignment of all facades – generally one corner and a substantial indentation for every 10m run of wall;</p> <p>b) divide buildings into separate wings – a deep indentation located centrally in the longest walls; or a central garden courtyard;</p> <p>c) vary the width of side setbacks – a combination of garden courtyards and access ways; and</p> <p>d) lined by an “avenue” of shady overhanging trees;</p> <p>e) cap the stepped floor plan with a variety of pitched roof forms;</p> <p>f) Windows should be inserted into every elevation.</p>	<p>Given the depth of the site, courtyards and living areas are orientated towards the street and side boundaries. Given that adjoining properties to the north and south are likely to be developed for a Residential flat building in the next 5 years, the orientation of living rooms and courtyards to the side boundaries is appropriate in the immediate context of this site- noting street and rear orientation is maximised.</p> <p>The Development avoids the visual appearance of a ‘gun barrel’ style development by adopting the design suggestions within this section of the DCP.</p> <p>The building has a number of steps and indents with a larger indent in the middle of the site that visually breaks up the bulk of the building.</p> <p>The building is of small scale and therefore it is not feasible to divide the building, however articulation is provided through other design features.</p> <p>The development has been articulated through shadow casting features and stepping external walls.</p> <p>Deep rooted landscaping is provided along the perimeter of all boundaries.</p> <p>The stepped roof provides visual relief to the development.</p> <p>Windows are provided along all elevations.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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2.5.5	<p>Landscaped Area</p> <p>Where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement.</p> <p>Landscaped area equivalent to 35% of the site with a minimum width of 2m and no basement encroaching</p>	<p>The proposal provides for 17.9% of the site area as common open space and complies.</p> <p>The proposal provides for 527m² of 37.64% of landscaped area and complies.</p>	<p>Yes</p> <p>Yes</p>
2.5.6	<p>Front and Rear Setbacks</p> <p>Rear Setback: 6m</p> <p>Front Setback: Average of neighbouring development or 5.5m minimum.</p> <p>Balconies can have a 4.5m setback provided less than 50% of the elevation</p> <p>Garages and parking space are not to be located within the front setback.</p>	<p>6m to the building line. Complies</p> <p>Proposal adopts a 5.5m setback, which is consistent with the existing streetscape. As detailed on the figure ground study and setback diagram the average setback in the street varies- and in proximity to the site it adopts 4.1m opposite the site, 6m to the east, and varying setbacks to the west. It is appropriate to ignore the existing dwelling to the west given it is a dwelling that is to be demolished in the future to make way for a comparable residential flat building.</p> <p>Given the varied setbacks in the locality the adoption of a 5.5m setback to the development is entirely suitable.</p> <p>Balconies are setback a minimum of 5m and are less than 50% of the elevation. Complies</p> <p>Garages and parking space are not located within the front setback. Complies.</p>	<p>Yes</p> <p>Consistent with Prevailing Setback</p> <p>Yes</p> <p>Yes</p>

2.5.7	<p>Building Envelope and Side Setbacks</p> <p>Cut and fill and maximum ground floor heights: a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level; b) restrict cut-and-fill to a maximum of 500mm;</p> <p>Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual scale.</p> <p>Zero setbacks are not permitted</p>	<p>The proposal is within the building envelope.</p> <p>Cut and fill is limited noting that the building is designed mainly to match existing ground levels, noting that the site is predominately flat.</p> <p>The roof pitch is <25 degrees.</p> <p>N/A, no zero lot line setbacks are proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
2.5.8	<p>Visual and Acoustic Privacy and Outlook</p> <p>Windows oriented towards their own private garden courtyard;</p> <p>At least 9m between any windows that face each other</p>	<p>Windows from primary living are orientated towards private open space areas to provide an appropriate outlook.</p> <p>With the likely redevelopment of the adjoining site to the east and west for future residential flat building a building separation of around 12m is likely to be provided.</p> <p>It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.</p>	<p>Yes</p> <p>Yes</p>

