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## Statement of Environmental Effects



Demolition of existing structures on site and construction of a new part five/part six storey residential flat building comprising 24 residential units, two ground floor medical centre suites, 2 levels of basement car parking, consolidation of two lots into one lot and associated site and landscape works.

### **DEVELOPMENT APPLICATION:**

**1-3 Hope Street, Penrith NSW 2750**

**Lot 20 & 21 in DP31239**

**Penrith City Council**

**NOVEMEBR 2019**

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## DEVELOPMENT DOCUMENTATION:

The accompanying documentation that has been submitted as part of the development application is as follows:

<b>Document:</b>	<b>Author:</b>
Statement of Environmental Effects	Tomasy Planning
Survey Plan	Mark Castelli Surveying
Architectural Plans	Morson Group
Landscape Plan	Paul Scrivener Landscape
Stormwater Concept Plan	SGC Consulting Engineers
Geotechnical Report	Morrow Geotechnics
Contamination Report	Geotechnique
Acoustic Report	Rodney Stevens Acoustics
BCA Report	360 Consulting
Accessibility Report	Vista Access Consultants
Traffic and Parking Impact Assessment	Stanbury Traffic Planning
BASIX/Nathers Certificate	Partners Energy
Quantity Surveyors Report	Ric-QS

# 1. INTRODUCTION

Tomasy Planning Pty. Ltd. has been instructed to prepare a Statement of Environmental Effects on behalf of the applicant, the Morson Group, to accompany a Development Application which seeks development consent for the demolition of an existing single storey medical centre and the construction of a new part 5/part 6 storey residential flat development, two medical centre suites at ground floor level, two levels of basement car parking, consolidation of two lots into one lot and associated site and landscape works. This Statement of Environmental Effects must be read in conjunction with architectural plans prepared by the project architects, Morson Group.

In preparing this document, consideration has been given to the following legislative requirements including:

- *Environmental Planning and Assessment Act, 1979*
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 - (Remediation of Land)
- State Environmental Planning Policy No. 64 - Outdoor Advertising and Signage
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (no. 2 – 1997)
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014.

The subject site (the site) is identified as being located within an area that is currently transitioning from a predominately R2: Low Density Residential land use zone to a denser R4: High Density Residential Zone, as per the Land Use Zoning Map of the Penrith Local Environmental Plan 2010 (PLEP2010). The existing locality is undergoing substantial change, in particular west of Parker Street up to Woodriff Street which has been earmarked to allow for increased residential densities with an 18m building height, no FSR being applicable to the site and a land use zone that allows for higher density forms of residential development including residential flat buildings.

The proposed development aims to embrace the changing physical and spatial building envelope dynamics within the immediate locality by demolishing the existing single-storey medical centre and a part five/part six storey residential flat building on the site. The proposal aims to replicate the existing built form character within the street, in particular with the recently approved six storey residential flat building located at no. 2-8 Lethbridge Street, directly north of the subject site and located on the corner of Lethbridge and Parker Street (The Northern Road). The neighbouring building envelope typifies the contemporary built form that is envisaged for the immediate locality and reflects the transitional nature of the R4: High Density Residential Zone.

The proposal seeks a minor variation to the maximum permissible height of building requirements which restricts buildings to a maximum 18m. The upper floor level of the building will result in a minor breach to the maximum building height requirements by 1.25m. The maximum exceedance to the building height is limited to the parapet of the architectural mansard roof element and a minor breach to the roof level, which varies between 130mm - 520mm above the maximum 18m. The variation to the maximum permissible building height development standards by 6.9% is considered reasonable and appropriate given that the development does not contribute to any adverse visual bulk and scale within the existing streetscape context or appreciable amenity impacts to the neighbouring dwellings within the street. A Clause 4.6: Exceptions to Development Standards has been submitted as part of this Development Application, which justifies the exceedance to the maximum building height provisions.

The proposal also aims to comply with the relevant building envelope provisions including setbacks from the street alignment (along Hope and Parker Streets (The Northern Road)). Significant landscaping and deep soil planting are provided throughout the site, above the minimum

requirements, to ensure an equitable distribution of soft landscaping is provided on site. Deep soil is provided adjacent to the property boundaries with substantial landscaping to ensure the development will continue to provide a visual balance between the built form and the soft landscaping within the site. A landscape plan prepared by Paul Scrivener Landscape, aims to provide a combination of trees, shrubs and grasses with a native species list which incorporate drought tolerant species that suit within the Western Sydney microclimate. The minor breach to the building separation requirements at the fourth and fifth floor levels is appropriate in that the upper levels have been designed to be appropriately articulated and modulated when viewed from the adjoining neighbours and ameliorates the visual bulk of the building. The treatment to the upper floor levels which maintains a similar setback as the ground to fourth floor levels will be compatible with neighbouring developments including no. 5 Lethbridge Street.

All apartments have been designed to ensure they receive a high level of residential amenity. More than 70% of the apartments will receive a minimum of two hours of direct solar access between the hours of 9am – 3pm, 21 June, with an apartment layout that seeks to capitalise on the northerly orientation/aspect. More than 79% of the total number of apartments provide for natural cross-ventilation through the site with double-heighted apartments proposed to levels one and three to maximise natural ventilation through the apartment. The private open spaces to the apartments will demonstrate compliance with the minimum area and dimensions for private open spaces and storage has been proposed within the basement levels to ensure adequate areas within the building are provided to meet the day-to-day needs of the occupants.

This Statement of Environmental Effects describes the proposed development having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, and closely examines the potential environmental impacts with regard to relevant sections of the Act, State Policies and relevant requirements of Council's DCP.

The Development Application should be approved by Penrith City Council subject to conditions as may be deemed appropriate.

## 2. PRE-DEVELOPMENT APPLICATION

The proposed development was subject to a pre-development application meeting held with Council officers on 11 October 2018.

The advice received by Council's officers is as follows:

Council Response:	Applicant Response:
<b>Penrith City Council</b>	
Although 'health services facilities' is a permissible land use under the State Environmental Planning Policy (Infrastructure) 2007, the appropriateness of a medical centre in this location, as opposed to a location within the Penrith Health and Education Precinct, is questionable.	Penrith City Council acknowledge that the proposal is a permissible form of development within the R4 High Density Residential Zone. It is noted that the site is currently occupied by an existing medical centre and the proposal seeks to retain the current use. The site is appropriate given the site is directly adjacent to Nepean Hospital (zoned SP2 Health Services Facility) and will continue to support health infrastructure uses on the adjoining site. The proposed medical suites are diminutive in size and scale and will not compete with those operations of the Nepean Hospital.
If the medical centre is to be pursued, details of the number of professional practicing at any one time, and support staff, will need to be outlined in the Statement of Environmental Effect	The fit-out of the proposed medical centre will be subject to a separate development application.
The development exceeds the maximum Height of Building of 18m.	A Clause 4.6: Exceptions to Development Standards has been submitted within Appendix 1 of this Statement of Environmental Effects.
The deep soil location within the childcare centre play area does not allow for planting of large canopy trees.	The proposal has removed the child care centre from the submitted plans.
Any room nominated as a study, which can be easily converted to a bedroom, will be considered a bedroom. This may increase the car parking required on the site.	The proposal has removed the studies within the residential apartments from the submitted plans.
There are privacy, acoustic and safety concerns regarding the residential balconies directly over the child care outdoor space.	The proposal has removed the child care centre from the submitted plans.
Any signage proposed should be noted on the plans and integrated with the building design.	The proposed signage has been included on the plans. The signage includes the provision of two top hamper signs above the medical centre tenancies of the building.
Plans should be dimensioned, and floor areas nominated.	The submitted plans includes dimensions and floor areas.
A geotechnical and hydrogeological report will be required to support an application. Due to the excavation needed for the basement construction a controlled activity permit may be required from NSW Office of Water. The Development Application will be nominated as integrated development. Early consultation with NSW Office of Water is recommended.	A Geotechnical Report has been prepared by Morrow Geotechnics and has been submitted as part of the accompany development application.
This advice should be read in conjunction with the advice received at the Urban Design Review Panel.	A summary of the issues raised by the Urban Design Review Panel has been included within the table below.
An acoustic report is required to be submitted as a part of the development application to demonstrate that the development can achieve the internal noise criteria, and that the various uses will not have any impact on adjoining premises. This report is to be prepared by a suitably qualified acoustic consultant.	An acoustic report has been prepared by Rodney Stevens Acoustics and has been submitted with the Development Application. The acoustic report assesses the proposed noise generation and will comply with the relevant noise requirements.

Council Response:	Applicant Response:
<b>Penrith City Council</b>	
<p>The report is to consider:</p> <ul style="list-style-type: none"> <li>• The 'Noise Policy for Industry' (October 2017) in terms of assessing the noise impacts associated with the development, including noise from the medical centre, the childcare centre, plant and equipment, and garbage removal;</li> <li>• The 'Guideline for Child Care Centre Acoustic Assessment' by AAAC to demonstrate that noise generated by the childcare centre, particularly the outdoor spaces, can be appropriately mitigated;</li> <li>• Whether there are any noise impacts associated with the traffic from Parker Street, to confirm that the internal areas can achieve the internal noise criteria, with consideration of the 'Development Near Rail Corridors and Busy Roads – Interim Guideline';</li> <li>• The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with NSW 'Road Noise Policy'; and</li> <li>• The 'Interim Construction Noise Guideline' in assessing the impacts associated with the construction phase of the development.</li> </ul> <p>Should mitigation measures be necessary, recommendations should be included to this effect.</p>	<p>The proposal has removed the child care centre from the submitted plans.</p>
<p>A waste management plan is to be provided addressing waste produced during the demolition, construction and operational phases of the development. It should address waste quantities, storage locations and removal. Vehicular access for collection also needs to be addressed. I note that Council's Waste Services section has more prescriptive requirements for multi-unit developments.</p>	<p>A Waste Management Diagram has been prepared by Morson Group which demonstrates waste vehicles to enter and exit the site in a forward direction. The waste storage area indicated on the plans is appropriate in size to allow for residential and medical bin collection on the site.</p>
<p>Any areas provided for bin washing or car washing are to be connected to sewer.</p>	<p>Bin storage areas and car wash bays will be accommodated with a connection to sewer and comply with any relevant trade waste requirements.</p>
<p>The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55). Council cannot consent to any development unless these requirements have been satisfied. Should remediation be required this will require development consent. The application is to demonstrate that the land is suitable for the proposed purpose.</p>	<p>Refer to Section 6 of this Statement Environmental Effects for further details regarding SEPP55 (Remediation of Land).</p>
<ul style="list-style-type: none"> <li>• Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website at the following link:</li> </ul>	<p>Stormwater concept design plans have been prepared by SGC Engineering and has been submitted with the Development Application.</p>



Council Response:	Applicant Response:
<b>Penrith City Council</b>	
<p><a href="https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Engineering-requirements-for-developments/">https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Engineering-requirements-for-developments/</a></p> <ul style="list-style-type: none"> <li>All engineering works must be designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works.</li> </ul>	<p>The submitted concept plans demonstrate compliance with Council's engineering requirements for developments.</p>
<ul style="list-style-type: none"> <li>Stormwater drainage for the site must be in accordance with the following: <ul style="list-style-type: none"> <li>Council's Development Control Plan,</li> <li>Stormwater Drainage Specification for Building Developments policy, and</li> <li>Water Sensitive Urban Design Policy and Technical Guidelines.</li> </ul> </li> <li>A stormwater concept plan (SCP), accompanied by a supporting report, Council's SCP Checklist (see Appendix A of Council's Stormwater Drainage Specification), and calculations, shall be submitted with the application.</li> <li>On-site Stormwater Detention (OSD) is required to be provided for the site. The Site Storage Rate (SSR) is 280cbm/Ha with a Permissible Site Discharge (PSD) of 120L/s/Ha.</li> <li>The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards.</li> <li>A Water Sensitive Urban Design (WSUD) strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance. For further information please contact Council's Senior Water Management officer.</li> <li>The basement pump-out system shall be designed in accordance with section 3.4 of Council's Stormwater Drainage Policy for Building Developments and AS3500.</li> </ul>	<p>Stormwater Concept Design Plans have been prepared by SGC Engineering and has been submitted with the development application.</p> <p>The submitted concept plans demonstrates compliance with Council's engineering requirements for developments.</p>
<ul style="list-style-type: none"> <li>For any development adjacent to a classified road (Parker Street), pre-lodgement advice from the Roads and Maritime Services (RMS) shall be obtained by the applicant by sending an email to the following address: <a href="mailto:development.sydney@rms.nsw.gov.au">development.sydney@rms.nsw.gov.au</a> A copy of the RMS pre-lodgement adviceshall be submitted with the development application.</li> <li>The application shall be supported by a traffic report prepared by a suitably qualified person addressing, but not limited to, traffic generation, access, car parking, and manoeuvring.</li> </ul>	<p>The proponent has liaised directly with the RMS due to the works being located in a classified road and comments have been incorporated into the Parking and Traffic report.</p> <p>A parking and traffic report has been prepared by Stanbury Traffic Planning to address the potential parking and traffic impacts that are generated by the proposed development.</p>

Council Response:	Applicant Response:
<b>Penrith City Council</b>	
<ul style="list-style-type: none"> <li>• The proposed Loading Area/Zone along the site fronting Hope Street and the removal of on-street parking is not supported. As such, waste collection shall be onsite in accordance with Council's Waste Management Policy.</li> <li>• The application must demonstrate that access, car parking (including accessible parking), and manoeuvring details comply with AS2890 Parts 1, 2 &amp; 6 and Council's Development Control Plan.</li> <li>• The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road.</li> <li>• The carparking rates are as follows – <ul style="list-style-type: none"> <li>- Residential Parking rates</li> <li>- 1 space per 1 or 2 bedrooms;</li> <li>- 2 spaces per 3 or more bedrooms;</li> <li>- 1 space per 40 Units for service vehicles;</li> <li>- 1 space per 5 dwellings for visitors parking;</li> <li>- 1 space per 50 Units for car washing;</li> <li>- Childcare Centre Parking Rates</li> <li>- 1 space per 10 children, plus 1 per employee, plus provision for any dwelling.</li> <li>- Medical Centre Parking rate</li> <li>- spaces per health care professional practising at any one time plus, 1 space per receptionist/support staff, plus 1 space per associated dwelling;</li> </ul> </li> <li>• All parking spaces are to be numbered and labelled, accordingly.</li> <li>• The stacked parking space behind the proposed disabled parking area is not supported;</li> <li>• The head clearance for any vehicular path of travel to and from a parking space for people with disabilities has a clearance height of 2300mm.</li> <li>• Bicycle parking provisions for residential and commercial component will need to be separated on each level for ease of access.</li> </ul>	<p>The proposed loading area/zone along the site frontage has been removed with all waste collected on site and waste vehicle ingress/egress provided via Hope Street.</p> <p>The proposed basement car parking layout and ingress/egress points have been reviewed by the nominated traffic consultant, Stanbury Traffic Planning. The current arrangement will comply with the relevant Australian Standards.</p> <p>A turning swept path analysis has been reviewed by Stanbury Traffic Planning and demonstrates compliance with the relevant Australian Standards. Vehicles can enter and exit designated car parking spaces in a forward motion.</p> <p>In accordance with the parking and traffic report prepared by Stanbury Traffic Planning, the proposed development requires 42 parking spaces and the development proposal provides for 41 parking spaces. The non-compliance is acceptable on the basis that the proposal aims to share both the car wash and service parking bay on the site as a multi-purpose parking space.</p> <p>All car parking spaces have been numbered and labelled accordingly.</p> <p>The car parking layout has been reviewed by the accessibility consultant, Vista Access Consultants and will continue to comply with the relevant accessibility provisions of the BCA requirements.</p> <p>The proposal will provide adequate head clearance with people with a disability above 2.3m.</p> <p>Bicycle parking for residential and commercial are separated on each level of access within the building.</p>
<ul style="list-style-type: none"> <li>• The development will require the following external road works: <ul style="list-style-type: none"> <li>- Vehicular crossing;</li> <li>- Provision of 1.5m wide concrete footpath along Hope Street and realignment of existing pram ramp;</li> </ul> </li> </ul>	<p>The proposed external road works including the vehicular crossing and concrete footpath along Hope Street and removal of redundant layback can be incorporated within any condition of any development consent.</p>

Council Response:	Applicant Response:
<b>Penrith City Council</b>	
<ul style="list-style-type: none"> <li>- Removal of redundant laybacks and crossovers within Hope Street and Parker Street</li> </ul>	
<ul style="list-style-type: none"> <li>• The application is to be supported by a geotechnical report prepared by a suitably qualified person for the basement car parking areas and should include, but not be limited to, the following items; ground water movement, salinity and contamination.</li> <li>• No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.</li> <li>• Earthworks and retaining walls must comply with Council's Development Control Plan.</li> </ul>	<p>A geotechnical report has been prepared by Morrow Geotechnics and has been submitted with the Development Application. The geotechnical report addresses items including groundwater movement and salinity.</p> <p>A Contamination Report has been prepared by Geotechnique and has been submitted with the development application outlines potential contamination issues on site.</p> <p>The extent of the proposed earthworks and retaining walls is an acceptable form of development and will not unreasonably compromise the amenity of the neighbouring dwellings or the adjoining premises.</p>
<ul style="list-style-type: none"> <li>• Access to and within the building will need to comply with Part D3 of the BCA and AS1428.1-2009.</li> <li>• Ensure accessible car parking spaces are located close to the lifts.</li> <li>• Hydrant protection and possibly sprinkler protection of the building will be required in accordance with Section E of the BCA, it would be advisable to make enquiries now in consultation with a hydraulic engineer.</li> <li>• Ensure any cladding used is not combustible in accordance with Volume 1 of the Building Code of Australia (Amendment 1).</li> <li>• Ensure construction and essential services provided comply with the provisions of Volume 1 of the Building Code of Australia and relevant standards.</li> </ul>	<p>A BCA report has been prepared by 360 Certification which addresses compliance with the relevant requirements of the BCA and Australian Standards.</p>
<p>The waste collection infrastructure and collection proposal is not supported in its current configuration.</p> <p><b>Waste Onsite Loading Bay</b> Residential Flat Building developments as outlined in the C5 Waste Management DCP 2014, Section 5.2.2.4; Subsection 2: Developments comprising three or more storeys, the development is to incorporate a waste chute system. Subsection 5: On-site collection is required to service the development. Adequate and safe access must be provided for Council's Standard Waste Collection Vehicles and waste collection staff</p> <p><b>Alternate Waste Collection Proposal</b> Alternated Waste Collection solutions may be proposed in accordance with section 2.5 of the 'Residential Flat Building Guideline' document.</p>	<p>The proposal includes a waste chute system which links to the waste collection area at the ground floor level of the building. The proposal incorporates an on-site waste collection area with access for waste vehicles via Hope Street. A turntable is provided to the waste collection area to allow for vehicles to enter and exit in a forward direction. The proposed development will comply with the Waste Collection requirements for Residential Flat Buildings within the Penrith Council Policy.</p>

Council Response:	Applicant Response:
<b>Penrith City Council</b>	
<p>To apply for alternative solutions on restricted sites the following will need to be addressed and submitted:</p> <ul style="list-style-type: none"> <li>• The onus is on the applicant to demonstrate that: <ul style="list-style-type: none"> <li>- An improved planning outcome is achieved for the site; and/or</li> <li>- Site characteristics restrict or limit the development accommodating waste collection vehicles entering and exiting in a forward direction.</li> </ul> </li> <li>• The applicant must also demonstrate that the waste collection vehicles alternative access into the site to the nominated collection point does not compromise public, resident and contractor safety.</li> </ul> <p>All alternative solutions will be viewed and assessed by Council's Waste Management Department.</p> <p><b>Waste Concept Designs</b> To facilitate the development of an integrated on-site waste collection solution for the proposed development, Waste Services is happy to review concept design configurations. This process will allow various configurations/solutions to be explored prior to formalising and submitting amended architectural plans to Council. My direct contact details are 4732 7634 or <a href="mailto:joshua.romeo@penrith.city">joshua.romeo@penrith.city</a></p> <p><b>Waste Infrastructure Guidelines</b> For further specific waste operational and infrastructure information please see "Waste Guideline Document: Residential Flat Buildings" located at the following link:  <a href="https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Forms/">https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Forms/</a></p>	<p>A waste management diagram has also been prepared by the project architects which illustrates the waste vehicles entering the site, the manual handling of waste from the waste storage areas into the waste bin and waste vehicles exiting the site in a forward direction.</p>

In addition to the above, the proposed development was referred to the Urban Design Review Panel on the 18 October 2018.

