

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA18/0132
<b>Proposed development:</b>	Construction of a Five (5) Storey Residential Flat Building containing 17 Apartments & Two (2) Levels of Basement Car Parking
<b>Property address:</b>	29 - 31 Castlereagh Street, PENRITH NSW 2750
<b>Property description:</b>	Lot 2 DP 1190616
<b>Date received:</b>	14 February 2018
<b>Assessing officer</b>	Lauren Van Etten
<b>Zoning:</b>	Zone R4 High Density Residential - LEP 2010
<b>Class of building:</b>	Class 2 , Class 7a
<b>Recommendations:</b>	Deferred Commencement

## Executive Summary

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Council is in receipt of a development application for the Construction of Five (5) Storey Residential Flat Building including 17 Apartments & Two (2) Levels of Basement Car Parking at Lot 2 DP 1190616, 29 - 31 Castlereagh Street, Penrith.

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

This application is to be determined by the Penrith Local Planning Panel who are the consent authority for the development application (as directed by the Minister for Planning under Section 9.1 of the Act), as the development is a development type to which State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development applies, and is 4 or more storeys in height.

Key issues identified as part of the assessment process included:

- Inconsistency with State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.
- Inconsistency with key objectives and the design criteria of the Apartment Design Guide (ADG) in relation to separation.
- Amenity impacts related to 6 storeys (as originally proposed), windows and balconies.
- Part of the site is identified as the Hornseywood Avenue Conservation Area (HCA1) and the site is surrounded by a significant number of individually important heritage items. Immediately adjoining this site to the West at 33 Castlereagh Street is a cottage that has significant heritage value.
- Contamination issues due to past illegal dumping;
- Inadequate information in relation to waste management.

The applicant has now provided amended plans which have addressed and now satisfied the design criteria within the State Environmental Planning Policy 65 Design Quality of Residential Apartment Development, Apartment Design Guide and Penrith Local Environmental Plan 2010. The applicant was also requested to present the revised proposal to Council's Urban Design Review Panel, who have advised that the Panel is now supportive of the amended design.

The site is subject to two previous development consents, with the most recent relating to a 4 storey residential flat building (DA13/0443) which will be surrendered as a recommended condition of this consent.

The site adjoins two cottages, as well as residential flat buildings. The impact and separation to the cottages has been considered in detail, as well as compliance with SEPP 65 and the ADG.

The application has been notified to adjoining properties and was exhibited and advertised between 2 March 2018 to 16 March 2018 and again between 16 April 2018 and 30 April 2018 in accordance with the applicable legislation as some properties did not receive the initial notification letters. Two (2) submissions were received from the adjoining owners to the original notification and a further one submission to the additional notification period. Matters raised related primarily to amenity impacts from the proposed built form.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and while additional information resolved the majority of key issues there still remains inadequate waste management infrastructure which is the basis of the recommendation for deferred commencement.

## Site & Surrounds

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The subject site is located on the northern side of Castlereagh Street and is known as Lot 2 in DP 1190616, 29-31 Castlereagh Street Penrith. The site comprises one allotment and is currently vacant. The site has a total area of 887m<sup>2</sup>.

The subject site is clear of vegetation and primarily level with a gentle slope towards the rear of the site from the street frontage.

An existing easement 2m wide runs through 33 and 35 Castlereagh St, connecting to stormwater infrastructure in Derby Street which the subject site benefits from.

Development in the immediate vicinity of the site is dominated by a mix of old and new 3 to 5 storey residential flat buildings, interspersed with a mixture of single dwelling houses and multi dwelling housing ranging in height from 1 to 2 storeys.

Penrith City Centre is to the north / north-east of the site. Penrith Railway Station is located approximately 750m to the north.

Part of the site is identified as the Hornseywood Avenue Conservation Area (HCA1) and the site is surrounded by a significant number of individually important heritage items. Immediately adjoining this site to the West at 33 Castlereagh Street is a cottage that has significant heritage value.

DA 12/0377 was approved on 25 September 2012 on the subjects and adjoining sites for Housing + Subdivision - Refurbishment of Two Heritage Cottages, Construction of Residential Flat Building containing 45 Apartments & Subdivision of 5 Lots into 4 Lots, comprising 29 - 35 Castlereagh Street and 1 Fulton Street Penrith.

DA 13/0443 was approved on 9 December 2013 for a Four Storey Residential Flat Building with Basement Car Parking & 13 Apartments on 29 - 35 Castlereagh Street, Penrith.

## Proposal

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### Background

The applicant attended a pre-lodgement meeting (PL16/0054). The discussion of the design was deferred to the UDRP however other key matters raised as issues included the following summarised parts:

- Given the site is adjoining recently renovated single storey cottages to the south (contributory items to heritage conservation area) and two storey flat building to the north, the proposed side setbacks are not suitable and need to be compliant.
- The southern elevation will be visible and will need suitable architectural treatments.
- SEPP 55 requirements must be addressed. This may require a contamination assessment given recent illegal dumping on site.
- On-street waste collection via a fully indented bay may be considered where it can be demonstrated that on-site collection is not a viable option for the site.
- Retention of street trees where possible

The applicant attended an Urban Design Review Panel (UDRP) meeting (UDRP16/0029) where advice was provided which expanded on the pre-lodgement concerns, with the key issues being:

- Non-compliant height does not provide adequate transition to adjoining single storey cottages.
- Amenity impacts of non-compliant building separation to the sides and rear
- Inadequate deep soil pocket opportunities noting a 1m setback alongside the driveway (northern side) could be conditioned
- Comparable front setback required
- Non-compliant apartment sizes
- Oversimplified architectural appearance

### Current Proposal

The development proposal has been amended numerous times during the assessment of the application. The final proposal upon which this assessment has been based comprises of the following:

- Demolition of all structures on the site and construction of a 5 storey residential flat building containing 17 Apartments (3 x 1 bed, 12 x 2 bed & 2 x 3 bed);
- Two levels of basement car parking containing 22 car parking spaces, including 2 accessible spaces, as well as 6 bicycle parking spaces.
- Vehicular and pedestrian access to the site and basement from Castlereagh Street.
- On-street waste collection
- Ancillary pavement, landscaping, fencing, utility services and retaining walls. Provision of an embellished area of common open space and detention basin.
- Roof top terrace and barbecue area.
- Materials comprise a mixture of face brick and panels, within a complimentary colour palette of greys, browns and highlights of white, which break up the bulk of the building.
- A maximum height of 17.8m.
- Creation of appropriate easements to allow for drainage via an existing drainage easement.

Below is a summary of the key amendments that were undertaken to the originally submitted proposal in light of further UDRP advice obtained throughout the assessment:

1. Facade Treatment - The facade has been redesigned allow for a roof form to the upper level in the style of a mansard roof with metal long line cladding to the external walls. To minimise the effect of the render the applicant introduced sandstone cladding to the ground floor level and face brick to the first floor level. The outcome is more sympathetic and accommodating to the conservation area and blends more with the existing buildings on the adjoining lots.

2. Balconies along street frontage - The balconies along the street frontage have been set back so they are in line with the established front building alignment. The unit layouts have also been adjusted to accommodate these changes.

3. Overshadowing and solar access - Updated solar diagrams and internal 3D perspectives were provided taken from the living areas. A solar compliance table was also required that demonstrates compliance with the solar access requirements of the ADG. In this regard, the applicant redesigned the internal layouts of some apartments to achieve compliance, with 82.4% of the units compliant with the ADG requirements. Further, the roof top terrace/communal open space is fully exposed to sunlight throughout the day

4. Adjusted architectural plans addressing the front side and rear setbacks to maximise deep soil and landscaped areas. The revised basement layout allows of larger consolidated deep soil areas around the proposed building.

5. Removal of level 5 units and replacing with roof top communal area and landscaping bringing the yield of units from 20 units to 17 units and reducing the height for transition.

6. Reconfiguration of the internal layouts of the units to make them compliant with the requirements of the ADG.

7. Changing the colour scheme and finishes of the building to make it more visually appealing and in character with the surrounding conservation area.

8. Removal of the solid fencing along the street frontage to allow for better surveillance.

The amended proposal has suitably responded to the recommendations of Council's UDRP and is now considered to be worthy of support.

## Plans that apply

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

### • Section 4.15 - Evaluation

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

#### **Section 79C(1)(a)(i) The provisions of any environmental planning instrument**

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims to ensure consistency in the implementation of the BASIX scheme throughout the States and achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

The Policy requires certain kinds of residential development to be accompanied by a list of commitments to be carried out. This application is subject to these requirements as it involves the construction of a residential flat building. A BASIX Certificate was submitted with the development application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal comfort and the information submitted with the development application and accompanying BASIX certificate were assessed to satisfy the provisions of the Policy.

It is noted however that revisions have been made to the plans, and further amendments are required as per deferred commencement recommendations within this report. It is therefore recommended that a further deferred commencement condition be included requiring the submission of a revised BASIX Certificate that reflects the amendments required by virtue of these requirements and that all resulting revised DA commitments be reflected within amended plans.

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

The proposal has been assessed against the applicable provisions of the State Environmental Planning Policy No 55 - Remediation of Land and is found to be acceptable.

The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

An inspection of the site revealed that building waste (concrete & pipes) and fill material had been transported to the site without evidence of lawful consent.

As a result of this finding, a detailed site investigation assessment was required and subsequently undertaken (although incorrectly titled preliminary site investigation as testing formed an addendum and revision to the previous report). This further assessment report has been prepared from Geotechnical Consultants Australia dated 21 August 2019 (Revision A) which included site sampling. This report has been reviewed by Council's Environmental Management Team Leader and the site testing has been found to be satisfactory and suitably demonstrates that remediation is not required and the site is suitable for the proposed development.

As a result Clause 7 of SEPP 55 has been suitably addressed and the site is suitable for the proposed development.

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

An assessment has been undertaken of the development proposal against the aims and objectives and specific provisions of State Environmental Planning Policy No. 65—Design Quality of Residential

Apartment Development. In particular, the development proposal has been assessed against Clause 30 of the Policy which states that:

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

The development application was submitted with a design verification statement (DVS) which addressed the principles of SEPP 65 and ADG requirements. It is considered that the proposed development has demonstrated that adequate regard has been given to all of the design quality principles of the Policy. The proposal was also amended to reduce the height by deleting a floor from 6 storeys to 5 storeys and provision of additional deep soil zones.

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

<b>Table 1: Assessment Against Schedule 1 - Design Quality Principles</b>	<b>Officer Discussion</b>
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Principle 1: Context and neighbourhood character

Good design responds and contributes to its context.

Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character.

Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The vicinity to which the proposed building relates has a mixture of residential buildings, single storey dwellings and villas to four storey in construction, with commercial/ retail within close vicinity as the site is 300m from the Penrith retail/ commercial precinct. The proposed development presents a contemporary architectural design that is of similar style to the apartment building that is currently under construction on the western adjoining property which complements the surrounding buildings and provides a modern contemporary environment for future residents.

The DVS acknowledges that the area is under transition and that the development includes articulation and modulation.

The design is considered to appropriately respond to the context of the site, the constraints of the site and positively contribute to the identity of this area or its context.

The development has had sufficient regard to the smaller scale development in the vicinity, which is 3-4 storeys comprising residential flat buildings, multi-unit housing and single dwellings in close proximity to the centre of Penrith. The area is under transition from low to medium or high scale residential development that substantiates the form of development proposed.

The proposed 5 storey building will extend above the existing adjacent built form. The proposed height was reduced from originally lodged and the design has had regard to comments made by the UDRP.

<p>Principle 2: Built form and scale</p>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook</p>	<p>As detailed above the development responds to the site's context, that being an infill development in a developing higher density area.</p> <p>It is considered that the proposed development incorporates a high quality facades with balanced composition of varied building elements. The design has visual interest and opportunity for landscaping.</p> <p>The building, as revised, does not exceed the maximum 18m height control and the scale is appropriate with respect to the surrounding development and is a desirable outcome for this area.</p> <p>The built form and scale is suitable for the subject site and reflective of the emerging and desired future character of the area.</p> <p>Further, the majority of the apartments have been designed with openings to two facades of the building, maximising opportunities to facilitate natural cross ventilation and to capitalise on natural daylight.</p>
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<p>Principle 3: Density</p>	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The DVS outlines that the density and yield is appropriate for the site and its location.</p> <p>The development is considered to be appropriate in terms of bulk and scale and does not provide for unacceptable internal or external amenity for residents.</p> <p>The density of the development is considered to result in good unit amenity and sufficient setbacks from the boundaries is provided as well as good landscaping surrounding the building.</p> <p>The proportions and density of the complex is appropriate for the urban location. The building is well modulated with a variety in detail, colours and roof sections.</p>
<p>Principle 4: Sustainability</p>	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.</p> <p>Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The DVS outlines that cross ventilation and solar access requirements are satisfied and that good size balconies, shading devices and insulation are proposed, in addition to BASIX requirements.</p> <p>The development satisfies environmental concerns by focusing on maximising solar access, daylight access, natural ventilation, energy efficiency and water saving options as much as possible. The proposal can satisfy BASIX requirements</p>

<p>Principle 5: Landscape</p>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.</p> <p>A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Deep soil zones were increased throughout the development. As such, deep soil planting and the associated screening and softening benefits from landscaping are achieved which allows for sustainable canopy tree planting.</p> <p>Adequate landscaping is provided to the frontage and within the corners and along the rear, which assists with softening of the built form and integrated into the existing lower scale environment and layered landscaping around the building is provided.</p> <p>The site is considered to be enhanced and complemented by the development.</p>
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<p>Principle 6: Amenity</p>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The amenity of the lower scale (2-4 storey) development to the adjoining sites has been adequately addressed by the amended scale, density, landscaping or massing of the development.</p> <p>The balconies are an extension of the living areas, a high level of privacy is provided by use of louvres, 2 hours of sunlight is achieved and the unit sizes comply.</p> <p>The balconies are acceptable with respect to potential amenity impacts in terms of overlooking, noise and amenity for the occupants.</p> <p>A variety of floor plans and aspects for the residential apartments is provided. All units have cross ventilation and are orientated to receive good solar access. Visual privacy can be maintained as much as possible.</p> <p>Two apartments within the ground floor of the building is an adaptable unit. Access to this apartment is provided from the street and via the lift that is located through ground floor of the building.</p>
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<p>Principle 7: Safety</p>	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The DVS indicates the proposal is well lit along pedestrian access points into the building and basement and that one clear entry point is provided and the basement is secure.</p> <p>The entryway to the site is proposed in the centre of the site, which allows for casual surveillance and is easily identifiable.</p> <p>Positive CPTED outcomes are achieved.</p> <p>The residential apartments have been designed to maximise privacy as much as possible. Passive surveillance is provided to street frontage as a consequence of balconies and outdoor terraces around the buildings.</p> <p>Conditions of consent will be imposed to minimise adverse risk of crime as much as possible.</p>
<p>Principle 8: Housing Diversity and Social Interaction</p>	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The mix of units in the development is acceptable and a central lobby is proposed.</p>

<p>Principle 9: Aesthetics</p>	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The DVS outlines that the proposed design is contemporary in style and materials and makes a positive contribution to the streetscape.</p> <p>The review against the principles has concluded that the built form, with landscaping, breaks and articulation results in a development that is assessed to be appropriate in terms of bulk and scale.</p> <p>As detailed elsewhere in this table and in the assessment of the development against the Apartment Design Guide (ADG) below, the development is in keeping with the design criteria and design guidance statements of the ADG.</p> <p>The design of the building responds adequately to the constraints of the site, the site dimensions, adjoining development and the needs of the future residents.</p> <p>The development will not detract from the streetscape, but rather will enhance. The proposed built form provides for adequate landscaping, deep soil or canopy tree planting around the edges of the site.</p> <p>The development is located close to commercial, retail, community and transport facilities.</p>
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<b>Table 2: Assessment Against the Apartment Design Guide (ADG)</b>			
Assessment Against the Apartment Design Guide (ADG)			
Part 3	Required	Discussion	Complies
3A-1	Each element in the Site Analysis Checklist should be assessed.	<p>A Site Analysis plan was submitted with the application and identifies applicable elements as required within the Checklist.</p> <p>A written description of the proposal and subject site are also included in the submitted Statement of Environmental Effects and accompanying plans and reports.</p>	Yes.

3B-1	Buildings to address street frontages.	<p>The proposed access to the lobby at ground floor is supported and the entry from the street is clearly identifiable and surrounded by landscaping.</p> <p>Deep soil areas are proposed capable of accommodating substantial planting such as canopy trees are provided within the front setback, along the entryway and adjacent to the lobby. Clear delineation of pedestrian and vehicular access and the public and private domain is provided.</p>	Yes.
3B-2	Living areas, Private Open Space (POS) and Communal Open Space (COS) to received compliant levels of solar access.	Refer discussion under Part 3D and 4A.	N/A.
	Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%	<p>Submitted shadow diagrams adequately demonstrate that additional overshadowing attributed to the subject development will not unreasonably reduce the amount of solar access available for the private open spaces and living zones of the adjacent properties.</p> <p>The shadow diagrams provided are considered adequate in nature to allow for a full and proper analysis of the proposed impact to adjoining built forms. Given the zoning and height permitted, overshadowing cannot be avoided. The design however has minimised impacts.</p>	Yes.
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased.	The separate between the proposed building and existing buildings has been examined in detail, including by the UDRP.	Yes.
3C-1	Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.	The ground floor units have street frontage.	Yes.

<p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.</p>	<p>Surveillance is provided.</p>	<p>Yes.</p>
<p>Upper level balconies and windows to overlook the street.</p>	<p>Casual surveillance of the street is proposed from upper levels.</p>	<p>Yes.</p>
<p>Length of solid walls should be limited along street frontages.</p>	<p>Achieved.</p>	<p>Yes.</p>
<p>Opportunity for concealment to be minimised.</p>	<p>Due to the design, areas of concealment and crime are not envisaged.  The design provides for a direct sightline of the lifts from the main entry.</p>	<p>Yes</p>
<p>Opportunities should be provided for casual interaction between residents and the public domain.  Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</p>	<p>No seating near the building entry is provided however the landscaping design is considered suitable to encourage interaction with a readily identifiable street entry into the development and opportunities for passive surveillance.</p>	<p>No - but acceptable.</p>

3C-2	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	Mail box locations are nominated on plans.	Yes
	Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	Electrical substation is unknown if required.  Garbage storage rooms are integrated into the building noting however a deferred commencement is recommended. Landscaping is adequate and will mitigate against negative visual impacts.  The location of the fire hydrant booster set is not known at this stage as a position has not been identified.	Yes.
3D-1	Communal Open Space (COS) to have minimum area of 25% of site.	COS is required under the ADG at a rate of 25% of total site area. 35.6% is indicated on the plan and is assessed to be a high amenity and usable space for residents.	Yes.
	Achieve a minimum of 50% direct sunlight to the principle usable part of the communal open space.	Yes.	Yes.
	COS to be consolidated into a well-designed, usable area.	Yes.	Yes.
	COS to be co-located with deep soil.	Yes.	Yes.
3D-2	COS is to be provided with facilities such as barbeque areas and seating.	Adequate seating or barbeque areas are provided within the COS area.	Yes
	COS is to be well lit and readily visible from habitable rooms.	Views down to the COS area are available.	Yes



3D-4	Boundaries should be clearly defined between public open space and private areas.	Boundaries between public and private space are clear.	Yes.
3E-1	Deep soil is to be provided at a rate 15% with a minimum dimension of 6m.	Deep soil is calculated as being 26.6% and is provided in 6m wide strips, which is an acceptable design solution.	Yes.

3F-1	<p>Minimum required shared separation distances between habitable rooms and balconies are to be as follows:</p> <p>1-4 Storeys – 6m</p> <p>5-8 storeys – 9m</p>	<p>The proposal includes a variation to the required setbacks at ground floor and level 1 along the western side (3m) and marginally along the rear setback (5m) for a portion of the building alignment. The proposal also encroaches upon the side and rear setback requirement for level 5 by proposing 6-9m, whereas 9m is typically required between habitable rooms.</p> <p>The varying side boundary setback enables the penetration of light into a significant number of units and cross ventilation within the building. Tree planting along the northern and western boundaries will assist to ensure that direct views into the adjoining building from the proposed development are minimised.</p> <p>The intention of this control is to create a spatial relationship of the buildings and to avoid amenity problems in terms of visual and acoustic privacy and day light access. Sufficient space is also provided to enable landscaping of the side boundary setback area as the development provides 29% of the site as landscaped area with reasonably sized deep soil pockets which well exceeds the deep soil requirement of SEPP 65 and UDRP’s request for at least 1m landscape setback adjacent to the basement driveway and deep soil pockets in all setbacks.</p> <p>The building separation between the proposed development and the newly constructed apartment building provides adequate separation to maintain privacy for both properties by providing a varying building separation from 8m to 11m to the north and 8.5 to 10m to the east and 6-8m to the west.</p> <p>Council’s UDRP did initially note that that 6m side setbacks (up to 4 storeys) and 9m (above 4 storeys) were necessary to maintain outlook and privacy of adjoining properties. However, the main non-compliance is along the southern boundary for 2 levels. Subject to further design changes and reasonable overshadowing, UDRP noted within subsequent meetings that that the impacts of the setbacks could be negligible. Further, balconies/courtyards to most units are oriented to the street or rear boundary to minimise overlooking to the adjoining cottages and the two storey developments. All windows located along the rear elevation are either offset, highlighted or glass block windows to minimise any potential loss of privacy to the rear property.</p> <p>It is also noted that the building separation provided between the existing apartment building to the north and the side boundaries are only 2.5 to 5m. This development provides greater building separation than that provided for by other buildings in the area and is, in part, constrained by existing development.</p> <p>In view of the above it is considered that the proposal has demonstrated that adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>	No - Variation Supported.
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3F-2	Communal open space, common areas and access paths to be separated from private open space and windows to apartments.	Landscaping and deep soil is provided and assists in providing amenity and screening.	Yes.
	Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes.	Yes
	Balconies, and private terraces should be located in front of living rooms to increase internal privacy.	Balconies are generally provided adjacent living rooms.	Yes.
	Windows should be offset from the windows of adjacent buildings.	Compliant setbacks are provided to levels 1-4 with minor encroachments at Level 4. The rear adjacent development has existing non-compliant setbacks (less than 6m) however the living room windows of this proposed development are slightly offset along Level 4 and are not considered to provide direct views into the neighbouring rear units.	No - variation supported
3G-1	Building entries to be clearly identifiable.	The entryway is adequately articulated with landscaping and allows for articulation and clear definition.  The design of the entry is clear from the street to identify the main building entry.	Yes.
3G-2	Building access ways and lift lobbies to be clearly visible from the public domain and communal spaces.	The main pedestrian entry is visible from the street.	Yes.
3H-1	Carpark access should be integrated with the building's overall façade.	The entry to the basement carpark is adequately integrated into the building, with a suitable landscaped buffer, forward of the building.	Yes.

	Clear sight lines to be provided for drivers and pedestrians.	Clear sight lines are proposed.	Yes.
	Garbage collection, loading and servicing areas are screened.	Garbage loading and servicing will be undertaken on the street which is consistent with the other developments along Castlreagh Street. The lots dimensions and topography make on-site collection unfeasible	
3J-1	The site is located within 800m of a railway station and is required to comply with the car parking rates in the ADG.	The site is within 800m of the railway and as such the reduced car parking rates apply. A total of 22 spaces are proposed which exceeds the minimum requirements.	Yes.
3J-2	Secure undercover bicycle parking should be provided for motorbikes and scooters.	6 secure bicycle parking spaces are provided at ground level.	Yes.
3J-3	Carpark design and access is safe and secure - A clearly defined and visible lobby area or waiting area should be provided to lifts and stairs.	Lift lobby areas within Basement 1 and 2 are clearly defined and appropriately located and well lit and secured.	Yes.
4A-1	Living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm mid-winter.	The applicant has confirmed that greater than 70% has been achieved and shading devices have been incorporated into the development, being 82.4%.	Yes.

4A-2	Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	Complies.	Yes.
4A-3	Sun shading devices are to be utilised.	Sun shading devices are provided.	Yes.
4B-3	60% of apartments are naturally ventilated and overall depth of cross-through apartments 18m maximum glass-to-glass line.	The submitted plans indicate that more than 60% of apartments can achieve natural cross ventilation, being 82.4%.	Yes.
4C-1	Finished floor to finished ceiling levels are to be 2.7m for habitable rooms, 2.4m for non-habitable rooms.	The proposal will provide for 2.8m finished floor to underside of ceiling, which is compliant with the ADG.	Yes.
4D-1	Apartments are to have the following min. internal floor areas: 1 bed – 50sqm 2 bed – 70sqm 3 bed – 90sqm Additional bathroom areas increase minimum area by 5sqm.	All proposed apartment sizes comply with the ADG requirements.	Yes.
4D-2	In open plan layouts the maximum habitable room depth is 8m from a window.	All units comply with this requirement.	Yes.
4D-3	Master bedrooms to be 10sqm's and other rooms 9sqm's.	All units comply.	Yes.

	Bedrooms to have a minimum dimension of 3m.	All units comply.	Yes.
	Living rooms to have minimum width of 3.6m for a 1 bedroom unit and 4m for 2 & 3 bedrooms.	All units comply.	Yes.
4E-1	All units to have the following primary balcony areas: 1 bed – 8sqm (2m deep) 2 bed – 10sqm (2m deep) 3 bed – 12sqm (2.4m deep)	All units comply.	Yes.
4E-3	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	Air conditioning units have not been nominated on plans, however can be integrated into the building design as a recommended condition of consent.	No - Variation Supported.
4F-1	Daylight and natural ventilation to be provided to all common circulation spaces.  Maximum 8 units off single core corridor.	Satisfactory.	Yes.

4F-1	<p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.</p> <p>Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.</p>	All units comply.	Yes.
4G-1	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <p>1 bed – 4m<sup>3</sup>  2 bed – 6m<sup>3</sup>  3 bed – 10m<sup>3</sup></p> <p>With 50% of the above to be provided within the Units.</p>	<p>Submitted plans indicate that storage cages are provided with the basement carpark.</p> <p>Adequate area for internal storage accommodated within apartments.</p>	Yes.
4K-1	<p>Flexible apartment configurations are provided to support diverse household types.</p>	<p>The development proposes a range of unit sizes, configurations and number of bedrooms to accommodate change over time and cater for differing households. Unit mix is as follows:</p> <p>3 x 1 bedroom apartments  12 x 2 bedroom apartments  2 x 3 bedroom units</p>	Yes.
4L-1	<p>Direct street access should be provided to ground floor apartments.</p>	<p>Direct street access is provided for ground floor apartments.</p>	Yes.

4M-1	Building facades to be well resolved with an appropriate scale and proportion to the streetscape and human scale.	<p>The proposal was subject to a review by Council's Urban Design Review Panel and was supported.</p> <p>The facades are considered to be adequately articulated and setbacks are sufficient to provide adequate separation or landscaping to moderate impacts of bulk, scale or privacy and overbearing to the public domain or adjoining properties.</p> <p>Noting the above, the scale and size of the and neighbouring sites.</p> <p>Proposed materials adequately provide relief from sheer wall heights which are punctuated with self imposed horizontally proportioned window openings, provided to mitigate privacy impacts owing to minimal building separation distances.</p> <p>Varying ground, mid and upper level materials are proposed to assist in the break up of bulk or to provide elements of contrast.</p>	Yes.
4O-1	Landscape design to be sustainable and enhance environmental performance.	<p>The submitted landscape plan indicates a selection of trees, shrubs and ground covers for the site. There are planting opportunities in the deep soil zone, however the landscape plan is inconsistent with the ground floor plan and civil plans which indicate the removal of ramps and relocation of drainage infrastructure. A recommended condition of consent will therefore require the landscape plan to be updated to be consistent with the ground floor plan.</p> <p>Noting the above, the proposed landscaping is considered to enhance the environmental performance of the structure.</p>	Yes.
4Q-2	Adaptable housing is to be provided in accordance with the relevant Council Policy.	A total of 2 adaptable units is proposed which is acceptable.	Yes.
4U-1	Adequate natural light is provided to habitable rooms.	Apartment depths and open floor plan arrangements allow light into kitchens, dining and living areas.	Yes.
4V-2	Water sensitive urban design systems to be designed by suitably qualified professional.	The development application was referred to Council's internal Environmental Waterways Unit and was acceptable and as such the WSUD is inadequate.	Yes.
4W-1	A Waste Management Plan is to be provided.	A Waste Management Plan was submitted, however there are design issues with respect to the waste arrangements proposed following comments received from Council's Waste Services.	Yes.



Circulation design allows bins to be easily manoeuvred between storage and collection points.	The communal waste area and bulky area is located within the basement and is considered to be inadequate and results in a recommendation for deferred commencement. Refer to the appendix of this report for further discussion.	Yes.
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### Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against the relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) and the proposal will impact regionally upon the scenic and landscape values of the area or the health and conservation of the Hawkesbury-Nepean River.

### Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

#### Clause 1.2 Aims of the plan

The proposal is consistent with the aims of the plan (Clause 1.2) in particular, those relating to Council's commitment to the provision of healthy, safe communities and environmental protection and enhancement. The application demonstrates how the design meets the current and emerging needs of Penrith's communities and safeguards residential amenity.

#### Clause 2.3 Permissibility

The proposed residential flat building is a permissible use with consent in the R4 High Density Residential zone.