2.5.9	<p>Solar Planning</p> <p>A minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;</p> <p>A minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings</p> <p>Where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduce sunlight to the specified areas by more than 20%.</p>	<p>The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as cross ventilation of the proposed dwellings. It is noted that >70% of dwellings receive a minimum of 2 hours sunlight between 9am and 3pm during winter and all private courtyards, which are oriented to the north to receive adequate solar access.</p> <p>The proposal does not result in unacceptable overshadowing of adjoining residential properties. Appropriate setbacks are employed to ensure solar access and privacy to adjoining development.</p>	<p>Yes – ADG Prevails</p> <p>Yes</p>
2.5.10	Significant Townscapes & Landscapes	The site is not within an area of townscape or landscape significance.	N/A
2.5.12	Building Design	<p>1. The development adopts a variety of architectural features designed to minimise the apparent scale and bulk of the proposed four storey RFB by:</p> <ul style="list-style-type: none"> - Incorporation of stepping alignment of walls; - Indents to the building - stepping the height of the building with a four storey massing in the middle of the site; and - Projecting balconies and awnings. <p>2. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes that are typical of comparable newer MUH along within the Penrith LGA.</p>	<p>Yes</p> <p>Yes</p>

		<p>Materials used are consistent with that existing in the area while being contemporary in character, including wall and awning cladding and a mix of face and painted brickworks.</p> <p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>3. The facades of the proposed units include windows and doors along all visible walls and the use projecting verandahs to provide an attractive built form.</p>	<p>Yes</p>
<p>2.5.13</p>	<p>Energy Efficiency</p>	<p>The application has been provided with a BASIX certificate indicating appropriate energy efficiency for each residential unit is provided.</p> <p>Furthermore, living rooms have been oriented to the north with the proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as natural ventilation.</p> <p>100% of units will achieve more than 2 hours solar access at mid-winter (ADG prevails) and the building depth and apartment design ensures 60% of units are naturally cross-ventilated.</p> <p>Appropriate shading devices including overhanding eaves are proposed to provide adequate shading from the summer sun.</p>	<p>Yes</p>

2.5.14	<p>Design of Dwelling and Private Courtyards</p> <p>Corridors at least 1.2m wide and stairs with landings at least 1.2m deep.</p> <p>Ground floor courtyards minimum 20m²</p> <p>Upper courtyards 10m² and 2.5m x 2.5m and incorporate an outdoor drying area that is screened to 1.5m above floor level.</p>	<p>Comply.</p> <p>Complies with ADG</p> <p>All upper storey apartments have a minimum area > 8m² and have room for an outdoor drying area.</p>	<p>Yes</p> <p>Complies with ADG</p> <p>Complies with ADG</p>
2.5.15	<p>Garage Design</p> <p>Basements should have a low appearance, rising no higher than 1.5m above ground;</p> <p>Vehicle entrances designed to complement the architecture and landscaping of each building:</p> <p>Individual up and down ramps;</p> <p>undercover storage:</p>	<p>The basement does not protrude above natural ground level by more than 1.5m.</p> <p>The double width vehicle entrance and egress to Robert Street is consistent with the existing low density character of the area and will assist with ensuring compatibility with the surrounding built form.</p> <p>Provided. Complies.</p> <p>Provided. Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2.5.16	Garden Design	<p>Where appropriate, small to medium trees are to be planted along the sites front and side boundaries.</p> <p>See landscaping plans for detail.</p>	Yes
2.5.17	Paving Design	<p>Where appropriate, hard paved surfaces are minimised to maximise landscaping and gardens.</p> <p>The proposal provides attractive driveways and provide for verge plantings beside driveways and paths.</p>	Yes

2.5.18	Fencing and Retaining Walls	Proposed fencing is to be consistent with that existing within Penrith Local Government Area of similar residential flat buildings. The proposed fencing is compliant with Council controls.	Yes
2.5.19	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance to Robert Street as well as to driveways and landscaped areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes
2.5.20	<p>Accessibility and Adaptability</p> <p>10% of dwellings must be adaptable</p>	<p>2 adaptable units (10%) are provided.</p> <p>Proposal has been designed to provide access to and from the site for people with a disability.</p>	Yes
2.4.22	<p>Storage and Services</p> <p>10m³ of storage per unit</p>	<p>The proposal provides >10m³ of storage through a combination of basement storage areas and areas within the units.</p> <p>Letter boxes and other services are provided.</p>	<p>Yes</p> <p>Yes</p>

Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

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