Council Response:	Applicant Response:
<b>Urban Design Review Panel</b>	
<p>The site is not located within the Penrith Health and Education Precinct and as such it needs to be justified why a child care centre and medical facility is appropriate in this location. While it is noted that a health services facility currently exists, this is not a medical centre and the scale and intensity is restricted by virtue of its land use definition. It is recommended that the child care centre be removed from the proposal irrespective if the medical centre remains. It is understood this was also suggested through Pre-lodgement discussions.</p>	<p>The proposal involves the use of the ground floor medical suites for the purposes of a 'medical centre'.</p> <p>The objectives of the R4: High Density Residential Zones is <i>to enable other land uses that provide facilities or services to meet the day-to-day needs of residents</i>. The proposed land use for the purposes of a medical centre demonstrates compliance with the objective of this land use zone in that it promotes the use of other land uses (other than residential) in accommodating the needs of the</p>

Council Response:	Applicant Response:
<b>Urban Design Review Panel</b>	
	<p>wider community by promoting accessible health opportunities within the local area. Restricting the use of the premises and ensuring the use of the site for the purposes of a health service facility – a permissible form of development in accordance with the SEPP (Infrastructure) 2007 does not promote the objectives of this zone as it limits enabling the use of the site for other land uses in meeting the day-to-day needs of the residents.</p> <p>The proposal has removed the child care centre from the submitted plans.</p>
<p>The proposal has not address Council's waste collection requirements which is a critical consideration in the design and development of any mixed use or residential flat building development. This necessitates significant redesign of the proposal to demonstrate compliance. It is noted that this was also outlined at the preceding Pre-lodgement Meeting.</p>	<p>The proposal involves the inclusion of an on-site waste collection area including turntable to allow waste vehicles to enter and exit the site in a forward direction. The waste room has been designed to accommodate Penrith City Council's low heavy rigid vehicles and will comply with Penrith's Residential Flat Building Waste Management Guidelines.</p>
<p>The proposal does not adequately consider the context in which the site sits with inadequate landscape setbacks to the western adjacent residential properties. A minimum setback of 6.0m is required to the western boundary, as per ADG requirements, to maintain the necessary landscape buffer between developments. This requires relocation of basement ramps and introduction of a waste collection turn table and service driveway.</p>	<p>The proposed development will comply with Clause 2F Building Separation of the Apartment Design Guide (ADG).</p> <p>The ADG prescribes <i>where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites (consider relationship with Section 3F Visual Privacy).</i></p> <p>The minimum separation distances for buildings are prescribed as follows:</p> <p><i>Up to four storeys (approximately 12m):</i></p> <ul style="list-style-type: none"> <li>- 12m between habitable rooms/balconies;</li> <li>- 9m between habitable and non-habitable rooms</li> <li>- 6m between non-habitable rooms.</li> </ul> <p>The ground floor western elevation of the building is strictly limited to the services to the building comprising the vehicular access ramp to the basement parking levels and the waste turntable at the rear of the site, all of which are setback 3.5m from the western boundary. The immediate western neighbour (no. 5 Hope Street) consists of a single storey dwelling setback 5.5m from the eastern (common) boundary. In considering the existing side setbacks from the western neighbour, the proposed 3.5m setback will provide an overall 9m building separation between habitable and non-habitable rooms and comply with the Building Separation Requirements of the ADG.</p> <p>The proposed 3.5m setback exceeds the required 3m (half the minimum separation distance measured to the boundary) for non-habitable rooms and also complies with the minimum dimension for deep soil zones of 3m for sites with an area</p>

Council Response:	Applicant Response:
<b>Urban Design Review Panel</b>	
	<p>between 650sqm – 1500sqm as per Clause 3E of the ADG.</p> <p>In considering the above, the proposal will comply with the building separation requirements and a landscape plan has been prepared which demonstrates that extensive site landscaping will continue to provide a visual buffer between the proposed residential flat building and the existing dwelling house.</p>
<p>The proposed streetscape treatment to Hope Street is not supportable in its current form and provides an abundance of hard stand areas which does not respond to, or reflect, the landscaped setback character required for this locality. Furthermore, the setback to Hope Street is inadequate and does not reflect the requirements within the DCP of no less than 5.5m (greater where the established setback pattern of the street necessitates an increased setback).</p>	<p>The proposed streetscape treatment is consistent with other recently approved developments including nos. 72 Lethbridge Street. The provision of the increased hardstand areas is to separate the waste collection vehicles with the motor vehicles and minimising any potential conflict between the two uses on the site. The proposed hardstand areas is indicative of Council's position in ensuring that waste and motor vehicles are separated.</p>
<p>The proposal provides non-compliant setbacks to all boundaries which would suggest that the site is inappropriate for this form / scale of development. Minimum 6.0m setbacks are required to the west and northern boundaries (except for the waste collection arrangements). The proposed setbacks to the southern boundary must be no less than 5.5m and the setback to the eastern boundary should align with the built form approved to the north being no less than 3.0m. This is measured to the external face of all balconies and not the external wall.</p>	<p>The proposed setbacks are as follows:</p> <p><b>Northern setbacks:</b> The proposed ground floor setback is setback a minimum of 3.3m which is acceptable given the northern elevation consists of non-habitable rooms (waste truck loading and fire stairs).</p> <p>The proposed upper level setbacks vary between 5.8m – 6.3m from the habitable rooms/balconies, which is acceptable. The minor non-compliance is limited to some projecting balconies that will continue to provide ample building to the northern neighbour to maintain appropriate levels of visual privacy.</p> <p><b>Western setbacks:</b> The proposed ground floor setback at 3.5m is acceptable (refer to detailed assessment above).</p> <p>The proposed upper level setbacks are setback between 5.5m from the fire stair (non-habitable room) and 6m from the habitable rooms/balconies. Louvres have been provided along the west-facing windows to minimise the heat load from the afternoon sun and will screen any overlooking to the adjoining neighbour.</p> <p><b>Eastern setbacks:</b> The proposed ground floor is setback between 3.8m – 4.1m to Parker Street (The Northern Road) and is not less than 3m as per the approved residential flat building on no. 2-8 Lethbridge Street.</p> <p>The proposed upper floor levels are setback 3.5m – 3.6m to Parker Street (The Northern Road) and is not less than 3m as per the approved residential flat building on no. 2-8 Lethbridge Street.</p> <p><b>Southern setbacks:</b></p>

Council Response:	Applicant Response:
<b>Urban Design Review Panel</b>	
	<p>The proposed ground floor is setback 6m to Hope Street and is not less than 5.5m.</p> <p>The proposed upper floor levels is setback between 5.8m – 6m from Hope Street and is not less than 5.5m</p> <p>In considering the above, the proposal will comply with the relevant setback provisions.</p>
<p>The height of building is not depicted adequately in the plans tabled with no indication of the LEP height requirements overlaid with the roof plan, elevations or section drawings. A compliant building height is required which suitably responds in setback and scale to the development east, which is not the subject of a current development application for uplift in density.</p>	<p>The submitted architectural plans includes an analysis of the building height with the LEP height requirements overlaid over the proposed roof plan in both plan and in 3-dimensional form. The proposal involves an exceedance to the maximum height of building requirements. Refer to Appendix 1 for Clause 4.6: Exceptions to Development Standards for further details.</p>
<p>The Level 5 floor plan requires increased setbacks to Hope Street and increased communal open space provision as a roof top terrace. The proposal results in overshadowing that traverses Hope Street with considerable overshadowing for properties on the southern side of Hope Street between 9am – 12noon. Increased level 5 setbacks to the front boundary should assist to lessen the resulting overshadowing.</p>	<p>The proposed level 5 floor plan incorporates an increased setback from the southern boundary as measured from the external wall of unit no. 502. The increased setback of 8.5m with an increased setback by 2.5m from the levels below. In addition, the provision of the rooftop terrace reduces the extent of overshadowing impact to the southern neighbours and will continue to comply with the relevant solar access requirements of the Penrith DCP 2012 which prescribe a minimum of 3 hours between 9am – 3pm, 21 June to the living zones of the adjoining dwellings.</p>
<p>Level differences between tenancies requires revision as does the split access arrangements from the public domain. While a separate lobby is required for residential land uses, access could still be made available from Hope Street to the medical centre on the corner without a separate pathway and lift core from Parker Street.</p>	<p>Th submitted architectural plans have been amended to incorporate a separate lift core for the residential and medical uses of the building with a separate access to the medical suite 1 via Hope Street.</p>
<p>The proposed architectural form as reflected within the elevations and photomontages do not reflect a coherent design scheme with different treatments on all elevations. This requires further refinement once the built form issues and spatial arrangement of floor plans is further developed.</p>	<p>The photomontages have been amended accordingly which illustrates the treatment to the façade of the building.</p>

### 3. SITE CHARACTERISTICS

The site is identified as being two individual allotments and is formally described as Lot 20 and 21 in DP 31239. The site is also known as nos. 1-3 Hope Street, Penrith NSW 2750.

The allotments (combined) are characterised as being a corner shaped with a curved south-eastern corner at the intersection of Hope and Parker Streets (The Northern Road). The site consists of a frontage width of 24.995m along Hope Street and 33.835m along Parker Street. The arc length to the south-eastern corner is 8.62m and a northern and western boundary length of 31.09m and 39.93m, respectively. The total site area of the two allotments is 1,233sqm. The site dimensions and areas are consistent with those shown on the survey plan prepared by Mark Castelletti Surveying.



Figure 1: Aerial imagery of the subject site (1-3 Hope Street, Penrith)

The site is considered to be relatively flat with a fall from the street alignment along Parker Street (The Northern Road) from the east to the west (no. 5 Hope Street) by approximately 1.69m which is a 5% fall along the northern boundary at 31.09m. The cross-fall of the site along the property frontage along Parker Street (The Northern Road) is also considered to be relatively flat with a fall of 1m which is a 2% fall along the eastern boundary frontage of the site.

The immediate locality consists of a gentle slope from north to south along Parker Street and a gentle slope from the intersection of Parker Street/Hope Street to the west along Hope Street.

The surrounding locality contains a mixture of land uses due to the transitional nature within the local street context.



To the north is a pair of existing single storey detached dwellings (nos. 2 and 4 Lethbridge Street). The immediate northern neighbour has been recently approved for the demolition of all structures on the site (nos. 2- 8 Lethbridge Street) and the construction of a two x six storey residential flat buildings including basement car parking.

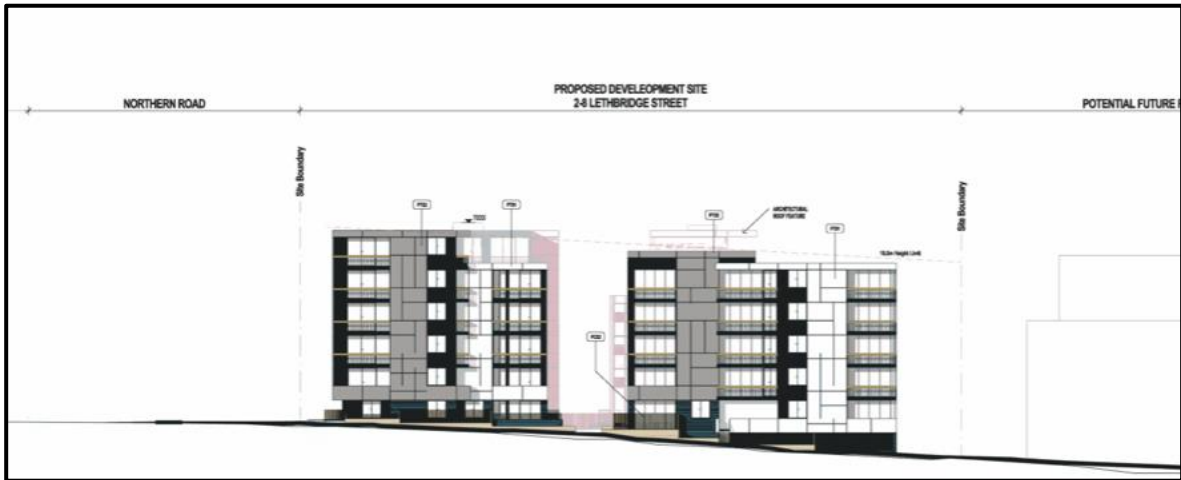


Figure 2: Approved 2 x 6 storey residential flat building at nos. 2 – 8 Lethbridge Street

To the east is the existing Nepean Hospital. The western façade of the building fronting Parker Street (The Northern Road) is approximately five - six storeys in height. The Nepean Hospital has been subject to significant upgrades including a Stage 1 approval for a hospital tower 14 storeys in height with the building envelope configured in a U-shaped configuration and a six-storey car park with access via Somerset Street.



Figure 3: Existing western facade of Nepean Hospital as viewed from Parker Street (The Northern Road)

To the south is an existing single storey medical centre with hardstand car parking accessible via Hope Street.

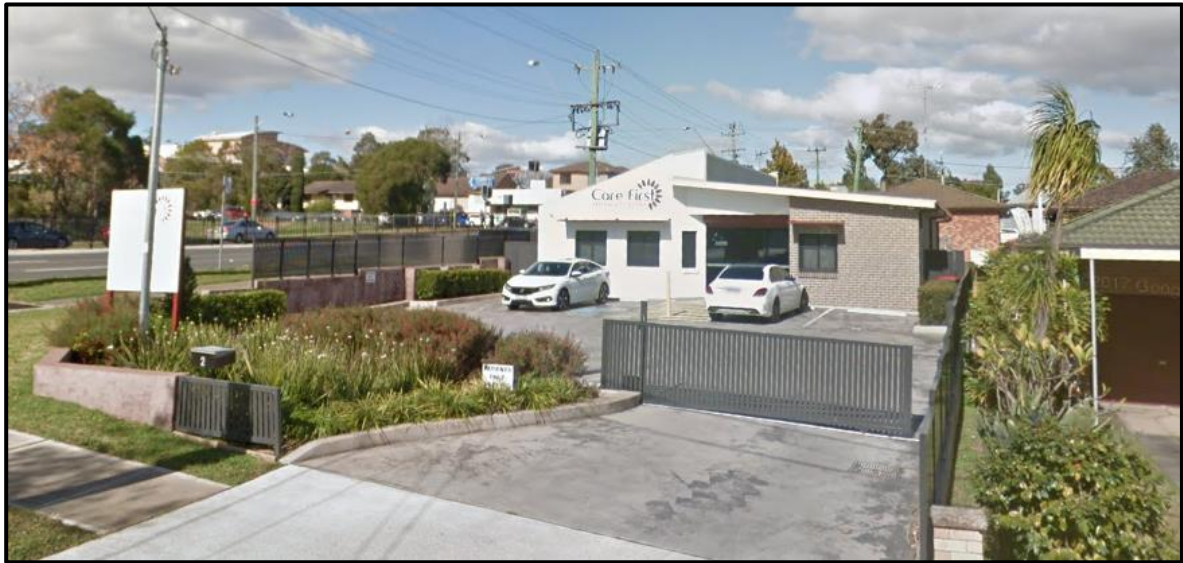


Figure 4: Existing southern neighbour at no. 2 Hope Street

To the west is an existing single storey detached dwelling house with vehicular access from Hope Street.

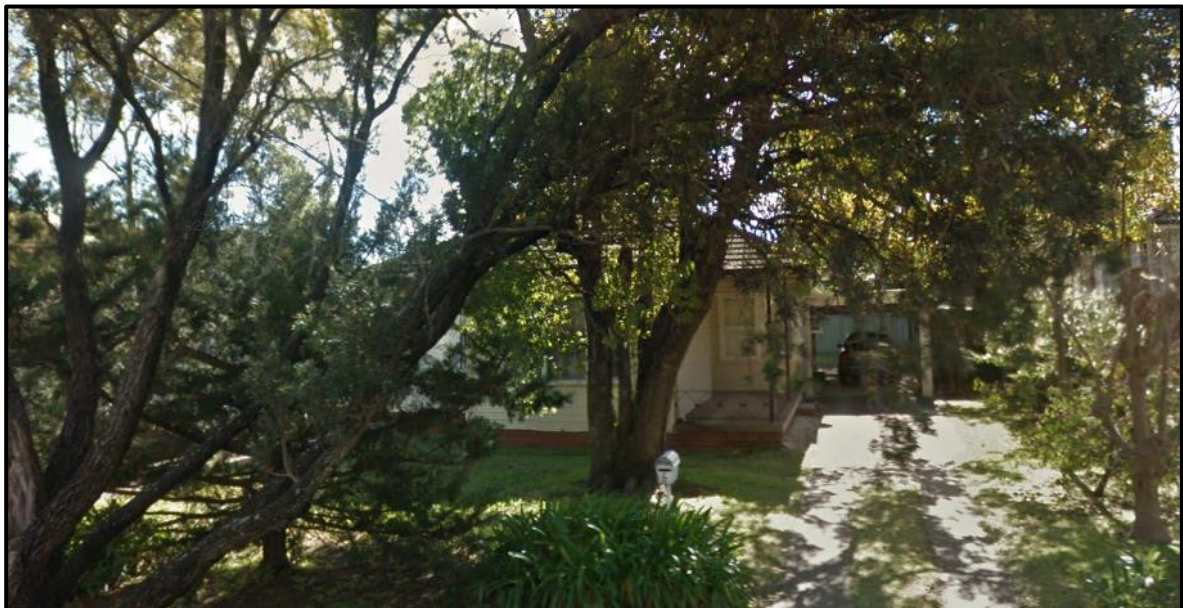


Figure 5: Existing western neighbour at no. 5 Hope Street

The site is well located to areas of public transport being located within 150m from a bus stop which provides bus services to major public transport infrastructure including, Mount Druitt Train Station. The site is also immediately adjacent to the Penrith Health and Education Precinct, being directly opposite the Nepean Hospital and is approximately 800m from the Penrith Commercial Precinct along High Street.

In accordance with the PLEP2010, the site is located within an R4: High Density Residential Zone and is not identified as containing either a heritage item or being located within a heritage conservation area in accordance with Schedule 5: Heritage Conservation.

## 5. THE PROPOSAL

The proposal involves the demolition of the existing structures on the site, construction of a new medical suites at the ground floor level and part five/part six storey residential flat building above comprising 24 residential units, two levels of basement car parking with 41 parking spaces, communal landscape rooftop terrace and associated site and landscape works.

The ground floor level of the building comprises two medical suites with an area of 87.4sqm and 127.5sqm with a street frontage to both Parker Street (The Northern Road) and Hope Street. The site provides for separate medical and residential lobby areas within the building with a single lift core providing access between the basement, ground floor medical and upper floor residential levels within the building. The waste and off-street car parking areas have been clearly defined and separated in order to minimise any direct vehicle conflict between the waste service vehicles and the visitor and residential car parking areas within the site. A waste turntable has been provided to ensure that waste vehicles can enter and exit the site in a forward direction and reduces the number of turning maneuvers that are required to ensure the vehicle can safely exit the site. All waste and motor vehicles can enter and exit the site via Hope Street. A ground floor communal open space area is provided along the north-western corner of the site and a substation to the north-eastern corner. Suitable landscaping has been provided within the site frontages which achieve minimum widths of 3m as per the requirements of the Apartment Design Guide.

The basement car parking levels 1 and 2 provide for a maximum of 41 off-street car spaces. All staff and visitor parking spaces for medical uses are located at the basement level 1 with residential car parking provided across both levels 1 and 2. The site provides for a single combined car wash/service bay car parking space as well as a single motorcycle and eight bicycle parking spaces. Storage cages are provided throughout the basement levels of the building. The basement car parking has been designed to comply with the relevant Australian Standards and will provide adequate aisle widths to all vehicles to circulate throughout the basement level and ensure all cars can enter and exit the site in a forward direction.

The upper floor residential levels of the building comprise of a maximum of 24 residential apartments in the building. The first-floor to the fourth-floor level contains a mixture of one and two bedroom apartments with the fifth floor level providing three bedroom apartments to the building. The apartments provide for a central core which divides the north-facing and south-facing apartments with a lift to the east and a fire stair to the west. Bin chute and telecommunication services are also provided within the circulation space of the building. The apartments comprise a mixture of single level, one and two bedroom apartments as well as split level two bedroom apartments. All private open spaces have been accommodated in the form of a balcony which directly adjoins the living spaces and forms an open plan living/dining area within the apartment layout. Facades at the first floor to the fourth floor have been appropriately modulated within the elevations with the external walls along the northern and southern elevation recessed from the façade to alleviate the visual massing of the building.

The top floor residential level (fifth-floor) provides for two x three-bedroom apartments all of which are contained within an articulated mansard roof element of the building. The three-bedroom apartments comprise an increased side setback from the northern and southern side elevations of the building of 8.5m. The apartment layout allows the proposed bedrooms to front the existing street elevation of Parker Street (The Northern Road) and the living areas consist of a direct northern and southern site orientation. All habitable rooms will continue to overlook the existing streetscape of Parker Street (The Northern Road) and Hope Street and provide casual surveillance to the street. The proposal also provides for communal rooftop terrace along the western side of the building. The western edge of the rooftop terrace area includes a non-trafficable landscaping strip which minimises opportunities for any downward views from the terrace to the western adjoining neighbours.



Figure 6: Proposed South Elevation (Hope Street) - 3D Rendered Image



Figure 7: Proposed West Elevation - 3D Rendered Image



Figure 8: Proposed North Elevation - 3D Rendered Image



Figure 9: Proposed East Elevation (Parker Street/The Northern Road) - 3D Rendered Image

## 6. STATUTORY PLANNING REQUIREMENTS

Statutory planning controls that are relevant to the proposed development are as follows:

- *Environmental Planning and Assessment Act, 1979*
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 - (Remediation of Land)
- State Environmental Planning Policy No. 64 - Outdoor Advertising and Signage
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (no.2 – 1997)
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2012

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

In accordance with the Environmental Planning and Assessment Regulation 2000, the proposed development is classified as being a 'BASIX affected development' which is defined as follows:

*BASIX affected development means any of the following development that is not BASIX excluded development:*

- (a) *development that involves the erection (but not relocation) of a BASIX affected building,*
- (b) *development that involves a change of building use by which a building becomes a BASIX affected building,*
- (c) *development that involves the alteration, enlargement or extension of a BASIX affected building, where the estimated construction cost of the development is:*
  - (i) *\$100,000 or more—in the case of development for which a development application or an application for a complying development certificate is made on or after 1 October 2006 and before 1 July 2007, or*
  - (ii) *\$50,000 or more—in the case of development for which a development application or an application for a complying development certificate is made on or after 1 July 2007,*

Clause 6 of the SEPP (Building Sustainability Index: BASIX) 2004 prescribes that the proposed BASIX affected development for which the regulations under the ACT requires a BASIX certificate to accompany a development application. To address the requirements of Clause 6, a BASIX Certificate have been prepared by Partners Energy which indicates that the proposed dwelling will satisfy the relevant water and energy reducing targets and comply with BASIX requirements.

### 6.2 State Environmental Planning Policy (Infrastructure) 2007

The aims of State Environmental Planning Policy (Infrastructure) 2007 is to improve regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services to provide greater flexibility in the location of infrastructure and service facilities.

The proposed development involves the construction and use of two medical centres at the ground floor level of the building which consists of a combined total area of 215.3sqm.

In accordance with Clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007, development for the purpose of a health service facility may be carried out by a person with consent on land in a prescribed zone. Division 10, Clause 56 defines 'prescribed zone' as being any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU4 Primary Production Small Lots,
- (b) RU5 Village
- (c) RU6 Transition
- (d) R1 General Residential
- (d1) R2 Low Density Residential
- (e) R3 Medium Density Residential
- (f) *R4 High Density Residential*
- (g) R5 Large Lot Residential
- (g1) B1 Neighbourhood Centre
- (h) B2 Local Centre
- (i) B3 Commercial Core
- (j) B4 Mixed Use
- (k) B5 Business Development
- (l) B6 Enterprise Corridor
- (m) B7 Business Park
- (m1) B8 Metropolitan Centre
- (n) SP1 Special Activities
- (o) SP2 Infrastructure

Subsequently, while the 'health service facilities' are a prohibited form of development within the R4: High Density Residential Zone under Penrith Local Environmental Plan 2012, it should be noted that the State Environmental Planning Policy (Infrastructure) 2007 permits development for the purpose of a 'health services facility' within the R4 Zone with consent.

In addition to the above, Clause 57(4) prescribes the following:

4. *Nothing in this clause:*

- (a) *Prevents a consent authority from:*
  - (i) *granting consent for development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or*
  - (ii) *refusing to grant consent for development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses.*

In respect to Clause 57(4)(a)(ii), a number of concerns were raised by Penrith City Council and the Urban Design Review Panel in comments received on the 11 October 2018 and the 8 October 2018, respectively. Council comments on It was raised as to whether the site was appropriate to accommodate development for the purposes of a 'health services facility' in this location given the site is not located within the Penrith Education and Health Precinct. The proposed development for the purposes of a 'health services facility' is acceptable for the following reasons:

- The existing site is currently occupied by a medical centre at no. 1 Hope Street. The proposed development would retain the existing use by providing a health services facility in a similar siting and location as the current development on site.
- The surrounding land uses comprise health service facilities, in particular the immediate southern neighbour at no. 2 Hope Street (DA14/0387). The southern neighbour also has a development approval to use the site exclusively as a single storey health service facility. The proposed development for the purposes of a 'health services facility' will be entirely compatible with the surrounding land uses.



- The size and scale of the proposed health services facility at 215sqm are nominal and will unlikely compete with, or contend with the level of services and facilities offered to the Nepean Hospital or the wider Penrith Health and Education Precinct.
- The site directly adjoins the Penrith Health and Education Precinct and the proposed health services facility will continue to support the functions of the Nepean Hospital site.
- The proposed development for the purposes of a 'health services facility' is compatible with the zoning objectives of the R4: High Density Residential Zone. The proposed use of the premises will continue to 'enable other land uses that provide facilities or services to meet the day to day needs of residents' and 'ensure that development reflects the desired future character and dwelling densities of the area'. The retention of existing health service facility uses will ensure the proposal maintains the existing character of the local area.
- It is unreasonable in this instance to prejudice the site and restrict the permitted land uses, in particular when the proposed land use is a permissible form of development under State Environmental Planning Policy (Infrastructure) 2007.

### 6.3 State Environmental Planning Policy No. 55 – Remediation of Land

The object of this policy is to provide for a State-wide planning approach to the remediation of contaminated land. The aims of this policy are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7(1) of the State Environmental Planning Policy No. 55 – Remediation of Land prescribes the following:

- (1) *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.*

A Contamination Report has been prepared by Geotechnique Pty. Ltd. The site was inspected and a number of borehole samples taken within the site to determine whether the site potentially presents a risk of harm to human health and the environment and its suitability for the proposed land use. Based on the test results, the conclusions and recommendations of the contamination report are as follows:

- *The site is underlain generally by topsoil or fill underlain by relatively impermeable natural clay, which was encountered at all borehole locations, BH1, BH2, BH3*
- *Fill ranging from 250mm to 700mm below the EGL, consisting primarily of gravel or sand was encountered at borehole locations, BH1 and BH2*
- *Majority of the laboratory test results satisfied the criteria for stating that the analytes selected are either not present i.e. concentrations less than laboratory LOR, or present in the sampled soil at concentrations that do not pose a risk of harm to human health or the environment under the proposed "residential with minimal access to soil" form of development, with the exception of detected BaP, BaP TEQ and TRH in BH1.*

It is recommended that the site can be made suitable for the proposed residential development subject to the following:

- A detailed assessment of BaP, BaP TEQ and TRH in and around the vicinity of BH1 to determine the extent of contamination.
- Preparation of remediation action plan (RAP) for the identified contamination, followed by remediation and validation.