#### Clause 2.3 Zone objectives

The site is zoned R4 High Density Residential under Penrith LEP 2010. The objectives of the zone are:

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

The proposed development is assessed to be in keeping with the objectives of the R4 High Density Residential zone, in that the proposal demonstrates that:

- (a) a high level of residential amenity is achieved and can be maintained; and
- (b) the development reflects the desired future character and dwelling densities of the area.
- (c) the development provides a variety of housing types within a high density residential environment.

As detailed within the discussion under SEPP 65 of this report, the development proposal provides for a high level of residential amenity for the future occupants of the development due to the design. The development proposal provides for acceptable levels of landscaping, privacy, building separation and open space.

The height of the building was reduced by way of deletion of a floor.

The development complies with the requirements of the ADG and as such, represents the desired future character and dwelling densities for the area.

#### **Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

The subject site is provided with a total area of 887m<sup>2</sup> which complies with LEP 2010 being an allotment greater than 800m<sup>2</sup> in site area required for a residential flat building within the R4 zoning.

#### **Clause 4.3 Height of buildings**

The proposal complies with the maximum building height of 18m within PLEP 2010. No part of the built form or roof top plant seeks to protrude above this height level. The top RL of 49.3 over natural ground contour RL 31.3 is 18m exactly which is diagrammatically reflected within the submitted section drawings. The proposal is therefore complain with the height limit in the LEP 2010.

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

Part of the site is identified as the Hornseywood Avenue Conservation Area (HCA1). The site is surrounded by a significant number of individually important heritage items. The adjoining sites to the west of this subject site contains two cottages within the Derby Street Heritage Conservation Area and are considered to be worthy of retention. Within this precinct, there area large number of modest brick and weatherboard houses dating from the 1880's – 1920's and the present type of working class housing built within Penrith important period of growth and consolidation.

The previous Development Application (DA04/1853) proposed the retention of the two cottages with a variation to the building height supported for one of the buildings, which maintained a three storey building presentation to the street and DA 13/0443 was also granted consent for a RFB independent of the cottages, being 4 storeys in height.

It was advised previously that the roof forms of the buildings were to be kept simple and that the external finishes of the buildings were to be kept neutral colour to provide a neutral backdrop for the cottages. The upper portion/ top floor of the building has a significantly smaller building footprint that the levels below to ensure that the upper levels are not visible from the street. The use different external finishes are compatible with the existing cottage in order to reduce its overall bulk of the building.

Council;'s Heritage Officer advised that initially there was an insufficient side setback on the south-western side to 33 Castlereagh Street to allowed for deep rooted trees to ensure that the amenity of No 33 is ameliorated.

However, the proposal was then amended to further setback the basement and remove the proposed paved path and relocate drainage infrasturcutre in order to ensure deep soil is provided, with 6m width for 40% of the boundary (at the front and rear) and 3m width for the remainder.

The proposed development considered to be consistent with the preferred materials and finishes and design to minimise impact on the cottages and is otherwise considered to be satisfactory and generally compatible with the cottages and the other developments in the area.

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

Clause 7.4 of the PLEP 2010 requires the consent authority to have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach and requires the consent authority to consider each of the following:

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

The development proposal is considered to comply with the clause having regard to the built form, landscaping surrounding the building, water measures and pedestrian connectivity.

## **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

### **Draft Environment SEPP**

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

Changes proposed include consolidating the following seven existing SEPPs:

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

The proposal is not inconsistent with the provisions of this Draft Instrument.

### **Draft Remediation of Land SEPP**

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

The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. The Draft SEPP will not alter or affect the findings in respect to contamination of the Site. Appropriate conditions are included in respect to any potential asbestos removal and an expected finds condition will ensure that if any traces of contamination is found appropriate measures in accordance with EPA requirements are implemented.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Does not comply - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies - see Appendix - Development Control Plan Compliance
C8 Public Domain	Complies - see Appendix - Development Control Plan Compliance
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	Complies - see Appendix - Development Control Plan Compliance
D2.6 Non Residential Developments	N/A

## Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements in place applying to this development proposal.

## Section 79C(1)(a)(iv) The provisions of the regulations

### *Part 8, Division 2, Clause 143*

In accordance with Clause 143 of the Regulations, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application was referred to Council's Building Surveyors for assessment with no objections raised and it is assessed that the development as proposed may be capable of complying with the applicable provisions of the Building Code of Australia, subject to standard conditions of consent.

Further, the development application has been notified, exhibited and advertised in accordance with the requirements of the Regulations.

## **Section 79C(1)(b)The likely impacts of the development**

Likely impacts of the proposed development as identified throughout the assessment process include the following:

### ***Groundwater Impacts***

The applicant provided a geotechnical report which has demonstrated that the proposal will not be impacted upon by the water table or that the proposal will not have an adverse impact on the same. It also concluded that excavation is suitable having regard to the soil type.

### ***Streetscape Impacts and Landscaping***

The proposal has been assessed to be acceptable with regard to streetscape impacts. The height of the building has been reduced from 6 to 5 storeys. The proposal adequately addresses the street frontage and is sympathetic to the existing or future desired character of the area. The building is also considered to be adequately landscaped. The visibility of service areas and basement entry are reduced by way of landscaping. Council's Tree Management Officer reviewed the proposal and noted that the removal and replacement of the this street tree is acceptable, subject to replacements being brush box and lophostemon confertus

### ***Traffic and Car Parking***

The proposal is considered to provide adequate car parking and traffic generation.

### ***Character, Bulk and Scale & Privacy Impacts***

The proposal will result in a positive contribution to the streetscape and minimal impacts related to bulk and scale. The proposed flat building will have minimal overbearing, over shadowing and privacy impacts on neighbouring sites, which is unavoidable in an transitioning area. The height being reduced from 6 storeys to 5 storeys, combined with landscaping will also contribute to the surrounding area. The proposal incorporates a contemporary design style. From an urban design point of view, varied style of development is encouraged as infill development in order to create interest in the streetscape. Appropriate separation is provided between the retained dwellings and the proposed residential flat building. The proposal is considered acceptable in this regard.

### ***Amenity impacts***

The streetscape will not be unduly affected given that the proposed built form will essentially present a complementary streetscape with transitional height and external appearance having regard to the adjoining developments of varied scale. Existing amenity of the adjoining developments in terms of privacy, overshadowing, noise, visual intrusion or the like would not be unreasonably compromised by the proposed development given the building height, setbacks and the siting of the building with respect to those adjoining developments.

### ***Social and economic impact***

It is considered that the proposed development will provide a unique opportunity in the process of providing alternative housing choice and contribute to the economic activities and viability of Penrith area. However, it is also acknowledged that the waste infrastructure could be managed by a private contractor acknowledging there will be an economic burden on future occupants. Therefore, as part of the deferred commencement conditions detail will be required of the private waste contractor which can then be reflected on title or through Planning Certificates.

### ***Urban Design***

The design is modest in its bulk, height, and scale, and is consistent with the existing predominant scale of newer buildings within the area. The façade treatments introduce modern and visually attractive elements while respecting the heritage dwellings within the locality, provides a responsive design relating to adjoining developments and establishing human scale through urban design principles. The reduction in height and deletion of the upper sixth floor is supported from an urban design perspective.

## **Section 79C(1)(c)The suitability of the site for the development**

The site is suitable for the following reasons:

- Development for the purposes of residential flat buildings is permissible within the R4 High Density Residential zone, and the scale of the proposed development design is compatible with and sympathetic to the context of the site.
- It is demonstrated that the development is representative of the future desired character of the area;
- It is demonstrated that the development has suitable or legal access arrangements in place to the site for vehicles or pedestrians; and
- The selected site is able to accommodate the development as proposed within an acceptable building envelope as envisaged by the applicable controls for the site.
- The subject lot meets the minimum lot requirements for a residential flat building.
- The proposed built form and landscaping is an appropriate design solution.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2010, the proposed development was notified to nearby and adjoining residents and exhibited and advertised between 2 March 2018 to 16 March 2018 and again between 16 April 2018 and 30 April 2018 in accordance with the applicable legislation. Three (3) submissions were received from the adjoining owners to the original notification and a further one submission to the additional notification period.

The following matters were raised in the submission received and has formed part of the assessment.

Issue	Comment
Bought a unit in the development off the plan in 2014 but construction did not commence. Questions how this can occur.	A development consent is valid for up to 5 years, until works are commenced. Once commenced, there is no timeframe for completion of the works. It is not uncommon for units to be sold off the plan. This is a private matter, subject to any contractual agreements between the two parties and is not a consideration as part of this application.
The original approval was for 4 storeys and now increased to 6 storeys. This will have additional amenity impacts.	During the assessment of the application, Council has liaised with the applicant to achieve amendments to the proposal, including a reduction in height from 6 storeys to 5 storeys. This is within the height controls allowed for this site and the impacts of this built form has been found to be satisfactory as outlined within the body of this report.
Concerns raised about loss of privacy, air flow and sunlight to the residents at No. 207 Derby St.	The separation proposed between the new building and the existing adjoining buildings is adequate to retain suitable privacy and built form separation. It is expected that the new building will provide windows for the occupants and balconies are required to satisfy open space provisions. The design has had regard to minimising the impact from the windows and balconies to adjoining units, however the impacts cannot be avoided completely in a high density environment as is expected within R4 zoned land.
Noise impacts for shift workers.	Noise from construction and ongoing operations for all developments is controlled by the Protection of the Environment Operations Act 1997 and works are managed through conditions of consent.
Screening should be provided to the balconies and windows facing westwards to No. 207 Derby St.	Compliant setbacks are provided to levels 1-4 with minor encroachments at Level 4. The rear adjacent development has existing non-compliant setbacks (less than 6m) however the living room windows of this proposed development are slightly offset along Level 4 and are not considered to provide direct views into the neighbouring rear units.

<p>Questions when work will commence. Hours and length of work.</p>	<p>A development consent is valid for 5 years, until works are commenced. Once commenced, there is no timeframe for completion of the works. Council cannot advise or enforce a commencement timeframe.</p> <p>The hours of operation are controlled by conditions of consent. Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:</p> <ul style="list-style-type: none"> <li>• Mondays to Fridays, 7am to 6pm</li> <li>• Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm</li> <li>• No work is permitted on Sundays and Public Holidays.</li> </ul> <p>Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.</p> <p>The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.</p>
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## Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Heritage	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	Not supported, however conditions provided
Community Safety Officer	No objections - subject to conditions



### Traffic Engineer

Council's Traffic Engineer reviewed the amended proposal and noted that basement access ramp does not comply with AS2890.1 for two-way ramp widths. The applicant has sought to address this with the provision of traffic signals and convex mirrors. Whilst accepted in some circumstances it is an undesirable arrangement. However, the width of the driveway had to reduce in order to provide adequate deep soil areas. No other objections were raised from Traffic and this matter can be accommodated via conditions regarding the proposed traffic control measures.

### Waste Services

It is acknowledged that Council's Waste Officer does not support the proposal even the fact that on-site collection was not provided, nor are chutes proposed and the waste storage room configuration is non-compliant and inaccessible to Council's Waste Contractors. While these matters are discussed within the appendix to this report, it is noted that the site depth and width constrains the potential for on-site collection without adversely affecting the design and amenity of the development as a whole. While the waste requirements within the waste guidelines are not met, the zone allows for high density development and the proposal does comply with the majority of controls for such development. Further, regarding the chutes and associated infrastructure, the design would be compromised and therefore an alternative solution has been proposed in the form of a collect and return service via a ground floor amended waste storage room. This alternative solution can be pursued via a deferred commencement option.

## Section 79C(1)(e)The public interest

The proposed development has been assessed to be in keeping with the primary aims, objectives and controls of the applicable planning instruments and will result in positive impacts in the locality and as such, support of the proposal would be in the public interest.

## Section 94 - Developer Contributions Plans

The following development contributions plans apply to the development proposal:

- Cultural Facilities Section 94 Development Contributions Plan, adopted 5 May 2003;
- Penrith City District Open Space Facilities Development Contributions Plan, adopted 17 December 2007; and
- Penrith City Local Open Space Section 94 Development Contribution Plan, adopted 25 June 2007.

<b>Calculation for a Residential Flat Building x 42 Units</b>					
<b>Cultural Facilities</b>					
<b>No. of units</b>	<b>x</b>	<b>Rate</b>	<b>-</b>	<b>Credit for existing dwelling/s</b>	<b>Contribution rate</b>
12	x	2.4	-	3	\$171
<b>District Open Space</b>					
<b>No. of units</b>	<b>x</b>	<b>Rate</b>	<b>-</b>	<b>Credit for existing dwelling/s</b>	<b>Contribution rate</b>
17	x	2	-	3.1	\$1,978
<b>Local Open Space</b>					
<b>No. of units</b>	<b>x</b>	<b>Rate</b>	<b>-</b>	<b>Credit for existing dwelling/s</b>	<b>Contribution rate</b>
17	x	2	-	3	\$715
<b>AMOUNT</b>					
<b>S.94 Contribution Plan</b>		<b>Contribution Rate x Calculation rate</b>			<b>Total</b>
District Open Space		30.9 x \$1,978			\$61,120
Local Open Space		30.9 x \$715			\$22,093
Cultural facilities		37.8 x \$171			\$6,464
		<b>NET TOTAL</b>			<b>\$89,677</b>

## **Conclusion**

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In assessing this application against the relevant environmental planning policies, being State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development subject to reconfiguration of the ground floor for waste management infrastructure.

Therefore, the application is worthy of support, subject to a deferred commencement.

## **Recommendation**

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1. That DA18/0132 for Construction of Five (5) Storey Residential Flat Building including 17 Apartments & Two (2) Levels of Basement Car Parking at Lot 2 DP 1190616, 29 - 31 Castlereagh Street, Penrith, be approved subject to a deferred commencement; and
2. That those making submissions are notified of the determination.

## General

### 1 A001

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

Plan	Prepared by	Dated
DA00 Cover Page	Pens Design Studio	Rev C 30/11/18
DA01 Site Context	Pens Design Studio	Rev C 30/11/18
DA02 Site Plan	Pens Design Studio	Rev C 30/11/18
DA03 Basement Plan Level 2	Pens Design Studio	Rev C 30/11/18
DA04 Basement Plan Level 1	Pens Design Studio	Rev C 30/11/18
DA05 Ground Floor Plan	Pens Design Studio	Rev C 30/11/18
DA06 Level 1	Pens Design Studio	Rev C 30/11/18
DA07 Level 2	Pens Design Studio	Rev C 30/11/18
DA08 Level 3	Pens Design Studio	Rev C 30/11/18
DA09 Level 4	Pens Design Studio	Rev C 30/11/18
DA10 Roof Terrace	Pens Design Studio	Rev C 30/11/18
DA11 Elevations	Pens Design Studio	Rev C 30/11/18
DA12 Elevations	Pens Design Studio	Rev C 30/11/18
DA13 Sections	Pens Design Studio	Rev C 30/11/18
DA14.1 Shadow Diagrams	Pens Design Studio	Rev C 30/11/18
DA14.2 Shadow Diagrams	Pens Design Studio	Rev C 30/11/18
DA14.3 Solar Study	Pens Design Studio	Rev C 30/11/18
DA14.4 Solar Study	Pens Design Studio	Rev C 30/11/18
DA14.5 Solar Study	Pens Design Studio	Rev C 30/11/18
DA14.6 Solar Study	Pens Design Studio	Rev C 30/11/18
DA15 View from Sun	Pens Design Studio	Rev C 30/11/18
BASIX Certificate 806709M (as amended)		
Stormwater Design Statement Report 17DZ1289.DSWC1	Zait Engineering Solutions	28/3/17
MUSIC Model and associated MUSIC-link report 08812	Zait Engineering Solutions	27/4/17
Stormwater Drainage Plans	Zait Engineering Solutions	Issue A 28/4/17
Periodic Maintenance Procedures and Operations and Maintenance Manual 08812	Stormwater360	26/4/17
Survey Plans 4104-16DET	C&A Surveyors	19/4/16
Geotechnical Report	Brink & Associates	8/6/2004
Waste Management Plan	CAD Plans	undated
Landscape Plan 17082 DA 1	Vision Dynamics	undated

**Note:** The plans and supporting documents referenced above will be amended in Condition 1 to reflect those submitted to satisfy requirements in deferred commencement conditions.

### 2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

### 3 A038 - LIGHTING LOCATIONS

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

4 **A039 - Graffiti**

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

5 **A046 - Obtain Construction Certificate before commencement of works**

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

6 **A Special (BLANK)**

Any plant or unsightly structures installed on the external facades or rooftop must be screened from view.

7 **A Special (BLANK)**

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

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

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

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

8 **A Special (BLANK)**

**Prior to the issue of an occupation certificate**, the land title dealing form submitted to, and endorsed by Council as part of deferred commencement requirements, must be registered with Land Registry Services for the creation of restriction on the title of the subject site outlining that waste collection for the development approved as part of this consent is to be undertaken by way of private waste contractor and that all costs associated by this contracted service are to be at the expense of the developer and / or owners of the land or within the development upon title transfer. Evidence of registration is to be issued to the appointed Certifying authority and Council.

9 **A Special (BLANK)**

Prior to the issue of a Construction Certificate, a dilapidation report prepared by a structural engineer shall be submitted recording the condition of any dwelling or ancillary structures on the northern, southern and western adjoining properties within the likely zone of influence from any excavation, dewatering or construction induced vibration. The report is to be submitted to Council and the appointed certifying authority.

10 **A Special (BLANK)**

Prior to the issue of an Occupation Certificate, an updated dilapidation report must be prepared and submitted to Council and the Certifying Authority. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

11 **A Special (BLANK)**

Prior to the issue of an Occupation Certificate, 2.1m high fencing shall be erected along side and rear property boundaries (behind the building line). Such fencing and any required retaining walls shall be constructed entirely at the expense of the persons having the benefit of this consent. Timber retaining walls are not permitted.

## 12 [A Special 1](#)

Prior to the issue of a Construction Certificate for the development, development consent No. 13/0443 shall be surrendered to Penrith City Council in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

If Council is not the certifier issuing the Construction Certificate then before the Construction Certificate is issued a letter from Council is to be provided to the certifier stating that the development has been surrendered to Council.

## 13 [A Special 2](#)

**Prior to the issue of an operational consent**, and where a private waste collection contractor is sought, a land title dealing form from NSW Land Registry Services is required to be submitted to Council which includes provision for a restriction on the title of the subject site outlining that waste collection for the development approved as part of this consent is to be undertaken by way of private waste contractor and that all costs associated by this contracted service are to be at the expense of the developer and / or owners of the land /units within the development upon title transfer.

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

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

### **Lighting**

- All outdoor/public spaces throughout the development, in particular all entrances and pathways, must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

### **Basement Car Parking**

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

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

- Intercom, code or card locks or similar must be installed for all entries to the building and the unit complex grounds.
- Australian Standard 220 – door and window locks must be installed in all dwellings.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Letterboxes (which are not detailed on the plans) must be incorporated near the front entry point, with access for residents from within a secure lobby area.

### **Graffiti/Vandalism**

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

### **Landscaping**

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

## **Environmental Matters**

### 15 [D001 - Implement approved sediment& erosion control measures](#)

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

### 16 [D005 – No filling without prior approval \(may need to add D006\)](#)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

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

All waste materials stored onsite are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and the areas are to be fully enclosed when the site is unattended.

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

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

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

19 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

20 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

21 **D Special (BLANK)**

Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.

22 **D Special (BLANK)**

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

23 **D Special (BLANK)**

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

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council prior to remediation works commencing.

24 **D Special (BLANK)**

**The following details shall be shown on the Construction Certificate plans following satisfaction of deferred commencement requirements within this consent:**

- All on-site waste collection infrastructure, doors and access points are to be locked through Councils Abloy Key System. System specifications are outlined in section 3.5.5 of the 'Residential Flat Building Guideline' document.
- All on-site waste collection infrastructure are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
- The Bulky Households Waste Room to replace the roller door with 1.8m wide, outwards opening dual doors.

25 **D Special (BLANK)**

**Prior to the issue of an Occupation Certificate, and only where Council's waste collection service is being relied upon,** the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

Note: By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.

## **BCA Issues**

26 **E001 - BCA compliance**

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

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

27 **E006 - Disabled access and facilities**

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

28 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

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

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

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

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

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

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

30 **E01A - BCA compliance for Class 2-9**

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

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

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

31 **E Special (BLANK)**

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

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

## **Health Matters and OSSM installations**

32 **F006 - Water tank & nuisance**

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

## **Utility Services**

33 **G002 - Section 73 (not for**

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

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

34 **G004 - Integral Energy**

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.



35 **G006 -**

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

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

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

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

## **Construction**

36 **H001 - Stamped plans and erection of site notice**

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

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

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

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

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

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

### 37 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

### 38 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 "Residential Slabs and Footings". Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

### 39 H015 - Termites

Details of the proposed termite management system shall be submitted for consideration and approval prior to the issue of a Construction Certificate. Council recommends that consideration be given to protection against subterranean termites in situations where termite resistant construction is used.

### 40 H018 – Load bearing walls

A certificate from a qualified practising Structural Engineer shall accompany the Construction Certificate application, certifying the structural adequacy of all load bearing walls prior to their erection.

### 41 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

### 42 H024 - Glass installations AS1288

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

### 43 H033 – Clothes line

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

#### 44 H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

#### 45 H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

#### 46 H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

#### 47 H039 - Rainwater tank pumps (Also impose H036, H037 & H038)

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

48 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

49 [H042 - Adaptable Dwelling Certification](#)

The Construction Certificate 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 (AS 4299- 2009).

50 [H Special \(BLANK\)](#)

The building construction materials shall have low reflective qualities to minimize glare.

## Engineering

51 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

52 [K201 - Infrastructure Bond](#)

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

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

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

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

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

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

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

54 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the MUSIC modelling and associated concept plan/s lodged for development approval, prepared by Zait Engineering Solutions reference 17DZ1289, drawings D01 to D11 issue B dated 6/6/2019.

The stormwater treatment systems shall include a minimum of 6 \* 460mm Stormwater 360 Stormfilter Cartridges and per the WSUD Strategy and supporting MUSIC modelling.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

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

55 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by ZAIT Engineering Solutions, reference number 17DZ1289, revision B, dated 06 June 2019.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments, Water Sensitive Urban Design (WSUD) policies and the following items are addressed:

- The above ground Onsite Stormwater Detention basin shall be constructed of masonry walls and water tight. The above ground basin shall be designed and constructed to allow for stormwater ponding to reach the designed Top Of Water level in the 1% AEP storm event.
- The section detail of the DCP 1 on drawing D09 shows the top of masonry wall lower than the Top of Water Level of the Onsite Stormwater Detention (OSD) system. As such, this will not allow the OSD system to function as intended. In this regard, the plans shall be amended accordingly.

56 **K211 - Stormwater Discharge – Basement Car parks**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

57 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

58 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

59 **K226 - Basement Geotechnical Testing/ Dilapidation Report**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted prior to any Occupation Certificate confirming no damage has occurred.

60 **K227 - Stormwater Legal Discharge Point**

Prior to the issued of any Construction Certificate issued for internal works associated with the development the site must be serviced by a legal point of discharge including and required infrastructure drainage works. The drainage works may include inter-allotment drainage construction, upgrades and / or road drainage extensions located on lands owned by others.

61 **K301 - Sediment & Erosion Control**

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

62 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

63 **K405 - Turf to Verge**

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

64 **K406 - Underground Services**

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

65 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

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

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

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

67 **K503 - Stormwater Compliance**

Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
  - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to be undertaken have been satisfactorily completed.

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

68 **K503 - Works as executed – General and Compliance Documentation**

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

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation and / or Subdivision (Strata) Certificate where Penrith City Council is not the Principal Certifying Authority.

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

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

70 **K504 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
  - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

71 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of any Occupation Certificate, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.



## 72 K - Waterways - Stormwater Management system operation and maintenance

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s

## 73 K Special (BLANK)

(a) All car parking and manoeuvring must be in accordance with AS 2890.1-2004; AS 2890.6-2009 and Council's requirements.

(b) All vehicles are to enter and exit in a forward direction.

(c) The ramp to the basement car park is to be fitted with an appropriately placed access-point traffic light system and convex mirror/s to ensure that vehicles do not simultaneously traverse the basement ramp in opposing directions. Signage is required indicating that vehicle headlights are to be switched on when entering or exiting via the ramp. The traffic light system and convex mirrors are to be maintained in good working order and in perpetuity, for the life of the development.

(d) The required sight lines around driveway entrances are not to be compromised by landscaping, fencing, signage or other obstructions.

(e) All car spaces are to be line marked and dedicated for the parking of vehicles only and not to be used for storage of materials and/or waste materials, etc.

## Landscaping

### 74 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plan Landscape Plan 17082 DA 1 prepared by Vision Dynamics, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

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

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

### 75 L002 - Landscape construction

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

### 76 L003 - Report requirement

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

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

### 77 L006 - Aust Standard

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

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

### 78 L008 - Tree Preservation Order

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

79 **L Special (BLANK)**

Prior to the issue of a Construction Certificate, a revised landscape plan is to be submitted which is consistent with the approved ground floor plan and incorporates the following amendments:

4 street verge trees either brushbox or lophotemon confertus

Large trees within the rear setback and within the south-eastern front setback deep soil pocket

## Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$6,464 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$61,120 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$22,093 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

## Payment of Fees

83 **P001 - Costs**

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

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

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

## Certification

#### 85 Q006 - Occupation Certificate (Class 2 - 9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

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

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

#### 86 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

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

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

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

#### Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

### Schedule 1 (Deferred Commencement)

#### 87 S Special (Deferred commencement condition)

**a) Prior to the issue of an operational consent**, revised architectural plans and landscape plan(s) shall be provided to ensure the required waste storage area is provided on ground floor within 10m of the kerb, integrated into the design of the building and in accordance with the design requirements of Penrith Council's Residential flat building waste management guidelines and C5 of Development Control Plan 2014. This will likely necessitate deletion of one (1) x ground floor unit and utilisation of this floor space for waste bin storage, bulky waste storage and accessible paths of travel to the storage areas from the remaining ground floor residential units.

Alternatively an amended proposal is to be submitted that demonstrates compliance or satisfactory arrangements with respect to Council's Waste Management Guidelines for Residential Flat Buildings to the satisfaction of Council's Waste Management Officer. In this event conditions of consent will require further amendment prior to the issue of an operational consent, to suitably respond to and reflect the revised proposal.

**b) Prior to the issue of an operational consent**, and where a private waste collection contractor is sought, details of the proposed private waste contractor are required to be provided which acknowledges and agrees to the servicing of the development. This is required as the proposal does not comply with Council's waste collection and servicing requirements within the DCP and Guideline relating to Residential Flat Building Development and cannot be serviced by Council in the form proposed.

**c) Prior to the issue of an operational consent**, an amended BASIX Certificate is to be submitted to, and approved by Council. which reflects the amendments required to comply with waste management requirements and the associated reduction in dwelling yield and design changes to accommodate these amendments. All resulting BASIX Commitments identified for the DA stage must be reflected on revised plans.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### C1 Site Planning and Design Principles

The proposal is being assessed as being consistent with the height and general scale of adjacent buildings of a similar type and use, the presentation of the development to the street and the ability of the design to provide a meaningful and sustainable area for landscaping, and is supported and is in keeping with this Section of the DCP.

Section C1 of the DCP states that the building façade treatment shall promote a high architectural quality and adopt a façade treatment which defines, activates and enhances the public domain and street character. The DCP also states that façade design shall express important corners by giving visual prominence to parts of the façade and should add to articulation. The size and scale of the proposed building will be suitable when viewed from the road and the public domain. In addition, the proposed façade treatments and materials and finishes assist to break up bulk and articulate the building.

Clause 1.2.5 relates to the principles of Crime Prevention Through Environmental Design (CPTED). The proposal is acceptable having regard to this section of the DCP with areas for concealment avoided especially to the ground floor lobby area. The entry is easily identifiable within the building due to the zero setback.

#### C3 Water Management

Adequate information has been submitted with the development application to allow a ascertain that the proposal complies with the requirements of Council's WSUD Policy.

#### C5 Waste Management.

Penrith DCP 2014 and Council's Waste Management Guidelines for Residential Flat Buildings requires the following infrastructure to be provided for this form of development:-

- Chute systems on each floor
- On site waste servicing (storage and collection)
- Where on site waste servicing cannot be provided, consideration to an indented bay may be considered but kerb side collection in the road is not permitted

In effect, the DCP and Guidelines do not provide for kerb side collection from the constructed road way for residential flat building development. It is however noted that the DCP and Guideline does permit kerb side collection for medium density residential development in the form of Town Houses, Boarding Houses and Villa Housing developments.

It is apparent from the guidelines that the requirements for collection are differentiated by the scale of the development proposed and by extension, the time taken for collection to occur. This in part is predicated on a suggestion that a residential flat building will be constructed on an allotment size (and dimensions) that can accommodate on site waste collection through a basement collection scenario or at ground level. As outlined below, this is not the case for the subject site.

It is also important to note that the Guidelines that support the DCP specifically allows for

variations to these requirements where it can be demonstrated that on site collection (compliance) is unachievable. The Guideline requires detailed design scenarios to be submitted to demonstrate this fact however it is considered that sites of the size & scale of the current proposal need not be held to this, as it is apparent based on the lot shape, dimensions, area and topography that onsite collection is not practicable. This is because the incorporation of basement collection will not be able to achieve necessary clearances (3.5m minimum) without significant impact on finished floor levels and the height of the building. Once in the basement, the required circulation, turning, parking and manourvering requirements of the waste collection vehicle would result in considerable car parking space loss and significant reductions in boundary setbacks and necessary deep root zone landscaping opportunities. The applicant has however submitted swepth path overlays to show the impacts of such manourvering which as expected, cannot be achieved on this site without significant impacts.

At prelodgement, the applicant was advised that a variation to the Waste Management Guidelines requirements could be considered if it was demonstrated that compliance is unachievable. The asesment of the application and the necessary amendments to achieve SEPP and ADG design quality have further reinforced the inability to achieve compliant on site collection. Given this, the only reasonable and suitable option is to provide a kerb side collection arrangement despite the resulting non compliance with the DCP and Guideline. Any suggestion for basement, ground or indented bay collection on a site of this size (but LEP compliant) will have adverse cumulative built form, landscape and streetscape impacts that are unsupported having regard to SEPP 65 considerations. An indented bay would necessitate increased front setbacks to comensate for the landscape and street tree loss as a result of the bay. This would not be achievable on the site rendering the site less than that required for an RFB development.

It is specifically noted that Council's Waste Management Officer has raised concern and non support for this proposal, or any proposal reliant on an on-street collection regeime due to the above requirements within the DCP and Guideline. These concerns however are understood to extend beyond the provisions of the DCP and Guideline alone and reflect waste collection contractual constraints which would prevent Council from servicing the site. In effect, a noncompliant waste collection regeime would necessitate a private contracted service and not reliance on Council's waste service. This is concerning to the extent that future occupants of the development would be required to pay a waste service charge to Council stemming from legal obligations under the Local Government Act 1993 as well as a duplciated waste collection charge to a private contractor. This is an economic burden on future occupants which is not ideal, and would need to be made clear up front to any developer, purchaser and occupant of such a development. This is unavoidable if the application is supported for the reasons outlined below.

The site has been specifically zoned and strategically established for residential flat building of this size and scale. Not only is the site zoned R4 - High Density Residential but the applicable maximum building height of 18m is greater in scale than other zoned R4 sites within Penrith (often 15m) and suggests that a development form of 5 - 6 storeys is both reasonable and expected in this location. Further the LEP minimum lot size requirement is only 800sqm meaning that the lot is deemed strategically suitable for this form development where key design considerations are addressed and design quality and character integration is demonstrated.

It is important to also note that the development is modest in density being 17 dwellings. This

is reflective of many town house developments across 22m wide lots as per DCP requirements in R3 zoned land. Developments between 12 - 16 dwellings have been achieved on lots of this nature (albeit on deeper lots in a two storey form) and these developments do not require on site collection. These dwelling densities and development forms are permitted to have a kerb side collection arrangement with bins stored in communal bin bays within front setbacks. The dwelling yield is also not dissimilar to a town house development, and is also not dissimilar to many boarding houses which comprise up to 18 rooms within a two storey form. While the waste generation rates are different, these developments don't preclude couples residing and as such the waste generation is not considered to itself require on site collection rather than kerb side collection.

Further, as on-street collection is utilised by the surrounding multi unit housing developments, the proposed solution is similar to the established on-street collection regime within this street. Providing kerb side collection does not result in poor streetscape outcome beyond what is already provided for. As the surrounding developments are strata titled, redevelopment is not considered within the foreseeable future. Therefore, the proposed development incorporates a waste management plan which is similar in scale and form to the established waste collection arrangements within Castlereagh Street and is thus considered to be a reasonable variation to the DCP requirements. It is noted that other medium density developments on Barber Avenue also have collect and return services rather than onsite collection. While it is acknowledged that this area has a high on-street demand for parking, the site is also generally compliant with the controls for residential flat buildings.

The DCP also specifies that a chute system is required for development of three or more storeys irrespective of the number of dwellings. Given the scale of the development and that a chute system would compromise the ground and basement design to accommodate this infrastructure, it is not considered reasonable to enforce compliance which would be at the expense of car parking numbers and landscape setbacks. Residents will be required to take garbage to the waste room on the ground floor which is not an unreasonable outcome for a development of this moderate yield.

Notwithstanding the above, the waste bin area is insufficient in area to accommodate the proposed number of bins, within an adequate distance of the street in accordance with Section 3.6 of the Waste Guidelines. More specifically, Council's Waste Contractor cannot access the room within the basement at all times, nor is the gradient of the basement ramp satisfactory for adequate movement. A deferred commencement condition will require Unit 1 to be deleted and a waste storage area provided at ground level instead. The external finishes as endorsed by the UDRP would not need to change nor would the fencing and landscape treatment, to ensure the waste storage area remains integrated with the building design.

It is therefore recommended that a deferred commencement condition be endorsed that requires the above amendments to facilitate kerb side waste collection. In addition the recommended deferred commencement condition requires the nomination of a private waste contracted service that is capable and agreeable to service the development. Further, conditions of consent are also recommended to be imposed on the title of the property alerting any other developer, purchaser or occupant that Council cannot service the development and that a private contractor is both required and fees payable, by all occupants of that development. This would then become a 'buyer beware' scenario to be considered by the developer should a non compliant waste collection arrangement be pursued as currently

proposed.

### **C6 Landscape Design**

The development proposal is consistent with the provisions of this section of the DCP in that:

(a) Landscaping along the frontage of the site is provided and is representative of the desired future character of the area. Landscaping design enhances the amenity of the site or streetscape and is adequately co-located with deep soil and around the perimeter of the site and within the deep soil area to allow for canopy tree planting.

(b) Proposed landscaping assists in moderating the bulk or scale of the development and positively contributes to the amenity of the site and mitigates against the negative impacts of overlooking or overbearing.

(c) The proposed landscaping assists in screening utility / waste areas.

### **C8 Public Domain**

The proposal will be highly visible from the public domain and is considered to provide for a positive built form presentation.

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

The ADG requires a reduced parking rate as the site is within 800m of a railway station. 16 resident spaces and 4 visitor spaces are required, and 22 spaces in total are provided, including 2 accessible spaces satisfying the requirement.

The development provides for a service space for the benefit of future occupants.

## **D2 Residential Development**

The proposal has been assessed against the applicable provisions of the chapter and is found to be acceptable. Particular clauses are discussed below:

#### *Landscaped Area*

The proposal complies with the controls of the clause in that the proposal provides effective landscape screening between the subject building and neighbouring buildings and incorporates a high quality landscaped to all setbacks. The building and setbacks are contextually sympathetic and is dominated by landscaping.

#### *Front and Rear Setbacks*

The DCP states that setbacks are to reflect the character of established garden suburbs and provide for development of flora and fauna corridors. The proposal complies with the DCP requirement with the resulting landscape design which contributes positively to streetscape amenity.

#### *Visual and Acoustic Privacy*

The development demonstrate that negative privacy and overbearing impacts will not result.

#### *Building Design*

The development incorporates architectural articulation and façade variation to adequately address the bulk and scale of the building. The building design does not result in overbearing and privacy impacts for existing adjoining buildings. The building is well landscaped. Common open space and deep soil planting is available.

The entry is located in the centre of the site. The entry way provides opportunity is provided for social interaction. Safety and security impacts related to its design are also discussed elsewhere in this report.

#### *Garden Design*

The setbacks include sufficient landscaping to soften the building and contribute to streetscape and amenity. The proposal complies with this Clause in that the development contributes to a canopy of interlocking trees and shrubs and provides gardens appropriate for the established neighbourhood character.

#### *Paving Design*

The proposed streetscape presentation provide for an attractive 'address' and minimises widths of driveway and hardstands along the frontage of the site.



EXECUTIVE SUMMARY

	REQUIRED	PROPOSED
01. SITE AREA	800.00m <sup>2</sup>	SITE AREA 887.00m <sup>2</sup>
02. ZONE	R4	R4
03. BUILDING HEIGHT	MAX. 18m	17.80m
04. FSR FSA	-	-
05. SITE COVERAGE	MAX. 443.50m <sup>2</sup> (50% OF SITE)	351.675m <sup>2</sup> / 887.00m <sup>2</sup> 39.65% OF SITE  PROVIDED OPEN SPACE: 535.325m <sup>2</sup> =60.35% OF SITE
06. DEEP SOIL ZONE	133.05m <sup>2</sup> 15% OF SITE (ADG)	235.98m <sup>2</sup> 26.60% OF SITE
07. LANDSCAPE	310.45m <sup>2</sup> 35% OF SITE	Ground 267.24m <sup>2</sup> 30.12% Roof Terrace 63.54m <sup>2</sup> 7.16% 360.78m <sup>2</sup> 37.29% OF SITE
08. COMMUNAL OPEN SPACE	221.75m <sup>2</sup> 25% OF SITE	Ground 163.60m <sup>2</sup> 18.44% Roof Terrace 152.26m <sup>2</sup> 17.17% 315.86m <sup>2</sup> 35.60% OF SITE
09. NUMBER OF UNITS		17 UNITS 1 BEDROOM=3 2 BEDROOM=12 3 BEDROOM=2
10. CAR SPACE		
1 BEDROOM	1per UNIT	4 UNIT=4
2 BEDROOM	1per UNIT	11 UNIT=11
3 BEDROOM	1.5 per UNIT	2 UNIT=3
VISITOR	1 SPACE per 5 UNIT	17/5=4
	CAR SPACES REQUIRED	=22
ADAPTABLE	17(10%)	=2
BICYCLE	3 per UNIT	17/3 =5.66
11. SOLAR ACCESS	70% OF UNITS TO HAVE 2HRS OF SOLAR ACCESS	82.40%(14/17 UNITS)
12. CROSS VENTILATION	60% OF UNITS TO HAVE CROSS VENTILATION	82.40%(14/17 UNITS)
13. ADAPTABLE UNIT	10% OF 17 UNITS=2	2 UNITS
14. LIVABLE UNIT	20% OF 17 UNITS=4	4 UNITS Including the 2 adaptable units

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)  
29-31 Castlereagh Street, Penrith

These are the Specifications upon which the NatHERS Assessment is based. If details included in these Specifications vary from other drawings or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.

Windows	Glass	Frame	U value	SHGC	Detail
Default	Single glazed, clear	Aluminium	6.7	0.57	Generally for window types: Awning, bi-fold, casement, tilt 'n' turn
Default	Single glazed, clear	Aluminium	6.7	0.70	Generally for window types: Sliding window/ door, double hung, fixed, louvre
Default	Single glazed, low E low solar gain	Aluminium	5.6	0.41	To units: 5 – living room east facing glazing 18 – all glazing
Default	Single glazed, low E high solar gain	Aluminium	5.4	0.58	To units: 7 – north and west facing glazed doors to balcony
Skylights	Glass	Frame	U value	SHGC	Detail
External walls	Construction	Added Insulation	Detail		
Brick veneer		R2.0	To ground level and level 1		
Hebel panel		R2.0	To levels 2, 3, 4 and 5		
Internal walls	Construction	Added Insulation	Detail		
Plasterboard on studs		None	Within units		
Hebel		None	Party/ common walls generally		
Hebel / Concrete		R1.0	Internal apartment walls adjoining common lobbies, lift core, stairwells to units: 1, 2, 3, 7, 19		
Floors	Construction	Added Insulation	Covering	Detail	
Concrete		None	Carpet generally; tiles for wet areas		
Concrete		R1.0	Carpet generally; tiles for wet areas	To units: 1, 4	
Concrete		R1.5	Carpet generally; tiles for wet areas	To units: 2, 3	
Ceilings	Construction	Added Insulation	Detail		
Plasterboard		(see roof detail below)			
Roof	Construction	Added Insulation	Detail		
Concrete		R1.0	To units: 1, 2, 3, 6, 7, 13, 14		
Concrete		R2.5	To units: 18, 19, 20		
Other Requirements					
All mechanical fans and downlights (if installed) to be sealed to prevent air-infiltration					

ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

NOTES:  
1. ALL DIMENSIONS ARE IN MILLIMETRES AND SHOULD BE VERIFIED ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF WORKS.  
2. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS AND APPROVED DEVELOPMENT CONSENT CONDITIONS.  
3. ALL DIMENSIONS THAT RELATE TO SITE BOUNDARIES AND EASEMENTS ARE SUBJECT TO VERIFICATION CONSIDERED BY SURVEYOR.  
4. FINISHED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS, IF IN CONFLICT CALL CAD PLANS PTV LTD.  
5. ALL TIMBER CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE NATIONAL TIMBER FRAMING CODE AS NTA 1992.  
6. ROOF WATER AND SUB SOIL DRAINAGE TO BE DISPOSED OF IN THE APPROVED MANNER AS INDICATED ON THE DRAINAGE PLANS DESIGNED BY THE DRAINAGE ENGINEER.  
7. ALL STRUCTURAL DETAILS TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.  
8. DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED ISSUED FOR CONSTRUCTION.



PROJECT STATUS:  
DEVELOPMENT APPLICATION

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PROJECT:  
RESIDENTIAL BUILDING DEVELOPMENT  
SITE ADDRESS:  
29-31 CASTLEREAGH ST, PENRITH, NSW  
2750  
CLIENT:

SHEET TITLE:  
COVER PAGE

DESIGN: NS | DRAWN: AJRSA | DATE: JUNE 2016 | SCALE: A1-1:200 | A3-1:400

ISSUE:  
C  
SHEET:  
16011 DA00

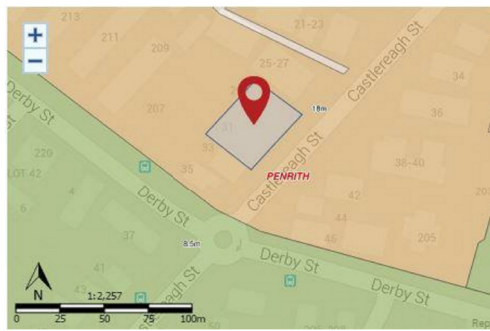


PERSPECTIVE-CAMERA VIEW FROM CASTLEREAGH STREET

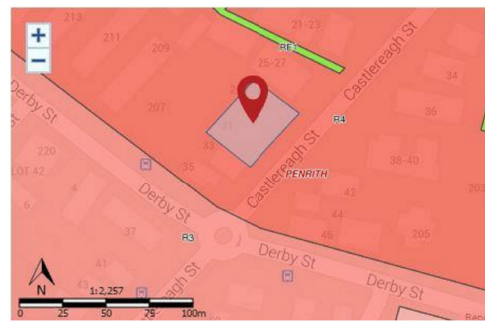
ARCHITECTURAL DRAWINGS

DRAWING NUMBERS	SHEET NAME	REVISION
16011 DA00	COVER PAGE	C
16011 DA01	SITE CONTEXT	
16011 DA02	SITE PLAN	
16011 DA03	BASEMENT PLAN LVL-2	
16011 DA04	BASEMENT PLAN LVL-1	
16011 DA05	GROUND FLOOR PLAN	
16011 DA06	LEVEL-1	C
16011 DA07	LEVEL-2	C
16011 DA08	LEVEL-3	C
16011 DA09	LEVEL-4	C
16011 DA10	ROOF TERRACE	C
16011 DA11	ELEVATIONS	C
16011 DA12	ELEVATIONS	C
16011 DA13	SECTIONS	C
16011 DA14	SHADOW DIAGRAMS	
16011 DA14.1	SHADOW DIAGRAMS	
16011 DA14.2	SHADOW DIAGRAMS	
16011 DA14.3	SOLAR STUDY	
16011 DA14.4	SOLAR STUDY	
16011 DA14.5	SOLAR STUDY	
16011 DA14.6	SOLAR STUDY	
16011 DA15	VIEW FROM SUN	

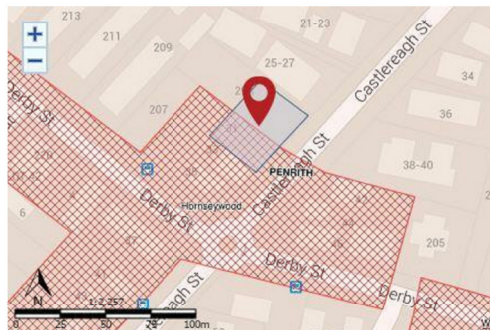
PROPOSED RESIDENTIAL DEVELOPMENT  
29/31 CASTLEREAGH STREET PENRITH, NSW 2750



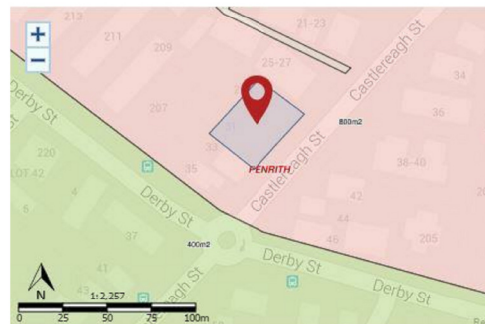
Height of Building  
+ P- 18 m : Range [ 17.0 - 18.9 m ] (pub. 2015-02-25)



Land Zoning  
+ R4 - High Density Residential : (pub. 2015-02-25)

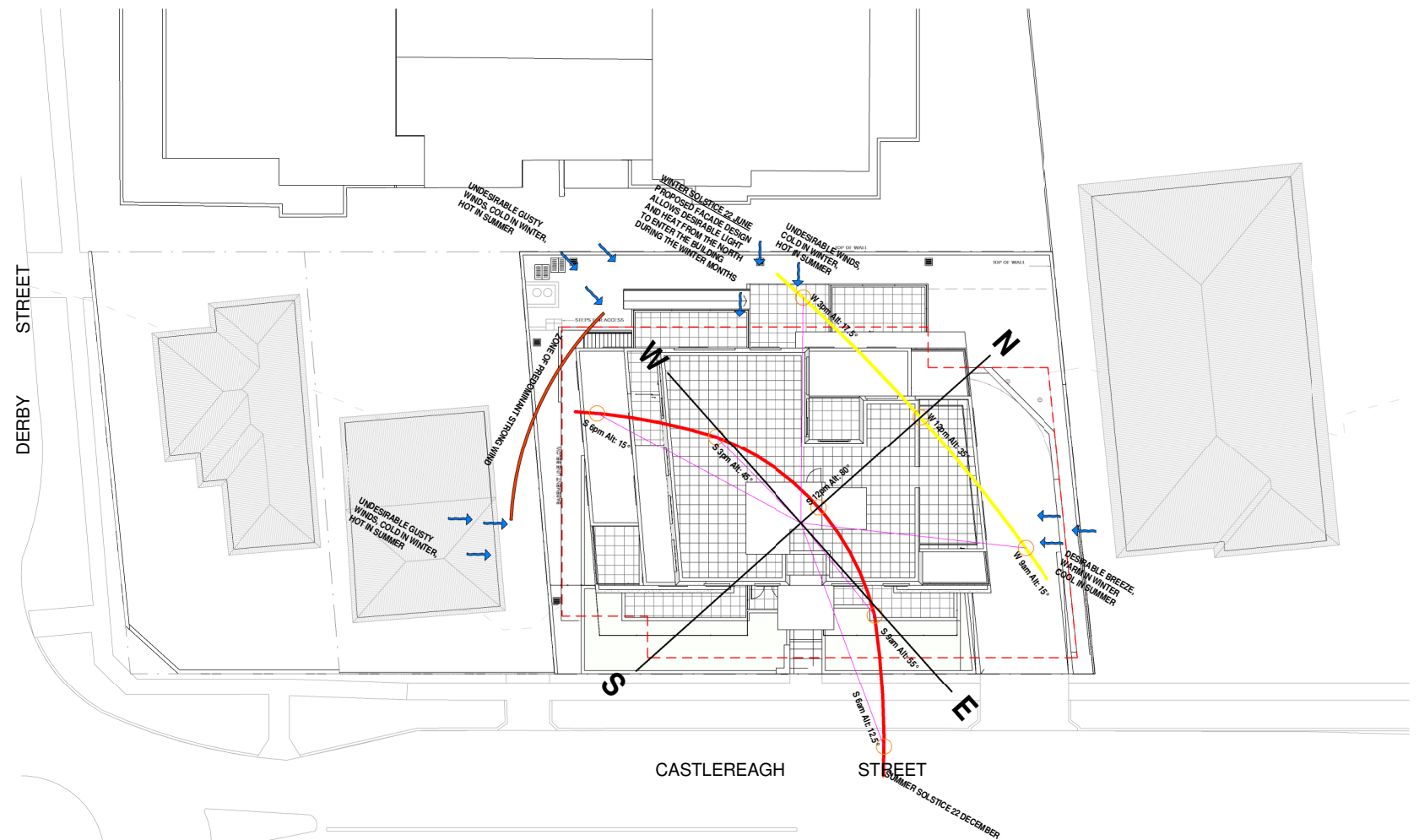


Heritage  
+ Conservation Area - General : Hornseywood (pub. 2015-02-25)



Minimum Lot Size  
+ S- 800 m2 : Range [ 800 - 899 sqm ] (pub. 2015-02-25)

LEP MAPS



SITE ANALYSIS

1 : 200



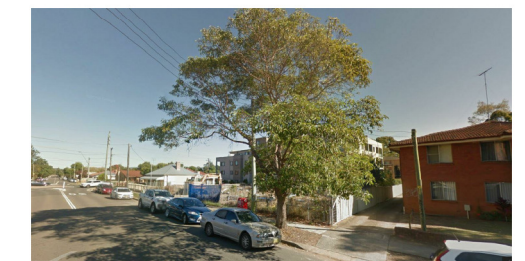
SITE LOCATION



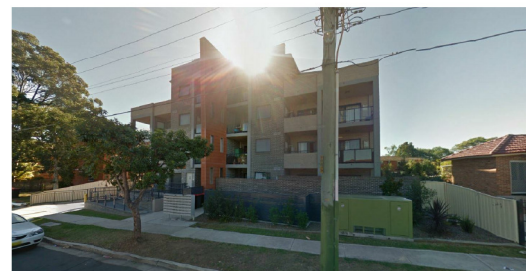
VIEW FROM CASTLEREAGH STREET-THE SITE



VIEW FROM CASTLEREAGH STREET-PENRITH RSL



VIEW FROM CASTLEREAGH STREET



VIEW FROM DERBY ST-APARTMENT BLDG.



VIEW FROM DERBY STREET-PENRITH BOWLING CLUB



VIEW FROM DERBY STREET-KMART

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Design Studio  
ABN 47 814 246 580  
REGISTRATION NUMBER: 5968

ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

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ABN 88 606 740 381

NOTES:  
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7. ALL STRUCTURAL DETAILS TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.  
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PROJECT STATUS:  
**DEVELOPMENT APPLICATION**

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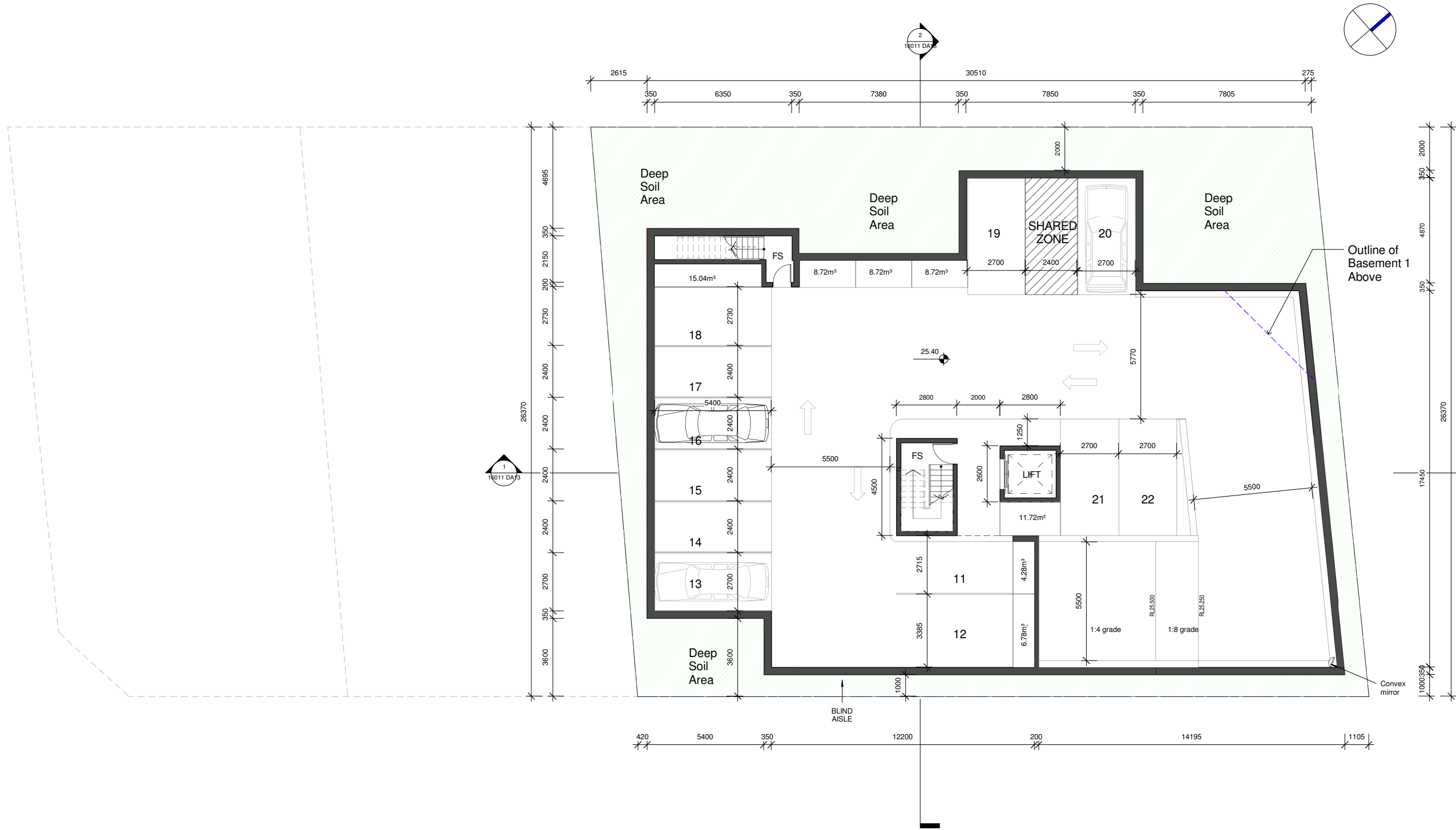
PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW 2750**  
CLIENT:

SHEET TITLE:  
**SITE CONTEXT**

DESIGN: NS | DRAWN: AJRSA | DATE: JUNE 2016 | SCALE: A1- 1:200 | A3- 1:400

ISSUE:  
**C**  
SHEET:  
**16011 DA01**

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# BASEMENT PLAN LVL-2

SCALE 1:100@A1  
1:200@A3

ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

- NOTES:**
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  - ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS AND APPROVED DEVELOPMENT CONSENT CONDITIONS.
  - ALL DIMENSIONS THAT RELATE TO SITE BOUNDARIES AND EASEMENTS ARE SUBJECT TO VERIFICATION ON SITE BY SURVEYOR.
  - FOOTED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS, IF IN CONFLICT CALL CAD PLANS PTY LTD.
  - ALL TIMBER CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE NATIONAL TIMBER FRAMING CODE AS NSW 1992.
  - ROOF WATER AND SUB SOIL DRAINAGE TO BE DISPOSED OF IN THE APPROVED MANNER AS INDICATED ON THE STORMWATER PLANS DESIGNED BY THE STORMWATER ENGINEER.
  - ALL STRUCTURAL DETAILS TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.
  - DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED ISSUED FOR CONSTRUCTION.