Subject to the above recommendations being taken into consideration, the proposal will comply with Clause 7 of State Environmental Planning Policy No. 55 (Remediation of Land).

## 6.4 State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Outdoor Advertising and Signage is applicable to all development involving signage that can be displayed with or without development consent and is visible from any public place or public reserve; however, it excludes signage that is exempt development under another environmental planning instrument.

The aims and objectives of the policy are to regulate signage to ensure it is compatible with the desired amenity and visual character of an area, provide effective communication and is of a high-quality design and finish. The proposed development includes the following signage:

Signage (fronting Parker Street ((The Northern Road)):

- 2 x Top Hamper Signs

Clause 8 of the SEPP provisions detail that a consent authority must not grant development consent unless the following is satisfied:

- that the signage is consistent with the objectives of this policy as set out in Clause 3(1)(a), and*
- that the signage the subject of the application satisfies the assessment criteria in Section 1*

Clause 3(1)(a) of State Environmental Planning Policy No. 64 reads as follows:

### 3 Aims, Objectives, etc.

(1) *This policy aims:*

- To ensure that signage (including advertising):*
  - Is compatible with the desired amenity and visual character of an area, and*
  - Provides effective communication in suitable locations, and*
  - Is of high-quality design and finish.*

The proposed signage involves the provision of two top hamper signs which provide business identification signage to the site. The proposed signage is considered to be of a minimalist design, and the proposal does not include the provision of any new graphics behind the glass line of the building and will remain transparent to allow appropriate casual surveillance from the street. The top hamper signs sit just below the awning of the building and do not detract from the character of the building or the quality of the existing streetscape setting. The style, wording and content are clear and legible and the selected external colours, materials and finishes of the new signage will ensure it retains the quality of the existing streetscape.

(b) *To regulate signage (but not content) under Part 4 of the Act, and*

The proposed development is not exempt development and is regulated in accordance with Part 4: Development Assessment of the *Environmental Planning and Assessment Act, 1979 (as amended)*.

(c) *To provide time-limited consents for the display of certain advertisements, and*

The subject development application does not seek consent for a time-limited display. Any illumination provided to the proposed new signage will be consistent with the proposed hours of operation.

(d) *To regulate the display of advertisements in transport corridors, and*

The proposed signage will front Parker Street (The Northern Road) which serves as a classified road. The new top hamper signs will allow oncoming motorists to identify the appropriate uses of the building within the site. The extent of the new signage is considered an improvement over the existing freestanding advertising boards which are located on the site and the immediate southern neighbour at no. 2 Hope Street, Penrith.

(e) *To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage will be of public benefit in that it provides a coordinated approach to outdoor advertising where multiple occupancy of sites occurs. The signage will reflect the forms and functions of the proposed use of the premises and will be compatible with the existing signage along the transport corridor.

<b>Schedule 1: Assessment Criteria</b>	
<b>Control:</b>	<b>Assessment:</b>
<b>1. Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage will be compatible with the existing business identification signage fronting Parker Street (The Northern Road). The development will not detract from the appearance of the existing streetscape and will be in keeping with the desired future character of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The layout and configuration of the new signage are consistent and compatible with the signage to the proposed ground floor uses of the premises.
<b>2. Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located in close proximity to environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways or natural and rural landscapes.  The new signage fronts a classified road (Parker Street/The Northern Road) and does not front any existing residential areas on the site.
<b>3. Views and vistas</b>	
Does the proposal obscure or compromise important views?	The proposed signage does not obscure any existing water or iconic views from the public domain.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not visually dominate the skyline or impact any existing views.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure or conceal any existing approved signage.
<b>4. Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage will be compatible with the quality and quantity of the existing signage along Parker Street (The Northern Road). The proposed signage is minor in size and scale and will not dominate the appearance of the existing streetscape.

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed top hamper signage just below the awning structure will not compromise the visual amenity of the existing streetscape. It should be noted that the current road conditions provide for three lanes northbound and four lanes southbound. The extensive road separation contributes to a typical high-speed road environment. The new signage will not impact the quality of the street, setting or the landscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not contribute to a proliferation of street signage and does not give rise to cluttering or unpleasantness.
Does the proposal screen unsightliness?	The new signs do not contribute to unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is located at street level and is not located above the existing tree canopy that lines Albany Street and Willoughby Road.
Does the proposal require ongoing vegetation management?	The proposed signage does not contribute to any requirements for pruning existing trees on the site.
<b>5. Site and Building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is in keeping with the scale, character and architectural style of the building.
Does the proposal respect important features of the site or building, or both?	The proposed signage does not conceal, in its entirety, the existing parapet roof form.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage does not dominate the architectural character of the building or the site.
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices affixed to the new signage will not be visible from the existing streetscape setting.
<b>7. Illumination</b>	
Would illumination result in unacceptable glare?	The proposal involves the installation of an illuminated top hamper sign above the shopfront along the eastern façade.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Any proposed illumination would not unreasonably impact the safety of pedestrians, vehicles or aircrafts.
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed top hamper signage would be internally illuminated and would not adversely impact the environmental amenity of the neighbouring dwellings.
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the top hamper sign can be adjusted accordingly and be dimmed as required.
Is the illumination subject to a curfew?	The illuminated signage will operate only during the specified hours of operation of the medical centre at the lower ground floor level.
<b>8. Safety</b>	
Would the proposal reduce the safety for any public road?	The new signs will not compromise safety of the adjoining public roads.
Would the proposal reduce the safety for pedestrians or bicyclists?	The new signs will not compromise safety of pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The new signs will not conceal or obscure any existing visual sightlines of vehicles entering and exiting the premises.

## 6.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The aims of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) are to improve the quality of residential development in New South Wales and recognise the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

Clause 4 of the SEPP65 prescribes the following:

- (1) *This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component if:*
  - (a) *the development consists of any of the following:*
    - i. *the erection of a new building,*
    - ii. *the substantial redevelopment or the substantial refurbishment of an existing building,*
    - iii. *the conversion of an existing building, and*
  - (b) *the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
  - (c) *the building concerned contains at least 4 or more dwellings.*

In accordance with PLEP2010, a 'residential flat building' means a *building containing 3 or more dwellings, but does not include an attached dwelling or multi-dwelling housing*. The proposed development involves the construction of a new building containing 24 dwellings over six storeys and does not consist of either an attached dwelling or multi-dwelling housing. In considering the above, the requirements of SEPP 65 are applicable to the proposed development.

Clause 28 of SEPP 65 also prescribes that in determining a development application for consent to carry out development to which this policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration:

- (a) *The advice (if any) obtained from the design review panel, and*
- (b) *The design quality of the development when evaluated with the design quality principles, and*
- (c) *The Apartment Design Guide*

The proposed development was referred to the Urban Design Review Panel as part of a pre-development application which was submitted on the 18 October 2018. The architectural plans have been amended to address the outstanding issues raised by the Urban Design Review Panel and will be re-referred to the Urban Design Review Panel of this Development Application. In addition, a Design Verification Statement has been prepared by the project architects which addresses the design quality of the development which considers the relevant nine design principles including Context and Neighbourhood Character; Built Form and Scale; Density; Sustainability; Landscape; Amenity; Safety; Housing Diversity and Social Interaction and Aesthetics.

Refer to Appendix 1 for a detailed assessment of the development proposal against the requirements of the Apartment Design Guide.

## 6.6 State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (no. 2 – 1997)

The aim of this plan is 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. Clause 2 of SREP (Hawkesbury-Nepean River) prescribes that this plan applies to certain land in the Greater Metropolitan Region inclusive of the Penrith Local Government Area.

Clause 4 of SREP (Hawkesbury-Nepean River) No. 2 – 1997 prescribes that the general planning considerations set out in Clause 5, and the specific planning policies and related recommended strategies which are applicable to the proposed development, must be taken into consideration by the following:

- (a) *by a consent authority determining an application for consent to the carrying out of development on land to which this plan applies, and*
- (b) *by a person, company, public authority or a company State owned corporation proposing to carry out development which does not require development consent.*

Clause 5 of SREP (Hawkesbury-Nepean River) No. 2 – 1997 prescribes that the general planning considerations are as follows:

- (a) *Aims of this plan, and*

**Comment:** The proposed development will be consistent with the Aims of this Plan (SREP Hawkesbury-Nepean River No.2 1997) in that the development will not contribute to any adverse impacts to the Hawkesbury-Nepean River System. The extent of the new works is not located in close proximity to the Hawkesbury-Nepean River Catchment Area. The future land use of the site for the purposes of a ground floor medical centre and residential flat building will not compromise the water quality or quantity or adversely impact the ecological habitats or existing flora and fauna within the catchment area.

- (b) *The strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and*

**Comment:** The planning policies for this plan are as follows:

1. Total Catchment Management;
2. Environmentally Sensitive Areas;
3. Water Quality;
4. Water Quantity;
5. Cultural Heritage;
6. Flora and Fauna;
7. Riverine Scenic Quality;
8. Agriculture/aquaculture and fishing;
9. Rural Residential Development;
10. Urban Development;
11. Recreation and Tourism;
12. Metropolitan Strategy.

The extent of the proposed works is not expected to contribute to any adverse impact on the Hawkesbury-Nepean River catchment area. The works are not located in close proximity to the catchment area and the site does not contain any environmentally sensitive areas that are contributory to the Hawkesbury-Nepean River or will have an adverse impact on either the river, riparian land, escarpments and other scenic areas. The site will not give rise to any adverse stormwater runoff or soil sedimentation or erosion that would compromise the water quantity, water quality or the ecological flora and fauna which is contributory to the existing ecosystems. A stormwater concept plan prepared by SGC Consulting ensures that all stormwater run-off will be

captured within the deep soil zones on the site as well as the proposed on-site detention tank along the southern edge of the building below the driveway of the basement parking area and waste collection area of the building. All stormwater will then be discharged to a kerb inlet pit along Hope Street. The proposal will not adversely impact the environmental qualities of the Hawkesbury-Nepean River system.

(c) *whether there are any feasible alternatives to the development or other proposal concerned, and*

**Comment:** The proposed development does not contribute to any adverse impacts to the environmental qualities of the Hawkesbury-Nepean River including water quality and quantity, environmentally sensitive areas, flora and fauna or the cultural heritage. The development does not require further exploration of feasible alternatives given the negligible impacts to the Hawkesbury-Nepean River as proposed.

(d) *The relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.*

**Comment:** The proposed development does not contribute to any adverse impacts to the environmental qualities of the Hawkesbury-Nepean River.

In considering the above, the proposal is considered to be acceptable in complying with the relevant provisions of Clause 5 of the SREP - Hawkesbury-Nepean River (no. 2 1997) and is permissible, subject to development consent.

## 6.7 Penrith Local Environmental Plan 2010

The relevant clauses of PLEP2010 applicable to the proposed development are as follows:

### 6.7.1 Land Use Zoning

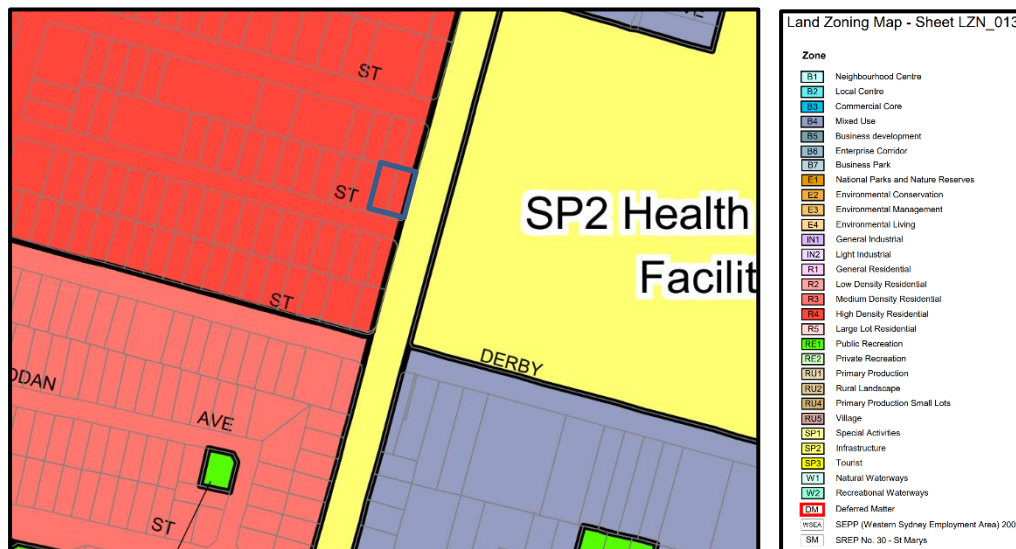


Figure 10: Land Use Zoning Map of the Penrith Local Environmental Plan 2010

The site is zoned within the R4: High Density Residential Zone as shown within the zoning map of the PLEP2010 and the objectives, permitted without consent, permissible with consent and prohibited forms of development are described below:

#### 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.

**2 Permitted without consent**

*Home occupations*

**3 Permitted with consent**

*Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential accommodation; Respite day care centres; Roads; Shop top housing*

**4 Prohibited**

*Pond-based aquaculture; Rural workers' dwellings; Tank-based aquaculture; Any other development not specified in item 2 or 3*

The proposed development involves the construction of a ground floor 'health services facility' inclusive of two medical suites and a 'residential flat building' above comprising 24 residential apartments.

The PLEP2010 defines a 'residential flat building' and a 'health services facility' as follows:

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

*'Health services facility' means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following-*

- (a) *A medical centre,*
- (b) *Community health service facilities,*
- (c) *Health consulting rooms,*
- (d) *Patient transport facilities, including helipads and ambulance facilities,*
- (e) *Hospital.*

A residential flat building is a permissible form of development with Council consent. While 'health services facilities' are prohibited within the R4: High Density Residential Zone it is a permissible form of development in accordance with Clause 57 of the State Environmental Planning Policy (Infrastructure) 2007. Refer to Section 6.2 within this Statement of Environmental Effects for detailed assessment.



### 6.7.2 Height of Buildings

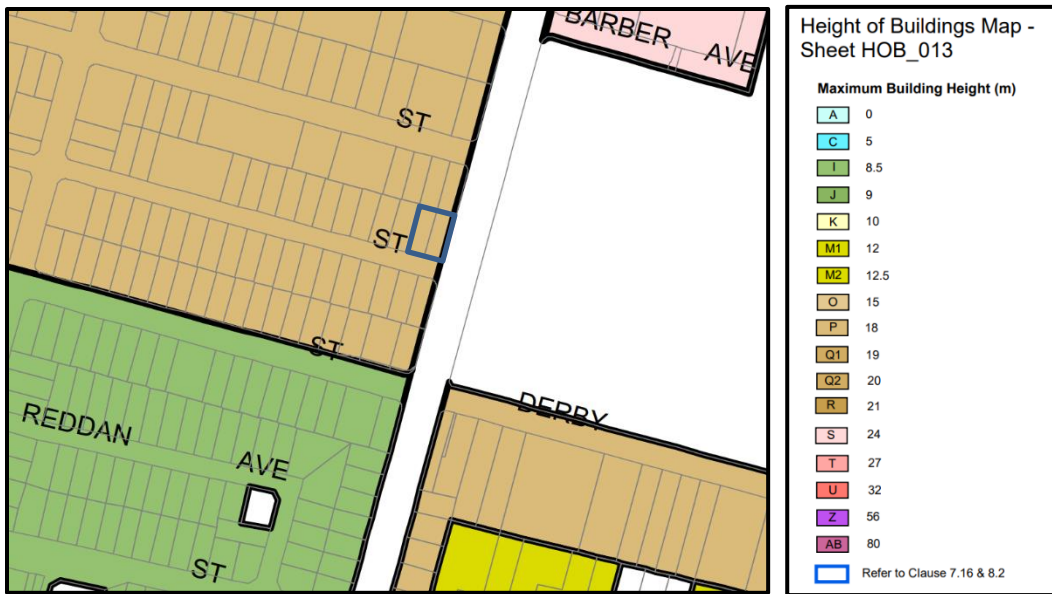


Figure 11: Height of Buildings Map of the Penrith Local Environmental Plan 2010

In accordance with the Height of Buildings Map, the subject site is identified as being within a site 'P' area and contains a maximum building height of 18m.

The area of non-compliance to the maximum height of buildings requirement is limited to the following areas:

Areas of non-compliance	Proposed Height	Breach of Height
Proposed upper mansard roof level	RL69.69	1.25m (7%)
Proposed lower mansard roof level	RL68.701	0.3m (1.6%)
Proposed awning over lift overrun	RL67.9	0.54m (3%)
Proposed roof pergola structure	RL68.15	0.42m (2%)

Refer to Appendix 3: Clause 4.6 – Exceptions to Development Standards for detailed assessment.

### 6.7.3 Floor Space Ratio

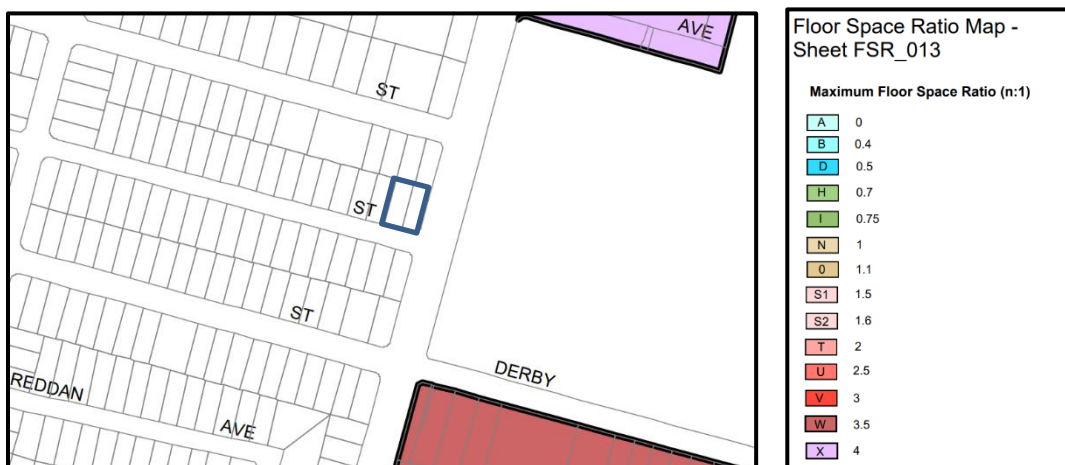


Figure 12: Floor Space Ratio Map of the Penrith Local Environmental Plan 2010

In accordance with the Floor Space Ratio Map, the site is not defined as containing a maximum floor space ratio.

Clause 4.4: Floor Space Ratios of the PLEP2010 is not applicable to the development proposal.

#### 6.7.4 Heritage Conservation

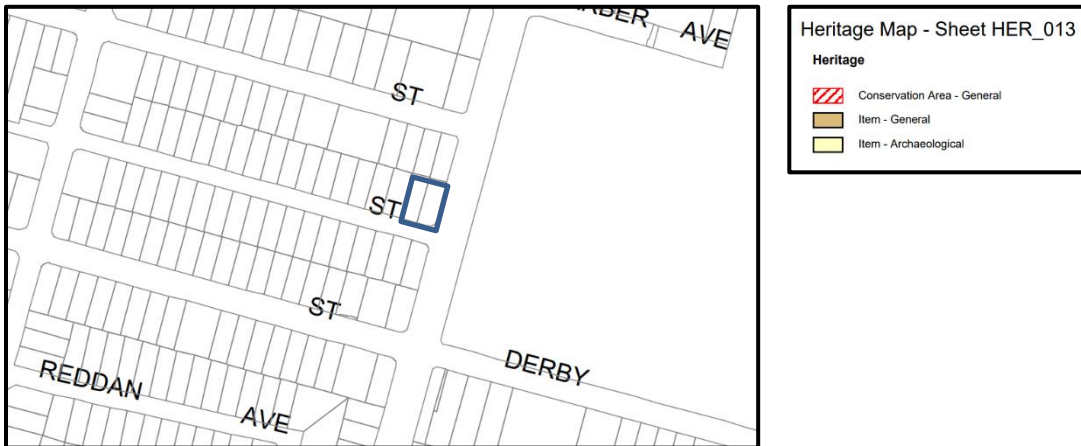


Figure 13: Heritage Map of the Penrith Local Environmental Plan 2010

In accordance with the Heritage Map, the site is not identified as a heritage item, adjacent to a heritage item or located within a heritage conservation area.

Clause 5.10: Heritage Conservation of the PLEP2010 is not applicable to the development proposal.

#### 6.7.5 Earthworks

The objectives of Clause 7.1: Earthworks are to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land and to allow earthworks of a minor nature without separate development consent.

Clause 7.1(3) prescribes the following:

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters -*

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

The proposal will not adversely impact existing drainage patterns or soil stability. The application is accompanied by a stormwater concept design prepared by SGC Consulting which identifies that all stormwater runoff will drain to Hope Street on the southern end of the site with an on-site detention tank provided above the vehicular crossing of the building and will distribute stormwater into the existing street. In addition, the proposed excavation works are appropriately setback from the existing site boundaries and will not adversely impact existing drainage patterns to the neighbouring dwellings. A geotechnical investigation report has been prepared by Morrow Geotechnics Pty. Ltd. following an assessment has been carried out on the existing soil conditions of the site in respect to the proposed two levels of basement car parking.

(b) *The effect of the proposed development on the likely future use or redevelopment of the land.*

A geotechnical investigation report prepared by Morrow Geotechnics Pty. Ltd. notes the site is suitable for the proposed development, subject to the following requirements, with further geotechnical inspections carried out during construction to confirm geotechnical and hydrogeological models:

- All excavated material transported off site should be classified in accordance with NSW EPA 2014 - Waste Classification Guideline Part 1; Classifying Waste.
- Observation of the material within pile excavations should be undertaken at the start of piling works to confirm that material across the site is in accordance with the geotechnical model presented in this report.
- A suitably qualified geotechnical engineer is to assess the condition of exposed material at foundation or subgrade level to assess the ability of the prepared surface to act as a foundation or as a subgrade.
- Regular inspections of battered and unsupported excavations, where proposed, to confirm geotechnical conditions and to assess the suitability of design assumptions and to provide further advice with regards to excavation retention/ support and proposed construction methodologies, if required.

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

This report prescribes the following subsurface conditions of the site.

**TABLE 1 SUMMARY OF INFERRED SUBSURFACE CONDITIONS**

Unit	Approx. Depth Range of Unit <sup>1</sup> mBGL	Approx. Depth Range of Unit <sup>1</sup> mBGL			Comments
		BH01	BH02	BH03	
1	Topsoil / Fill	0.0 to 0.25	0.0 to 0.7	0.0 to 0.45	Generally silty sand and sandy gravel. Fill material within Unit 1 is inferred to be uncontrolled and poorly compacted.
2	Residual Soil	0.25 to 1.75	0.7 to 2.1	0.45 to 2.1	Medium plasticity silty clay with some sand. Unit 2 was observed to be of firm to very stiff consistency.
3	Class V to IV Shale	1.75 to 5.3	2.1 to 4.5	2.1 to 5.9	Generally extremely to distinctly weathered, extremely low to very low strength shale. Defects within Unit 3 are generally clay seams.

Unit	Approx. Depth Range of Unit <sup>1</sup> mBGL	Approx. Depth Range of Unit <sup>1</sup> mBGL			Comments
		BH01	BH02	BH03	
4	Class III Shale	5.3 to 9.3	4.5 to 4.6	5.9 to 6.7	Generally distinctly weathered to slightly weathered, very low to low strength shale with sandstone interbeds. Defects within Unit 4 are generally horizontally oriented bedding partings, clay seams and joints inclined to 50°.
5	Class III Sandstone	9.3 to 10.13	-	6.7 to 10.62	Generally fresh, high strength silty sandstone. No defects observed within Unit 5.