PROJECT STATUS:  
**DEVELOPMENT APPLICATION**

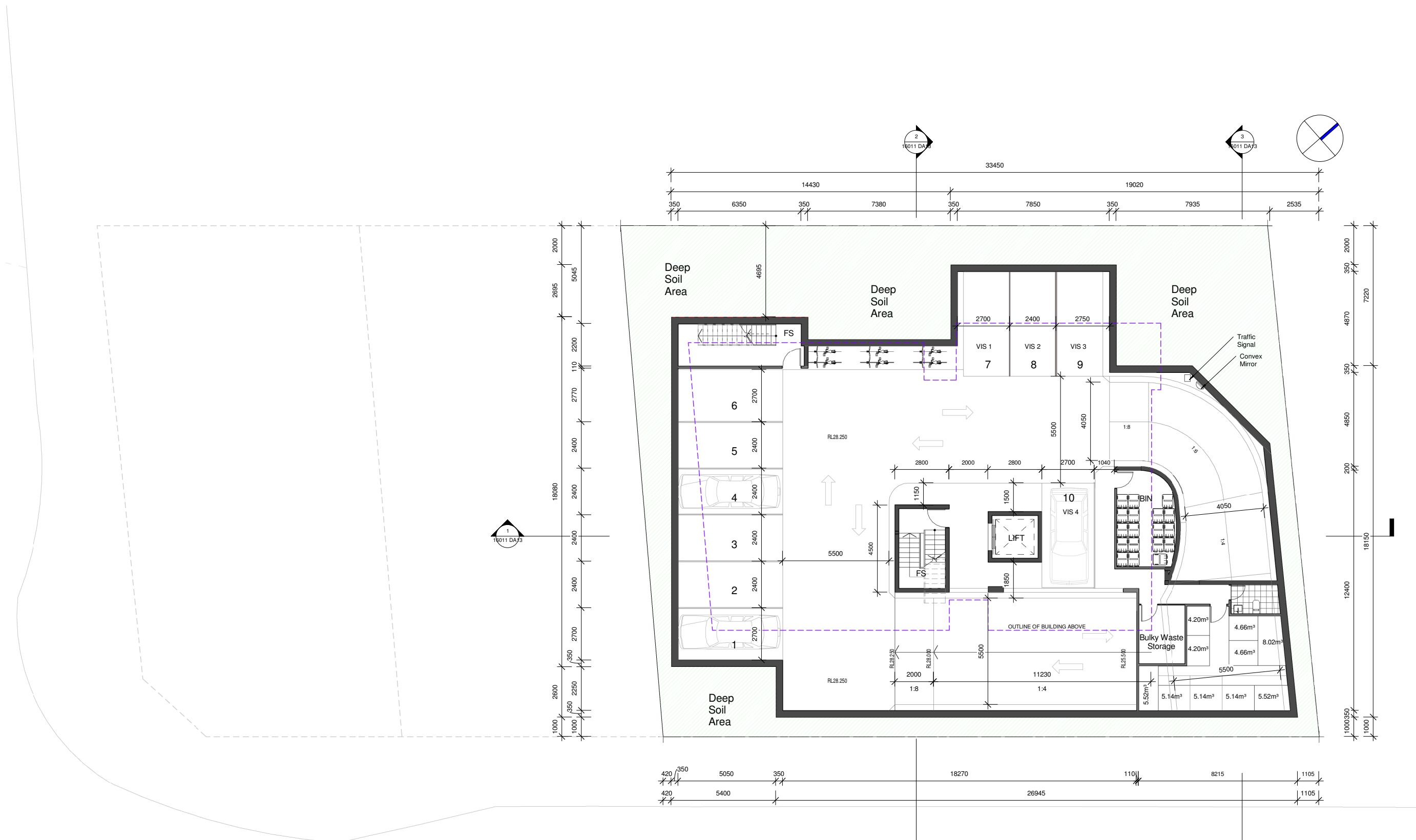
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PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW  
2750**  
CLIENT:

SHEET TITLE:  
**BASEMENT PLAN LVL-2**

DESIGN: NS  
DRAWN: AJRSA  
DATE: JUNE 2016  
SCALE: A1-1:200  
A3-1:400

ISSUE:  
**C**  
SHEET:  
**16011 DA03**



**BASEMENT PLAN LVL-1**  
 SCALE 1:100@A1  
 1:200@A3

ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

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 4. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS, IF IN DOUBT CALL CAD PLANS PTY LTD.  
 5. ALL TIMBER CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE NATIONAL TIMBER FRAMING CODE AS NTA 1992.  
 6. ROOF WATER AND SUB SOIL DRAINAGE TO BE DISPOSED OF IN THE APPROVED MANNER AS INDICATED ON THE STORMWATER PLANS DESIGNED BY THE STORMWATER ENGINEER.  
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**PROJECT:**  
 RESIDENTIAL BUILDING DEVELOPMENT  
 SITE ADDRESS:  
 29-31 CASTLEREAGH ST, PENRITH, NSW  
 2750  
 CLIENT:

**SHEET TITLE:**  
 BASEMENT PLAN LVL-1  
 DESIGN: NS  
 DRAWN: AJRSA  
 DATE: JUNE 2016  
 SCALE: A1-1:200  
 A3-1:400

**ISSUE:**  
 C  
**SHEET:**  
 16011 DA04

# BASIX COMMITMENTS

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

## 1. Commitments for Residential flat buildings - Building 1

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	✓
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓	✓
(f) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	✓
(g) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	✓
(h) The pool or spa must be located as specified in the table.	✓	✓	✓
(i) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures				Appliances			Individual pool		Individual spa				
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 4.5 but <= 6 L/min)	4 star	4 star	4 star	-	-	3 star	-	-	-	-	-	-	-

Alternative water source									
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up	
None	-	-	-	-	-	-	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating system specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in or at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓

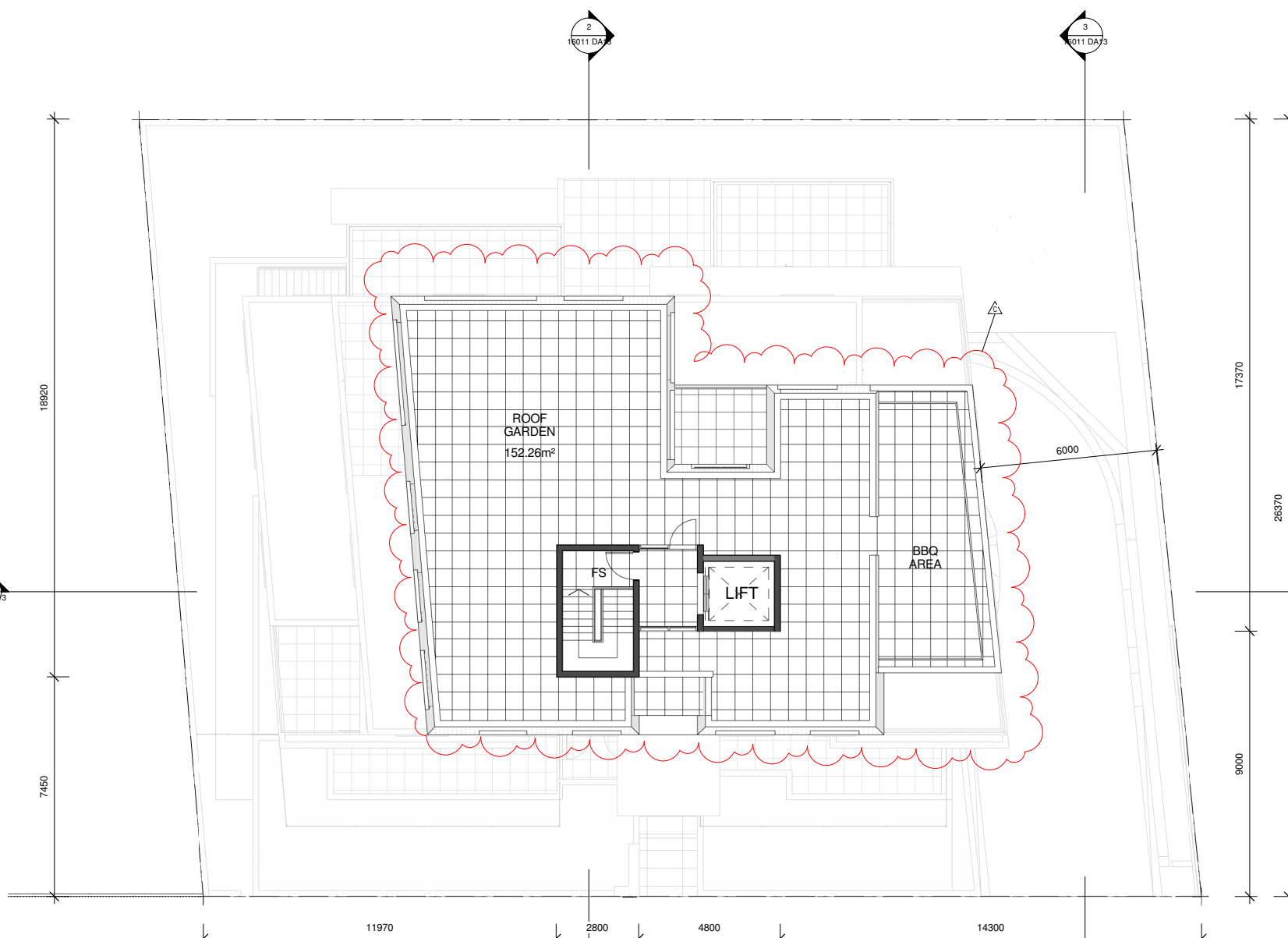
(iii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓	✓
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	✓

Dwelling no.	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	manual switch on/off	individual fan, not ducted	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

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ABN 47 514 246 580  
REGISTRATION NUMBER: 5968

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7. ALL STRUCTURAL DETAILS TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.  
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## ROOF TERRACE

SCALE 1:100@A1  
1:200@A3

Dwelling no.	Cooling		Heating		No. of bedrooms &/or study	No. of living &/or dining rooms	Artificial lighting			Natural lighting		
	living areas	bedroom areas	living areas	bedroom areas			Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
5	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1	2	yes	yes	yes	yes	1	no
7	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	2	2	yes	yes	yes	yes	0	yes
10, 13	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	3	2	yes	yes	yes	yes	1	yes
15, 18	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	2	2	yes	yes	yes	yes	1	yes
1, 17, 20	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1	2	yes	yes	yes	yes	0	no
3, 4, 9, 12	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	2	2	yes	yes	yes	yes	1	no
All other dwellings	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	1-phase airconditioning 3 Star	2	2	yes	yes	yes	yes	0	no

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	no	3.5 star	-	2 star	-	-

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.			
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.			
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.	✓	✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
1	59.0	46.7
2	62.6	28.5
3	59.4	22.7
4	16.0	27.1
5	52.8	61.3

PROJECT STATUS:  
DEVELOPMENT APPLICATION

PROJECT:  
RESIDENTIAL BUILDING DEVELOPMENT  
SITE ADDRESS:  
29-31 CASTLEREAGH ST, PENRITH, NSW  
2750  
CLIENT:

SHEET TITLE:  
ROOF TERRACE

ISSUE:  
**C**  
SHEET:  
16011 DA10

DESIGN: NS | DRAWN: AJRSA | DATE: JUNE 2016 | SCALE: A1-1:200 A3-1:400

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# BASIX COMMITMENTS

Dwelling no.	Thermal loads	
	Area adjusted heating load (in MJ/m <sup>2</sup> /yr)	Area adjusted cooling load (in MJ/m <sup>2</sup> /yr)
6	54.2	54.9
7	63.2	46.4
8	9.2	29.2
9	28.2	27.3
10	34.5	26.3
11	7.2	16.5
12	38.2	27.1
13	38.5	32.9
14	4.7	31.1
15	35.6	34.4
16	50.2	30.0
17	17.4	19.3
18	50.1	62.0
19	61.9	59.6
All other dwellings	34.4	43.7

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	✔
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	✔
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Car park area, basement LVL1	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	fluorescent	motion sensors	No
Car park area, basement LVL2	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	fluorescent	motion sensors	No
Lift car (No 1)	-	-	compact fluorescent	connected to lift call button	No
Garbage rooms	ventilation exhaust only	-	fluorescent	motion sensors	No
Plant or service rooms	ventilation supply only	thermostatically controlled	fluorescent	manual on / manual off	No
Other internal, storage	ventilation supply only	time clock or BMS controlled	fluorescent	motion sensors	No
Ground floor lobby types	no mechanical ventilation	-	compact fluorescent	manual on / timer off	No
Hallway/lobby types	no mechanical ventilation	-	compact fluorescent	manual on / timer off	No

Central energy systems	Type	Specification
Central hot water system (No. 1)	gas-fired storage (manifolded)	Piping insulator (ringmain & supply risers): (a) Piping external to building: R0.6 (-25 mm); (b) Piping internal to building: R0.6 (-25 mm)
Lift (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 8

4. Commitments for common areas and central systems/facilities for the development (non-building specific)

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	✔
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	✔
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	4 star	4 star	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

# ADG COMPLIANCE TABLE

UNIT NUMBER	NO. OF BED	UNIT AREA (m <sup>2</sup> )	BALCONY AREA (m <sup>2</sup> )	SOLAR ACCESS	CROSS VENTILATION	STORAGE UNIT (m <sup>3</sup> )	STORAGE BASEMENT(m <sup>3</sup> )	STORAGE TOTAL (m <sup>3</sup> )
1	1 BED	52.20m <sup>2</sup>	23.19m <sup>2</sup>	YES	YES	4.23m <sup>3</sup>	4.20m <sup>3</sup>	8.43m <sup>3</sup>
2	2 BED	75.61m <sup>2</sup>	26.13m <sup>2</sup>	NO	YES	4.00m <sup>3</sup>	4.20m <sup>3</sup>	8.20m <sup>3</sup>
3	2 BED	75.90m <sup>2</sup>	17.20m <sup>2</sup>	YES	YES	4.00m <sup>3</sup>	4.66m <sup>3</sup>	8.66m <sup>3</sup>
4	2 BED	76.80m <sup>2</sup>	16.20m <sup>2</sup>	YES	YES	4.30m <sup>3</sup>	8.00m <sup>3</sup>	12.30m <sup>3</sup>
5	1 BED	50.40m <sup>2</sup>	8.20m <sup>2</sup>	YES	YES	3.50m <sup>3</sup>	4.66m <sup>3</sup>	8.16m <sup>3</sup>
6	2 BED	70.20m <sup>2</sup>	10.10m <sup>2</sup>	NO	YES	4.00m <sup>3</sup>	5.52m <sup>3</sup>	9.52m <sup>3</sup>
7	2 BED	70.00m <sup>2</sup>	10.10m <sup>2</sup>	YES	YES	4.00m <sup>3</sup>	5.14m <sup>3</sup>	9.14m <sup>3</sup>
8	2 BED	70.10m <sup>2</sup>	10.00m <sup>2</sup>	YES	YES	4.00m <sup>3</sup>	5.14m <sup>3</sup>	9.14m <sup>3</sup>
9	2 BED	70.46m <sup>2</sup>	10.10m <sup>2</sup>	YES	YES	4.00m <sup>3</sup>	5.14m <sup>3</sup>	9.14m <sup>3</sup>
10	3 BED	90.80m <sup>2</sup>	12.10m <sup>2</sup>	NO	YES	5.00m <sup>3</sup>	5.52m <sup>3</sup>	10.52m <sup>3</sup>
11	2 BED	70.45m <sup>2</sup>	10.15m <sup>2</sup>	YES	NO	4.00m <sup>3</sup>	8.72m <sup>3</sup>	12.72m <sup>3</sup>
12	2 BED	70.50m <sup>2</sup>	10.10m <sup>2</sup>	YES	YES	4.00m <sup>3</sup>	8.72m <sup>3</sup>	12.72m <sup>3</sup>
13	3 BED	90.80m <sup>2</sup>	12.10m <sup>2</sup>	YES	YES	5.00m <sup>3</sup>	10.42m <sup>3</sup>	15.42m <sup>3</sup>
14	2 BED	70.45m <sup>2</sup>	10.15m <sup>2</sup>	YES	NO	4.00m <sup>3</sup>	8.72m <sup>3</sup>	12.72m <sup>3</sup>
15	1 BED	60.00m <sup>2</sup>	8.00m <sup>2</sup>	YES	YES	4.00m <sup>3</sup>	4.80m <sup>3</sup>	8.80m <sup>3</sup>
16	2 BED	76.20m <sup>2</sup>	10.60m <sup>2</sup>	YES	YES	4.00m <sup>3</sup>	12.48m <sup>3</sup>	16.48m <sup>3</sup>
17	1 BED	51.29m <sup>2</sup>	8.00m <sup>2</sup>	YES	NO	3.20m <sup>3</sup>	4.80m <sup>3</sup>	8.00m <sup>3</sup>
SOLAR ACCESS				82.40%(14/17 UNITS)		70% OF UNITS TO HAVE 2HRS OF SOLAR ACCESS		
CROSS VENTILATION				82.40%(14/17 UNITS)		60% OF UNITS TO HAVE CROSS VENTILATION		



## SOUTH ELEVATION

SCALE 1:100@A1  
1:200@A3



## EAST ELEVATION

SCALE 1:100@A1  
1:200@A3





**NORTH ELEVATION**

SCALE 1:100@A1  
1:200@A3



**WEST ELEVATION**

SCALE 1:100@A1  
1:200@A3

**COLOUR AND FINISHES**

F01		WALL CLADDING HONED SANDSTONE FINISH	F03		RENDERED FINISH BIEGE DULLUX	F05		DOOR AND WINDOW FRAMES,FENCE POWDER COATED FINISH WOODLAND GREY-DULLUX	F07		RENDERED FINISH ANTIQUE WHITE U.S.A DULLUX
F02		FACEBRICK	F04		GLASS BALUSTRADE	F06		MAIN ROOF-LONG LINE PROFILE MONUMENT-COLORBOND			



**STREETSCAPE ELEVATION**

SCALE 1:100@A1  
1:200@A3

DERBY STREET

CASTLEREAGH STREET

**pens**  
Design Studio  
ABN 47 514 246 580  
REGISTRATION NUMBER: 5966

ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

**CAD Plans** PTY LTD  
DESIGN Solutions  
39 Cumberland Rd Auburn NSW 2144  
P: (02) 8068 2177  
M: 0416009172  
E: info@cadplans.net.au  
ABN 88 606 740 381

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**DEVELOPMENT APPLICATION**

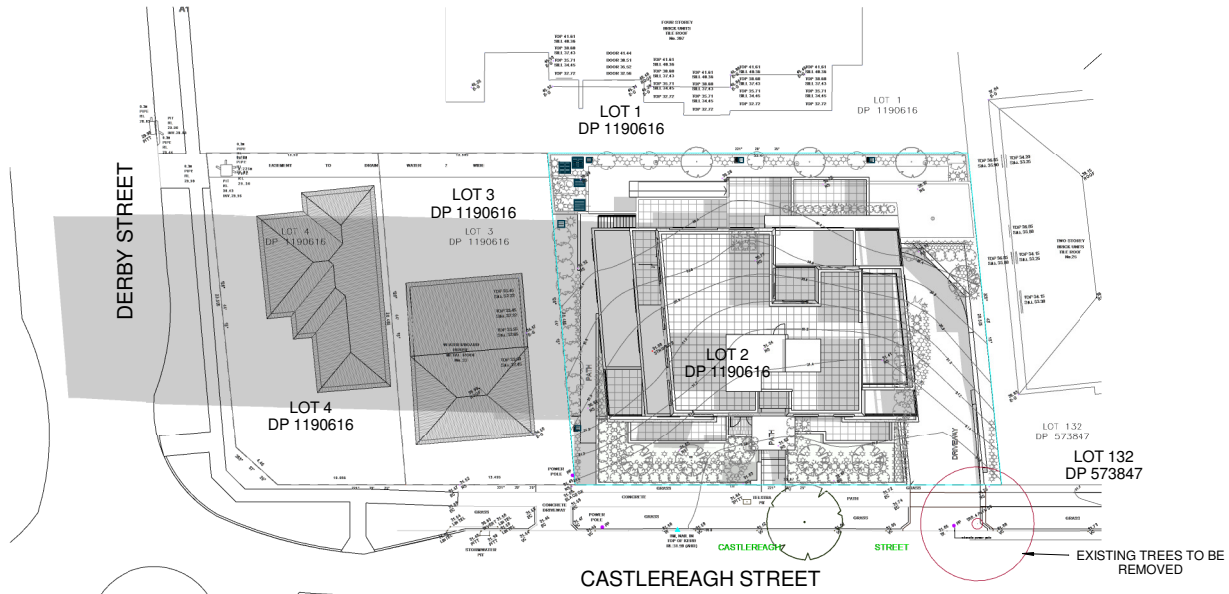
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SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW 2750**  
CLIENT:

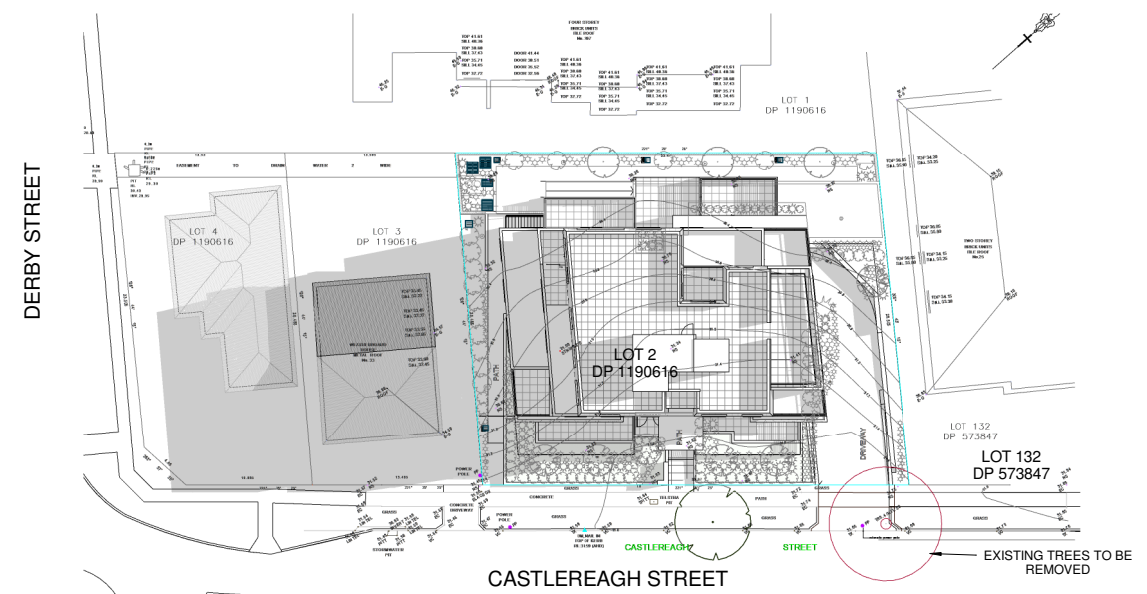
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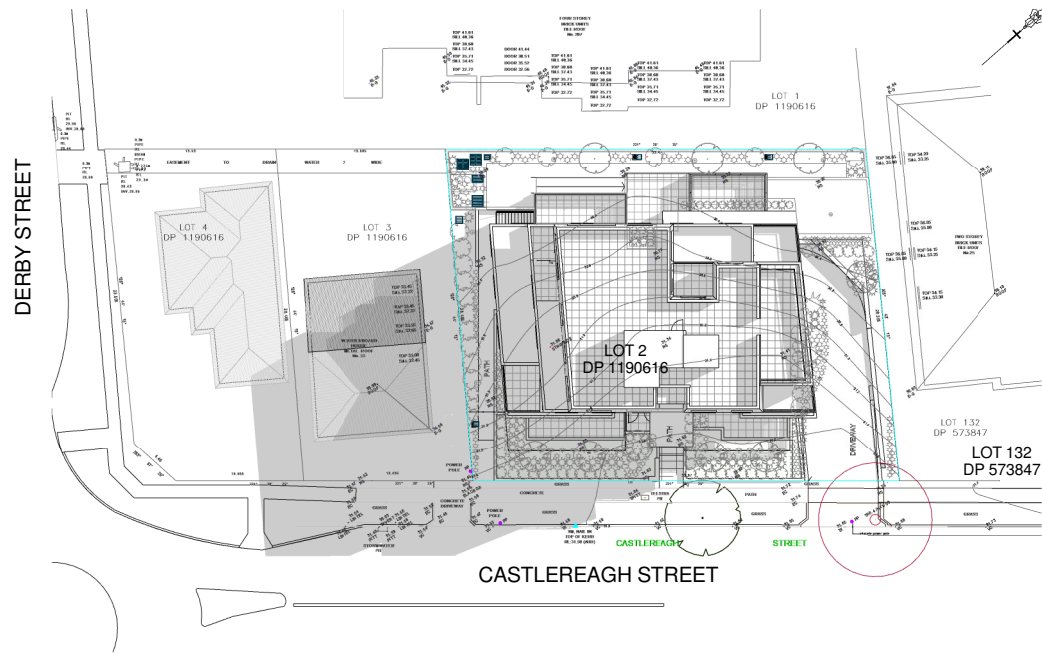
ISSUE:  
**C**  
SHEET:  
**16011 DA12**



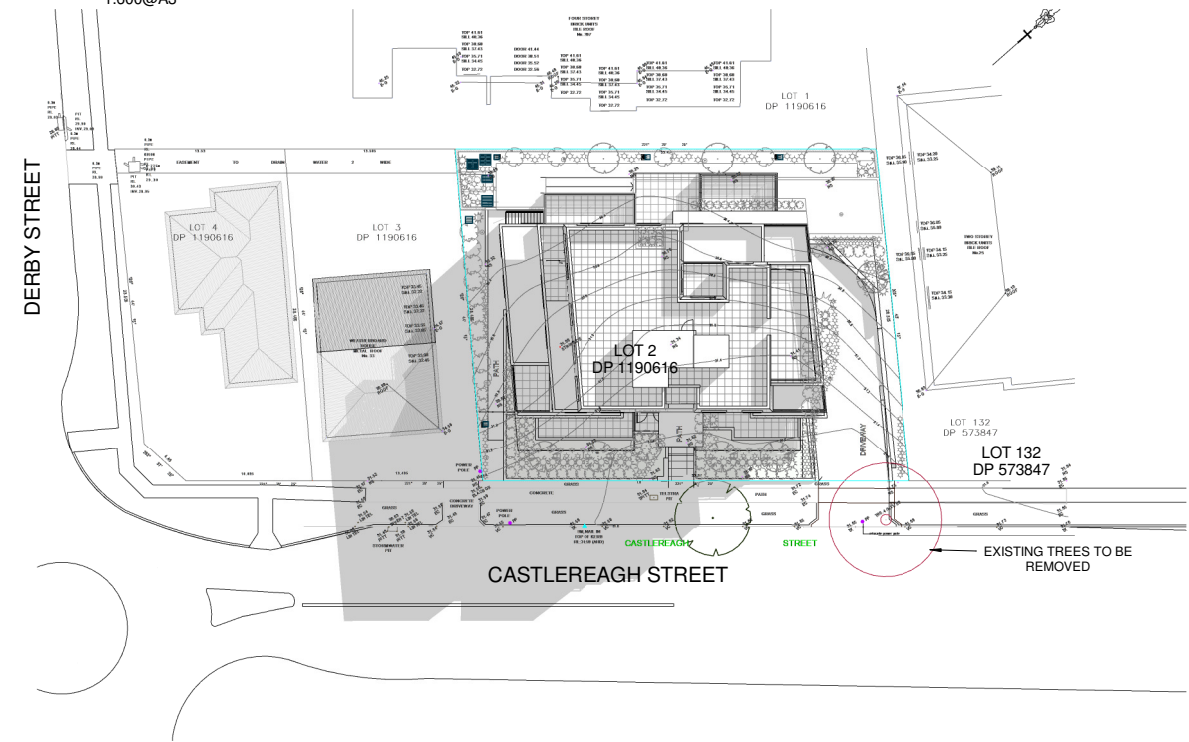
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JUNE 21  
9:00 AM  
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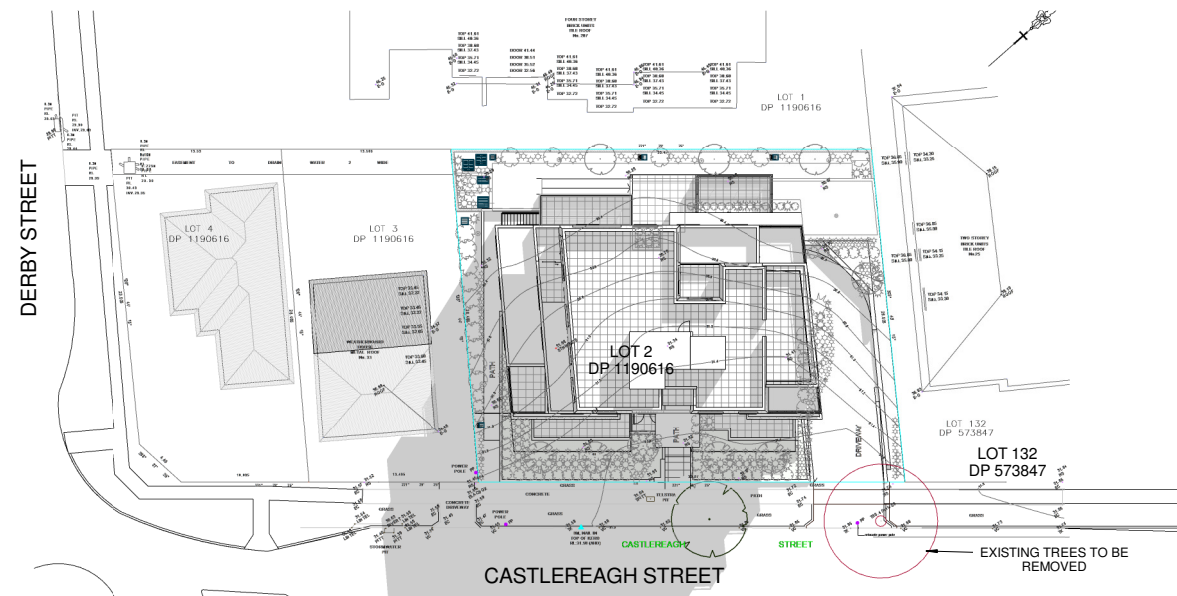
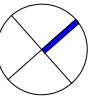
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ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