**Notes:**

- 1 Depths shown are based on material observed within test locations and will vary across the site.

Figure 14: Subsurface conditions of the site as per Geotechnical Investigation prepared by Morrow Geotechnics Pty. Ltd.

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

The proposed earthworks on site is not expected to result in any adverse amenity impacts to the neighbouring properties. Any development approval will incorporate conditions which require

shoring and protection of the neighbouring land, as required and that a dilapidation report will be prepared to include documentary evidence of the neighbouring land and buildings to ensure that any unreasonable structural damage to the neighbouring properties as a result of the earthworks is appropriately considered.

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

The source of any fill will be free from any harmful contaminants.

*(f) The likelihood of disturbing relics,*

The proposal will not contribute to any impacts to existing Aboriginal relics on the site or the neighbouring properties.

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

The proposal will not contribute to any impacts to the existing waterway, drinking water, catchment or environmentally sensitive areas.

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

No additional measures are required to mitigate the proposed earthworks to the adjoining neighbour. As discussed above, suitable conditions will be included as part of any development consent which requires appropriate shoring or piling to retain the levels of the adjoining neighbour and a dilapidation report will be issued which appropriately documents any potential structural damage as a result of these works to the adjoining premises.

*(i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*

The proposal will not contribute to any impacts to existing heritage items, archaeological sites or heritage conservation areas.

#### **6.7.6 Development on Natural Resources Sensitive Land**

In accordance with the Scenic and Landscape Values Map, the site is not identified as containing either 'land with scenic landscape values' or 'vistas of heritage items'.

Clause 7.3: Development on Natural Resources Sensitive Land of the PLEP2010 is not applicable.

### 6.7.7 Protection of Scenic Character and Landscape Values



Figure 15: Scenic Character and Landscape Values as per the Penrith Local Environmental Plan 2010

In accordance with the Scenic and Landscape Values Map, the site is not identified as containing either 'land with scenic landscape values' or 'vistas of heritage items'.

Clause 7.5: Protection of Scenic Character and Landscape Values of the PLEP2010 is not applicable.

## 6.8 Penrith Development Control Plan 2014

Refer to Appendix 2 for detailed assessment against the Penrith Development Control Plan 2014.

## **7. SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - MATTERS OF CONSIDERATION**

In assessing the development application, the consent authority is required to consider the relevant planning criteria in Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act, 1979* (as amended). Section 4.15 is addressed as follows:

### **7.1 Statutory Policy and Compliance – S4.15(1)(a)**

Relevant statutory planning policies have been assessed with respect to the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans as addressed within Section 6 of this Statement of Environmental Effects.

The planning provisions that are relevant to the proposed development include the following:

- *Environmental Planning and Assessment Act, 1979*
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – (Remediation of Land)
- State Environmental Planning Policy No. 64 – Outdoor Advertising and Signage
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (no.2 – 1997)
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2012

Refer to Section 6 of this Statement of Environmental Effects for a full assessment of the above planning policies.

### **7.2 The Natural Environment – S4.15(1)(b)**

The proposal does not involve any adverse impacts to the existing natural environment within the site. The proposed works involves the removal of two small trees located within the front setback of no. 3 Hope Street. These trees are sited directly in the middle of the site which is the proposed location of the hardstand driveway and ramp to the parking levels. Removal of these trees will not significantly compromise the environmental qualities of the site and they will be replaced with much larger native trees along the street alignment which will be more compatible with the existing landscaping treatment within the immediate locality. In addition, the proposal involves the removal of an existing Callistemon street tree along the Hope Street verge. It is recommended that a suitable condition of consent be included by the consent authority, if required, that a suitable replacement tree of a similar size and species along the existing street verge. The trees are not considered to be trees that incorporate a high retention value and does not significantly contribute to the appearance of the existing streetscape setting of Hope Street.

In addition, the proposal seeks to provide approximately 246.5sqm of deep soil on the site which equates to 20% of the site area. The proposal significantly exceeds the minimum deep soil requirements within the ADG which prescribes a minimum of 7% (86.81sqm) with a minimum dimension of 3m which is more than double the minimum requirement. The deep soil zones have been equitably distributed throughout the site with deep soil areas provided along the boundaries of the site to allow infiltration of stormwater and landscaping. The landscape design as prepared by Paul Scrivener Landscape Architect seeks to provide a high-quality built environment for the residents and ensure that usable open spaces are incorporated within the development to provide for passive recreation and to contribute positively to the amenity of the local area. The existing levels have been

carefully assessed in detail and responded to with appropriate attention to existing ground levels, retention of deep soil opportunities and visual treatment of retaining walls as excavated levels along the northern boundary. In these areas narrow vertical native species such as *Eleaocarpus reticulatus* (*Blueberry Ash*) are incorporated to fully screen the wall and to provide a softer vegetated visual relief of the northern elevation of the building. Additional deciduous trees with the same growth characteristics (*Pyrus calleryana* Capital Pear) have been utilized at the western end of the northern boundary to provide summer shade and winter solar access to the informal seating area in the north-western corner of the site.

A range of trees, shrubs, palms, groundcovers and ornamental grass species has also been selected along the eastern and southern boundaries facing the two street frontages in the deep soil zones. On the Parker Street frontage lower height large shrub species selections have been utilised to ensure visual screening from the pedestrian footpath down to the lower level medical suite glazing. The selected trees, as well as the multi-layered understory plantings, have a variety of foliage, colour, and height to provide both visual amenity and privacy screening where required. In summary, the landscape design seeks to incorporate the development into a viable and considered landscape setting for the benefit of the users as well as maintaining a high quality streetscape.

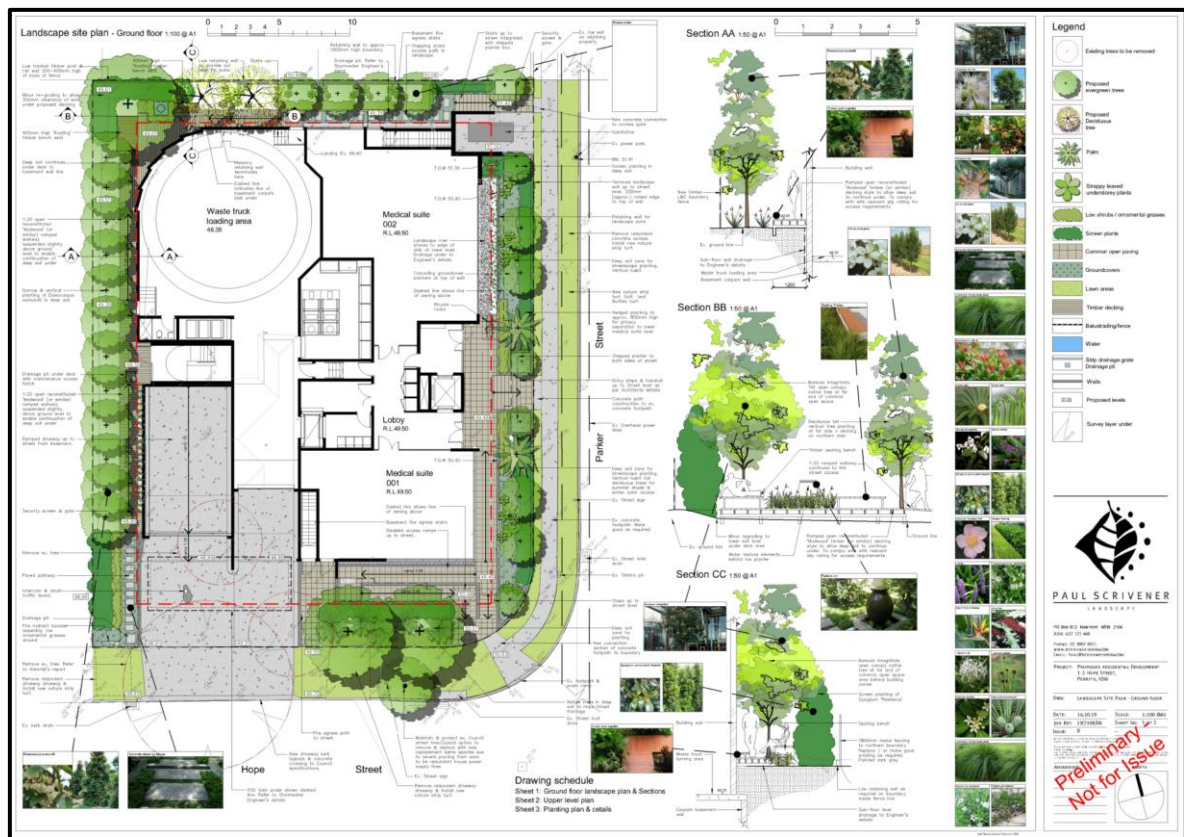


Figure 16: Landscape Plan prepared by Paul Scrivener

### 7.3 The Built Environment – S4.15(1)(b)

Consideration of the built environment impacts to the neighbouring buildings and the streetscape is as follows:

## 7.3.1 Solar Access

### Adjoining Development

The Apartment Design Guide as outlined in SEPP65, prescribes within Part 3B Orientation that living areas, private open space and communal open space should receive solar access in accordance with sections Part 3D Communal and Public Open Space and Part 4A Solar and Daylight Access.

Part 3D Communal and Public Open Space prescribes 'developments achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter)'. In addition, Part 4A Solar and Daylight Access prescribes 'living rooms and private open spaces of at least 70% of apartments in a building receiving a minimum of 2 hours direct sunlight between 9am – 3pm in the Sydney Metropolitan Area'. It should be noted that the proposal does not reduce the amount of direct solar access to any neighbouring residential flat buildings and subsequently does not contribute to any impacts to existing apartments or communal open space areas. In considering the proposal will cast additional overshadowing to the neighbouring dwelling houses (namely 2, 4, 6, 8 and 10 Hope Street), it is reasonable in this instance to apply the solar access provisions of PDCP2014 for single dwellings.

Clause 2.1.6 of the PDCP2014 prescribes to ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm, 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings. The north-facing windows of the adjoining dwellings at nos. 4, 6, 8 and 10 Hope Street, fronting Hope Street, will continue to receive the required three hours of solar access between the hours of 12pm – 3pm and will comply with Council's controls. The main private open spaces of the adjoining dwellings at nos. 4, 6, 8 and 10 Hope Street from the rear on the southern side of the dwelling. The proposed residential flat development will not cast any additional shadowing impacts on the main private open space. The extent of the overshadowing impacts is acceptable and will continue to comply with Council's controls.

The proposed overshadowing to no. 2 Hope Street is acceptable. The site is currently occupied by an existing, single-storey medical centre. The extent of the shadowing cast to the direct southern neighbour is limited to the hours between 11am – 2pm and the area of overshadowing is limited to the hardstand car parking area located within the front setback adjacent to Hope Street. The proposal will not contribute to any adverse overshadowing impacts on the existing medical centre.

In considering the above, the extent of overshadowing impacts to the southern neighbours is acceptable.





Figure 17: Solar Access and Overshadowing Plans as per Architectural Plans prepared by Morson Group

**Proposed Development:**

In accordance with Part 4A Solar and Daylight Access of the ADG requires a minimum of 70% of direct solar access in 'living rooms and private open spaces of at least 70% of apartments in a building receiving a minimum of 2 hours direct sunlight between 9am – 3pm in the Sydney Metropolitan Area'. Approximately 17 apartments (71% of apartments within the building) will receive direct solar access for a minimum of two hours between 9am – 3pm, 21 June and will comply with the solar access requirements.

In addition to the above, Part 3D Communal and Public Open Space of the ADG requires 'developments achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of two hours between 9am and 3pm on 21 June (mid-winter)'. The communal open space at the rooftop area of the building will receive more than two hours of direct solar access between 1pm and 2pm and will comply with the solar access provisions of the ADG.

**7.3.2 Visual Privacy**

Part 3F Visual Privacy of the ADG specifies that separation between windows and balconies is provided to ensure visual privacy is achieved. The following minimum separation distances from the buildings to the side and rear boundaries are as follows:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

**Northern Elevation:**

Visual privacy impacts along the northern elevation of the building to the northern neighbour at no. 2-8 Lethbridge Street are as follows:

*Up to 12m (4 storeys):*

The ground floor level of the building is setback 3.3m to the northern boundary. The ADG prescribes that for retail, office spaces and commercial buildings use the habitable room distances. The proposed ground floor use is an existing medical centre and is neither a retail, office or commercial building in accordance with PLEP2010; subsequently, in this instance it is acceptable to apply the non-habitable room requirements. The proposed ground floor setback at 3.3m to the northern boundary of the site is acceptable and will comply with the separation requirements. The visual privacy impacts from this level are acceptable.

The first, second and third floor levels all provide a minimum setback of 6m as measured from the habitable rooms and balcony (excluding the width of the balustrading) to the northern boundary. The compliant separation requirements are acceptable in minimising the overlooking impacts to the immediate adjoining neighbours.

*Up to 25m (5-8 storeys):*

The fourth-floor level apartments (401, 402 and 404) are setback 6m - 6.3m as measured from the habitable room windows and balconies of the building and are less than the required 9m. To ameliorate the potential overlooking impacts a number of measures have been included to the fourth-floor level including the provision of sliding louvres along the northern edge of the window opening and balconies and a fixed vertical louvre panel.

The fifth-floor level includes planter boxes proposed on the edges of the balconies which will minimise any direct overlooking impacts to the northern neighbour. There is also the opportunity to raise the height of the balustrading along the northern edge to a minimum height of 1.6m to further minimise any cross-viewing impacts to the neighbour at no. 2-8 Lethbridge Street. In considering the above, the reduced separation is acceptable given appropriate privacy screening devices have been included along the edge of the balcony.

In respect to the communal rooftop terrace areas, a setback of 9.8m is provided to the northern boundary and will comply with the building separation requirements.

**Western Elevation:**

Visual privacy impacts along the northern elevation of the building to the northern neighbour at no. 5 Hope Street is as follows:

*Up to 12m (4 storeys):*

The ground floor level of the building is setback 3.5m – 4m to the western boundary. The ground floor level comprises the ramp to the basement parking level and the waste truck turning table to the site. In considering these areas are non-habitable spaces the proposed setback at the ground floor is acceptable and will comply with the separation requirements.

The first, second and third floor levels are setback 5.5m as measured from the vertical circulation core and 6m from the external wall of the building. The setback of 5.5m from the fire stairs is a non-habitable space and will comply with the minimum setback requirement of 3m. The setback of 6m is acceptable and complies with the minimum building separation requirements.

*Up to 25m (5-8 storeys):*

The fourth-floor level apartments (404 and 405) are setback 6m as measured from the habitable rooms windows and balconies and is less than the required 9m. To reduce the potential of overlooking from the west facing window openings sliding louvres have been proposed forward of the window opening to allow for visual privacy and to mitigate overlooking to the western neighbour. In terms of the balconies it is considered that any typical building envelope will sit centrally within the site and the west-facing aspect of the balconies will be typically off-set from balconies or habitable room windows of the neighbouring development and will not provide direct overlooking concerns.

The fifth-floor level consists of the communal rooftop terrace area and is setback approximately 7.1m from the western boundary and is less than the required 9m. The shortfall has been addressed through the use of planting along the western edge of the balcony which will screen some overlooking impacts to the neighbour. Should further privacy mitigation devices be required. A screening device

can be provided along the western edge of the communal rooftop terrace area to ensure increased visual privacy to the adjoining neighbour.

### **7.3.3 Bulk and Scale**

The bulk and scale of the proposed part 5/part 6 storey medical centre suites and residential flat building above will be commensurate with the bulk and scale of the existing buildings within the streetscape setting.

The scale of the building when viewed from the front (eastern) façade of the building will maintain a similar number of storeys as the neighbouring buildings. The recently approved residential flat building of the immediate northern neighbour, 2 – 8 Lethbridge Street, is 6 storeys in height with an approved roof parapet height of RL69.00. Further to the north, at no. 5 Lethbridge Street, is also a recently constructed 6 storey residential flat building which measures to the top of the butterfly roof form at a higher greater than RL69.00. The proposed development when measured from the lower portion of the mansard roof element contains an RL68.70 and represents a lower built form than the immediate adjoining neighbours of the approved developments. The building will fall within the building height plane of the neighbouring buildings, fronting Parker Street, and will be compatible with the sloping topography as the site falls from north to south along the street kerb. The proposed building envelope has been appropriately setback to maintain the front building alignment of the neighbouring buildings to ensure the form and massing of the building complements the streetscape character.

In addition, the massing and scale of the building envelope has also been modulated and articulated from the street façade to further alleviate the bulk and scale of the building. The upper floor level has been contained within the mansard roof element and the curvature of the roof form minimizes the appreciable bulk from the upper-level building edges. The fenestration of the window openings along the eastern façade includes careful placement of windows which avoids repetition between the levels and the extensive vertical window glazing which runs centrally through the core of the building contributes in breaking up the overall length of the building. Further, the external colours, materials and finishes include a combination of paneling to the mid-floor levels of the building will contrast with the lightweight pre-painted colorbond finish to the roof level and enhance the quality of the building when viewed from the street. The variety of colours, materials and finishes enhance the quality of the building contribution and reflects a built form that is a contemporary addition to the street.

Notwithstanding the above, the bulk and scale of the building has also been appropriately treated from the adjoining neighbours including nos. 2-8 Lethbridge Street and no. 5 Hope Street. The upper floor level incorporates an increased setback at 8.5m and 15.2m from the northern and western boundary, respectively, and will lessen the visual massing of the building from the adjoining neighbours. The configuration of the apartments along the eastern façade also provides for a number of building recesses and the balcony configuration will ensure the building is appropriately modulated and ameliorates the bulk and scale of the building from the façade. The side elevations also incorporate neutral colour tones and finishes inclusive of a facebrick finish and timber paneling louvres along the windows and balconies of the building. The increased size of the louvres as the site extends at the upper floor levels of the building will improve the articulated elements to the façade of the building when viewed from the neighbours.

### **7.3.4 View Loss**

The proposal will not contribute to any view loss impacts with respect to iconic and water views in accordance with the view loss planning principles of Tenacity Consulting v. Warringah City Council [2004] NSWLEC 140.

### **7.3.5 Noise**

A traffic noise impact assessment has been prepared by Rodney Stevens and Associates to the proposed ground floor medical centres and residential apartments above. The report addresses the road traffic noise impacts from a major arterial road, Parker Street (The Northern Road) and the potential noise impacts on the relevant noise policies including Noise Policy for Industry, the Noise Intrusion Requirements of the State Environmental Planning Policy (Infrastructure) 2007 and the Noise Criteria contained within PDCP2014. A number of design recommendations have been included within the report to mitigate the adverse noise impacts to the proposed development.

It is recommended that additional glazing will be required to ameliorate road noise impacts as well as to any other window located on the external façade of the building in a habitable room. In addition, it is advised that well-detailed construction and careful installation are required to achieve the Rw acoustics ratings. All gaps are to be minimised and fully sealed with an acoustic rated sealant, such as FireBan One by Bostik or Sikaflex Pro 2HP by Sika.

In terms of acoustic impacts to the neighbouring developments, the site is zoned within an R4: High Density Residential Zone. Any noise generated by the proposed development will be incidental for the use of the building for the purposes of a 'residential flat development'. In addition, the use of the ground floor level for the purposes of a medical centre is a low noise generating use and is not expected to contribute to any adverse noise impacts on neighbouring dwellings. The proposal will not result in an 'offensive noise' in accordance with the Protection of the Environment Operations Act 1997.

### **7.3.6 Parking and Traffic**

A traffic and parking report has been prepared by Stanbury Traffic Planning. The proposal aims to provide a maximum of 41 parking spaces across two levels of basement car parking.

It is prescribed that the residential flat building requires a total of 33 visitor consisting of 26 residential parking spaces, five visitor parking spaces, one car wash and one service bay parking space. In addition, it is advised that the operational characteristics and the internal layout of the proposed medical centres are yet to be defined with no detailed floor plans provided. For the purposes of this assessment, the off-street parking rate of four spaces per 100sqm GFA nominated within the Roads & Maritime Services Guide for Traffic Generating Developments for medical centrew has been applied to the medical tenancies which prescribes a requirement of nine spaces. Subsequently, a total number of 42 parking spaces is required to comply with Council's controls.

The proposed shortfall of one parking space has been addressed by combining the use of the service and car wash bays due to the sporadic nature of the use of these bays. In considering the above, the proposal will result in a compliant number of parking spaces on site.

## **7.4 Social and Economic Impacts – S4.15(1)(b)**

The proposal involving the provision of 2 x ground floor medical centres and upper level residential flat building comprising 24 residential units will result in a positive social and economic impact. The ground floor uses of the building for the purposes of a medical centre will improve the social wellbeing of the local community through health promotion and the construction of the proposed development will attract local construction and technical services employment to the local government area.

## **7.5 Suitability of the Site – S4.15(1)(c)**

The proposed 'medical centres' and 'residential flat buildings' are permissible forms of development within the R4: High Density Residential Zone. The proposed development is suitable for the site.

## **7.6 Submissions made in accordance with the Act – S4.15(1)(d)**

The proposal will be notified to the adjoining neighbours in accordance with Appendix F4: Notification and Advertising of the PDCP2014 and prescribes that all developments will have the following minimum standards for notification:

- A notification letter will include the following advice:
  - The property address to which the development application relates;
  - A description of the proposed development;
  - An invitation to view the development application;
  - The time during and the locations at which the development application can be inspected;
  - The affected person's right to lodge a written submission in relation to the application;
  - The closing date for making written submissions to Council;
  - That the contents of written submissions may be included in reports;
- The exhibition period for an amended development application is a minimum of 14 days

Submissions received from neighbouring dwellings and wider local community will be considered by the consent authority as part of the development application process in accordance with the *Environmental Planning and Assessment Act, 1979*.

The proposed development is not considered to be development that requires 'advertising'.

Any submissions received as part of the development proposal will be reviewed by the applicant during the course of the notification process.

## **7.7 The Public Interest – S4.15(1)(e)**

The proposed development will not contribute on any adverse amenity impacts to the neighbouring dwellings and will not compromise the appearance of the existing building within the existing streetscape setting. The proposal is considered to be within the public interest.

## 8. CONCLUSION

The proposal has been considered under the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, and is considered a development that can be supported by Council and worthy of an approval for the following reasons:

*The exceedance to the maximum height of buildings requirement is well justified.*

A Clause 4.6: Exceptions to Development Standards regarding the exceedance to the maximum building height has been prepared as part of this Development Application (see Appendix 3). The exceedance to the maximum building height is limited to the roof form of the upper floor level of the building. The area of non-compliance does not give rise to any adverse environmental impacts to the amenity of the neighbouring dwellings in that the adjoining premises will continue to receive the required two hours of direct solar access between the hours of 8am – 4pm, 21 June, will not contribute to any adverse overlooking or view loss impacts to the neighbouring dwellings. The building has been designed to respond to the existing site topography and will maintain a similar number of storeys, scale and proportions of the building to the more recently approved six storey residential flat buildings at nos. 2-8 and 5 Lefthbridge Street all of which are six storeys in scale and are similarly sited and configured to the proposed development. The additional building height aims to articulate the upper floor level through a curved mansard roof element which will minimise the apparent bulk and scale of the building when viewed from the existing street. The building will be compatible with the heights and scales of a number of buildings in particular those located on the opposite side of the street.

*The proposal will continue to provide a reasonable level of amenity to the adjoining neighbours.*

The proposed development has been carefully and sympathetically designed to acknowledge its location as a corner site and the adjoining neighbours within the street. The site and the immediate locality are currently identified as an R4: High Density Residential Zone and is undergoing transition from a predominately low-density to a high-density residential zoning. The site provides a generous setback to the southern boundary and the increased building separation will provide a complaint level of direct solar access to the north-facing window openings and private open spaces of the existing single dwellings on the opposite side of Hope Street. In terms of visual privacy, a number of privacy measures have been incorporated into the design of the building to minimise any visual overlooking impacts to the adjoining neighbours. Narrow window slots have been accommodated along the western elevation and are off-set any adjoining window openings to the western neighbour at no. 5 Hope Street and sliding louvre screens located in front of the north-facing window openings and balconies have been provided to screen any cross-viewing between the site and the northern neighbour. The visual bulk and scale of the development has also been improved from both the existing streetscape and the adjoining neighbours through appropriate use of articulation, modulation and a variety of external colours, materials and finishes to the building which provides a contemporary addition to the street. Finally, the proposal will not give rise to any significant view loss impacts and will continue to comply with the Planning Principles of Tenacity Consulting v. Warringah Council for view loss in that the site is not located within an area that contains either Scenic Character or Landscape Values.

*The proposal will continue to comply with relevant planning provisions and controls to the development proposal.*

The proposed development address the relevant matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (as amended)*. The development is considered to be consistent with the legislative planning requirements that are applicable to the proposed development including PLEP2010, PDCP2013 and the relevant State Regional Environmental Plan – Hawkesbury-Nepean 20 (no. 2 -1997), State Environmental Planning Policies including SEPP no.55 (Remediation of Land), SEPP no. 65 (Design Quality for Residential Apartment Development) and SEPP no. 64 (Outdoor Advertising and Signage). The proposal complies with the relevant assessment criteria and will not result in any adverse impacts upon either the amenity of the adjoining premises or the character of the locality.

The application is therefore recommended for approval, subject to the conditions of consent deemed appropriate by the consent authority, Penrith City Council.

## APPENDIX 1: APARTMENT DESIGN GUIDE

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
2E	Building Depth	Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	The proposed apartments will have a building depth which ranges from 11m in the penthouse apartments and 10 - 13m in the apartments on the typical floor levels.	Yes
2E	Building Depth	Test building depths against indicative floor plate and apartment layouts to ensure they can meet natural ventilation and sunlight requirements	The proposed apartment layouts will comply with the minimum requirements in receiving the natural ventilation and solar access requirements as per Part 4 of the Apartment Design Guide.	Yes.
2E	Building Depth	Site constraints may require varied building depths to achieve good levels of residential amenity for residents and neighbours	The proposed residential flat development will continue to provide an acceptable level of amenity to the neighbouring residential dwellings in terms of direct solar access, visual privacy and bulk and scale.	Yes.
2E	Building Depth	Consider varying building depth relative to orientation. For example, buildings facing east-west capture sun from both aspects and may have apartments of up to 18m wide (if dual aspect), while buildings facing north-south should be narrower to reduce the number of south facing apartments that have limited or no direct sunlight access (consider relationship with section 4A Solar and daylight access)	The site consists of a north/south aspect and the apartment layout consists of narrower apartment depths of approximately 6 – 7m in order to maximise the number of apartments receiving direct solar access and natural sunlight. The building depths have been optimised to ensure that the proposed residential flat building will comply with the minimum solar access requirements as per Part 4 of the Apartment Design Guide.	Yes.
2E	Building Depth	Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length	The proposed residential flat building has been appropriately articulated to ensure the development will receive an acceptable level of amenity to the occupants in the building in terms of direct solar access and natural ventilation.	Yes.
2E	Building Depth	Coordinate building height and building depth:	The proposed apartment consist of smaller apartment depths which vary between 10–13m over a greater height (with a slight variation to the maximum	Yes.



Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
		<ul style="list-style-type: none"> <li>- buildings that have smaller depths over a greater height deliver better residential amenity than those with greater depth and a lower height</li> <li>- greater building depths may be possible where higher ceiling heights are provided, for example adaptive reuse of an existing building (see 4D Apartment size and layout)</li> </ul>	building height development standards). The relationship between the height and building depth is acceptable in that the development delivers a high level of residential amenity to the occupants within the building and is consistent with the outcome of the building depth requirements of the Apartment Design Guide.	
2E	Building Depth	For mixed use buildings, align building depth to the likely future uses. For example, transition deeper commercial or retail podium levels to a narrower residential tower above. For precinct planning, if the intended building use changes, the building depth needs to change accordingly	The depth of the proposed ground floor health services facility provides appropriate transition to a narrower building depth of the apartments at the upper floor levels of the residential building.	Yes.
2E	Building Depth	Set the depth control in metres. The building depth includes the internal floor plate, external walls, balconies, external circulation and articulation such as recesses and steps in plan and section	The proposed apartment depths for the typical apartment levels 1–4 range between 10–13m and level 5 at 11m.	Yes.
2F	Building Separation	Design and test building separation controls in plan and section	Building separation requirements have been appropriately tested and addressed within the Design Verification Statement prepared by the project architect, Morson Group.	Yes.
2F	Building Separation	Test building separation controls for sunlight and daylight access to buildings and open spaces	The building separation requirements have been tested to ensure adequate direct solar access is provided to the immediate southern neighbours consist of nos. 2, 4, 6, 8 and 10 Hope Street.	Yes.
2F	Building Separation	Minimum separation distances for buildings are: Up to four storeys (approximately 12m):	The proposal does not comply with the minimum separation requirements from the fourth and fifth floor level from the northern and western boundaries of the site.	Yes.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
		<ul style="list-style-type: none"> <li>- 12m between habitable rooms/balconies</li> <li>- 9m between habitable and non-habitable rooms</li> <li>- 6m between non-habitable rooms</li> </ul> <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> <li>- 18m between habitable rooms/balconies</li> <li>- 12m between habitable and non-habitable rooms</li> <li>- 9m between non-habitable rooms</li> </ul>	Refer to Section 7.3.3 for detailed assessment.	
2F	Building Separation	Building separation may need to be increased to achieve adequate sunlight access and enough open space on the site, for example on slopes	The proposal will continue to provide an acceptable amount of direct solar access to the immediately adjoining properties and will receive a compliant amount solar access.	Yes.
2F	Building Separation	Increase building separation proportionally to the building height to achieve amenity and privacy for building occupants and a desirable urban form	The proposal will continue to provide a reasonable level of visual privacy to the immediately adjoining neighbours.	Yes.
2F	Building Separation	At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m	No change in zone at the boundaries of a building.	NA.
2F	Building Separation	No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres	NA.	NA.
2F	Building Separation	Required setbacks may be greater than required building separations to achieve better amenity outcomes	The existing building separation provides a reasonable level of amenity to the neighbouring buildings, an increased building separation is not required in this instance.	Yes.
3A	Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site	The submitted Site Analysis Plan includes all items within the Site Analysis Checklist of the Apartment Design Guide.	Yes.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
		conditions and their relationship to the surrounding context		
3B	Orientation	Building types and layouts respond to the streetscape and site while optimising solar access within the development	The proposed apartment building type is classified as a corner infill apartment block involving consolidation of two detached housing lots. The apartment layouts have been arranged to ensure the living areas and balconies of the apartments within the building consist of a north/south orientation and have been designed to maximise the amount of direct sunlight received by the occupants of the building.	Yes.
3B-2	Orientation	Overshadowing of neighbouring properties is minimised during mid-winter	<p>The proposed development will not cast any adverse overshadowing impacts on any neighbouring dwellings.</p> <p>The impacted neighbours of the proposed development are as follows:</p> <ul style="list-style-type: none"> <li>- 5 Hope Street: Single storey dwelling house</li> <li>- 2 Hope Street: Single storey medical centre</li> <li>- 4 Hope Street: Single storey dwelling house</li> <li>- 6 Hope Street: Single storey dwelling house</li> </ul> <p>The overshadowing provisions within PDCP2014 prescribe that the following requirements for solar access to:</p> <p><i>Ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings.</i></p> <p>The proposed development will continue to provide the required hours of direct solar access between the hours of 9am – 3pm, 21 June.</p> <p>Nos. 4 and 6 Hope Street will continue to receive the required 3 hours of direct solar access between 9am – 3pm to 40% located at the rear of the dwellings.</p> <p>No. 5 Hope Street will continue to receive uninterrupted direct solar access between the hours of 10am – 3pm to 100% of the main private open space areas.</p>	Yes.
3C-1	Public Domain Interface	Transition between private and public domain is achieved without compromising safety and security	The proposed development involving ground floor medical uses and residential at the upper floor levels will provide casual surveillance to the existing streetscape setting at both Hope and Parker Streets (The Northern Road). The change in level from the existing footpath level and extensive planting to the eastern and western boundaries of	Yes.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
			the premises will improve the interface from the proposed development to the existing public domain.	
3C-2	Public Domain Interface	Amenity of the public domain is retained and enhanced.	The proposed development aims to enhance the quality of the public domain interface through deep soil planting capable of accommodating large trees along the southern corner of the building as well as a combination of low-lying shrubs and grasses within the eastern setback to soften the edges of the building adjacent to the public footpath. The proposal avoids the need to provide any fencing to ensure the ground floor level uses continue to provide casual surveillance to the street frontages and the change in level between the council footpath level and the building entries clearly identifies the transition between the public and private domains. The above provides a number of measures to ensure the development contributes positively to the public domain interface.	Yes.
3D -1	Communal Open Space	Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	The proposal includes the provision of a rooftop terrace with an area of 240.3sqm (19.4%) less than the minimum required 308.25sqm (25%).	No.
3D-1	Communal Open Space	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	More than 50% of the rooftop terrace area will receive the required 2 hours of direct solar access between the hours of 9am – 3pm, 21 June.	Yes.
3D-2	Communal Open Space	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	The proposal provides a range of communal open space areas at both the rooftop terrace area and adjacent to the northern and western boundaries of the site.	Yes.
3D-3	Communal Open Space	Communal open space is designed to maximise safety	The proposed communal open space area will be overlooked by the existing private open spaces and primary living areas of the dwellings within the apartment buildings which extend above the podium level. The development provides casual surveillance to the communal open space area and increases the safety of the occupants.	Yes.
3E-1	Deep Soil Zones	Deep soil zones are to meet the following minimum requirements: 7% of the site area, minimum dimension of 3m.	The site consists of an area of 1233sqm and therefore requires a minimum of 7% of the site area to be provided as deep soil with a minimum dimension of 3m. The proposal will provide a minimum area of 252sqm (20.4%) of the site as deep soil with a minimum dimension of 3m along the front and side setbacks of the building.	Yes.
3F-1	Visual Privacy	Separation between windows and balconies is	Refer to Section 7.3.2 for detailed assessment.	No.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
		provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <i>Up to 12 metres (4 storeys):</i> 6m habitable rooms and balconies 3m non-habitable rooms <i>Up to 25 metres (5-8 storeys):</i> 9m habitable rooms and balconies 4.5m non-habitable rooms		
3F-2	Visual Privacy	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	The proposed screening devices provided along the elevations of the building will continue to ensure that the site receives direct natural light and cross ventilation as required whilst preserving the amenity of the adjoining properties.	Yes.
3G-1	Pedestrian Access and Entries	Building entries and pedestrian access connects to and addresses the public domain	The proposed development incorporates a residential and medical lobby entrance from the Parker Street frontage. The entrance of the building is identifiable from the street and provides activation from the street edge.	Yes.
3G-2	Pedestrian Access and Entries	Access, entries and pathways are accessible and easy to identify	The entrance of the building incorporates a change in level from the pedestrian footpath to the building entrance. An extended awning is provided over the building entrance and signage is provided over the lobby to ensure that the entrances to the building is clearly identifiable from the street.	Yes
3G-3	Pedestrian Access and Entries	Large sites provide pedestrian links for access to streets and connection to destinations	Not applicable.	NA.
3H-1	Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The proposal development provides for vehicular car parking and waste service collection from the secondary street frontage of Hope Street. All vehicle and pedestrian access points have been separated with vehicle/service vehicles entering and exiting the site via Hope Street and pedestrian access via Parker Street. The separation of both vehicle and pedestrian access will minimise any potential conflict in entering and existing the building.	Yes.
3J-1	Bicycle and Car Parking	Car parking is provided based on proximity to public transport in	The proposed development will comply with the minimum off-street car parking requirements in accordance with PDCP2014.	Yes.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
		metropolitan Sydney and centres in regional areas		
3J-2	Bicycle and Car Parking	Parking and facilities are provided for other modes of Transport	The proposed development will provide car parking for a range of different vehicular modes including car parking, motorcycle and bicycle parking.	Yes.
3J-3	Bicycle and Car Parking	Car park design and access is safe and secure	The arrangement of the basement car parking layout will ensure that all plant, storage and associated service areas can be accessed within impeding traffic aisles or car parking spaces. Basement car parking area to be appropriately lit and provide way finding to common circulation cores within the building.	Yes.
3J-4	Bicycle and Car Parking	Visual and environmental impacts of underground car parking are minimised.	Car parking configuration is well organised in a structural grid pattern with double loaded traffic aisle widths running through the centre of the basement car parking level of the site. The extent of excavation for the basement car parking level has been minimised to ensure the car parking layout is efficient and maximises the amount of soft landscaped area to the site.	Yes.
3J-5	Bicycle and Car Parking	Visual and environmental impacts of on-grade car parking are minimised.	Not applicable.	NA.
3J-6	Bicycle and Car Parking	Visual and environmental impacts of above ground enclosed car parking are minimised.	Not applicable.	NA.
4A-1	Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	17 apartments (71%) will receive the required 2 hours of direct sunlight between 9am and 3pm, 21 June.	Yes.
4A-1	Solar and Daylight Access	In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter	Not applicable.	NA.
4A-1	Solar and Daylight Access	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Two apartments (8.3%) will not receive any direct solar sunlight between 9am and 3pm, 21 June.	Yes.
4A-2	Solar and Daylight Access	Daylight access is maximised where sunlight is limited	The proposed development aims to maximise opportunities for daylight through the inclusion of the clerestory windows above common circulation	Yes

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)									
			cores and the use of light coloured finishes and tones to the existing building.										
4A-3	Solar and Daylight Access	Design incorporates shading and glare control, particularly for warmer months	The proposed development incorporates the use of louvres along the western elevation of the building to minimise the heat created by the mid-afternoon sun.	Yes									
4B-1	Natural Ventilation	All habitable rooms are naturally ventilated	All habitable rooms consist of a variety of window opening types to capture afternoon breezes.	Yes.									
4B-2	Natural Ventilation	The layout and design of single aspect apartments maximises natural ventilation	Two single aspect apartments have been designed to maximise natural ventilation in that the apartments have been designed across two levels and increase the number of openings to allow for natural air to circulate through the apartment.	Yes.									
4B-3	Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	75% of apartments are naturally cross-ventilated.	Yes.									
4B-3	Natural Ventilation	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	The overall depth of a cross-over or cross-through apartment does not exceed 18m.	Yes.									
4C-1	Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="523 1444 798 2056"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-Habitable rooms</td> <td>2.4m</td> </tr> <tr> <td rowspan="2">For 2 storey apartments</td> <td>2.7m for main living area</td> </tr> <tr> <td>2.4m for second floor, where its area does not exceed 50% of the apartment area.</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-Habitable rooms	2.4m	For 2 storey apartments	2.7m for main living area	2.4m for second floor, where its area does not exceed 50% of the apartment area.	<p>The ground floor level consists of a floor to ceiling height of 3.3m.</p> <p>The residential levels above consists of a floor to ceiling height of 2.7m.</p>	Yes.
Minimum ceiling height													
Habitable rooms	2.7m												
Non-Habitable rooms	2.4m												
For 2 storey apartments	2.7m for main living area												
	2.4m for second floor, where its area does not exceed 50% of the apartment area.												

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
		Attic Spaces 1.8m If located in mixed use areas 3.3m for ground and first floor to promote future flexibility of use.		
4C-2	Ceiling Heights	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	The proposed development will provide compliant ceiling heights excluding areas provided for bulkheads.	Yes.
4C-3	Ceiling Heights	Ceiling heights contribute to the flexibility of building use over the life of the building	The proposed development involves the provision of a floor to ceiling height of 3.3m and is acceptable in being used for the purposes of either retail or business premises uses and will continue to promote other forms of land uses which would ordinarily be permissible within the R4: High Density Residential Zone.	Yes.
4D-1	Apartment Size and Layout	Minimum: Studio 35sqm; 1 bedroom 50sqm; 2 bedroom 70sqm; 3 bedroom 90sqm	All apartments to comply with the minimum room size requirements.	Yes.
4D-1	Apartment Size and Layout	Habitable rooms with a minimum window size of not more than 10% of the floor area of the room.	All windows will equate to a minimum of not more than 10% of the floor area of the room.	Yes.
4D-2	Apartment Size and Layout	Open plan layouts (where the living, dining and kitchen are combined) must have a maximum window depth of 8m	All apartments enjoy an open plan layout and consist of a maximum window depth of 8m.	Yes.
4D-2	Apartment Size and Layout	Master bedrooms have a minimum area of 10sqm	All master bedrooms will provide a minimum room size of 10sqm.	Yes.
4D-3	Apartment Size and Layout	Bedrooms have a minimum dimension of 3m	All bedrooms to comply with a minimum dimension of 3m in any direction.	Yes.
4D-3	Apartment Size and Layout	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>3.6m for a studio and 1 bedroom apartments.</li> <li>4m for 2 and 3 bedroom apartments</li> </ul>	All one-bedroom apartments provide a minimum dimension of 3.6m and two- and three-bedroom apartments exceed the minimum dimension of 4m.	Yes.
4D-3	Apartment Size and Layout	Width of cross-over/cross-through apartments is a minimum of 4m	The width of cross-over or cross-through apartments will exceed the minimum requirements of 4m.	Yes.



Section	Apartment Design Guide	Requirement			Proposed	Complies (Y/N)
		Dwelling type	Minimum area	Minimum depth		
4E-1	Private open space and balconies	Studio	4sqm	-	All apartments will comply with the minimum private open space requirements for balconies.	Yes.
		1 bed	8sqm	2m		
		2 bed	10sqm	2m		
		3 bed	12sqm	2.4m		
4E-1	Private open space and balconies	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m			No apartments are proposed at the ground floor level.	NA.
4E-2	Private open space and balconies	Primary private open space and balconies are appropriately located to enhance liveability for residents			The proposed areas of private open space are immediately adjacent to the primary living areas of the dwelling and will maximise the amenity for the occupants of the building.	Yes.
4E-3	Private open space and balconies	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building			<p>The proposed balconies will seamlessly integrate with the architectural style and design of the residential flat building. In orientating the balconies away from the major arterial road, The Northern Road, the design intent is to protect the quality and amenity of the private open spaces as well as ensure they receive sufficient direct solar access and natural light.</p> <p>The balconies have been designed to ensure that the built form is articulated from the northern and southern elevations of the building. The finishes of the balustrading consists of a transparent material which provides a visual balance between the solid and lighter material use in the built form.</p>	Yes.
4E-4	Private open space and balconies	Private open space and balcony design maximises safety			The proposed underside of the balconies is appropriately detailed and the balustrading ensures that climbing and falls are minimised. Window openings at both ends of the circulation core allow for natural daylight and minimises the reliance of artificial lighting.	Yes.
4F-1	Common circulation and spaces	Maximum of 8 apartments off a circulation core			The typical floor levels provide a maximum of six apartments from one circulation core.	Yes.
4F-1	Common circulation and spaces	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			The maximum number of apartments sharing a single lift is 24 apartments.	Yes.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)	
4F-2	Common circulation and spaces	Common circulation spaces promote safety and provide for social interaction between residents	The proposed development provides for access with visible sight lines within corridor areas and easily identifiable travel paths within the building.	Yes.	
4G-1	Storage	Dwelling Type	Storage Size Volume	The proposal provides a compliant area of storage at the basement levels and within the dwellings of each individual residential unit.	Yes.
		Studio	4m3		
		1 bed	6m3		
		2 bed	8m3		
		3 bed+	10m3		
4H-1	Acoustic Privacy	Noise transfer is minimised through the siting of buildings and building layout	The proposed development is appropriately setback and provides adequate building separation to the neighbouring dwellings which will minimise any adverse noise impacts. An acoustic report prepared by Rodney Stevens Acoustic Consultants identifies that the proposed development will not generate any adverse noise impacts on the neighbouring dwellings.	Yes.	
4H-2	Acoustic Privacy	Noise impacts are mitigated within apartments through layout and acoustic treatments	Noise transference between apartments is minimised through sensitive and skillful apartment layouts. The proposed development involves co-locating other similar noise generating rooms within the existing building.	Yes.	
4J-1	Noise and Pollution	In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	The apartment configuration and layout of the building has been designed to minimise any external noise impacts to the neighbouring dwellings. All balconies front Hope Street and adjoin other similarly sited balconies to the northern neighbour at no. 2-8 Lethbridge Street. The balconies have also been orientated away from the major arterial road, The Northern Road, in order to improve the amenity of the occupants within the building.	Yes.	
4J-2	Noise and Pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	The external materials and finishes to the building ensure that all noise generated from major road thoroughfares including Parker Street (The Northern Road) will minimize the acoustic noise impacts to the occupants within the building.	Yes.	
4K-1	Apartment Mix	A range of apartment types and sizes is provided to cater for different household types now and into the future	The mix of the apartments includes a mixture of 1, 2, 2 split level and 3 bedroom apartments which can accommodate a range of household types from singles to medium sized families.	Yes.	
4K-2	Apartment Mix	The apartment mix is distributed to suitable locations within the building	The mixed is suitably distributed throughout the site with the penthouse apartments located at the upper floor level of the building.	Yes.	
4L-1	Ground Floor	Street frontage activity is maximised where ground	The proposed development provides for ground floor level apartments fronting the public open spaces of the	Yes.	

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
	Apartment s	floor apartments are located	'community park' and the 'dry creek park' with direct access provided through public recreational spaces of the site.	
4L-2	Ground Floor Apartment s	Design of ground floor apartments delivers amenity and safety for residents	The ground floor apartments fronting the public open space areas incorporate a 4.5m floor to ceiling height and will provide a split-level design to improve the amenity of the occupants within the building.	Yes.
4M-1	Building Facades	Building facades provide visual interest along the street while respecting the character of the local area	The proposed building facades along the streetscape incorporate a combination of colours, materials and finishes to the podium levels of the building which clearly define the base of the building and the upper levels of the built form structure. The façade is articulated and modulated in a manner which creates a contemporary addition to the existing street façade with an aesthetic appeal to the existing building within the street setting.	Yes.
4M-2	Building Facades	Building functions are expressed by the facade	The building entries will be clearly defined within the street and street corners (the intersections of Station Street, the new entry boulevard, the T Junction Road).	Yes.
4N-1	Roof Design	Roof treatments are integrated into the building design and positively respond to the street	The skillion roof element to the proposed residential towers will not detract from the quality of the existing streetscape setting along Station Street or the new roads.	Yes.
4N-2	Roof Design	Opportunities to use roof space for residential accommodation and open space are maximised	Adequate communal open space provided on top of the podium level of the building.	Yes.
4N-3	Roof Design	Roof design incorporates sustainability features	Roof design will comply with the requirements of the provisions of State Environmental Planning Policy (Building Sustainability Index: 2004)	Yes.
4O-1	Landscape Design	Landscape design is viable and sustainable	The proposed Stage 1 development incorporates a landscape design and report prepared by landscape architects, RPS Consulting, which demonstrates compliance in providing a landscaped environment capable of accommodating the microclimate within the Penrith locality and is consistent with the plant species for the wider landscape masterplan of the site.	Yes.
4O-2	Landscape Design	Landscape design contributes to the streetscape and amenity		
4P-1	Planting on Structures	Appropriate soil profiles are provided	The proposal includes soil depths for the proposed plant species to accommodate varying types of tree sizes including small, medium and large trees.	Yes.
4P-2	Planting on Structures	Plant growth is optimised with appropriate selection and maintenance	The proposed selection of plant species will be consistent with those nominated within the public domain/landscape guidelines and the approved landscape masterplan by the Urban Design Jury.	Yes.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
4P-3	Planting on Structures	Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposed podium level planting includes a careful plant species selection which positively responds to the existing microclimate of the Penrith Locality. In addition, the planting on the podium is provided by way of a number of raised planter beds of varying depths and plant species to allow for the growth of health trees, shrubs and ground coverage.	Yes.
4Q-1	Universal Design	Universal design features are included in apartment design to promote flexible housing for all community members	An accessibility report will be submitted as part of the accompanying development application documentation to demonstrate compliance with the relevant Australian Standards.	Yes.
4Q-2	Universal Design	A variety of apartments with adaptable designs are provided		
4Q-3	Universal Design	Apartment layouts are flexible and accommodate a range of lifestyle needs		
4R-1	Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	The proposal does not involve an adaptive re-use to the site.	Not applicable.
4R-2	Adaptive Reuse	Adapted buildings provide residential amenity while not precluding future adaptive reuse		
4S-1	Mixed Uses	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The proposed development involves the provision of retail uses at the ground floor level fronting Station Street, the new entry boulevard road and the new road which runs parallel to Station Street. The proposed residential development encourages pedestrian movement along the frontages of the building and around the site.	Yes
4S-2	Mixed Uses	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
4T-1	Awnings and Signage	Awnings are well located and complement and integrate with the building design	The proposed awning structure along the retail frontages of the site will complement the proposed built form of the shop-top housing development.	Yes.
4T-2	Awnings and Signage	Signage responds to the context and desired streetscape character	Any proposed signage will be required to address the relevant matters of SEPP 64 – Outdoor Advertising and Signage. It is anticipated that a separate development application will be lodged for the new uses which will include any proposed signage.	Yes.
4U-1	Energy Efficiency	Development incorporates passive environmental design	The prospective development application will be submitted with a BASIX and Naters Certificate to	Yes.