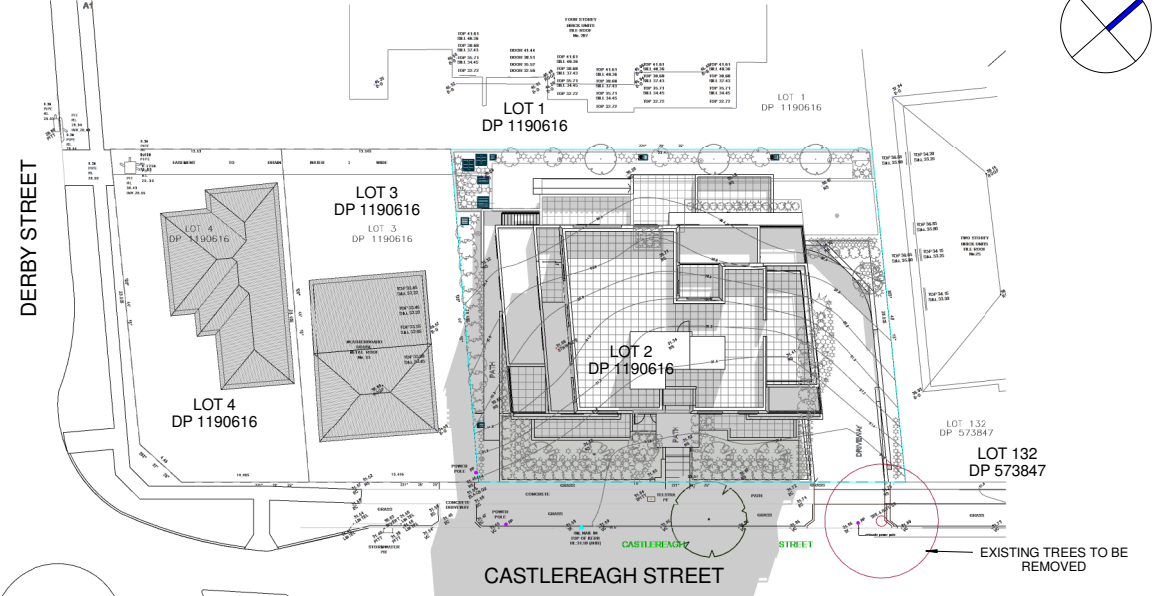
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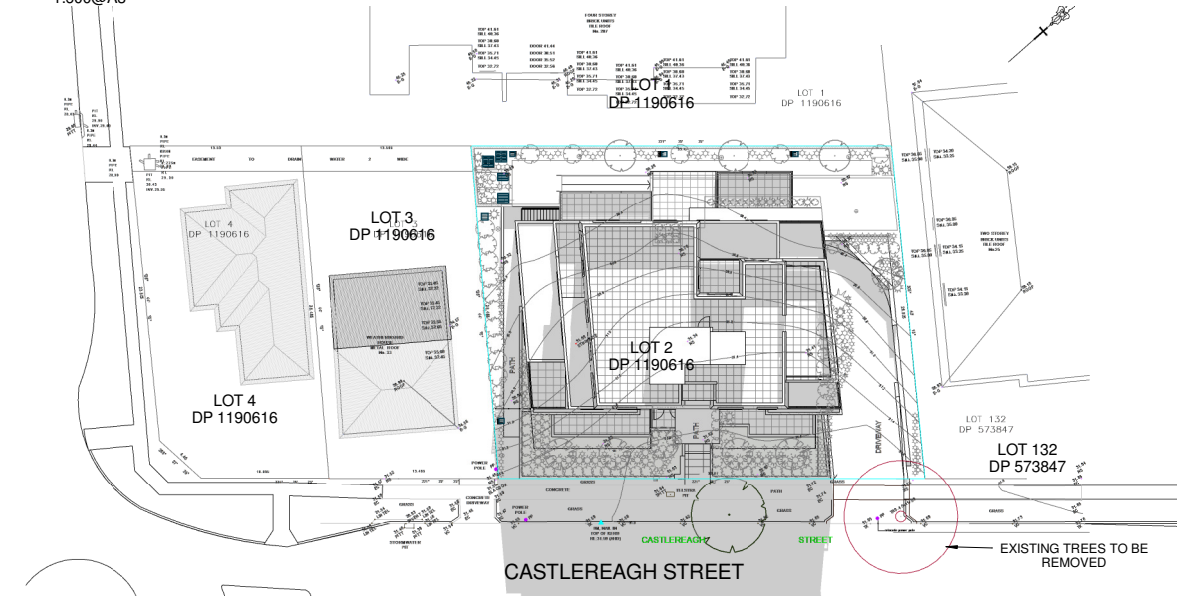




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JUNE 21  
2:00 PM**  
SCALE 1:300@A1  
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**SHADOW DIAGRAMS  
WINTER SOLSTICE  
JUNE 21  
3:00 PM**  
SCALE 1:300@A1  
1:600@A3



**SITE COVERAGE DIAGRAM**  
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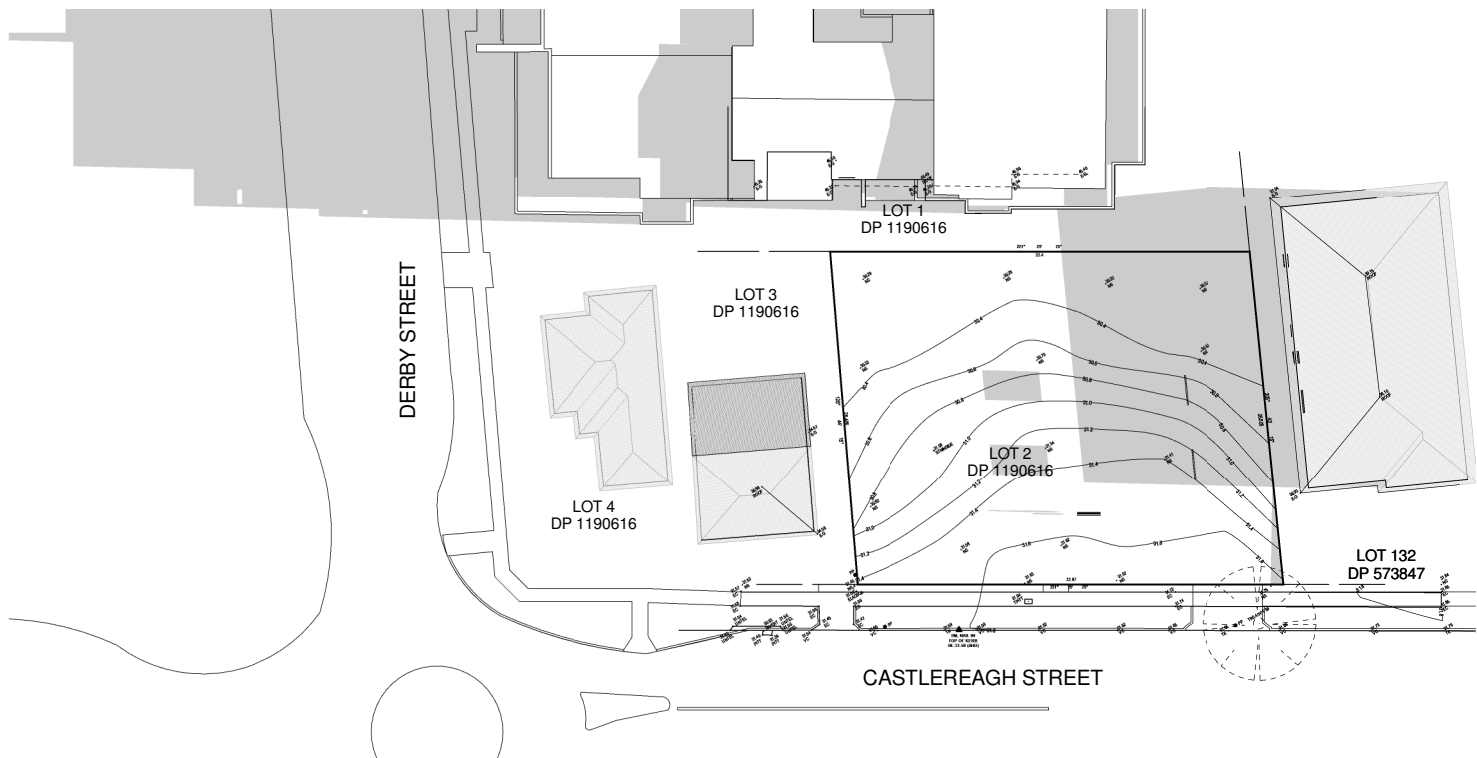
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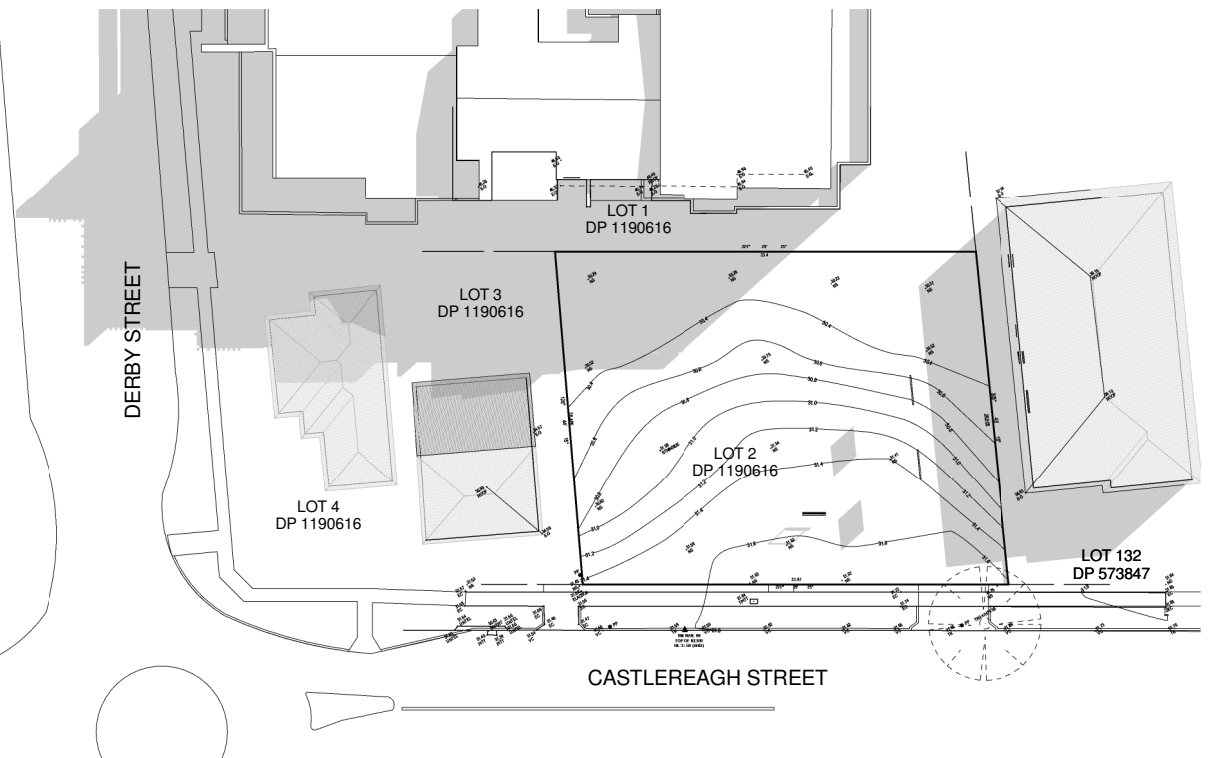
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**DRAWN:** AJRSA  
**DATE:** JUNE 2016  
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**ISSUE:**  
C  
**SHEET:**  
16011  
DA14.1

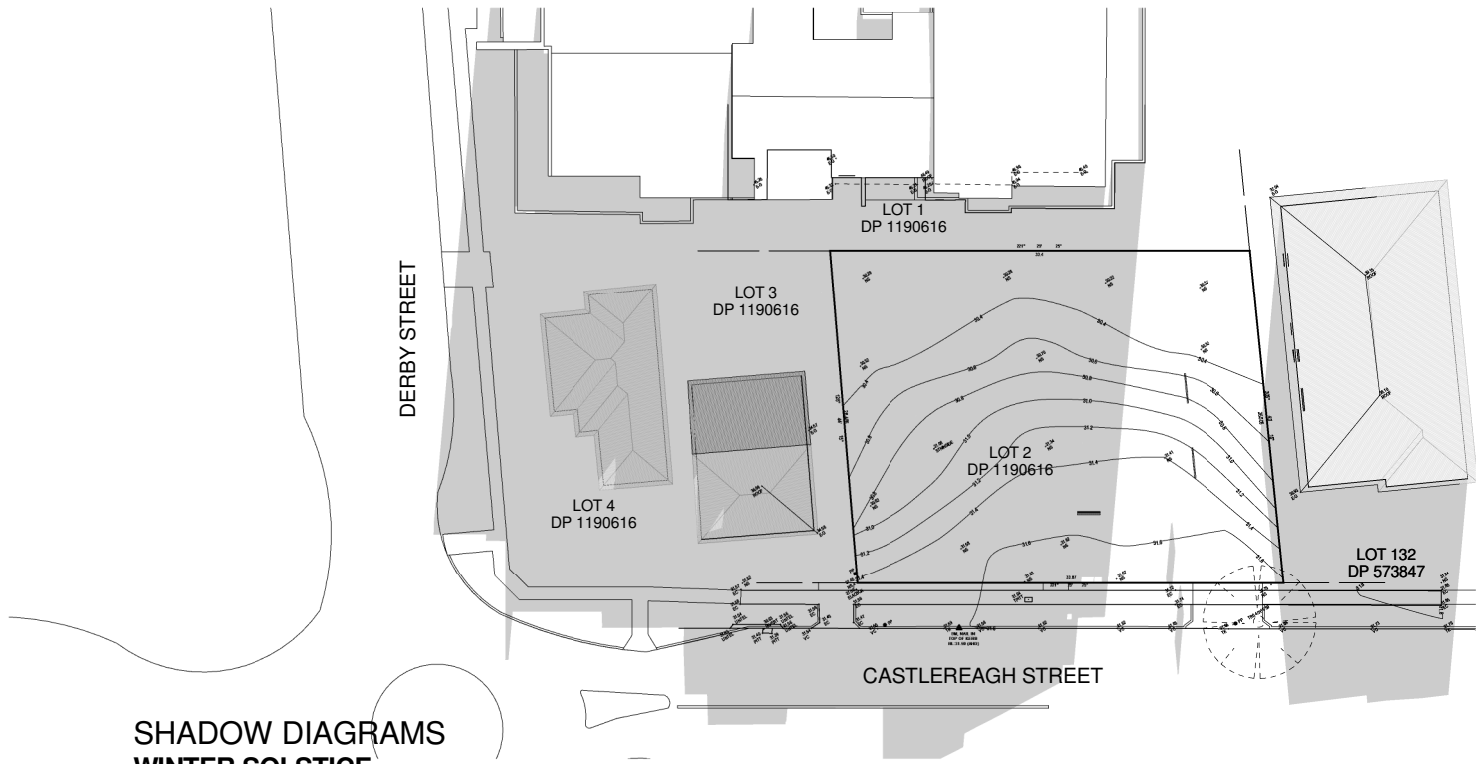
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SHADOW DIAGRAMS  
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JUNE 21  
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SHADOW DIAGRAMS  
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JUNE 21  
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1:600@A3

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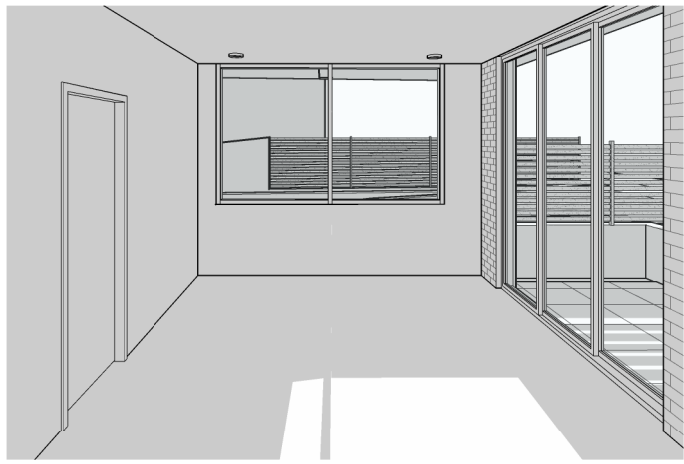
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2750  
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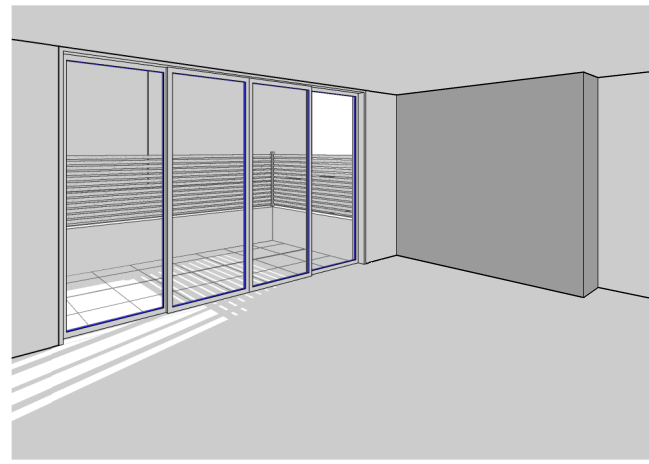
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DESIGN: NS  
DRAWN: AJRSA  
DATE: JUNE 2016  
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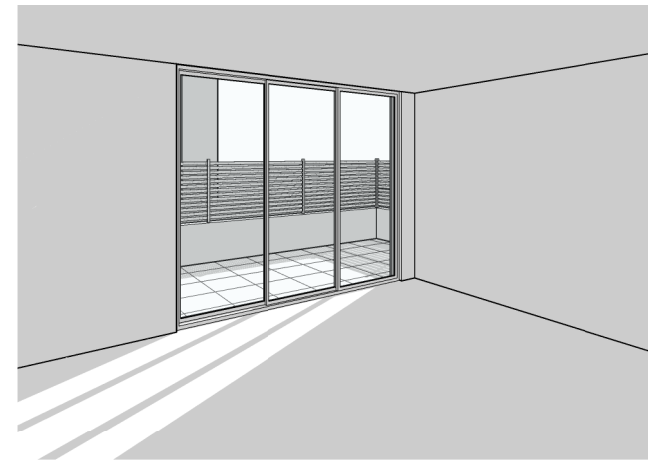
ISSUE:  
C  
SHEET:  
16011  
DA14.2



Unit 1 @ 9 00 am



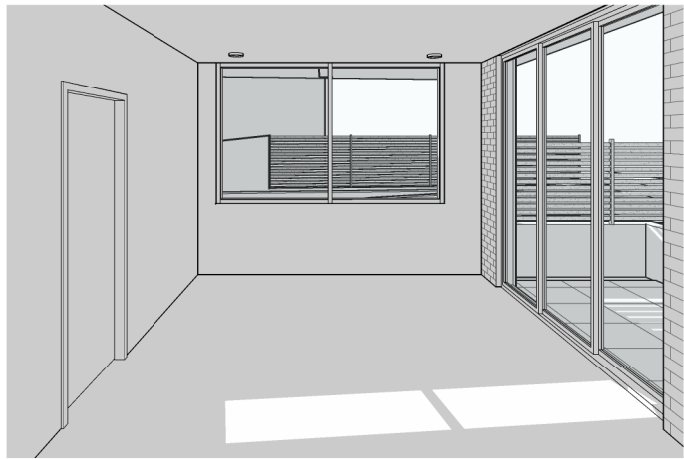
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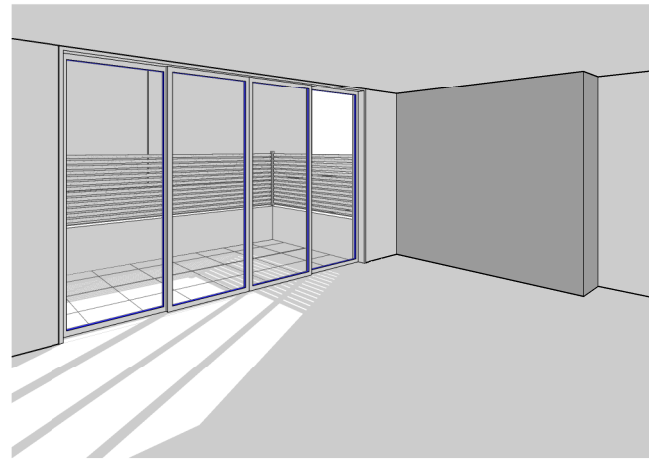
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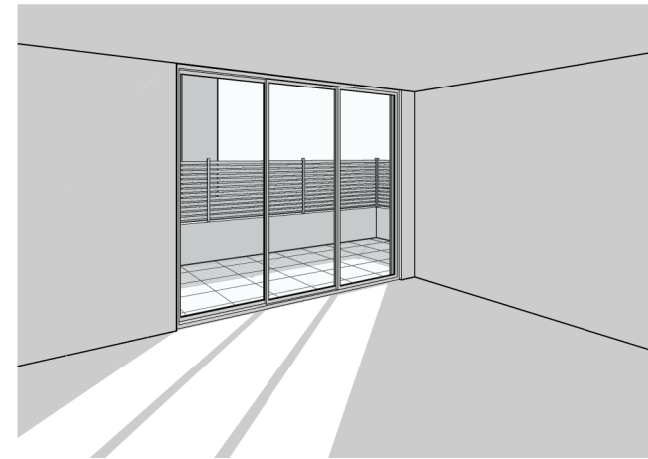
Unit 5 @ 9 00 am



Unit 1 @ 10 00 am



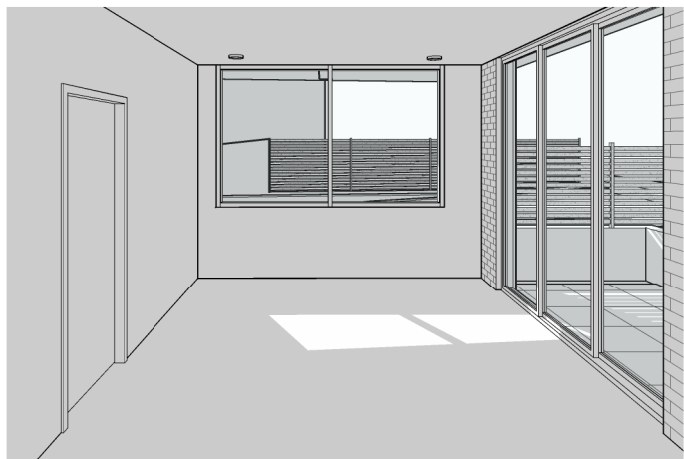
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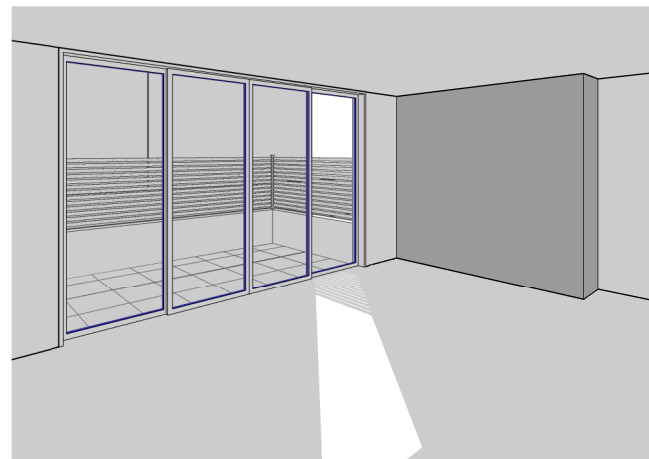
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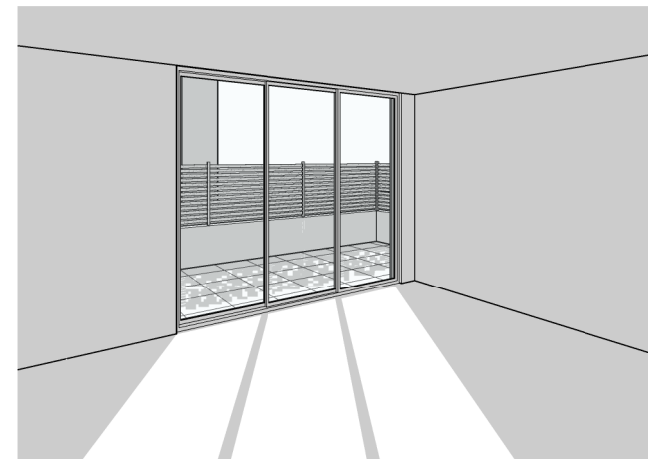
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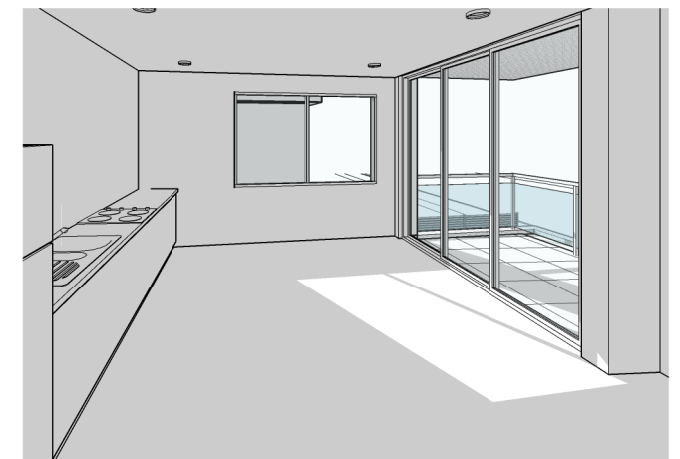
Unit 1 @ 11 00 am



Unit 3 @ 12 10 pm



Unit 4 @ 1 00 pm



Unit 5 @ 11 00 am

ISSUE	DATE	AMENDMENT
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**DEVELOPMENT APPLICATION**

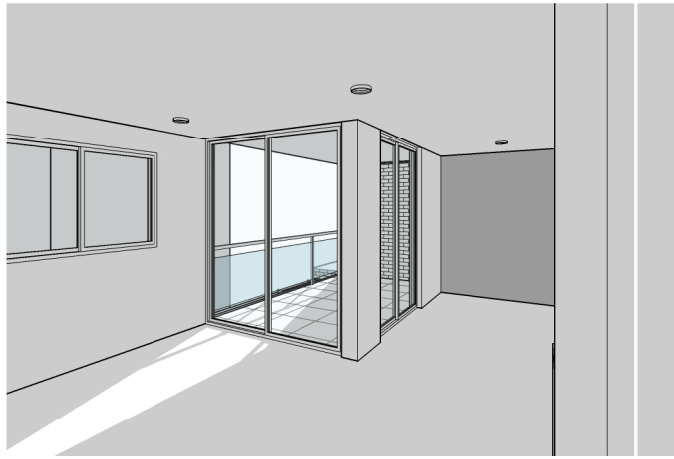
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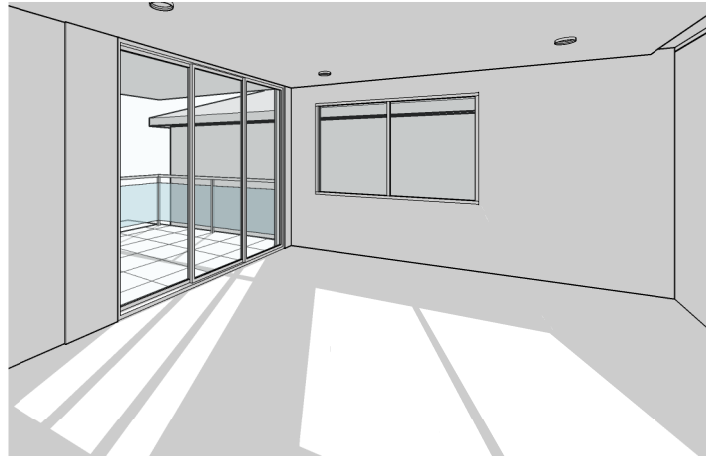
SHEET TITLE:  
**SOLAR STUDY**

DESIGN: NS  
DRAWN: AJRSA  
DATE: JUNE 2016  
SCALE: A1 - 1:200  
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ISSUE:  
**C**  
SHEET:  
**16011 DA14.3**



Unit 7 @ 10 30 am



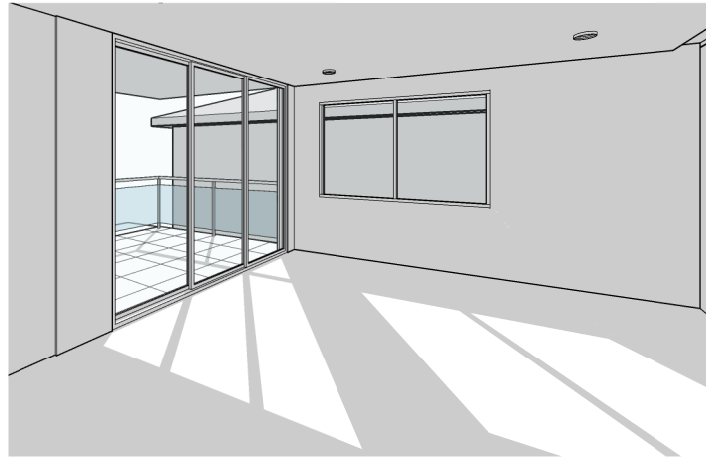
Unit 8 @ 11 00am



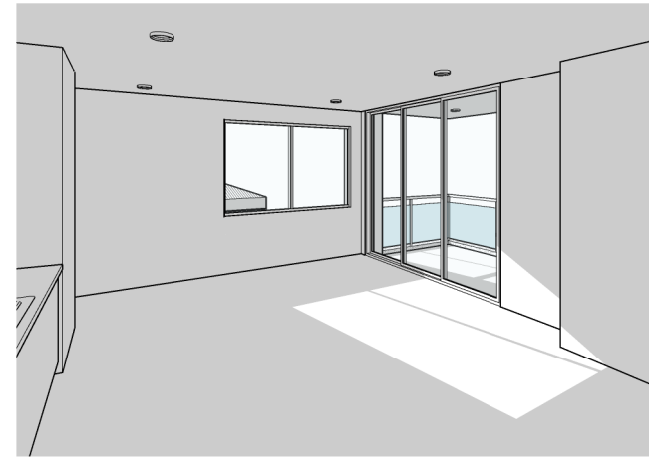
Unit 9 @ 9 00 am



Unit 7 @ 11 30 am



Unit 8 @ 12 00pm



Unit 9 @ 10 00 am



Unit 7 @ 12 30 pm



Unit 8 @ 3 00pm



Unit 9 @ 11 00 am

ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

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PROJECT STATUS:  
**DEVELOPMENT APPLICATION**

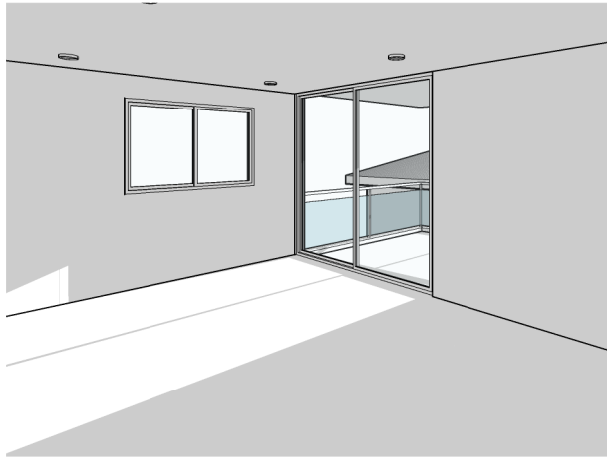
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PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW 2750**  
CLIENT:

SHEET TITLE:  
**SOLAR STUDY**

DESIGN: NS  
DRAWN: AJRSA  
DATE: JUNE 2016  
SCALE: A1 - 1:200  
A3 - 1:400

ISSUE:  
**C**  
SHEET:  
**16011 DA14.4**



Unit 11 @ 9 00 am



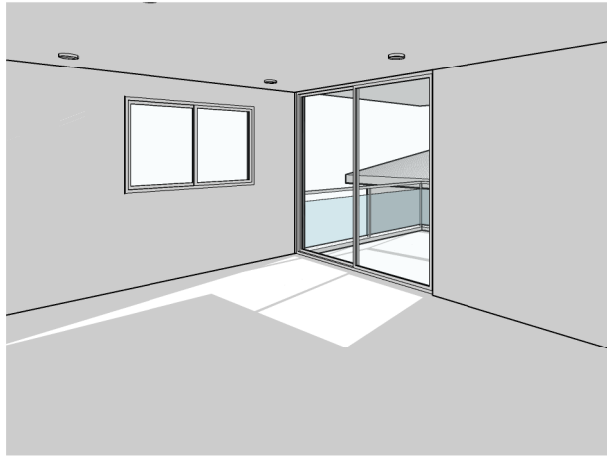
Unit 12 @ 9 00 am



Unit 13 @ 12 45 pm



Unit 14 @ 9 00 am



Unit 11 @ 10 00 am



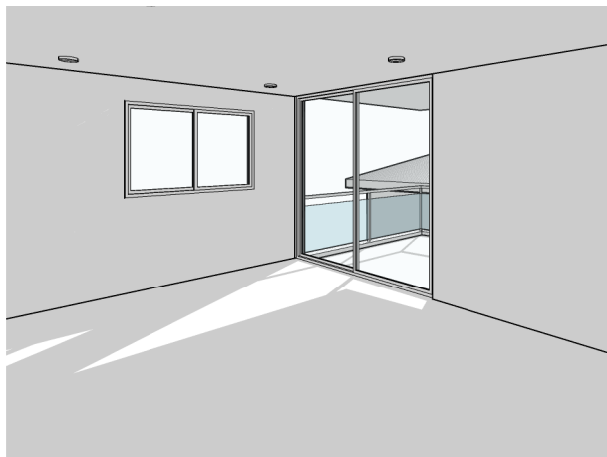
Unit 12 @ 10 00 am



Unit 13 @ 1 45 pm



Unit 14 @ 10 00 am



Unit 11 @ 11 00 am



Unit 12 @ 11 00 am



Unit 13 @ 2 45 pm



Unit 14 @ 11 00 am

ISSUE	DATE	AMENDMENT
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PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW  
2750**  
CLIENT:

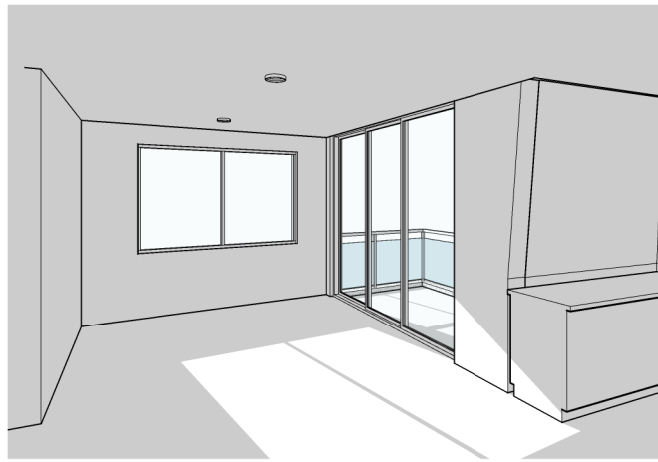
SHEET TITLE:  
**SOLAR STUDY**

DESIGN: NS  
DRAWN: AJRSA  
DATE: JUNE 2016  
SCALE: A1 - 1:200  
A3 - 1:400

ISSUE:  
**C**  
SHEET:  
**16011  
DA14.5**



Unit 15 @ 9 00 am



Unit 15 @ 10 00 am



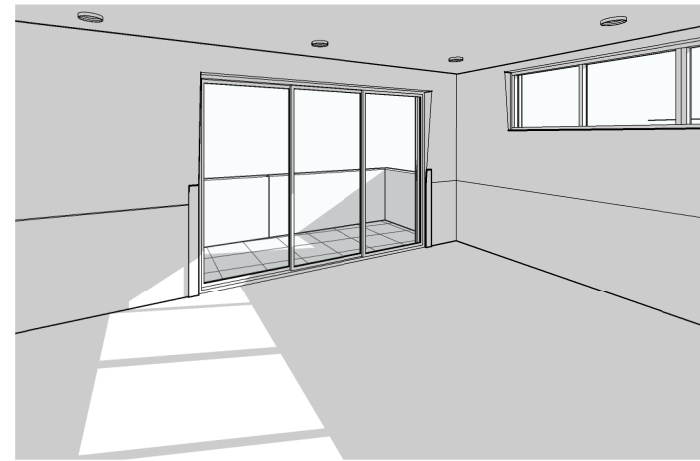
Unit 15 @ 11 00 am



Unit 16 @ 12 30 pm



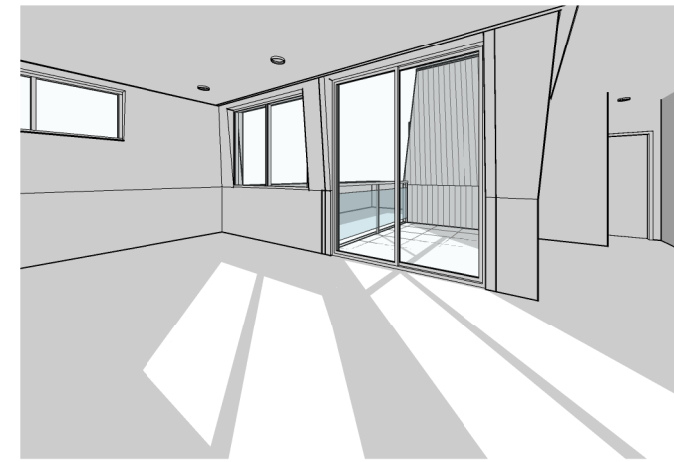
Unit 16 @ 1 30 pm



Unit 16 @ 2 30 pm



Unit-17 11 30am



Unit-17 12 30pm



Unit-17 1 30pm

ISSUE	DATE	AMENDMENT
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PROJECT STATUS:  
**DEVELOPMENT APPLICATION**

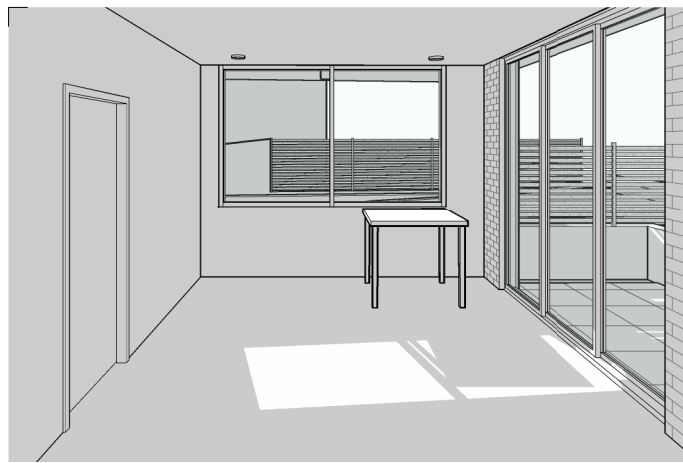
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PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW 2750**  
CLIENT:

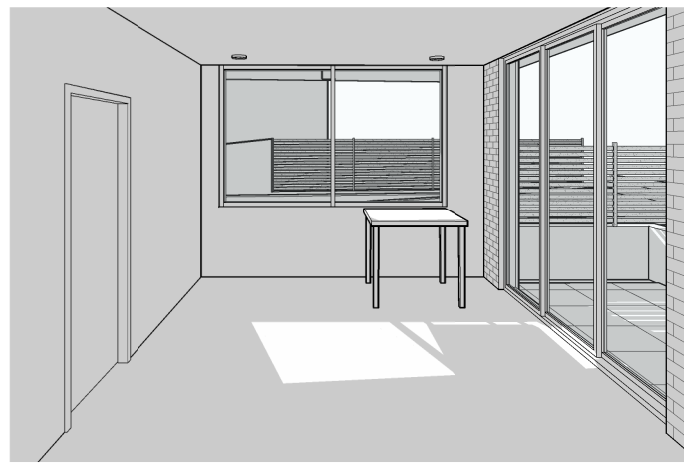
SHEET TITLE:  
**SOLAR STUDY**

DESIGNER: [ ] DRAWN: [ ] DATE: JUNE 2016 SCALE: A1-1:200 A3-1:400

ISSUE:  
**C**  
SHEET:  
**16011 DA14.6**



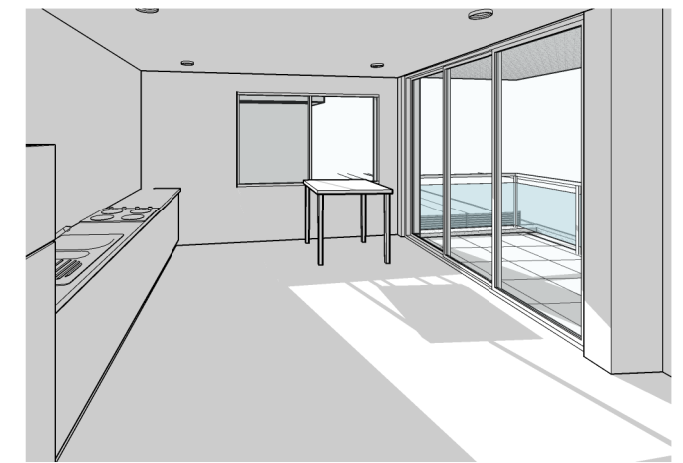
Unit 1 @ 10 15 am-1m<sup>2</sup> for 15min@ 1m above floor



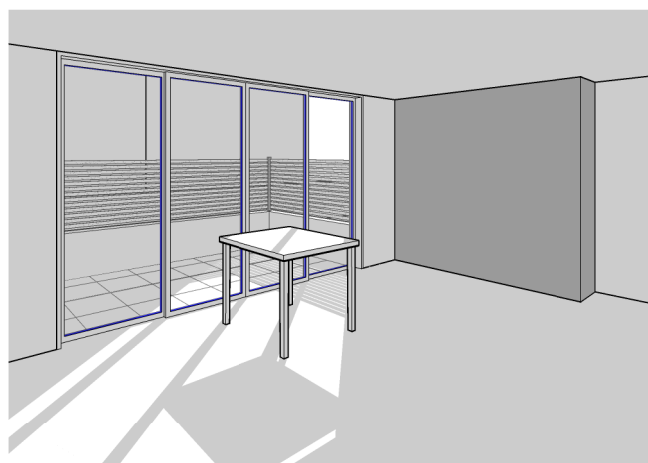
Unit 1 @ 10 30am-1m<sup>2</sup> for 15min@ 1m above floor



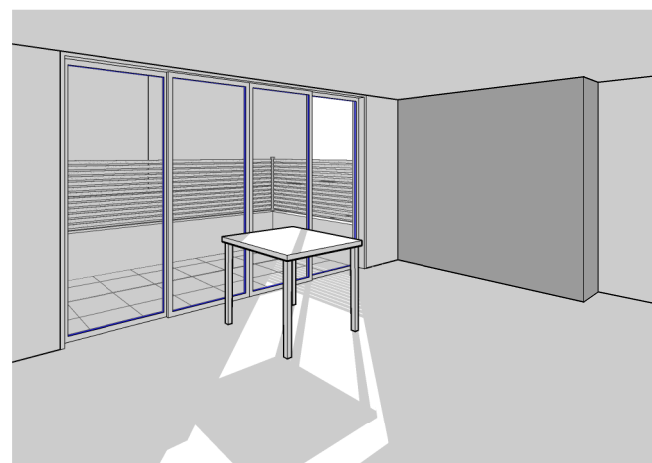
Unit 5 @ 10 00 am -1m<sup>2</sup> for 15min@ 1m above floor



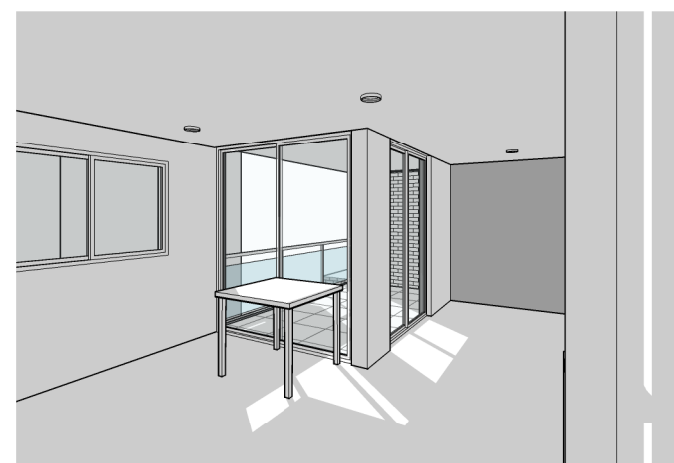
Unit 5 @ 10 30 am -1m<sup>2</sup> for 15min@ 1m above floor



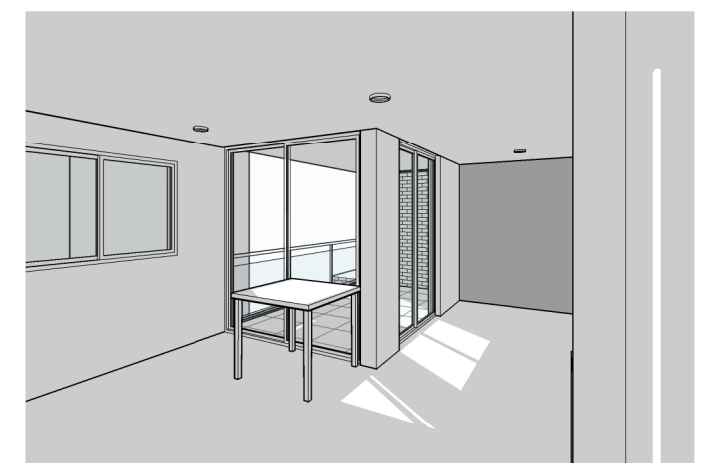
Unit 3 @ 11 45 am-1m<sup>2</sup> for 15min@ 1m above floor



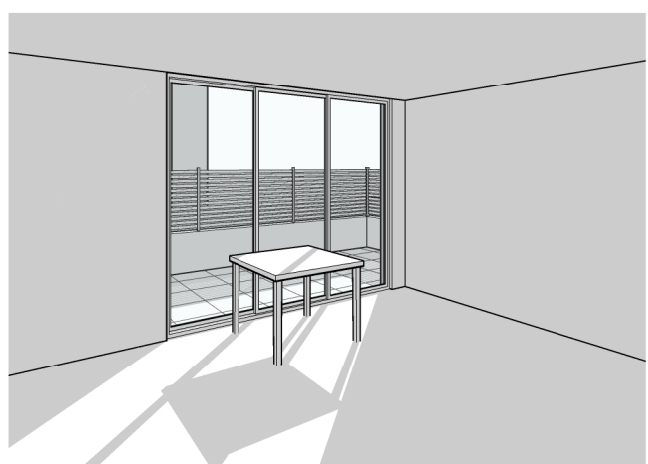
Unit 3 @ 12 00 pm-1m<sup>2</sup> for 15min@ 1m above floor



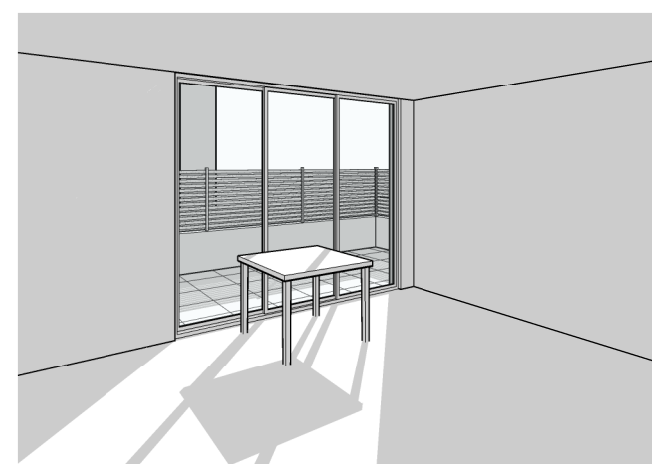
Unit 7 @ 12 30pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit 7 @ 12 45pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit 4 @ 12 00 pm -1m<sup>2</sup> for 15min@ 1m above floor



Unit 4 @ 12 15 pm -1m<sup>2</sup> for 15min@ 1m above floor



Unit 8- 2 45pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit 8- 3 00pm-1m<sup>2</sup> for 15min@ 1m above floor

MINIMUM OF 1m<sup>2</sup> OF DIRECT SUNLIGHT, MEASURED AT 1m ABOVE FLOOR LEVEL, IS ACHIEVED FOR AT LEAST 15 MINUTES.

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DEVELOPMENT APPLICATION

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PROJECT:  
RESIDENTIAL BUILDING DEVELOPMENT  
SITE ADDRESS:  
29-31 CASTLEREAGH ST, PENRITH, NSW  
2750  
CLIENT:

SHEET TITLE:  
SOLAR STUDY

DESIGN: NS | DRAWN: AJRSA | DATE: JUNE 2016 | SCALE: A1-1:200 | A3-1:400

ISSUE:  
C  
SHEET:  
16011  
DA14.7



Unit 9 @ 9 00 am-1m<sup>2</sup> for 15min@ 1m above floor



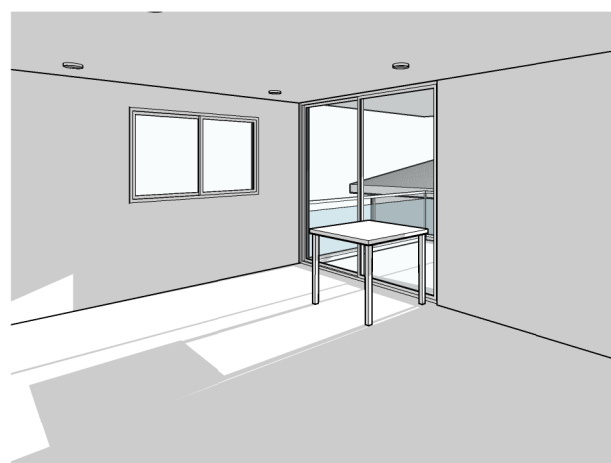
Unit 9 @ 9 15 am-1m<sup>2</sup> for 15min@ 1m above floor



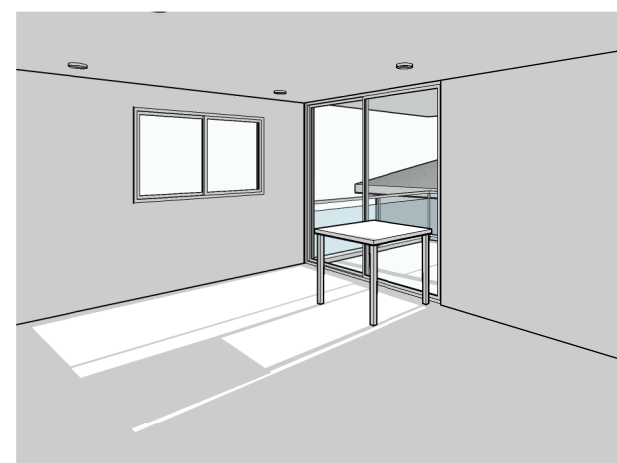
Unit 13 @ 2 30 pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit 13 @ 2 45 pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit 11 @ 9 00 am -1m<sup>2</sup> for 15min@ 1m above floor



Unit 11 @ 9 15 am -1m<sup>2</sup> for 15min@ 1m above floor



Unit 14 @ 9 00 am -1m<sup>2</sup> for 15min@ 1m above floor



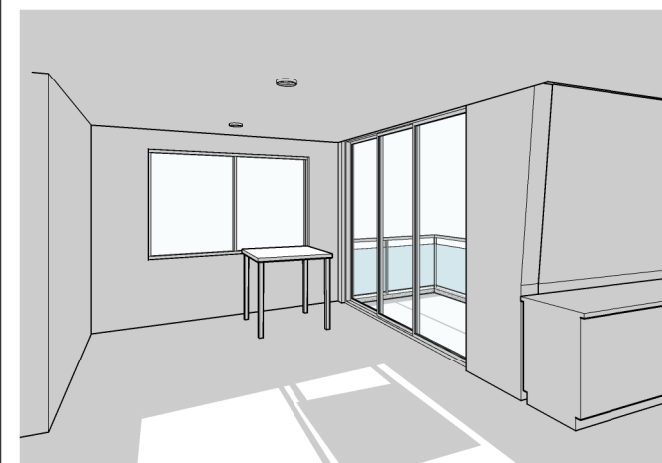
Unit 14 @ 9 15 am -1m<sup>2</sup> for 15min@ 1m above floor



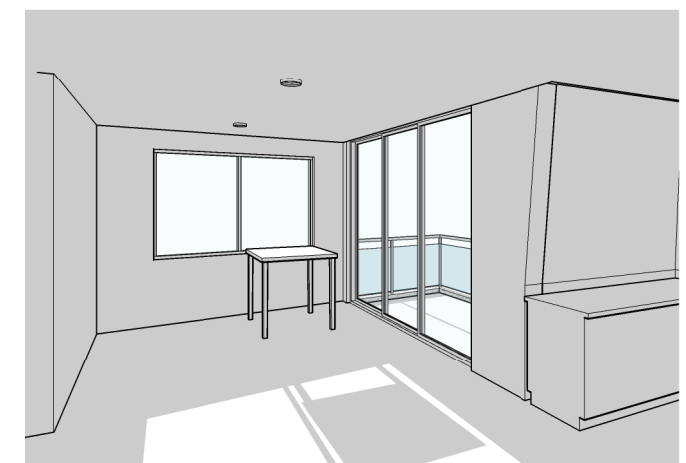
Unit 12 @ 9 00 am-1m<sup>2</sup> for 15min@ 1m above floor



Unit 12 @ 9 15 am-1m<sup>2</sup> for 15min@ 1m above floor



Unit 15 @ 9 00 am-1m<sup>2</sup> for 15min@ 1m above floor



Unit 15 @ 9 15 am-1m<sup>2</sup> for 15min@ 1m above floor

MINIMUM OF 1m<sup>2</sup> OF DIRECT SUNLIGHT, MEASURED AT 1m ABOVE FLOOR LEVEL, IS ACHIEVED FOR AT LEAST 15 MINUTES.

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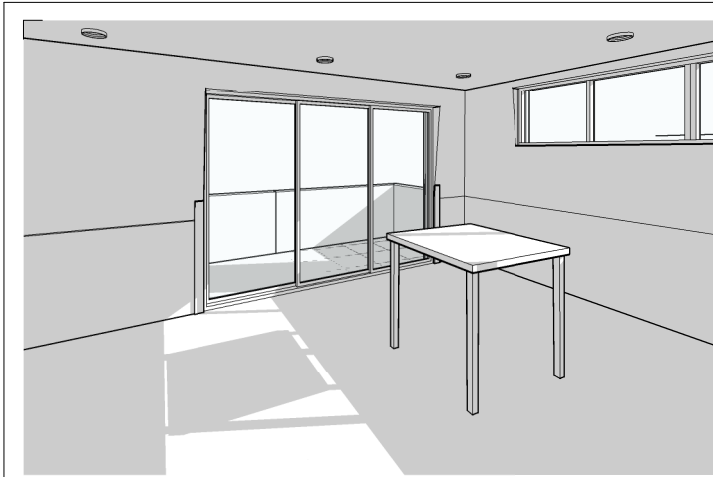
PROJECT:  
RESIDENTIAL BUILDING DEVELOPMENT  
SITE ADDRESS:  
29-31 CASTLEREAGH ST, PENRITH, NSW  
2750  
CLIENT:

SHEET TITLE:  
SOLAR STUDY

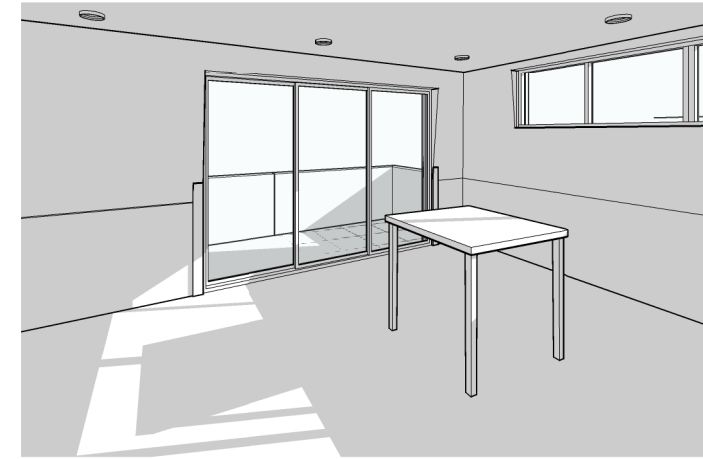
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DRAWN: AJRSA  
DATE: JUNE 2016  
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ISSUE:  
C  
SHEET:  
16011  
DA14.8





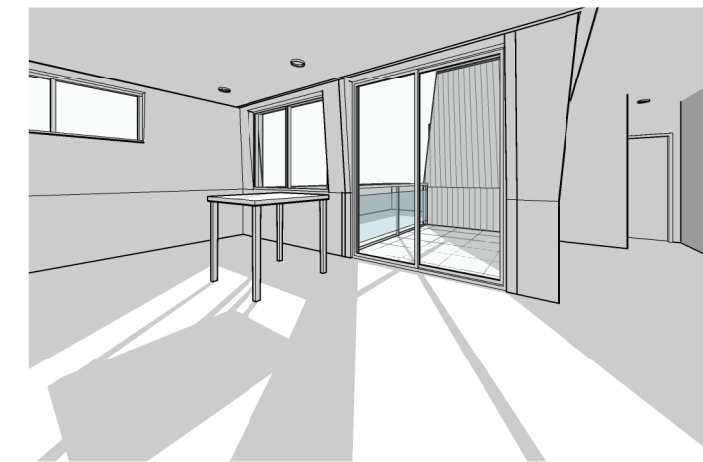
Unit 16 @ 1 45 pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit 16 @ 2 00 pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit-17 11 30pm-1m<sup>2</sup> for 15min@ 1m above floor



Unit-17 11 45am-1m<sup>2</sup> for 15min@ 1m above floor

MINIMUM OF 1m<sup>2</sup> OF DIRECT SUNLIGHT, MEASURED AT 1m ABOVE FLOOR LEVEL, IS ACHIEVED FOR AT LEAST 15 MINUTES.