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
4U-2	Energy Efficiency	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	demonstrate compliance with the building energy and water saving targets of the development.	
4U-3	Energy Efficiency	Adequate natural ventilation minimises the need for mechanical ventilation		
4V-1	Water management and conservation	Potable water use is minimised	The proposed development will be reviewed by the project engineers to ensure the proposal complies with WSUD measures including appropriate drainage of stormwater from the site.	Yes
4V-2	Water management and conservation	Urban stormwater is treated on site before being discharged to receiving waters		
4V-3	Water management and conservation	Flood management systems are integrated into site design		
4W-1	Waste Management	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	The proposed waste storage has been reviewed by the waste consultants, Elephant Foot. All waste areas will be adequately sized to allow for convenient disposal of waste and recycling within the site. All waste will be collected via proposed vehicular accessway provided along the new road which runs parallel to the street frontage will be contained wholly within the existing building and will not compromise the appearance of the building within the existing streetscape setting.	Yes
4W-2	Waste Management	Domestic waste is minimised by providing safe and convenient source separation and recycling		

## APPENDIX 2: PENRITH DEVELOPMENT CONTROL PLAN 2014

The Penrith Development Control Plan 2014 (PDCP2014) provisions are structured into two components: Objectives and Controls. The Objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternate solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the DCP are addressed in the table below. (Note: a number of control provisions that are not related to the proposal have been deliberately omitted.)

Clause	Requirement	Provision	Compliance (Y/N)
<b>Part 2.5 Residential Flat Buildings</b>			
2.5.2 Preferred Configuration for Residential Flat Buildings	New residential flat building development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:		
	a) Traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens;	The proposed residential flat building orientates balconies and habitable room windows to front the existing street alignments along Hope Street and Parker Street (The Northern Road). All overlooking to the neighbouring dwellings will be screened through the use of louvres and screening devices to the windows facing the west and ample building separation to the north.	Yes
	b) Patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community;	The existing street and the immediate locality is considered to be undergoing transition from a predominately R2: Low Density to an R4: High Density Residential environment. The proposal aims to maintain the environmental amenity of the neighbouring buildings within the street.	Yes
	c) the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City	The external facades of the building have been appropriately articulated and modulated in a manner which reflects a contemporary built urban form and is representative of the changing built form patterns within the existing streetscape setting.	Yes
	Within the relevant zones, established development is detached buildings or semidetached pairs which are:		

Clause	Requirement	Provision	Compliance (Y/N)
	<ul style="list-style-type: none"> <li>a) separated from one another by landscaped courtyards;</li> <li>b) stepped floor plans and projecting verandahs;</li> <li>c) capped by a variety of pitched roofs.</li> </ul>	The site is identified as being within an established development zone in that the immediate locality consists of detached dwellings from a predominately low-density residential setting. The locality consists of a variety of roof types and pitches. The construction of a new residential flat building with medical uses at the ground floor level will be compatible with the R4: High Density Residential Zoning of the site and reflects the changing dynamics and characteristics of the local setting.	Yes
	<p>Within the relevant zones, established development provides a "green corridor" of trees and shrubs along the rear boundary:</p> <ul style="list-style-type: none"> <li>a) conserving remnant vegetation; and</li> <li>b) providing new shelter and habitat; and</li> <li>c) contributing to streetscape.</li> </ul>	The proposed development aims to provide deep soil landscaping adjacent to the northern and western boundaries of the site. The deep soil landscaping consists of a minimum dimension of 3m and is appropriate in width to allow for a variety of planting of trees, shrubs and grasses. A landscape plan has been prepared by Paul Scrivener Landscape which aims to provide a number of native species within the nominated landscape zones which will improve the soften the appearance of the building within the existing streetscape setting.	Yes.
	<p>Within the relevant zones, established development provides a front garden setback which may be filled by verandahs and private garden-courts:</p> <ul style="list-style-type: none"> <li>a) encourages active use by residents;</li> <li>b) provides for attractive front gardens.</li> </ul>	The proposed development incorporates a 3m wide deep soil zone located within the front setback of the building adjacent to the street boundary of Parker Street (The Northern Road) and Hope Street. A landscape plan has been prepared by Conzept Landscape Architects which aims to provide a number of native plant species within the front setback of the building which will improve the visual aesthetics from the street.	Yes.
	<p>Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture".</p>	All car parking spaces servicing the residential and medical uses at the ground and upper floor levels are located within the basement car parking level with a single ingress and egress point via Hope Street.	Yes.
2.5.3 The Development Site	Determine a minimum lot width for residential flat buildings:		Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	a) adopt a minimum lot width of 20m in the R4 High Density Residential zone.	The site contains a width of 25m and 34m from Hope Street and The Northern Road, respectively.	
	For the purposes of calculating lot size and lot width, the lot does not include the area of any access corridor or right-of-carriageway.	The existing allotment width along the street boundary does not include a right of carriageway or an access corridor.	Yes.
2.5.4 Urban Form	For dwellings fronting the street, adopt a traditional orientation: <ul style="list-style-type: none"> <li>a) living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties; and</li> <li>b) private gardens fill the front setback area; and</li> <li>c) garages are concealed behind dwellings.</li> </ul>	<p>The site contains a frontage to Hope Street. The proposal involves orientating the balconies to the street boundary (along the southern elevation) and to the rear (along the northern elevation).</p> <p>The dwellings have been orientated to ensure that the all living rooms and private open spaces will maximise a northerly aspect to maximise the amount of direct sunlight into the habitable spaces.</p> <p>The proposal does not provide for any scope to provide private open space within the front setback given the new works include the provision of medical uses at the ground floor level.</p> <p>All ingress and egress points to the basement car parking is via the secondary street frontage of Hope Street.</p>	Yes.
	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.	See above.	Yes.
	Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width side setback: <ul style="list-style-type: none"> <li>a) step the alignment of all facades – generally one corner and a substantial indentation for every 10m run of wall;</li> </ul>	The proposed residential flat building incorporates an articulation zone along the front façade of the building. The proposal does not involve any gun barrel style apartment shaped allotments with all apartments directly accessible	Yes.



Clause	Requirement	Provision	Compliance (Y/N)
	<p>b) divide buildings into separate wings – a deep indentation located centrally in the longest walls; or a central garden courtyard;</p> <p>c) private gardens fill the rear setback area.</p> <p>d) vary the width of side setbacks – a combination of garden courtyards and access ways; and</p> <p>e) lined by an “avenue” of shady overhanging trees;</p> <p>f) cap the stepped floor plan with a variety of pitched roof forms;</p> <p>g) windows should be inserted into every elevation.</p>	<p>from the main circulation core of the building.</p> <p>The proposed residential flat building is separated into two wings with dwellings fronting the north and south of the site. The common circulation core divides the northern and southern wings of the building.</p> <p>The ground floor level immediately adjacent to the rear setback area is adjacent to the waste collection areas of the site. The proposal does not include any ground floor apartments and therefore there is no scope to provide private garden areas within the rear setback space.</p> <p>The proposal includes the provision of deep soil landscaping directly adjacent to the northern and eastern setbacks of the building.</p> <p>The proposal does not aim to remove any existing street trees along the site.</p> <p>The proposal includes a curved gambrel roof feature over the upper most apartment of the building and positively articulates the built form within the street.</p> <p>The proposal includes window openings to all elevations within the building.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
2.5.5 Landscaped Area	<p>Landscaped areas should provide effective separation between neighbouring dwellings;</p> <p>a) healthy growth of new trees and shrubs;</p> <p>b) long-term survival of existing vegetation required by Council to be preserved;</p>	<p>The proposal includes a soil depth of more than 3m along the front, side and rear boundaries of the site. The soil depth of 3m will accommodate a soil volume of more than 80m<sup>3</sup> and will support the growth of small to large size trees.</p> <p>The proposal does not involve the removal of any significant trees on the site.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<p>c) private courtyards for all dwellings and a green outlook;</p> <p>d) front gardens that contribute to an attractive streetscape; and</p> <p>e) 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>The subject site does not include any ground floor apartments given the proposed works involves the provision of a medical centre use at the ground floor level. The proposal will continue to provide a green outlook from the upper floor level balconies given the extensive tree planting provided along the side and rear setbacks of the building.</p> <p>All apartments have direct access to a rooftop communal open space area on the site. The minimum landscaped area given the site is located within an R4: High Density Residential Zone is 431.55sqm (35%).</p> <p>10% of the minimum landscaped area is 43.2sqm. The communal open space located on the rooftop level is directly accessible to all residents within the building and contains an area of 240.3sqm and will comply with Council's control.</p>	Yes.
	<p>Landscaped area must meet the following requirements:</p> <p>a) Landscaped areas should be: Zone Minimum landscaped area % of the site R1 Residential General 40 R4 High Density Residential 35%</p> <p>b) have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy;</p> <p>c) may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p>	<p>The proposed development will exceed the minimum landscaped area of more than 35% and comply with Council's controls.</p> <p>The proposed development will incorporate a deep soil width of 3m and will comply with the requirements under the Apartment Design Guide.</p> <p>The proposed development does not include any ground floor terraces given the extent of the works includes medical centre uses at ground level.</p> <p>The proposed motor vehicle and service vehicle car parking arrangement minimises the amount of hard paved surfaces whilst ensuring waste and car</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<p>e) should include verges that surround car parking areas and open driveways;</p> <p>f) should provide a reasonable area of private open space in accordance with the part within this section on design;</p> <p>g) where more than one building is proposed, that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.</p>	<p>parking movements are separated to minimise any direct conflict between the two uses.</p> <p>Landscaped area to the site includes all areas including surrounding the existing street verge and adjoining the car parking areas.</p> <p>A reasonable level of private open space has been provided to the occupants within the building along the north and south facing balconies fronting Hope Street and the northern neighbour at no. 2-8 Lethbridge Street.</p> <p>No easement proposed.</p>	<p>Yes.</p> <p>Yes.</p> <p>NA.</p>
2.5.6 Front and Rear Setbacks	<p>Determine the maximum development footprint for your site:</p> <p>a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m</p> <p>b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.</p>	<p>The proposed development is not a single storey building. Refer to building separation as per the ADG requirements for further details.</p> <p>The proposed development is not a two-storey building. Refer to building separation as per the ADG requirements for further details.</p>	<p>NA.</p> <p>NA.</p>
	<p>Within the rear boundary setback:</p> <p>a) there shall be no building encroachments either above or below ground (eaves excepted);</p> <p>b) maximise the amount of undisturbed soil,</p>	<p>The proposed development is setback 3.1m and 5.5m to the rear (western) boundary at the ground and first floor levels, respectively. The minor encroachment is acceptable given the development will comply with the minimum separation requirements for habitable and non-habitable rooms of the residential flat development.</p> <p>The proposal includes the provision of a 3m wide soil</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<p>encouraging rapid growth of healthy trees and shrubs;</p> <p>c) where there are physical encumbrances such as open drains, increase the setback accordingly.</p>	<p>depth to the deep soil areas within the soft landscaping areas of the site. The 3m is acceptable in complying with the relevant provisions of the ADG for a site area of less than 1,500sqm. The area and soil depth are appropriate to accommodate the growth of trees, shrubs and grasses within the setback area.</p> <p>The rear (western) setback does not include any physical encumbrances including open drains or channels.</p>	Yes.
	<p>Determine an appropriate front setback:</p> <p>a) either average the setbacks of the immediate neighbours; or</p> <p>b) 5.5m minimum whichever is the greater dimension.</p>	<p>The average setback of the buildings fronting The Northern Road within the urban block is 3.2m. The approved residential flat development at no. 2-8 Lethbridge Street (DA16/0182.02), directly to the north of the site, is setback between 3m – 3.4m from the street boundary of The Northern Road.</p> <p>The proposed residential flat development is setback between 3.4m – 3.5m. The front setback of the building will maintain the average setback of the buildings fronting The Northern Road.</p>	Yes.
	<p>Permissible encroachments within the front setback are:</p> <p>a) verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation.</p>	<p>The awning structure located above the ground floor medical uses is setback between 1.6m – 2.1m from Parker Street (The Northern Road) street boundary. Whilst the awning encroaches within more than 50% of the eastern (street) elevation of the site the non-compliance is acceptable given the proposal will demonstrate compliance objectives with the front and rear setback controls. The development will continue to provide ample soft landscaped areas on the site along the front boundary and the associated structures will not contribute to any adverse visual bulk and scale impacts from the site.</p>	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	Garages and parking spaces are not permissible within the front setback.	The proposal does not involve the provision of any new garage or parking spaces within the front setback of the building.	Yes.
2.5.7 Side Setbacks	<p>Cut and fill and maximum ground floor heights:</p> <p>a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;</p> <p>b) restrict cut-and-fill to a maximum of 500mm; and</p> <p>c) provide effective sub-soil drainage.</p>	<p>The site is considered to be relatively flat with a fall of approximately 1.51m (4%) from the eastern to the western end of the site. The proposed floors of the building will not exceed more than 1m above the natural ground level. The development minimises the amount of stepping within the built form where possible.</p> <p>Cut and fill to the premises is restricted where required.</p> <p>The proposed development provides for 3m wide deep soil zones within the front, rear and side setbacks of the site which will minimise any stormwater run-off to the neighbouring properties.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
	Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual scale.	The proposed roof pitch of the building exceeds 25%. However, the variation from the minimum slope requirement is necessary in order to conceal the upper floor level apartments within the mansard roof element of the building. The curved architectural mansard roof element incorporates a colourbond roof material which articulates the form of the building from the existing streetscape setting.	Yes.
2.5.8 Visual and Acoustic Privacy and Outlook	<p>Demonstrate a package of measures that achieves reasonable visual privacy between adjacent dwellings:</p> <p>a) windows oriented towards their own private garden courtyard; and / or</p> <p>b) at least 9m between any windows that face each other; and / or</p> <p>c) screening measures, including:</p> <ol style="list-style-type: none"> <li>i. offsetting of windows; or</li> <li>ii. oblique orientation for windows; or</li> </ol>	<p>The proposed window openings will not result in any adverse visual privacy impacts to the neighbouring buildings.</p> <p><i>South Elevation:</i> The balconies and the habitable windows overlooks Hope Street and will not compromise the visual privacy of the neighbouring dwellings. There is a significant building separation to the neighbouring buildings on the opposite side of Hope Street and will maintain a reasonable level of visual privacy to the southern adjoining neighbours.</p>	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	<ul style="list-style-type: none"> <li>iii. external screens to windows; or</li> <li>iv. courtyard walls and pergolas;</li> </ul> <p>note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening;</p> <ul style="list-style-type: none"> <li>d) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:</li> <li>i. are offset by a distance sufficient to limit views between windows; or</li> <li>ii. have sill heights of 1.7m above floor level; or</li> <li>iii. have fixed obscure glazing in any part of the window below 1.7m.</li> </ul>	<p><i>East Elevation:</i> The balconies and habitable room windows overlooks The Northern Road and will not contribute to any privacy impacts to the neighbouring dwellings. The opposite side of The Northern Road is The Nepean Hospital and does not consist of any residential dwellings.</p> <p><i>North Elevation:</i> The balconies and habitable room windows will not contribute to any adverse visual privacy impacts to the neighbouring dwellings in particular to the approved six storey residential flat building at no. 2-8 Lethbridge Street (DA16/0182.02).</p> <p>The ground to the third-floor level will comply in that the proposal will provide a building separation of 12 metres as required under the ADG between the habitable rooms/balconies of the northern neighbour and the subject building.</p> <p>The fourth and fifth-floor levels of the building is setback less than the required 9m to the northern boundary as required under the ADG, however, will not result in adverse overlooking impacts. The upper floor levels incorporate additional visual privacy mitigation devices which will ameliorate any direct overlooking into the adjoining neighbour the north. The window openings have been appropriately screened whilst providing a balance in achieving a suitable amount of direct solar access into each respective apartment.</p> <p>The communal open space area will not result in any adverse visual privacy impacts given a non-trafficable zone has been provided along the northern edge of the communal open space area and any overlooking will be largely offset from adjoining</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
		<p>balconies/habitable window openings.</p> <p><i>Western Elevation:</i> The habitable room windows along the western elevation provide a compliant building separation between the ground and third floor levels with 6m from habitable rooms and 3m from non-habitable rooms. In addition, louvres are provided to all west-facing habitable room windows which will screen direct overlooking into the neighbouring dwelling to the west. Visual privacy impacts to the communal open space area have been mitigated given a non-trafficable zone has been provided along the western edge of the balcony which will screen any downward views to the existing dwelling house.</p>	Yes.
2.5.9 Solar Planning	<p>The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:</p> <ul style="list-style-type: none"> <li>a) Providing shadow diagrams prepared by a qualified technician;</li> <li>b) Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas;</li> <li>c) Demonstrating shadows cast by neighbouring buildings;</li> <li>d) Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun;</li> </ul>	<p>Shadow diagrams have been prepared by the project architect, The Morson Group. The shadow diagrams have been prepared at hourly intervals between 9am – 3pm, 21 June.</p> <p>The submitted shadow diagrams illustrate the overshadowing impact to the existing neighbouring dwellings, in particular the western neighbour at no. 5 Hope Street and the potential impact to the areas of private open space.</p> <p>The submitted shadow diagrams illustrates the overshadowing impact to the neighbouring residential properties.</p> <p>The proposed residential flat development incorporates a number of living and habitable room windows and balconies which provide a northerly aspect.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<p>e) Ensuring that the proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;</p> <p>f) Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings;</p> <p>g) In situations where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.</p>	<p>The proposed residential flat development will comply with the ADG in that more than 70% of apartments will receive direct solar access for two hours between the hours of 9am – 3pm, 21 June.</p> <p>The proposed residential flat development will provide a minimum of 3 hours of sunlight between the hours of 9am – 3pm, 21 June to the immediate western and southern neighbours to all private open spaces of the adjoining dwellings between the hours of 12pm – 3pm, 21 June.</p> <p>The existing situation does not result in buildings and fences which reduce sunlight to less than the minimum requirements.</p>	<p>Yes.</p> <p>Yes.</p> <p>Not applicable.</p>
2.5.10 Significant Townscapes & Landscapes	<p>In neighbourhoods with townscape significance, new development should:</p> <p>a) conserve vegetation that has visual or historical significance;</p> <p>b) adopt the prevailing configuration of garden areas, particularly the street's predominant front boundary set-back;</p> <p>c) adopt the predominant width, height, and scale of existing buildings;</p> <p>d) ensure that floor plans are stepped or articulated similar to the shape or form of surrounding buildings;</p>	<p>The proposal does not involve the removal of any significant vegetation on the site.</p> <p>The proposal will maintain the front setback alignment along Hope Street and Parker Roar (The Northern Road) and will be compatible with the appearance of the existing streetscape setting.</p> <p>The proposal will maintain a similar number of storeys and a building height plane as the neighbouring building to the north at no. 2-8 Lethbridge Street.</p> <p>The proposed floor plans are appropriately stepped and articulated and is reflected in viewing the facades of the building.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