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PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW 2750**  
CLIENT:

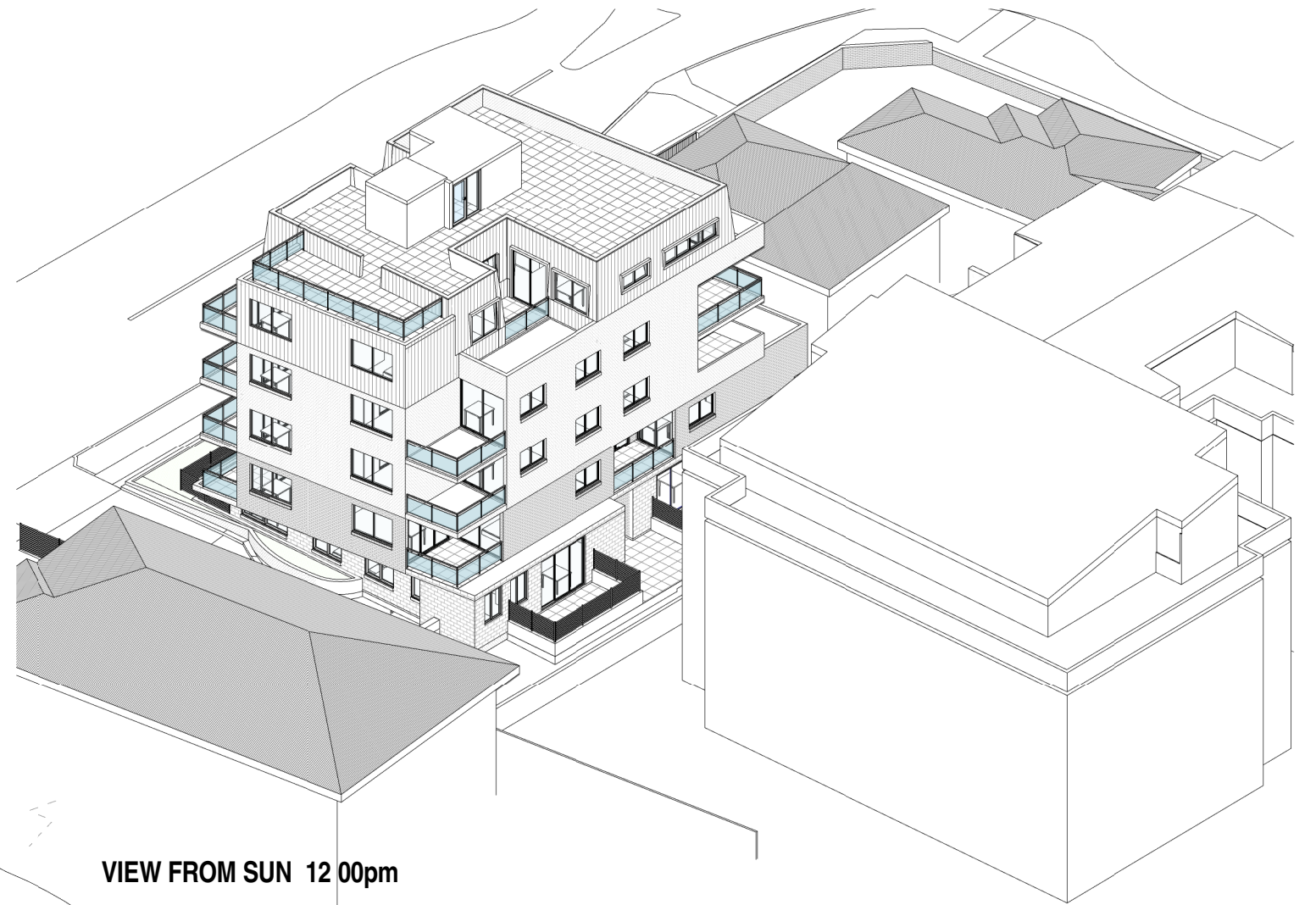
SHEET TITLE:  
**SOLAR STUDY**

DESIGN: NS  
DRAWN: AJRSA  
DATE: JUNE 2016  
SCALE: A1 - 1:200  
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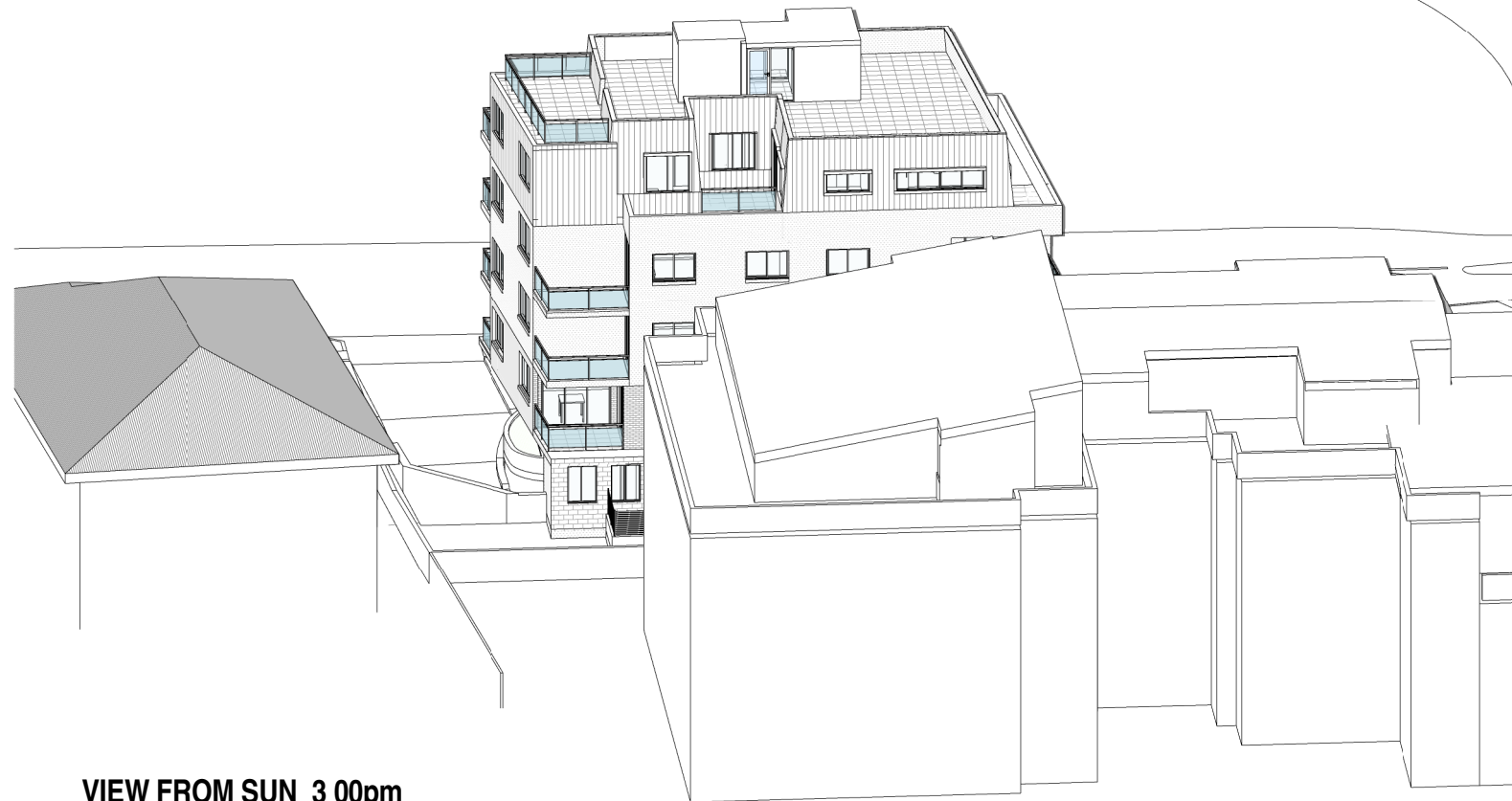
ISSUE:  
**C**  
SHEET:  
**16011 DA14.9**



VIEW FROM SUN 9 00am



VIEW FROM SUN 12 00pm



VIEW FROM SUN 3 00pm

ISSUE	DATE	AMENDMENT
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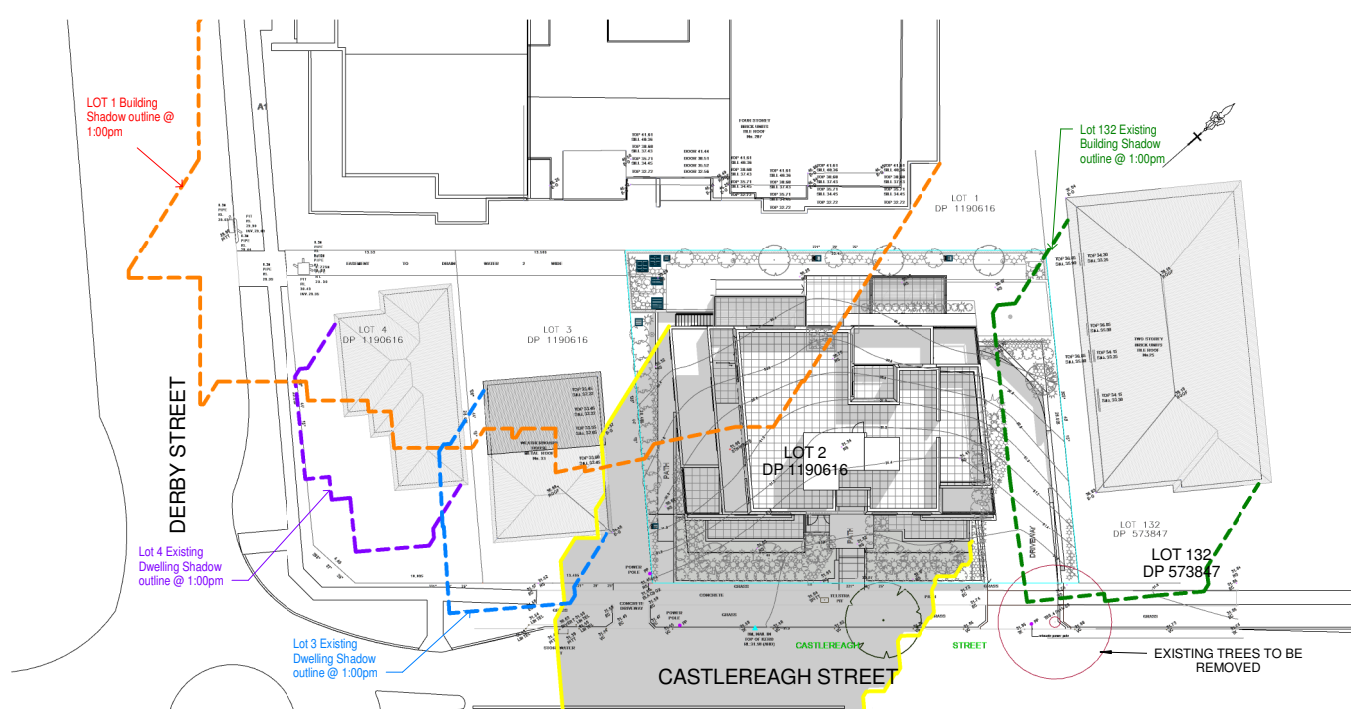
PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW  
2750**  
CLIENT:

SHEET TITLE:  
**VIEW FROM SUN**

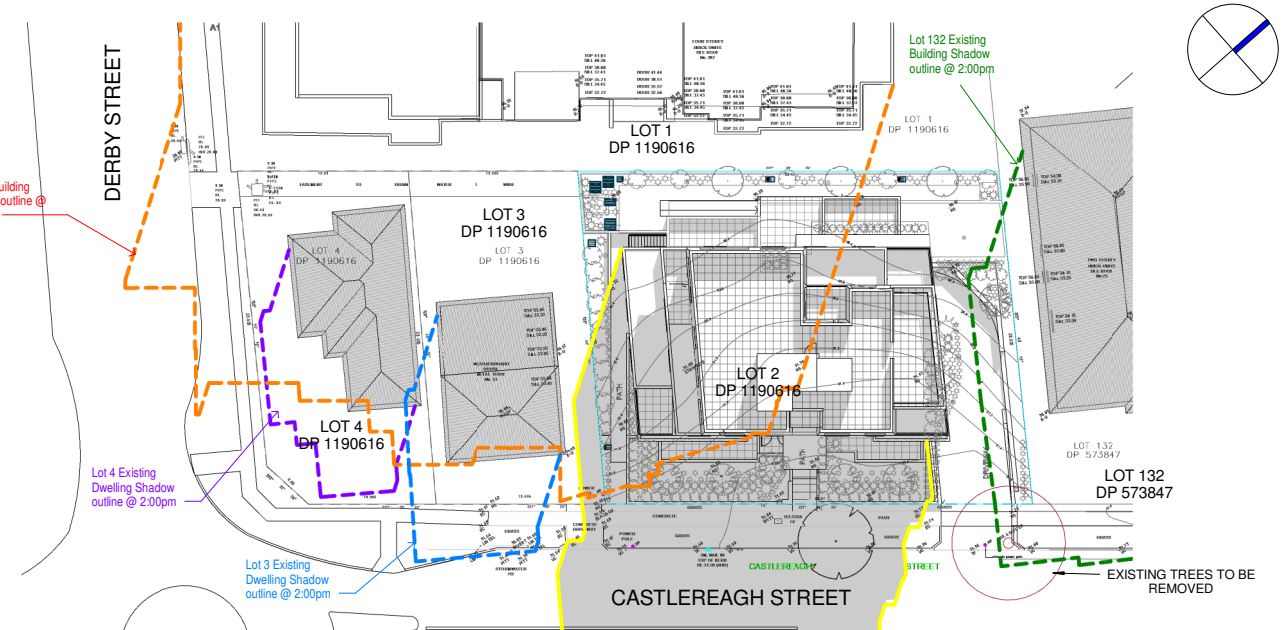
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DRAWN: AJRSA  
DATE: JUNE 2016  
SCALE: A1 - 1:200  
A3 - 1:400

ISSUE:  
**C**  
SHEET:  
**16011 DA15**

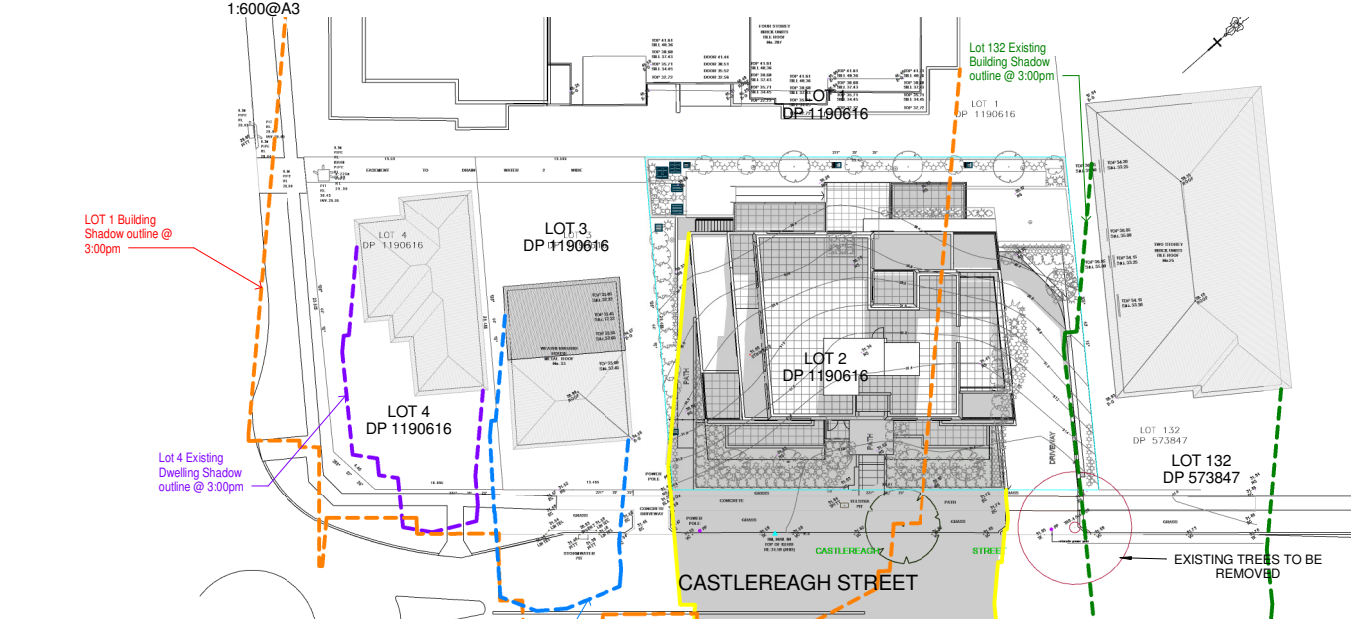




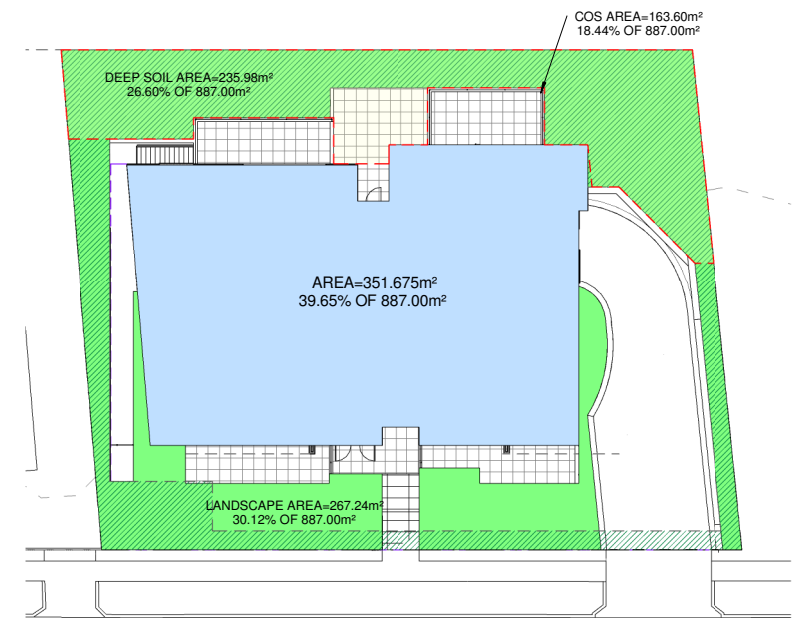
**SHADOW DIAGRAMS  
WINTER SOLSTICE  
JUNE 21  
1:00 PM**  
SCALE 1:300@A1  
1:600@A3



**SHADOW DIAGRAMS  
WINTER SOLSTICE  
JUNE 21  
2:00 PM**  
SCALE 1:300@A1  
1:600@A3



**SHADOW DIAGRAMS  
WINTER SOLSTICE  
JUNE 21  
3:00 PM**  
SCALE 1:300@A1  
1:600@A3



**SITE COVERAGE DIAGRAM**  
1 : 200

ISSUE	DATE	AMENDMENT
A	23.5.17	ISSUE FOR D.A.
B		ISSUE FOR D.A.
C	30.11.18	REFER TO NOTES AS REQUESTED BY COUNCIL

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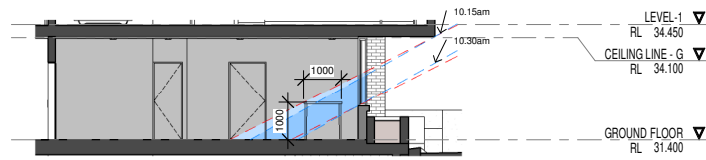
PROJECT STATUS:  
**DEVELOPMENT APPLICATION**

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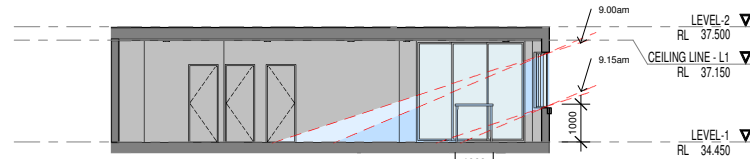
PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW 2750**  
CLIENT:

SHEET TITLE:  
**SHADOW DIAGRAMS**  
DESIGN: NS  
DRAWN: AJRSA  
DATE: JUNE 2016  
SCALE: A1-1:200  
A3-1:400

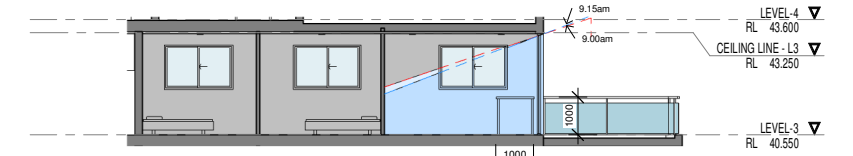
ISSUE:  
**C**  
SHEET:  
**16011 DA14.1**



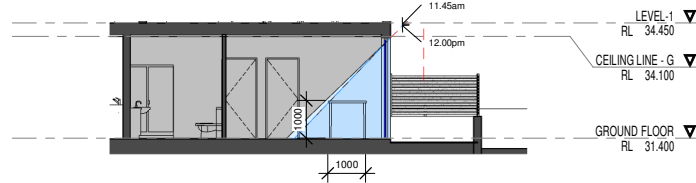
**Unit 1 @ 10 15am to 10 30am-(1m<sup>2</sup> of 1m above floor shadow dia)**  
 1: 100 @ A1  
 1: 200 @ A3



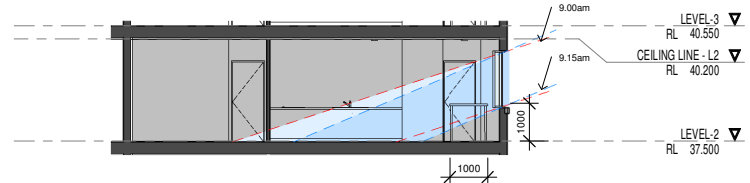
**Unit 8 @ 9 00am to 9 15am-(1m<sup>2</sup> of 1m above floor shadow dia)**



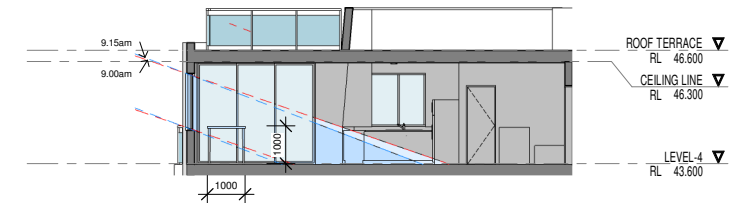
**Unit 14 @ 9 00am to 9 15am-(1m<sup>2</sup> of 1m above floor shadow dia)**



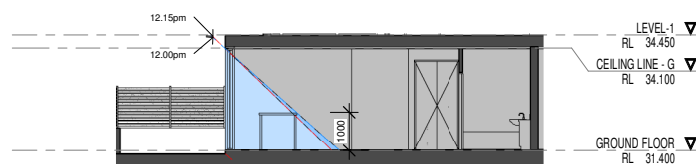
**Unit 3 @ 11 45am to 12 00pm-(1m<sup>2</sup> of 1m above floor shadow dia)**  
 1: 100 @ A1  
 1: 200 @ A3



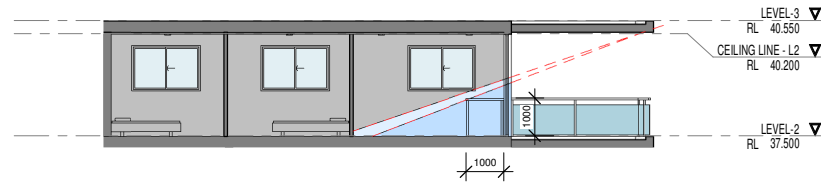
**Unit 9 @ 9 00am to 9 15am-(1m<sup>2</sup> of 1m above floor shadow dia)**  
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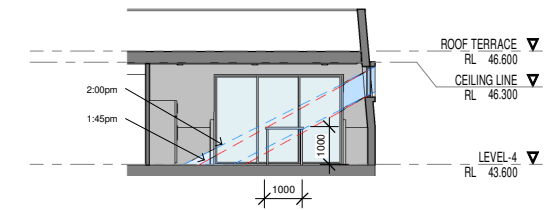
**Unit 15 @ 9 00am to 9 15am-(1m<sup>2</sup> of 1m above floor shadow dia)**



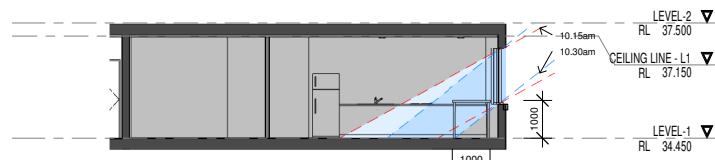
**Unit 4 @ 12 00 to 12 15pm-(1m<sup>2</sup> of 1m above floor shadow dia)**  
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 1: 200 @ A3



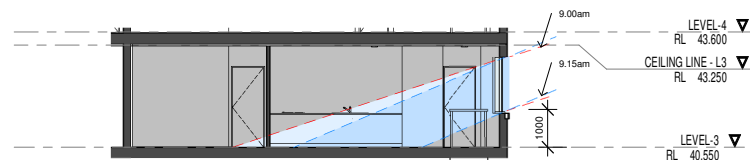
**Unit 11 @ 9 00am to 9 15am-(1m<sup>2</sup> of 1m above floor shadow dia)**



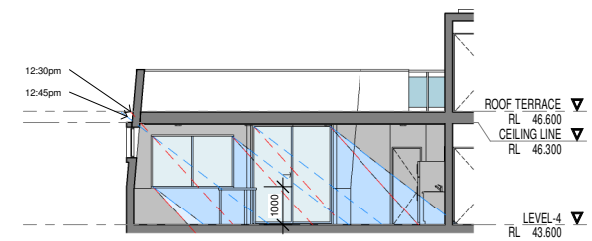
**Unit 16 @ 1 45 to 2 00pm-(1m<sup>2</sup> of 1m above floor shadow dia)**



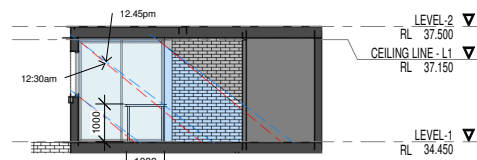
**Unit 5 @ 9 00 to 9 15am-(1m<sup>2</sup> of 1m above floor shadow dia)**



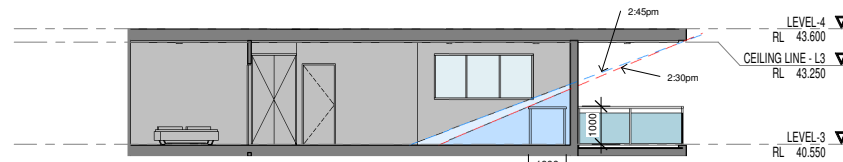
**Unit 12 @ 9 00am to 9 15am-(1m<sup>2</sup> of 1m above floor shadow dia)**



**Unit 17 @ 11 30am to 11 45am-(1m<sup>2</sup> of 1m above floor shadow dia)**



**Unit 7 @ 12 30pm to 12 45pm-(1m<sup>2</sup> of 1m above floor shadow dia)**



**Unit 13 @ 2 30pm to 2 45pm-(1m<sup>2</sup> of 1m above floor shadow dia)**

ISSUE	DATE	AMENDMENT
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B		ISSUE FOR D.A.
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PROJECT:  
**RESIDENTIAL BUILDING DEVELOPMENT**  
 SITE ADDRESS:  
**29-31 CASTLEREAGH ST, PENRITH, NSW 2750**  
 CLIENT:

SHEET TITLE:  
**SECTION VIEW-SOLAR STUDY**

DESIGN: NS | DRAWN: AJRSA | DATE: JUNE 2016 | SCALE: A1-1:100 | A3-1:200

ISSUE:  
**C**  
 SHEET:  
**16011 DA14.15**

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

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

**at**

**No 29-31 Castlereagh Street  
Penrith**

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**April 2017**

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## 1.0 INTRODUCTION

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

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

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

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

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

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

- A description of the site and the site context;

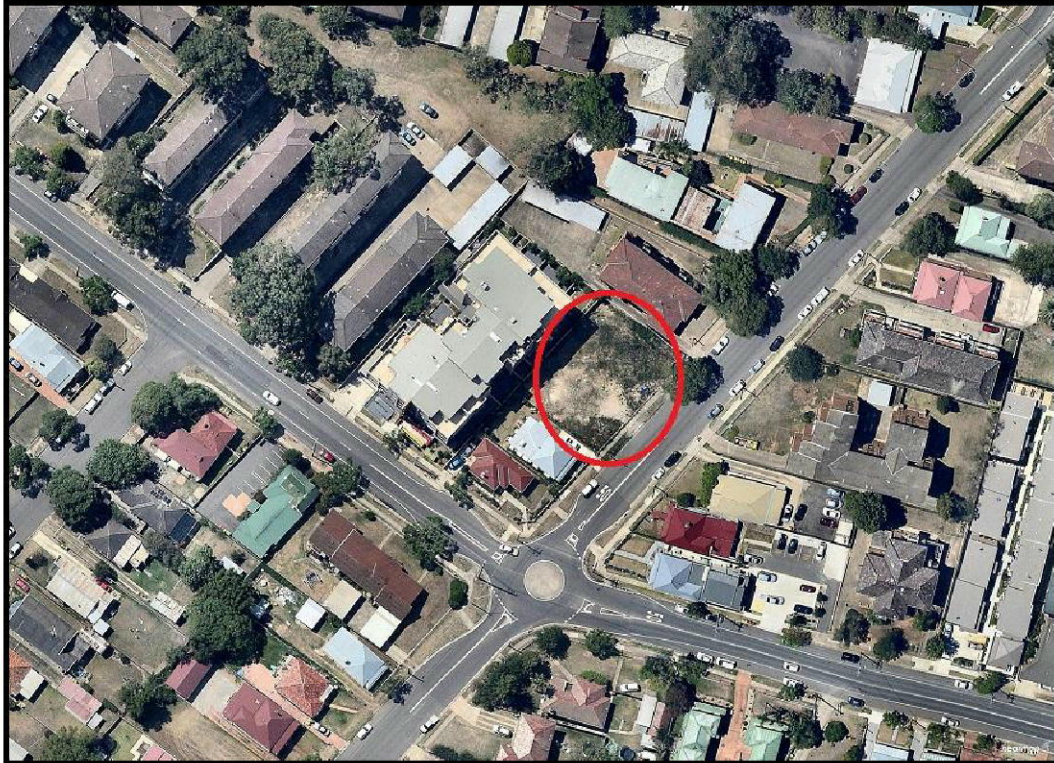
- A description of the proposal against the statutory framework in which the development application will be assessed;
- Conclusions relating to the proposed development.