Clause	Requirement	Provision	Compliance (Y/N)
	<p>e) adopt roof pitches, ceiling heights and forms that match neighbouring buildings;</p> <p>f) minimise the width and area of driveways visible from public frontages;</p> <p>g) conceal garages from public frontages (corner sites excepted).</p>	<p>The proposed mansard roof element will maintain a similar roof profile as the approved developments to the north and west of the building.</p> <p>The proposed width of the hardstand areas located on the Hope Street frontage is necessary to minimise any ongoing vehicular conflict between motor vehicles and waste vehicles in entering and exiting the site.</p> <p>The proposal does not involve the construction of a garage.</p>	<p>Yes.</p> <p>NA.</p> <p>Yes.</p>
	<p>In areas with significant vegetation:</p> <p>a) aim to preserve established trees as blocks or corridors;</p> <p>b) ensure that the location of buildings and pavements does not affect long term survival of established trees;</p> <p>c) incorporate new plantings that reinforce the visual and habitat values;</p> <p>d) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.</p>	<p>The proposal does not involve the removal of any significant trees on site.</p> <p>The location of the building and hardstand areas does not impact the long-term survival of existing trees on the site.</p> <p>The proposal includes significant planting within the front setbacks of the site which represents a significant improvement to the increased hardstand areas as existing.</p> <p>A landscape plan has been prepared Paul Scrivener Landscape which incorporates a native landscaping species which is compatible with the Penrith microclimate.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
	<p>New development should not aim to provide a direct copy of traditional buildings:</p> <p>a) simple detailing of building forms and openings is preferred to the use of "stuck-on" detailing applied to gable ends and verandahs;</p> <p>b) the pitch and form of roofs, and articulation of floor plans are of particular importance;</p>	<p>The proposal does not include any stuck-on detailing to the existing roof forms and verandahs.</p> <p>The proposed roof form will be compatible with the low profile nature of the northern neighbour (2-8 Lethbridge Street) and the floor plans are appropriately articulated with recessed building elements</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<p>c) frequent use of shadow-casting elements such as verandahs and awnings is important to reduce the scale of long walls;</p> <p>d) traditional proportions for window and door openings should be employed;</p> <p>e) use of traditional joinery details for windows, doors and verandahs and fences should be concentrated in elevations that are visible from public places</p>	<p>along the northern and southern elevations of the building to accommodate the recesses within the built form of the building.</p> <p>The eastern elevation of the building includes vertical louvres along the front façade of the building which is used to mitigate road noise generated from the classified road of Parker Street (The Northern Road). The louvres will cast shadow lines on the front façade of the building from each individual blade of the building and alleviate the visual mass of the building. Protruding balcony elements are provided along the northern and southern elevations of the building to accommodate the recesses within the built form of the building.</p> <p>Traditional window orientations are provided along the northern and southern elevations of the building.</p> <p>Traditional joinery details of windows are visible from the existing streetscape.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
2.5.11 Corner Sites and Park Frontages	<p>For allotments with a second street frontage, the second frontage should adopt key principles from other parts of this section including:</p> <p>a) The development site;</p> <p>b) Urban form;</p> <p>c) Landscaped area;</p> <p>d) Side setbacks.</p>	<p>The proposed secondary (southern) street frontage will continue to incorporate an urban form that provides a number of articulations and modulations to the urban form with living rooms and balconies fronting the street. The side setbacks are no less than 5.5m as required by Council at 5.8m – 6m and will maintain a similar alignment as the existing buildings within the street. Suitable landscaping is provided along the southern boundary to soften the appearance of the building when viewed from Street.</p>	Yes.
	<p>For corner lots and park frontages:</p> <p>a) the rear and front setbacks may be measured relative to the shortest boundaries;</p>	<p>In considering the higher street order, the proposed residential flat building's rear setback is to the west, adjacent to no. 5</p>	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	<p>b) living rooms, dwelling entrances and verandahs may face either public frontage;</p> <p>c) building forms should be articulated for both frontages;</p> <p>d) all fences along public frontages should be designed in accordance with the parts in this section on fences and retaining walls;</p> <p>e) driveway access should be from the shortest street frontage, with garages concealed from both public frontages; and</p>	<p>Hope Street and the front setback is to the street alignment of Parker Street (The Northern Road).</p> <p>The design intent of the proposed residential flat development is to orientate all living areas away from the major arterial road along Parker Street (The Northern Road). The existing road is susceptible to significant noise impacts, all balconies along the north-eastern and south-eastern corners in order to comply with 2.2.19 Visual and Acoustic Privacy and Outlook which prescribes to locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices. Subsequently, it is ideal in this circumstance that private open spaces and living room windows front the secondary street frontage along Hope Street and the Northern Elevation.</p> <p>The proposed front facade and the secondary front façade along Parker Street (The Northern Road) and Hope Street have been appropriately articulated and modulated and will not detract from the quality of the building within the street.</p> <p>The proposal does not involve the provision of any new fences along the street alignments of Hope Street and Parker Street (The Northern Road).</p> <p>The proposed vehicle access into the site via Hope Street is located on the shortest street frontage along Hope Street at 24.995m. The parking area will not be visible from Parker Street (The Northern Road) to the eastern elevation of the site.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
	<p>For frontages to a second street:</p> <p>a) minimum setback to dwellings and garage entrances should be 5.5m;</p>	<p>The proposed residential flat building is setback 5.8m – 6m from the secondary street frontage along Hope Street.</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<ul style="list-style-type: none"> <li>b) minimum verandah setback should be 3m;</li> <li>c) garden areas facing the street should be landscaped as private courtyards.</li> <li>d) Facing the street corner, the profile of the buildings should be varied with:</li> <li>e) A distinctive roof element; and/or</li> <li>f) Limited encroachments: external walls to corner rooms that measure up to 5 m in width may extend 2m beyond both street front setbacks</li> </ul>	<p>All balconies setback more than 3m from the Hope Street alignment.</p> <p>The proposal does not involve the provision of any ground floor terraces. Nevertheless, soft landscaping is provided adjacent to the southern street alignment.</p> <p>The street corner at the intersection of Hope Street and Parker Street (The Northern Road) illustrates the distinctive roof detailing of the mansard roof form which cantilevers over the upper level balcony with a reduced number of encroachments along the façade.</p>	<p>Yes.</p> <p>Yes.</p>
	<p>Along park frontages:</p> <ul style="list-style-type: none"> <li>a) dwellings and private courtyards should face the park;</li> <li>b) minimum dwelling or verandah setback should be 2m, for not more than 50% of the total building elevation;</li> </ul>	<p>The proposal does not consist a frontage to a park.</p>	<p>NA.</p>
2.5.12 Building Design	<p>Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of buildings and to reflect typical features of established cottage developments:</p> <ul style="list-style-type: none"> <li>a) walls with alignments that step in both plan and section;</li> <li>b) windows and doors inserted into all visible walls;</li> <li>c) a variety of pitched roofs, predominantly hipped.</li> </ul>	<p>The proposed external walls of the building incorporate steps and modulations along the visible street facades of the building including the eastern and southern elevations. Steps within the built forms are provided through the recessed balcony elements to the south and protruding central core of the building to the west.</p> <p>The proposal includes the provisions of window openings along the façade of the building.</p> <p>The proposal includes an articulated mansard roof element to the building. The roof pitch will be compatible with the existing low lying pitched roofs to the recently</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<p>d) lower storeys that project beyond the line of the top storey, and are capped by roofs; or terraces to the upper storey apartments;</p> <p>e) the top storey designed as a "penthouse" with extensive glazing in the form of windows and large doors surrounded by terraces and pergolas;</p> <p>f) a variety of overhangs that cast shadows including:</p> <ul style="list-style-type: none"> <li>i. roofs with wide eaves;</li> <li>ii. awnings and pergolas;</li> <li>iii. balconies enclosed by corner columns and a variety of balustrades;</li> <li>iv. wide terraces at ground level;</li> </ul> <p>g) variation in building materials, for example:</p> <ul style="list-style-type: none"> <li>i. a "solid" masonry base;</li> <li>ii. intermediate levels that appear lighter: coloured or painted brickwork, with projecting "screens" of balconies that are located in particular at corners of buildings;</li> </ul>	<p>approved neighbouring buildings.</p> <p>The upper level storey contains apartments on the eastern side of the building only with the communal open space to the west. The lower storeys will extend further to the western edge is capped through the provision of the communal terrace area.</p> <p>The top storey apartments are designed as three bedroom penthouses. Extensive glazing along the eastern elevation is minimised to reduce the amount road noise entering the building due to its location adjacent to the major arterial road of Parker Street (The Northern Road). Significant terraces and pergolas are provided which continues the shape and form of the mansard roof element over the north and south-facing balconies.</p> <p>The proposal includes a substantial overhanging roof eave which extends over the private open space to the north and south of the building. The extensive eave overhang will cast shadows to the lower levels along the southern and northern facades of the building and the articulated wall elements will create a shadowing line which will minimise the visual bulk and scale of the building when viewed from the street.</p> <p>The proposed façade of the building incorporates a glazed façade at the ground floor level to provide an activated ground floor medical centre use. The mid-floor levels of the building incorporate a light panelling finish along the eastern façade with a light finish to the panelling along the corners of the buildings. The upper-floor levels of the building contains the penthouses apartments all within the mansard roof element of the building with the eave line of the roof level</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<ul style="list-style-type: none"> <li>iii. a lightweight "penthouse" upper storey, capped by overhanging roofs and open pergolas, with terraces and balconies surrounded by open-style balustrades.</li> </ul>	extending beyond the private open space of the building levels. The proposed treatment and façade of the building will be consistent with the variation in building materials of the Penrith DCP 2014.	
2.5.13 Energy Efficiency	<p>Adopt a configuration for dwellings that promotes cross-ventilation:</p> <ul style="list-style-type: none"> <li>a) corner apartments with two external walls;</li> <li>b) apartments that sit between two opposite external walls.</li> </ul>	Corner apartments within the building will enjoy window openings to two facades of the building. Cross-through apartments are not proposed in minimising the number of circulation core of the site.	Yes.
	<p>Adopt an appropriate orientation for rooms and windows:</p> <ul style="list-style-type: none"> <li>a) living areas - facing within 30 degrees of solar north is desirable;</li> <li>b) windows - at least 50% of glazing facing solar north is desirable; unprotected glazing facing east, west or south shall be avoided; for every room, windows in two external walls are desirable;</li> <li>c) where the desired orientation cannot be achieved, higher compliance with other energy efficiency standards shall be achieved.</li> </ul>	<p>The proposed living areas are directly north-facing.</p> <p>The north-facing apartments will comprise of more than 50% of glazing facing north. Glazing to the east and west will be provided with louvre devices located forward of the window openings.</p> <p>The proposal will comply with the submitted BASIX and NatHERS Certificate submitted with the development application.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
	<p>Provide effective shading from summer sun and employ effective glazing:</p> <ul style="list-style-type: none"> <li>a) overhanging eaves: at least 450mm wide;</li> <li>b) external, adjustable screening for windows, doors and skylights to habitable rooms;</li> <li>c) pergolas over courtyards;</li> <li>d) for any large south-facing window: high performance glass e.g. double glazing in thermal break frames;</li> <li>e) windows and doors facing east, south or</li> </ul>	The proposal provides for external louvres along the window openings of the buildings to mitigate the heat load impacts of the afternoon sun and during the summer periods. The external finishes of the building will comply with the submitted BASIX and NatHERS Certificate submitted with the development application.	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	<p>west: high performance glass e.g. Double glazing in thermal break frames;</p> <p>f) all windows and external doors: weather-stripping should be used.</p>		
2.5.14 Design of Dwellings and Private Courtyards	<p>Common circulation areas should facilitate access by people carrying parcels and removal of furniture:</p> <p>a) corridors at least 1.2m wide;</p> <p>b) stairs with landings at least 1.2m deep</p>	<p>The proposed corridor includes a width of between 1.9m – 2.5m.</p> <p>The proposed stairs with landings will have a width of 2.5m</p>	<p>Yes.</p> <p>Yes.</p>
	<p>A reasonable area of private open space should be provided for each dwelling:</p> <p>a) for dwellings at ground level:</p> <ol style="list-style-type: none"> <li>i. a minimum of 20m<sup>2</sup>;</li> <li>ii. as courtyards at ground level; and / or</li> <li>iii. terraces located not higher than 1.5m above ground level; and</li> <li>iv. for street-front dwellings: individual entrances to terraces or courtyards from the street;</li> </ol> <p>b) for dwellings above ground - balconies that are a minimum of 10m<sup>2</sup>;</p> <p>c) all required open space should include one area:</p> <ol style="list-style-type: none"> <li>i. measuring at least 2.5m by 2.5m;</li> <li>ii. suitable for outdoor dining; and</li> <li>iii. located immediately next to, and level with, a living or dining room; and</li> </ol>	<p>The proposal does not involve the provision of any dwellings at ground floor level.</p> <p>All balconies are proposed to exceed a minimum area of 10sqm.</p> <p>All balconies will comply with the minimum depth requirements for private open spaces and balconies as prescribed within the ADG.</p> <p>All balconies will comply with the minimum depth requirements of the ADG and will be capable of providing outdoor dining.</p> <p>All balconies will immediately adjoin the living/dining areas of the building.</p>	<p>NA.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<ul style="list-style-type: none"> <li>iv. incorporating an area for outdoor clothes drying that is visually-screened to a height of at least 1.5m above floor level;</li> <li>v. Landscaped areas should maximise the area available for private courtyards and gardens.</li> </ul>	<p>Clothes drying areas will be suitably hidden to the balconies along the north-eastern and south-western corners.</p> <p>No ground floor dwellings proposed.</p>	<p>Yes.</p> <p>Yes.</p>
	<p>Dwellings should have rooms that are planned and oriented:</p> <ul style="list-style-type: none"> <li>a) to maximise privacy,</li> <li>b) to provide a "green" outlook across open space;</li> <li>c) to facilitate natural ventilation and day lighting.</li> </ul>	<p>Dwellings have been arranged and configured to maximise privacy to the immediately adjoining neighbours to the north and west of the site. Planting is provided along the northern and western boundaries to provide a green outlook and minimise overlooking impacts to the adjoining neighbours.</p>	<p>Yes.</p>
	<p>Rooms should have dimensions and an area that:</p> <ul style="list-style-type: none"> <li>a) can accommodate the range of furniture typically associated with their function; and</li> <li>b) recognise that furnishing options may be restricted by the location of windows and doors.</li> </ul>	<p>The proposed residential apartments are suitably sized and dimensioned to comply with the apartment size and layout requirements of the ADG. The layout and configuration can accommodate a range of furniture types and positions.</p>	<p>Yes.</p>
2.5.15 Garages	<p>Garage and parking areas should be planned to:</p> <ul style="list-style-type: none"> <li>a) minimise disruption to traditional or established streetscapes by concealing from the street;</li> <li>b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation;</li> <li>c) minimise transmission of noise to adjoining dwellings;</li> </ul>	<p>The proposal involves providing a vehicle crossover for the basement car park and waste service vehicle with direct access from Hope Street. The driveway access will be concealed from the primary street frontage along Parker Street (The Northern Road).</p> <p>The basement car parking level has been provided as a flexible parking arrangement to accommodate for a range of services, storage and car parking on the site.</p> <p>Noise transmission between the basement car parking and waste service vehicle area will</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



Clause	Requirement	Provision	Compliance (Y/N)
	<p>d) provide secure parking;</p> <p>e) allow for maintenance access to rear garden courtyards; and</p> <p>f) provide for effective and healthy landscaping along verges and boundaries;</p> <p>g) permit all turning movements, full opening of vehicle doors as defined by AS 2890.1-1993;</p>	<p>be reduced to the upper level residential accommodation.</p> <p>A roller door is provided at the entrance of the basement car parking and waste vehicle collection area of the site.</p> <p>The soft landscaped area located along the northern and western boundaries of the site are directly accessible from both Hope Street and Parker Street (The Northern Road) and can be maintained as required.</p> <p>Appropriate deep soil landscaping depths are provided adjacent to the street verge of Hope Street and Parker Street (The Northern Road). A landscape plan has been prepared by Paul Scrivener Landscape which provides a combination of trees, shrubs and grasses within the deep soil zones of the site.</p> <p>All basement car parking and waste areas have been reviewed by Stanbury Traffic Planning and will be designed to comply with the relevant Australian Standards.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
2.5.16 Garden Design	<p>The rear boundary setback should provide:</p> <p>a) private garden courtyards;</p> <p>b) a corridor of habitat, and a green backdrop that is visible from the street;</p> <p>c) conservation for any existing corridor of mature trees; or</p> <p>d) an interlocking canopy of low to medium-height trees and shrubs;</p> <p>e) predominantly species indigenous to the soils of Penrith City</p>	<p>A landscape plan has been prepared by Paul Scrivener which incorporates landscaping within the rear (western) setback of the building. The proposed rear setback incorporates the planting of trees adjacent to the western boundary. The trees are native species and have been selected to thrive within the existing microclimate.</p>	<p>Yes.</p>
	<p>Alongside boundaries, generally provide:</p> <p>a) small-to medium height canopy trees for sun-shading and privacy separation between dwellings;</p> <p>b) within the verges to any common driveway:</p>	<p>A landscape plan has been prepared by Paul Scrivener Landscaping which includes the planting of a number of trees adjacent to the common boundaries of the site which will provide shade and privacy between the neighbouring</p>	<p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	hedges fronting windows to any dwelling;	dwellings. No ground floor dwellings and therefore no hedges proposed in front of the window openings.	
	Along driveway verges and surrounding parking basements:  a) screen plantings of small to medium canopy trees; b) beds of continuous ground cover; c) common pathways to building entrances according to the part below on Paving Design	The proposal includes screen planting adjacent to the vehicular driveway along the western boundary of the site. Common pathways are also proposed adjacent to the basement driveway access.	Yes.
	Street frontage plantings should provide:  a) private gardens for street-front dwellings; b) a civic garden frontage appropriate to the established neighbourhood character; and c) mixed species of trees, shrubs, and accent plantings including flowers and ground covers; d) level areas of well-drained turf; and e) along noisy thoroughfares: i) noise attenuation with an interlocking canopy formed by at least two rows of trees under planted with dense hedges.	A landscape plan has been prepared by Paul Scrivener Landscaping which provides a mixture of grasses, shrubs and trees along the street frontages of the site. The landscaped areas contain minimum dimensions of 3m which will stimulate and support healthy plant growth on the site.	Yes.
2.5.17 Paving Design	Hard paved surfaces should:  a) maximise the area available for landscaping and gardens;  b) impose no adverse long term effect on any vegetation that Council requires preserved	The hard paving areas includes paved tiles with deep soil landscaping provided each individual tile and reconstituted modwood timber flooring which will allow for stormwater to infiltrate into the soil.  No existing vegetation on the site requires removal.	Yes.  Yes.
	Generally paving should:  a) provide an attractive "address" for any dwellings without a direct frontage to the street;	No ground floor dwellings proposed.	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	<p>b) minimise the area and width of driveways along the street-frontage;</p> <p>c) be overlooked by continuously-occupied rooms such as kitchens and living rooms;</p> <p>d) be divided into panels by bands of contrasting materials or pavers;</p> <p>e) provide barrier-free access continuous from the street to the entrance of each dwelling;</p> <p>f) provide for landscaping as continuous verges along both sides,</p> <p>g) collect and channel run off into grated sumps located strategically and integrated with the design of surface pavement.</p> <p>h) Incorporate outdoor storage of garbage bins awaiting collection.</p>	<p>The proposed width of the hardstand areas located on the Hope Street frontage is necessary to minimise any ongoing vehicular conflict between motor vehicles and waste vehicles in entering and exiting the site.</p> <p>The bedroom and balcony areas along the western elevation of the building will overlook the paved areas adjacent to the western boundary. The living room and balcony areas will overlook the paved areas adjacent to the northern boundary.</p> <p>The proposal includes pavers and modwood timber flooring as the use of pavers.</p> <p>No ground floor dwellings proposed.</p> <p>Landscaping provided as continuous street verges along Hope Street and Parker Street (The Northern Road).</p> <p>A concept stormwater plan has been prepared by SGC Consulting.</p> <p>All wastes collection is held within the building.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
2.5.19 Safety and Security	<p>Encourage a sense of community:</p> <p>a) Each common stairwell should serve no more than 10 dwellings.</p> <p>b) The public street and /or common pathways should be overlooked by:</p> <p>i. Entrances to dwellings or to ground level; terraces; Penrith Development Control Plan 2014 D2 Residential Development D2 – 77</p>	<p>The proposed common stairwell will serve 6 units to each level.</p> <p>The public streets including Hope and Parker Streets (The Northern Road) will be overlooked by the existing bedrooms, living rooms and balconies. The proposal will provide casual surveillance from the existing streetscape.</p>	<p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<ul style="list-style-type: none"> <li>ii. Windows to living rooms, dining rooms and/or kitchens; and</li> <li>iii. Private terraces and balconies</li> <li>c) fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.</li> </ul>	The proposal does not involve the provision of any new fences.	Yes.
	<p>Ensure that at least one continuously-occupied room in each dwelling (a kitchen or living room) overlooks:</p> <ul style="list-style-type: none"> <li>a) the front street;</li> <li>b) driveways and garage forecourts.</li> </ul>	The front street, Parker Street (The Northern Road) and the driveways will be overlooked by the existing living room and balconies of the upper level units.	Yes.
	<p>Prevent concealment of intruders by:</p> <ul style="list-style-type: none"> <li>a) uniform lighting levels across common areas such as driveways;</li> <li>b) planning which does not provide hidden recesses;</li> <li>c) along common pathways: selection of appropriate plant species according to height and density.</li> </ul>	<p>Automatic lighting motion sensors provided within common areas.</p> <p>All common areas will be casually surveillance on site.</p> <p>A landscape plan has been prepared by Paul Scrivener landscaping with appropriate height and density of landscape planting.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
2.5.10 Accessibility and Adaptability	<p>Demonstrate that planning and design measures do not prevent access by people with disabilities:</p> <ul style="list-style-type: none"> <li>a) access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances;</li> <li>b) stair nosings should have a distinctive colour and texture;</li> <li>c) dwellings should have:</li> <li>d) dimensions consistent with AS 1428.1-1998- Design for access and mobility.</li> <li>e) hallways at least 1m wide.</li> <li>f) circulation areas in bathrooms at least 1 m wide.</li> </ul>	An Accessibility Report has been prepared by Vista Access Architects which demonstrates compliance with the accessibility and adaptability requirements of both the DCP, the ADG and the BCA.	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	<p>Demonstrate that dwellings have been designed to meet the needs of an ageing population:</p> <ul style="list-style-type: none"> <li>a) incorporate design measures which are appropriate to people with disabilities; and</li> <li>b) employ lever-type door handles and traditional cruciform tap-handles; and</li> <li>c) provide for future low cost modifications to bathrooms: <ul style="list-style-type: none"> <li>i. future removal of hobs from shower recesses;</li> <li>ii. provision for future attachment of grab-rails to walls.</li> </ul> </li> <li>d) provide for future low-cost modifications to kitchens including replacement of under bench shelves with drawers &amp; attachment of grab-rails.</li> <li>e) provide appropriate levels and location of lighting.</li> </ul>	<p>Any design of adaptable units will comply with the BCA and AS requirements.</p> <p>Door handles and tap handles can be adaptable for the purposes to ensure they accommodate an ageing population.</p> <p>The bathroom configurations can accommodate low cost modifications to the existing bathrooms.</p> <p>The kitchen areas can accommodate low cost modifications.</p> <p>Appropriate levels of lighting to be provided.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
	10% of all dwellings or a minimum one dwelling, whichever is greater, must be designed in accordance with the Australian Adaptable Housing Standard (AS4299-1995), to be capable of adaptation for people with a disability or elderly residents.	Apartment nos. 104, 501 and 502 have been designed as adaptable apartments and exceeds the required 10% of adaptable dwellings.	Yes.
	Where possible, the mandatory adaptable dwellings shall be located on the ground floor.	No ground floor dwellings. An adaptable dwelling is provided at the first and fifth floor levels.	Yes.
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS4299-1995).	An Accessibility Report has been prepared by Vista Access Architects which demonstrates compliance with the accessibility and adaptability requirements of both the DCP, the ADG and the BCA.	Yes.
	Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard	Car parking spaces will comply with the relevant Australian Standards for disabled car parking.	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	regarding parking for people with a disability.		
	Provide storage for household items: <ul style="list-style-type: none"> <li>a) at least 10m<sup>3</sup> per dwelling; either</li> <li>b) as cupboard space within the dwelling in addition to wardrobes; or</li> <li>c) within a lockable garage, not encroaching upon the parking space; or</li> <li>d) in weather-proof lockers that are not visible from the street.</li> </ul>	All storage to comply with the ADG Requirements.	Yes.
	Letter boxes should be provided according to Australia Post specifications: <ul style="list-style-type: none"> <li>a) adjacent to the front boundary;</li> <li>b) located conveniently for residents entering the site (by car or on foot);</li> <li>c) integrated with the design of landscaped areas, fences and buildings</li> </ul>	The proposed letter boxes will be located within the residential lobby of the building.	Yes.
	Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for: <ul style="list-style-type: none"> <li>a) additional telephone lines and outlets;</li> <li>b) additional electrical outlets;</li> <li>c) satellite or cable-based reception.</li> </ul>	All dwellings will be designed to accommodate telecommunication facilities.	Yes.
2.6 Non Residential Developments	Principles of urban form and urban design that apply to permissible residential development should be adopted for non-residential development.	Noted. See assessment below.	Yes.
	Particular attention should be paid to: <p>The development site including front setbacks, rear setbacks dual frontage situations.</p> <ul style="list-style-type: none"> <li>a) Urban form including: <ul style="list-style-type: none"> <li>i. traditional building design features;</li> </ul> </li> </ul>	The proposed façade of the ground floor medical centre use incorporates a glazed façade to provide an active street frontage along Parker Street (The Northern Road).	Yes.

Clause	Requirement	Provision	Compliance (Y/N)
	ii. traditional garden frontages;	The front setback incorporates deep soil landscaping which softens the appearance of the building within the existing street.	Yes.
	iii. orientation of building entrances;	The orientations of the building entrances of the ground floor medical centre use provides direct access from both street frontages of Hope Street and Parker Street (The Northern Road).	Yes.
	iv. continuously occupied rooms facing the street;	The ground floor medical centres are suitably sized and dimensioned to provide reception areas which will allow direct overlooking into the street.	Yes.
	v. detailed consideration of significant townscapes or landscapes;	The proposal incorporates the provision of two top hamper signs which provides business identification signage to the building.	Yes.
	vi. signs.	The proposal incorporates two top hamper signs above the entrance of the building.	Yes.
	vii. driveways and parking including: <ul style="list-style-type: none"> <li>• provision of on-site parking appropriate to the proposed use, and in accordance with the parking requirements of this DCP;</li> <li>• minimise site coverage by paved areas;</li> <li>• conceal garages from views available from public parks and streets;</li> <li>• locate driveways and parking areas away from any neighbouring</li> </ul>	<p>All car parking required to serve the ground floor medical centre use will be located at the ground floor level of the building and will comply with the minimum car parking requirements.</p> <p>Appropriate site coverage provided on the site.</p> <p>All car space will be concealed in the basement car parking level of the site.</p> <p>Driveways will be provided along the secondary street frontage. It is not practical to provide driveway access along Parker Street (The Northern Road).</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

Clause	Requirement	Provision	Compliance (Y/N)
	<p style="text-align: center;">residential development;</p> <p>b) landscaped area-provision and design of the required minimum area with detailed design of gardens and paving;</p> <p>c) side setbacks to provide for effective landscaped separation from adjacent developments;</p> <p>d) solar planning and energy efficiency - minimised overshadowing of adjacent properties and minimise requirements for mechanical heating and cooling of interiors;</p> <p>e) privacy - protect the amenity of adjacent properties;</p> <p>f) storage and building services - sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent developments.</p> <p>g) storage and building services – sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent residents.</p>	<p>The proposal will comply with the minimum required deep soil landscape requirements as per the ADG provisions.</p> <p>The proposal will comply with the minimum separation requirements of the ADG.</p> <p>The proposal will comply with the solar planning requirements of the PDCP2014</p> <p>The proposal will comply with the visual privacy requirements to the adjoining neighbours.</p> <p>Adequate storage is provided within the ground floor levels of the building and the basement level 1 car parking area.</p> <p>Storage will be provided within each medical centre tenancy and appropriate services provided to each tenancy.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>

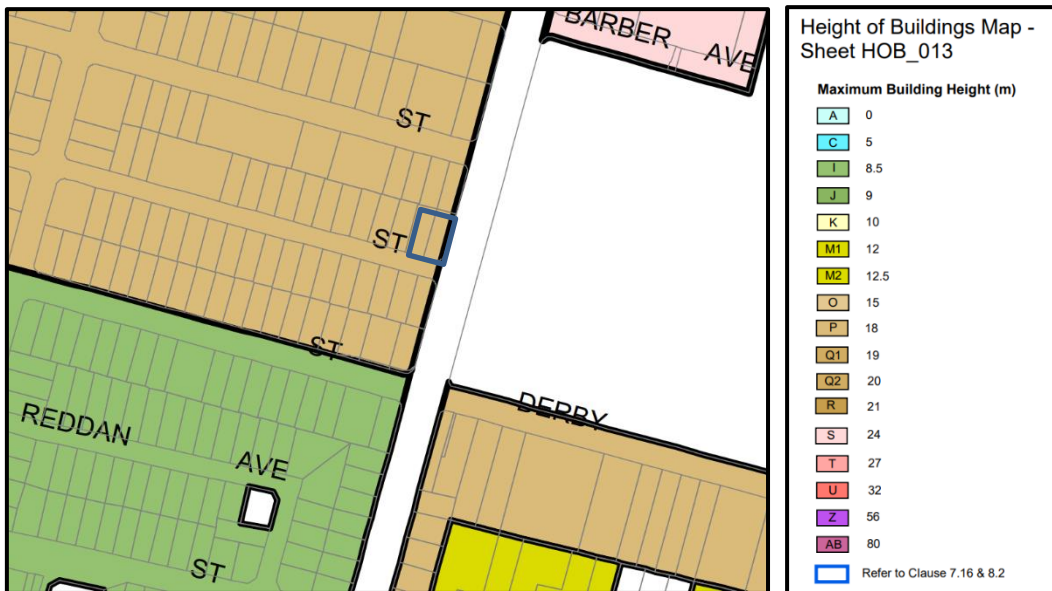


# APPENDIX 3: CLAUSE 4.6: EXCEPTIONS TO DEVELOPMENT STANDARDS

## 1. Introduction

The Clause 4.6 application has been prepared on behalf of the applicant, *Morson Group*, in support of a Development Application for the demolition of the existing structures and the construction of a ground floor medical centre and residential flat building above comprising 24 residential units, basement car parking including 41 car spaces, communal rooftop terrace and associated site and landscaping works at no. 1-3 Hope Street, Penrith NSW 2750. The request seeks to vary the maximum height of buildings development standards prescribed in Clause 4.3: Height of Buildings, and the variation of the development standard has been prepared pursuant to Clause 4.6: Exceptions to Development Standards of PLEP2010.

Clause 4.3(2) specifies that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.



The Height of Buildings Map of PLEP2010 prescribes that the site is within area 'P' and has a maximum building height of 18m.

## 2. Variation to the maximum height of buildings requirements

The area of non-compliance to the maximum height of building requirements to the proposed residential flat building is as follows:



Figure 19: Height Plane Analysis as per Architectural Plans prepared by Morson Group

Areas of non-compliance	Proposed Height	Breach of Height
Proposed upper mansard roof level	RL69.69	1.25m (7%)
Proposed lower mansard roof level	RL68.701	0.3m (1.6%)
Proposed awning over lift overrun	RL67.9	0.54m (3%)
Proposed roof pergola structure	RL68.15	0.42m (2%)

Clause 4.6: Exceptions to Development Standards contends that strict compliance with the maximum height of 18m as prescribed within Clause 4.3(2) of PLEP2010 is unreasonable and unnecessary in the circumstances of the case and that exceedance by a maximum of 1.255m can be supported by Council in considering the merits of the proposal.

The maximum height control is a development standard to which exceptions can be granted providing exceptions to Clause 4.6 of the LEP are achieved. The relevant objectives and provisions of Clause 4.6 are as follows:

1. *The objectives of this clause are as follows:*
  - a. *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - b. *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - a. *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - b. *that there are sufficient environmental planning grounds to justify contravening the development standard.*
4. *Development consent must not be granted for development that contravenes a development standard unless:*
  - a. *the consent authority is satisfied that:*
    - i. *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - ii. *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - b. *the concurrence of the Secretary has been obtained.*
5. *In deciding whether to grant concurrence, the Secretary must consider:*
  - a. *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - b. *the public benefit of maintaining the development standard, and*
  - c. *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

### **3. Compliance with Clause 4.6(4) Exceptions to Development Standards**

#### **3.1 The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)(a). The compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,**

Subclause (3)(a) of Clause 4.6 prescribes that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

In the matter of *Initial Action Pty. Ltd. v. Woollahra Municipal Council [2018] NSWLEC118* the position that compliance with the development standard is unreasonable or unnecessary may be demonstrated in one or more of the following ways:

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

- *The underlying objective or purpose is not relevant to the development.*
- *The underlying objective or purpose would be thwarted if compliance with the standard was required.*
- *The development standard has been virtually abandoned or destroyed by Council's decisions in granting development consents that depart from the standard.*
- *The zoning of the land is unreasonable or inappropriate.*
- *Some other way.*

### 3.1.1 The objectives of the development standard are achieved notwithstanding non-compliance with the standard

The objectives of Clause 4.3: Height of Buildings are as follows:

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

The proposed exceedance to the maximum building height plane will not result in any adverse visual bulk and scale impacts when viewed from the existing street and will remain compatible with the desired character of the locality. The maximum breach to the building height is limited strictly to the architecturally curved mansard roof element which sits above the central circulation core of the building. This protruding roof element is an articulated roof element which, in combination of the glazed façade elements, assists in breaking up the length and visual massing of the buildings street elevation fronting Parker Street (The Northern Road). The articulated roof element combines with the glass façade in presenting a human scale to the street as well as reflecting the internal layout and the configuration of the building with apartments either side of the circulation core. This roof feature minimises the length of the walls along the street alignment by dividing the building elevations into two sections of 12–13m in length. The minor breaches to the roof height are also supportable in that the mansard roof element and the curvature of the roof articulates the street edge of the building creates a distinctive sculptural element and provides a contrast to the horizontal plane of the building. In considering the exceptional architectural detailing of the protruding curved mansard, it will not detract from the appearance of the building viewed from the street.

In terms of the proposals presentation to the existing streetscape, it should be noted that directly to the north of the site at no. 2-8 Hope Street is currently subject to a recent development approval (DA16/0182.02) for the construction of a six storey residential flat building with a parapet roof height of RL69.00 from the street alignment of Parker Street (The Northern Road).

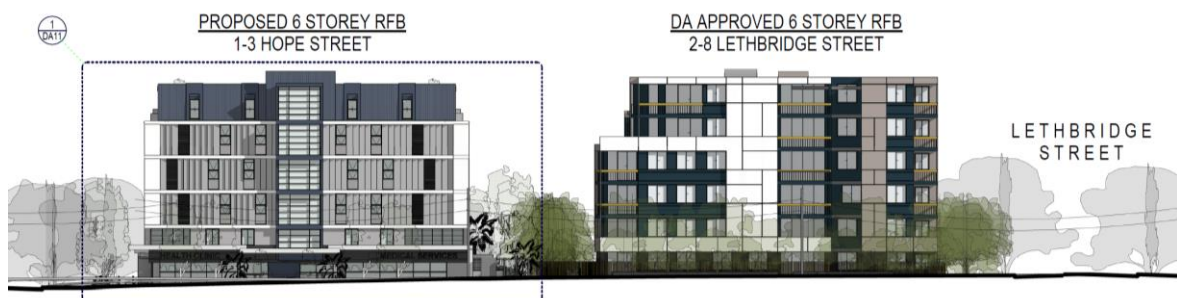


Figure 20: Eastern Elevation of the proposed development and the approved eastern elevation of no. 2-8 Lethbridge Street, Penrith

The neighbouring site to the north (no. 2-8 Lethbridge Street) and the subject site are considered to be on a flat parcel with a relatively negligible fall between the two sites. The proposed development will maintain a lower height plane from the street alignment by 300mm (RL68.7) from the lower curved mansard roof than the immediate northern neighbour with the upper portion of the curved mansard approximately 800mm (RL69.8) above the parapet of the northern neighbour. In considering the upper mansard occupies only 23% of the length of the elevation, the protruding roof element will not contribute to any significant visual bulk and scale when viewed from the street. By comparison to the building height planes of the approved development at no. 2-8 Lethbridge and the proposed

development at no. 1-3 Hope Street the proposal remains entirely compatible in terms of bulk, size, scale and proportioned and will remain in keeping with the streetscape character.

In considering the wider street context, it is reasonable to consider no. 5 Lethbridge Street, Perth. The roof form of the northern neighbour at no. 5 Lethbridge Street consists of a butterfly roof form which extend horizontally creating a skillion roof profile of the building. The skillion roof and the lift overrun which extends above the roof form all contributes in presenting an overall higher building envelope than the approved development at no. 2-8 Lethbridge Street and the proposed development to the site. In view of the existing streetscape the proposed development will be compatible with the scale and form of the buildings within the street.



Figure 21: Northern Neighbour at no. 5 Lethbridge Street

- (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 proposal will not contribute to any adverse environmental amenity impacts to the neighbouring buildings within the street.

*Solar Access:*

The proposal will provide a compliant number of hours to the main living and private open space areas of the adjoining dwellings and is in keeping with solar access requirements of Clause 2.1.6 PDCP2014. For dwelling houses it prescribes that a minimum of three hours sunlight must be provided between 9am – 3pm, 21 June to living zones and 40% of the main private open spaces of the adjoining dwellings. The overshadowing impacts are reasonable in that the north-facing windows of the southern neighbours at nos. 4, 6, 8 and 10 Hope Street will continue to receive the required 3 hours with direct solar access between the hours of 12pm – 3pm, 21 June. In addition, the private open space of each dwelling, located on the southern side of the existing dwellings, will not be impacted by the proposed development and therefore the proposal will not further reduce direct solar access into these areas than existing. The east-facing windows of the western neighbour at no. 5 Hope Street will be impacted by the proposed development by one hour only and will continue to receive direct solar access between the hours of 10am – 3pm to both the main living areas and the private open spaces of the dwelling.

*Visual Privacy:*

The area of non-compliance to the building height is limited to the curved mansard roof element, the skillion roof, the awning structure which extends over the lift core and the pergola structure to the

southern end of the site. The area of the proposed non-compliance does not contribute to any additional visual privacy impacts or overlooking concerns to the adjoining neighbours given these structures are largely non-trafficable and the impacted areas do not provide direct cross-viewing impacts to the adjoining neighbours.

*Views:*

The site is not identified in a key area that consists of either scenic and landscape values or a gateway of visual sensitivity in accordance with Part C1: Site Planning and Design Principles of PDCP2014. In addition, neither the neighbouring dwellings nor the existing public domain does any visible 'iconic' or 'water' views from the site in accordance with the planning principles of Tenacity Consulting v. Warringah City Council [2004] NSWLEC 140.

*Visual impact:*

The area of non-compliance does not contribute to any adverse visual bulk and scale impacts visible from the existing streetscape setting, in particular along Hope and Parker Street (The Northern Road). The non-compliant building height portion of the building height, when viewed from Parker Street (The Northern Road), is limited to the upper curved mansard roof element. The protruding roof element provides an articulated roof feature to the building in alleviating the visual massing of the building and provides a contemporary roof element to the façade of the building. The roof feature improves the appearance of the building within the street and the removal of this feature in order to comply with the height provisions would be a detrimental design outcome in failing to present a human scale of the building to the street. When viewed in the context of the neighbouring northern buildings, the proposal will generally remain compatible with the size, scale and proportions of the recently approved six storey residential flat development at no. 2 – 8 Lethbridge Street.

In addition to the above, the proposed roof form and pergola structure will also marginally exceed the maximum building height along the southern façade of the building. The exceedance of the skillion roof element is limited to a maximum of 300mm and the pergola structure by 420mm. The variation to the maximum building height is minor and does not unreasonably impact the appearance of the building when viewed from the street. The non-compliant roof portion is a relatively lightweight structure and the pergola consists of several openings that do not add any considerable bulk to the building that would detract from the appearance of the structure from the street. The external wall of the building has been setback an additional 3m from the southern façade of the building which minimises the scale of the building from Hope Street.

In considering the matters raised above, the proposal does not contribute to any adverse visual impact, privacy, overshadowing and views to existing development and to public areas, including parks, streets and lanes.

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

The proposed development is not located in, or in close proximity to, an area identified as either being a heritage item or heritage conservation area as defined by Schedule 5 of the Environmental Heritage of the PLEP2010. The site is not considered to be identified in a key area that consists of either scenic and landscape values or a gateway of visual sensitivity in accordance with Part C1: Site Planning and Design Principles of PDCP2014.

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

The non-compliant building heights limited to the upper portion of the curved mansard roof element fronting Parker Street (The Northern Road), the skillion roof profile, the eave overhang and pergola structure will not detract from the appearance of the building when viewed from the street and will result in a high-quality urban design. The curved mansard roof element articulates the roof form and improves the aesthetics of the built form when viewed from the existing view corridors in both a north and south-bound direction along Parker Street (The Northern Road).

The immediate locality, in particular the neighbouring sites located to the west of Parker Street are all identified as being located within an R4: High Density Residential Zone.

**3.1.2 The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.**

Not applicable. The underlying objective or purpose of the development standard is relevant to the Development Application and is achieved in the matters raised above.

**3.1.3 The underlying objective or purpose would be thwarted if compliance with the standard was required.**

Not applicable. The underlying objective or purpose of the standard would not be defeated or thwarted if compliance with the standard was required.

**3.1.4 The development standard has been virtually abandoned or destroyed by Council's decisions in granting development consents that depart from the standard.**

The approved development at no. 5 Lethbridge Street comprises of a six-storey residential flat building consisting of a butterfly roof element with roof blades extending above the parapet of the building. The approved development extends above the maximum building height limit of 18m and the nature of this recent development approval has been virtually abandoned by Council's decision in granting development consents that depart from the height standard.

**3.1.5 The zoning of the land is unreasonable or inappropriate.**

Not applicable. The zoning of the land as an R4: High Density Residential Zone is appropriate for the site and the wider context including the provision of residential flat buildings within close proximity to the site.

**3.1.6 Some other way.**

Not applicable. The above represents that these five ways are not exhaustive of the ways in which an applicant must demonstrate compliance with a development standard is unreasonable or unnecessary. In this instance, it is sufficient to establish only one way which is compliance with the objectives of the development standard.

**3.2 The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)(b). That there are sufficient environmental planning grounds to justify contravening the development standard.**

Subclause (3)(a) of Clause 4.6 prescribes that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard.

Also, in the matter of *Initial Action Pty. Ltd. v. Woollahra Municipal Council [2018] NSWLEC118* the position that there are sufficient environmental planning grounds to justify contravening the development standards identifies that in *Four2Five Pty Ltd. v. Ashfield Council [2015] NSWLEC90* it is necessary to determine:

- 'environmental planning grounds' by their nature, being grounds that relate to the subject matter, scope and purpose of the *Environmental Planning and Assessment Act 1979* including Section 1.3 of the EPA Act;
- Must be 'sufficient'
  - First, the environmental planning grounds advanced in the written request must be sufficient to 'justify contravening the development standard'. The focus of Clause

4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.

- Second, the written request must 'demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard' so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i).

### **3.2.1 Sufficient environmental planning grounds to justify contravening the development standard.**

There are sufficient grounds to justify the contravention of the development standard for the following reasons:

- Clause 1.3: Objects of the Act of the *Environmental Planning and Assessment Act 1979*, requires development promote good design and amenity of the built environment. The proposal will comply with the above objective in that the portion of the building that exceeds the maximum building height will continue to reflect a good design outcome when viewed from the street. The exceedance to the maximum building height to the curved mansard articulates the building edge along the street alignment along Parker Street (The Northern Road) and will break up the visual massing of the upper floor level when viewed from the existing streetscape. The articulated roof feature divides the mass of the roof structures into distinctive sections of the mansard roof element and will positively integrate with the façade composition of the building.
- The areas of non-compliance to the maximum building height will not contribute to any adverse environmental impacts with respect to solar access, visual privacy, visual bulk and views from the neighbouring dwellings or the existing public domain.
- The areas of non-compliance will not distort the building height planes of the neighbouring buildings. The building façade will be of a similar size and scale as per the immediate neighbour to the north at no. 2-8 Lethbridge Street. Aside from the upper mansard roof element, the entire mansard which contains the three-bedroom apartments will remain marginally lower than the northern neighbour by approximately 300mm and positively reflects the gentle sloping nature of the site. The proposed development will fit comfortably within the street and will relate to the context of the neighbouring buildings along Parker Street (The Northern Road).
- The non-compliant roof portion when viewed from the south (Hope Street) will remain compatible with the PDCP2014, in particular the requirements of Clause 2.5.11 Corner Sites and Park Frontages. It prescribes that with developments facing the street corner, the profile of the building should be varied with a distinctive roof element. When viewed from the south, the roof overhang which extends over the fifth-floor balcony creates a distinctive sculptural element to the roof level of the built form which varies the profile of the building and articulates visible edges of the façade.
- The non-compliance to the southern edge is nominal with a maximum exceedance of 420mm and is limited to the overhanging roof and pergola structures at the fifth floor level of the building. These structures are relatively open and do not contribute to any adverse visual bulk and scale when measured from the external wall of the building.

In considering the above, there are sufficient environmental planning grounds to justify the contravention to the development standard.

### **3.3 The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and**



The following requires that the consent authority must be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of Clause 4.3: Height of Buildings and R4: High Density Residential Zone of PLEP2010.

### **3.3.1 The objectives of Clause 4.3 Height of Buildings**

Refer to Section 3.1.1 of this report for detailed assessment.

### **3.3.2 The objectives of Zone R4: High Density Residential**

The proposal will be compatible with the objectives of the R4: High Density Residential Zone in the following ways:

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

The proposal involves the construction of a new residential flat building which will provide 24 residential dwellings within the building. The provision of a residential flat building will offer appropriate housing accommodation to both local residents and visitors and will continue to support a growing local population with the Penrith Local Government Area. The provision of these residential apartments will ensure that the development continues to meet wider strategic housing targets provided to each local government area. The proposal for the purposes of a residential flat building will ensure the site accommodates a high-density residential environment.

- *To provide a variety of housing types within a high density residential environment.*

The proposed residential flat building will accommodate a range of housing types to accommodate a changing local demographic and household types. In considering apartment buildings form a significant and long-term part of the urban fabric, it is essential that they support the needs of the community now and into the future. The proposed development provides a range of one bedroom, two bedroom, two bedroom split-level and three bedroom apartments within the building. The Penrith Development Control Plan prescribes an apartment mix with 17% (4) one-bedroom apartments, 67% (16) two-bedroom apartments, 8% (2) of two-bedroom split level apartments and 8% (2) three-bedroom apartments. The mixture of bedrooms and apartment types all of which vary in area ranging from smaller to oversized two-bedroom apartments to smaller one-bedroom and larger three-bedroom apartments all contribute to the variety of housing types within the development site.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal involves the demolition of the existing ground floor medical centre and the construction of a new ground floor medical centre on the site. The proposal will will continue to provide facilities which promotes the physical and mental health wellbeing of the local community. The ground floor use of the building as a medical centre will provide a place that offers medical services relating to the improvement of health, restoration to health, prevention of diseases and the treatment of those who are injured. The proposed land uses will be compatible with the objectives of the zone in that it will continue to provide suitable facilities that will meet the day-to-day needs of the residents in terms of the improvement of human health. The use of the premises as a medical centre will continue to provide car parking at the basement levels to ensure any demand generated by the development proposal is adequately accommodated on the site. The proposal is considered to be compatible with the objectives of the R4: High Density Residential Zone in that it provides for alternative land uses, permissible with consent, within the site and offers medical services and facilities that can be enjoyed by the residents.

- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposal will continue to provide a high level of residential amenity to the occupants within the building and the adjoining neighbours. The proposed residential flat development consists will

continue to comply with the requirements of direct solar access, with 70% of apartments receiving a minimum of two hours of direct solar access between the hours of 9am – 3pm, 21 June and cross ventilation, with more than 60% of apartments being naturally cross-ventilated. In addition to this, all apartments will be provided with a compliant private open space in the form of upper level balconies and suitably sized communal open space areas provided at the ground and fifth floor level of the building. All apartments comply with minimum apartment size requirements and provide a window opening to all habitable room windows to ensure each room provides for adequate natural daylight and is naturally ventilated. In terms of the amenity received by the adjoining neighbours, the proposed building has been designed to ensure all overlooking impacts have been mitigated to the adjoining neighbours through the use of louvres and privacy screens, adequate building separation has been provided between the ground to fourth floor levels and the extent of overshadowing has been minimised with increased setbacks to the southern boundaries to minimise the degree of shadowing to the southern adjoining neighbours. The proposal will continue to provide a high level of residential amenity and is supportable.

- *To encourage the provision of affordable housing.*

The proposal provides for a range of apartment types including a mixture of one bedroom, two bedroom, two bedroom split level, and three bedroom apartments. The range and type of apartments will contribute to the apartment mix and the finishes and will encourage housing options and affordability.

- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposal will be in keeping with the desired future character of the immediate locality. As raised above, the neighbouring building to the north consists of a recently approved, six-storey residential flat building at no. 2 – 8 Lethbridge Street, Penrith. The approved building grants consent with a roof parapet of RL69.00 as measured from the front façade of the building. Further north is a recently constructed six storey residential flat building at no. 5 Lethbridge Street and consists of a higher building height plane than no. 2–8 Lethbridge, as measured from the vertical roof blades of the building.

As the slope falls from north to south, the proposed development will positively reflect the sloping topography of the site in that it will remain lower than its northern neighbours with an RL68.7 - as measured from the curved mansard roof element of the building. The upper mansard roof element will marginally extend beyond the height of the roof parapet of no. 2 – 8 Lethbridge Street by an additional 800mm and is acceptable in that the area of this exceedance along the façade of the building is nominal and its application in articulating the mansard roof form in minimising the visual bulk and scale is acceptable. The new residential flat buildings at nos. 2–8 Lethbridge and no. 5 Lethbridge are indicative of the desired future character of the area given they represent the transitional nature of the former R2: Low Density Residential area to an R4: High Density Residential Area. The proposed built form is compatible with the size and scale of the neighbouring buildings and the objectives of this clause.