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

## 2.0 SITE ANALYSIS

### 2.1 Subject Site

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

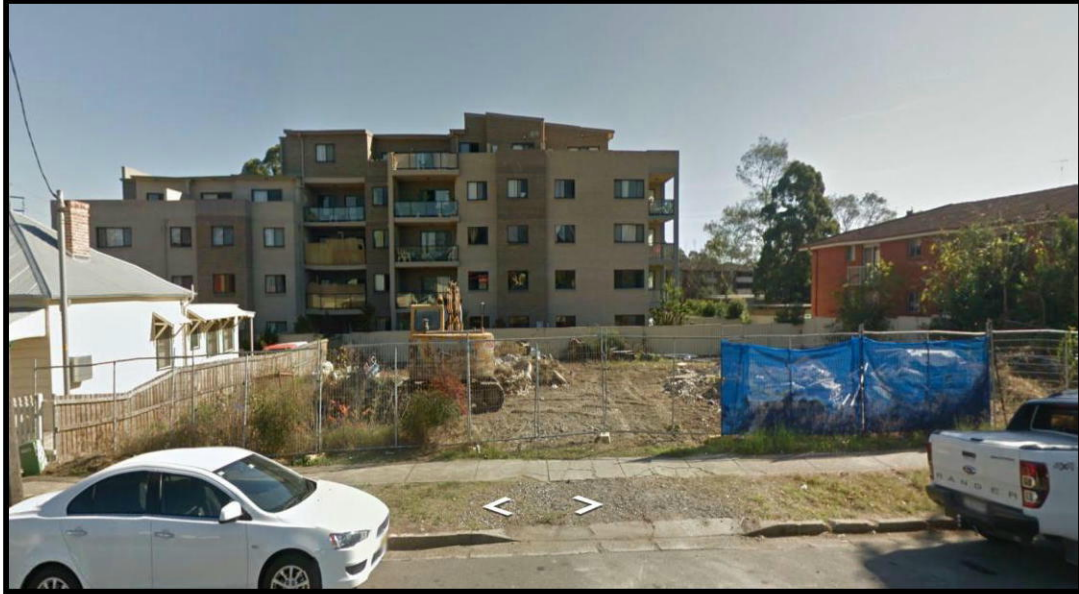


### Locality Plan

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

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

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



### **Subject Site**

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

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

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

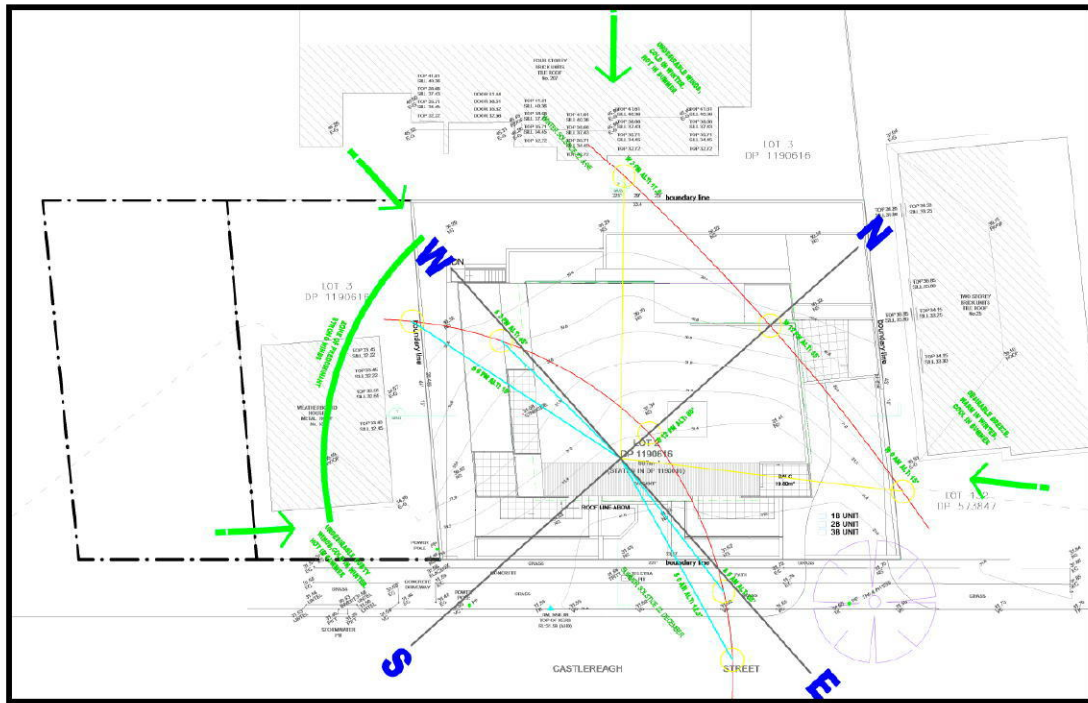
There are no trees requiring removal to facilitate the proposed development.

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

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

## 2.2 Site Context

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



### Site Analysis Plan

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

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

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

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



**Western Elevation**

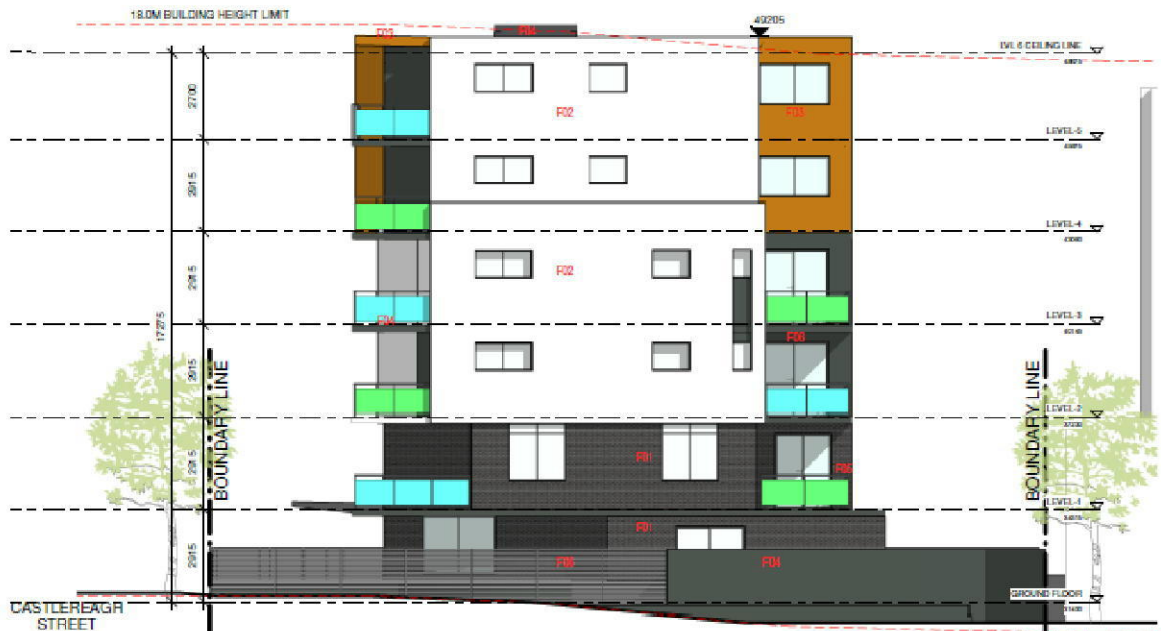
The existing setbacks coupled with the design solution will ensure that the extent of overshadowing is reasonable in the context of the zone. In consideration of the high density zoning shadowing and privacy issues are well resolved through design.

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

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



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



**Eastern Elevation**

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

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



### **3.0 PROPOSED DEVELOPMENT**

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

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

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

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

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

### 3.3 Details of the Proposed Development



PERSPECTIVE-CAMERA VIEW FROM CASTLEREAGH STREET

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

Provided below is a numeric summary of the proposed development.

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

### **3.4 Amenity Considerations**

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

##### Overshadowing/privacy

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

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

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

##### Internal amenity

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

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

### Disabled access

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

### Streetscape

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

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

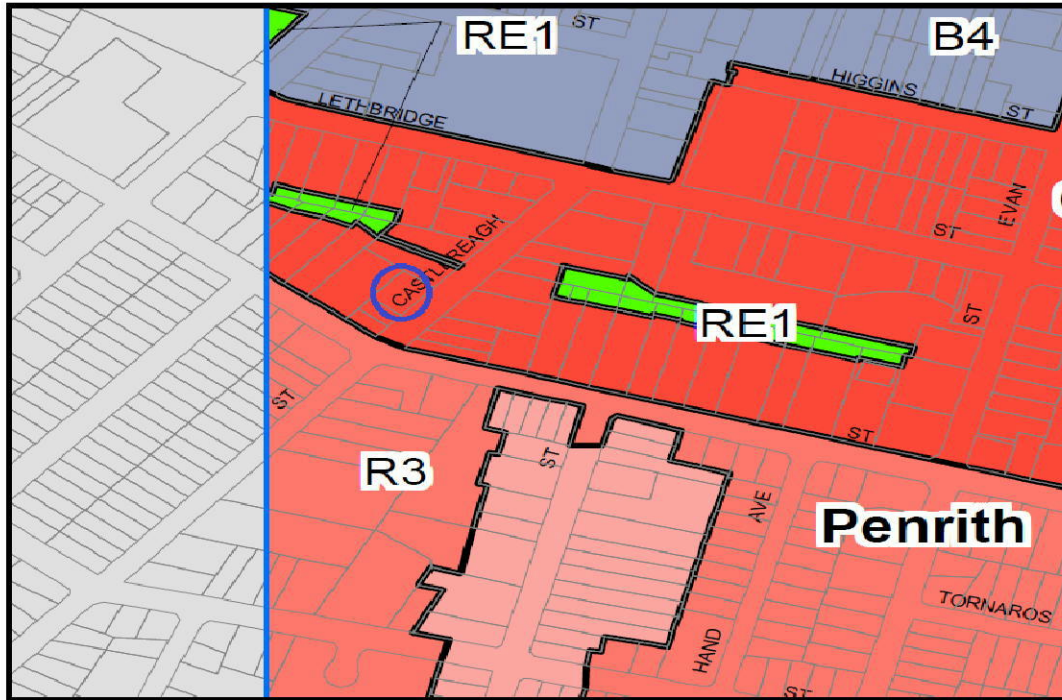
Neutral tones and finishes complimentary to the adjoining heritage items have been adopted to lessen any potential impacts on the adjoining dwellings situated within the heritage conservation area.

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

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

### **4.1 Permissibility**

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



**Penrith LEP 2010 Zoning Extract**

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

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

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

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

## 4.2 R4 High Density Residential Zone Objectives

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

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

### **Comment:**

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

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

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

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

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

### **4.3 Building Height:**

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

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

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

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

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

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

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

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

*(1) The objectives of this clause are as follows:*

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*



- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*

Comment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comment:

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

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

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

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

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

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

Refer to the heritage report for more detailed commentary.

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

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

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

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

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

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

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

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

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

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

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

*(f) the likelihood of disturbing relics,*

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

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

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

Comment:

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

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

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

#### 4.6 LEP Summary

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

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

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

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

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

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

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

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

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

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



<p>c) contributing to streetscape.</p> <p>4) Within the relevant zones, established development provides a front garden setback which may be filled by verandahs and private garden-courts:</p> <p>a) encourages active use by residents;</p> <p>b) provides for attractive front gardens.</p> <p>5) Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture".</p>		
<p><b>Floor Space</b></p> <p>1) Determine a minimum lot width for residential flat buildings:</p> <p>a) adopt a minimum lot width of 20m in the R4 High Density Residential zone.</p> <p>2) For the purposes of calculating lot size and lot width, the lot does not include the area of any access corridor or right-of-carriageway.</p>	<p>There is no FSR control for the subject site. The subject site has a large frontage of 33.87m.</p>	<p>Yes</p>
<p><b>Urban Form</b></p> <p>1) For dwellings fronting the street, adopt a traditional orientation:</p> <p>a) living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties; and</p> <p>b) private gardens fill the front setback area; and</p> <p>c) garages are concealed behind dwellings.</p> <p>2) Dwellings behind the street frontage should adopt similar principles:</p> <p>a) living rooms and entrances face the street, and / or the landscaped rear boundary setback; and</p> <p>b) private gardens fill the rear setback area.</p> <p>3) Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width side setback:</p>	<p>The subject site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and locality. Discussion in relation to the suitability of the proposed development in relation to neighbourhood character is included elsewhere within this SEE.</p>	<p>Yes</p>

<p>a) step the alignment of all facades – generally one corner and a substantial indentation for every 10m run of wall;</p> <p>b) divide buildings into separate wings – a deep indentation located centrally in the longest walls; or a central garden courtyard;</p> <p>c) vary the width of side setbacks – a combination of garden courtyards and access ways; and</p> <p>d) lined by an “avenue” of shady overhanging trees;</p> <p>e) cap the stepped floor plan with a variety of pitched roof forms;</p> <p>f) windows should be inserted into every elevation.</p>	<p>The facade of the building is suitably punctuated with window openings, balcony projections and a symmetrical treatment.</p>							
<p><b>Landscape Area</b></p> <p>1) Landscaped areas should provide:</p> <p>a) effective separation between neighbouring dwellings;</p> <p>i) healthy growth of new trees and shrubs;</p> <p>ii) long-term survival of existing vegetation required by Council to be preserved;</p> <p>iii) private courtyards for all dwellings and a green outlook;</p> <p>iv) front gardens that contribute to an attractive streetscape; and</p> <p>v) where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement.</p> <p>3) Landscaped area must meet the following requirements:</p> <p>a) Landscaped areas should be:</p> <table border="1" data-bbox="191 1654 841 1854"> <thead> <tr> <th>Zone</th> <th>Minimum landscaped area % of the site</th> </tr> </thead> <tbody> <tr> <td>R1 Residential General</td> <td>40</td> </tr> <tr> <td>R4 High Density Residential</td> <td>35</td> </tr> </tbody> </table>	Zone	Minimum landscaped area % of the site	R1 Residential General	40	R4 High Density Residential	35	<p>A total landscape area of 30% is provided being a slight variation to the control. The variation is minimal and is largely attributable to the required compliant basement parking. It should be noted that a site specific design has been provided with strong urban design content. To enforce strict compliance with the landscape control would be unreasonable as it would significantly affect the design for no material gain. The proposal provides an appropriate level of landscaping particularly across the frontage and will be a feature of the streetscape.</p>	<p>Variation sought in this instance</p>
Zone	Minimum landscaped area % of the site							
R1 Residential General	40							
R4 High Density Residential	35							

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

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

<p>note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening;</p> <p>d) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:</p> <p>i) are offset by a distance sufficient to limit views between windows; or</p> <p>ii) have sill heights of 1.7m above floor level; or</p> <p>iii) have fixed obscure glazing in any part of the window below 1.7m.</p>		
<p><b>Solar Planning</b></p> <p>1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:</p> <p>a) Providing shadow diagrams prepared by a qualified technician;</p> <p>b) Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas;</p> <p>c) Demonstrating shadows cast by neighbouring buildings;</p> <p>d) Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun;</p> <p>e) Ensuring that the proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;</p> <p>f) Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings;</p> <p>g) In situations where the existing overshadowing</p>	<p>Solar access to neighbouring properties is reasonably protected through the use of setbacks and the stepping in of the upper levels of the building. The subject property and adjoining properties will receive the requisite levels of solar access during the winter solstice. Shadow diagrams accompany the development plans.</p>	<p>Yes</p>

<p>by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.</p>		
<p><b>Built Form Character</b></p> <p>1) In neighbourhoods with townscape significance, new development should:</p> <p>a) conserve vegetation that has visual or historical significance;</p> <p>b) adopt the prevailing configuration of garden areas, particularly the street's predominant front boundary set-back;</p> <p>c) adopt the predominant width, height, and scale of existing buildings;</p> <p>d) ensure that floor plans are stepped or articulated similar to the shape or form of surrounding buildings;</p> <p>e) adopt roof pitches, ceiling heights and forms that match neighbouring buildings;</p> <p>f) minimise the width and area of driveways visible from public frontages;</p> <p>g) conceal garages from public frontages (corner sites excepted).</p> <p>2) In areas with significant vegetation:</p> <p>a) aim to preserve established trees as blocks or corridors;</p> <p>b) ensure that the location of buildings and pavements does not affect long term survival of established trees;</p> <p>c) incorporate new plantings that reinforce the visual and habitat values;</p> <p>d) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.</p> <p>3) New development should not aim to provide a direct copy of traditional buildings:</p> <p>a) simple detailing of building forms and openings</p>	<p>Noted. The subject site is not identified within the DCP as being a significant site.</p>	<p>Yes</p>

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

<p>g) variation in building materials, for example:</p> <p>i) a "solid" masonry base;</p> <p>ii) intermediate levels that appear lighter: coloured or painted brickwork, with projecting "screens" of balconies that are located in particular at corners of buildings;</p> <p>iii) a lightweight "penthouse" upper storey, capped by overhanging roofs and open pergolas, with terraces and balconies surrounded by open-style balustrades.</p> <p>2) Variety in architectural features should be apparent in all visible facades including:</p> <p>a) facing the street;</p> <p>b) facing side driveways; and</p> <p>c) facing neighbouring residential properties.</p> <p>3) Basements for car parks should rise no higher than 1.5m above ground provide a minimum 2.2m vertical clearance for vehicles.</p>		
<p><b>Energy Efficiency</b></p> <p>1) Adopt a configuration for dwellings that promotes cross-ventilation:</p> <p>a) corner apartments with two external walls;</p> <p>b) apartments that sit between two opposite external walls.</p> <p>2) Adopt an appropriate orientation for rooms and windows:</p> <p>a) living areas - facing within 30 degrees of solar north is desirable;</p> <p>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;</p> <p>c) where the desired orientation cannot be achieved, higher compliance with other energy efficiency standards shall be achieved.</p> <p>3) Provide effective shading from summer sun and employ effective glazing:</p>	<p>Cross ventilation is achieved to all apartments.</p> <p>All windows and doors have a northern, eastern or western orientation.</p> <p>The proposed development performs well in regards to energy efficiency and cross ventilation.</p> <p>A BASIX report is included in the submission.</p>	<p>Yes</p>



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

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

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

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

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

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

### 1. Matters for consideration – General

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

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

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

*(iii) any development control plan, and*

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

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

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

### **Comment:**

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

### SEPP 55 Remediation of Land

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

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

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

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

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

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

#### ***Principle 1: Context and Neighbourhood Character***

*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character*



*they create when combined. It also includes social, economic and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

**Assessment:**

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

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

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

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

***Principle 2: Built Form and Scale***

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type,*

*articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

## **Assessment**

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

### ***Principle 3: Density***

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

## **Assessment**

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

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

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

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

*Good design involves design features that provide positive environmental and social outcomes. Good sustainable design includes use of natural cross breezes and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse*

*of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.*

### **Waste Management Plan**

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

### **Energy Assessment**

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

### **Stormwater Management**

The following objectives are noted:

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

### **Assessment**

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

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

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

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

### **Assessment**

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

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

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

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

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

*Achieving good amenity contributes to positive living environments and resident well being.*

*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.*

## **Visual privacy**

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

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

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

## **Apartment layout**

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

Several of the key objectives for apartment layout are

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

Some of the key better design practices include:

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

### **Natural Ventilation**

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

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

### **Daylight Access**

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

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

Some of the key better practice:

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

### **Ground level Apartments**

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

Comment:

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

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

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

Daylight and natural ventilation is maximised to all apartments.

***Principle 8: Housing Diversity and Social Interaction***

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well designed developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.*

**Assessment**

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

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

***Principle 9: Architectural Expression***

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

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

**Assessment**

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



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

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

The proposal is consistent with the aims of the SEPP.

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

**Comment:**

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

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

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

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

The proposal is reasonable in the context of the zone.

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

**Comment:**

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

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

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

**Comment:** Nil

(d) *The public interest*

**Comment:**

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

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

## **7.0 CONCLUSION**

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

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

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

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

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

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

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

# Waste Management Plan

## Proposed Residential Development Residential Flat Building

Applicant : CAD Plans Pty Ltd  
Address: 39 Cumberland Rd Auburn  
Site Address: 29-31 Castlereagh St Penrith



PERSPECTIVE-CAMERA VIEW FROM CASTLEREAGH STREET

# Penrith Development Control Plan 2014

## C5 Waste Management

### B. General Objectives

- a) To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development;
- b) To manage waste in accordance with the 'Waste Hierarchy' to:
  - i) Avoid producing waste in the first place;
  - ii) Minimise the amount of waste produced;
  - iii) Re-use items as many times as possible to minimise waste;
  - iv) Recycle once re-use options have been exhausted; and
  - v) Dispose of what is left, as a last resort, in a responsible way to appropriate waste disposal facilities;
- c) To assist in achieving Federal and State Government waste minimisation targets as set out in the Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2007;
- d) To minimise the overall environmental impacts of waste by:
  - i) Encouraging development that facilitates ongoing waste avoidance and complements waste services offered by both Council and/or private contractors;
  - ii) Requiring on-site source separation and other design and siting standards which assist waste collection and management services offered by Council and/or the private sector;
  - iii) Encouraging building designs and construction techniques that minimise waste generation;
  - iv) Maximising opportunities to reuse and recycle building and construction materials as well as other wastes in the ongoing use of a premise; and
  - v) Reducing the demand for waste disposal.

#### 5.2.2.4 Residential Flat Buildings

- 1) The development must provide a waste bin storage area that is of sufficient size to accommodate all required waste bins associated with the development. This is to be achieved through the provision of a waste storage bin area located within the basement footprint of the development. For larger developments, multiple waste bins storage areas may be required.
  - a) The waste bin area is to be designed in accordance with Section 5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development.
  - b) Additional storage space for bulky items is to be provided for the development.
  - c) Swept paths demonstrating adequate manoeuvring area are to be provided with the application.

- 2) For developments comprising three or more storeys, the development is to incorporate a waste chute system that:
  - a) The waste chute system will provide a separate chute for both residual and recyclable material.
  - b) Waste Disposal points are to be provided on each residential level of the development located within a high trafficked area for residential use.
  - c) Larger recyclable goods are to be placed in a separate location identified by the strata management for collection.
  - d) The chute is to be designed to minimise noise and fire risk is reduced.
  - e) The chute is to be completely enclosed and fire-rated and comply with the BCA.
  - f) The chute is to terminate in a garbage and recycling room and discharge directly into a receptacle.
  - g) The waste chute service room must be located directly under where the chute terminates. The room will need to accommodate the entire fleet of bins allocated to the development.
  - h) A separate bin storage room located in the basement will need to accommodate the entire fleet of bins allocated to the development.
  - i) A site caretaker/manager will be required to transfer all bins from the bin storage room to the collection room located on ground floor.
  
- 3) Council may consider an alternative solution to the waste chute system for developments comprising three or more storeys if the applicant can demonstrate:
  - a) That the alternative system provides a convenient method for the transfer of waste to a centralised location within the basement/ground floor;
  - b) Provides adequate room to cater for the storage and easy access to all waste bins required for the size of the proposed development; and
  - c) Does not require residents to walk to the ground floor with waste and dispose of the waste within designated bins.
  
- 4) The Waste Services Room is to be provided so that:
  - a) It is accessible for residents on each residential level of the development. The waste services room will include the access to the residual and recyclable chute with provisions for cardboard storage.
  - b) The maximum travel distance from any dwelling to the waste services room is not to exceed 75m.
  - c) The waste service room must be of adequate size to accommodate the required access to chutes or waste infrastructure assigned to the development
  
- 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 as follows:
  - a) The route must be designed to allow collection vehicles to enter and exit the site in a forward direction with limited manoeuvring and reversing on-site;
  - b) The route of travel (including vehicle manoeuvring areas) for the waste

collection point is to satisfy the typical dimensions of heavy rigid vehicle. This also includes adequate vehicle clearance for the vehicle. Australian Standard AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities provides typical dimensions and turning circles.

- c) The route of travel for the waste vehicle is to be adequately paved and of sufficient strength to support the waste collection vehicle.
- d) The grades of entry and exit ramps must not exceed the capabilities of the waste collection vehicle and are to comply with AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities.
- e) The waste collection point and parking area for the waste vehicle is to be clearly nominated with dimensions on the site plan. The collection point is to be of sufficient space to accommodate and safely manoeuvre all required waste bins.
- f) Access to the nominated waste collection point for the development is to be designed to ensure that Council's standard waste vehicle can safely access and manoeuvre within the site. Typical dimensions (and turning circles) for a heavy rigid vehicle are provided within AS 2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities.

6) The on-site collection point is to be clearly nominated on the site plan which accompanies the development application. The collection point is to only temporarily store waste bins so that they can be serviced. The waste bin holding area is to be located fully within the development site. Consideration will be given to multiple waste bin holding areas for larger developments. The collection point is to be designed so that:

- a) It is of sufficient size to accommodate all required waste bins for the development;
- b) It is located at ground level away from pedestrian entrances of the development and habitable windows (including both the development and adjoining dwellings);
- c) It is to be clearly separated from car parking bays (on or off street), footpaths and landscaped areas.
- d) The bin-carting route is to ensure that bin transfer complies with the requirements of Work Health and Safety legislation.
- e) The bin-carting route:
  - is to be direct and as short as possible;
  - is to be solid, concrete and non-slip;
  - is to be paved and be a minimum of 2m wide;
  - is to be free from obstructions and is not required to be carried over any steps;
  - is to be a maximum of 75m in length and a maximum grade of 7%; and
  - For larger bins (660L & 1100L), the maximum length of the route of travel is 10m.

7) Where on-site collection is not possible because of topographic or access constraints, and/or restrictive site dimensions, adequate arrangements need to be made for the convenient, safe and direct access between the waste storage room and the collection point. These arrangements need to be discussed at a pre-lodgement meeting with Council.

- 8) For developments where on-site collection is required or where Council collectors are required to enter a site for the purpose of waste collection services, an agreement will be required to be entered into with Council. This agreement is to be entered into with Council giving power and authority to Council to enter the site; and for the purpose of waste services. Council is also to be provided with indemnity against any future claims for damage and loss.
- 9) A separate area should also be provided for the storage and collection of bulky waste (such as old cardboard boxes) and old or discarded furniture/appliances. The sizing of the bulky waste area needs to be capable of holding the bulky waste generated from the development between scheduled pickups. The bulky waste area needs to be located near to the on-site loading bay).
- 10) Council will consider alternate and innovative waste management systems for high density developments which deliver sound town planning and environmental outcomes for the development and broader community. The applicant is encouraged to discuss the innovate solutions with Council's Waste Management Team and during Council's Pre-DA service

## **COMMENT**

It is noted that the council DCP requires a garbage chute system and on site collection for waste disposal trucks. These issues were discussed at the two pre lodgement meetings for this project with the council officers involved.

It was agreed that on site collection of the waste was not possible due to the size of the site not being able to accommodate a waste collection truck. The collection of the bins would have to occur from the street frontage.

It was also noted that if the development was reduced to less than 25 Units (we are now proposing 20 units as the original proposal was for 29 units) then the council would support the removal of the garbage chute system.

It was also discussed to provide 240 L waste bins in lieu of 1100 litre waste bins so they can be collected from the street frontage. Number of bins was to be confirmed by council

A bulky goods waste storage area is also provided

## **Waste Generation**

### **DEMOLITION**

This is the stage with the greatest potential for waste minimisation, particularly in Sydney where there are high levels of development, relatively high tipping charges and where alternative quarry materials are located on the outskirts.

Applicants should consider if it is possible to re-use existing buildings, or parts thereof, for the proposed use.



With careful on-site sorting and storage and by staging work programs, it is possible to re-use many materials, either on-site or off. Instead of simply pulling down a building, waste management encourages the practice of recycling on site. This could require a number of colour-coded or clearly labeled bins on-site rather than one size fits all.

- Location of on-site storage space for materials (for re-use) and containers for recycling and disposal.
- Vehicle access to the site and to storage and container areas.

### Demolition Stage 1

Materials On-Site		DESTINATION		
		RE-USE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (m <sup>3</sup> ) or Area (m <sup>2</sup> )	ON-SITE • Specify proposed reuse or on-site recycling methods.	OFF-SITE • Specify contractor and recycling outlet.	• Specify contractor and landfill site.
Excavation Material	2400m <sup>3</sup>	Keep and re-use topsoil for landscaping. Store on-site. Use some behind retaining walls etc.	Art Excavations and Demolitions. P.O Box M37 Bankstown NSW 2200	Nil
Green Waste	0m <sup>3</sup>	Separated. some chipped and stored on-site for re-use on landscaping	Remainder to Australian Native Landscapes P/L Badgerys Creek	Nil
Bricks	0m <sup>3</sup>	Clean and re-use lime mortar bricks for fill	Concrete mortar bricks to Brandown Crushing and Recycling Company	Nil
Concrete	0m <sup>3</sup>	Crush concrete for temporary driveway	Concrete to Brandown crushing and Recycling Company	Nil
Timber – Hardwood/pine	0m <sup>3</sup>	Re-use for formwork and studwork. Chip remainder for use in landscaping.	To stockpile at Barndown transfer station, by approved Waste Contractor	Nil
Plasterboard Cladding	0m <sup>3</sup>	Break-up and remove from site	To Brandown Recycling Facilities	Nil
Metals – Zinc-alum		Nil	To Sellandparker Metal Recyclers	Nil
Tiles and door fitting (incl. roof tile)	0m <sup>3</sup>	Broken tiles for fill on-site sale of door fittings	Remainder to Brandown Recycling facilities	Nil
Kitchen cupboard, sink & stove	0m <sup>3</sup>	Nil	To Brandown Recycling Facilities	Nil
Bathtub vanity and closet pan	0m <sup>3</sup>	Nil	To Brandown Recycling Facilities	Nil
Asbestos	0m <sup>3</sup>	Nil	To Kari and Ghossayn Land Fill By Approved Waste Contractor	Nil

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.

## **SECTION TWO – CONSTRUCTION AND USE**

### **Section 2(a) – Potential for Waste Minimisation During Construction Stage**

The following measures should be considered when looking to save resources and minimise waste at the construction stage.

- Purchasing Policy – considering measures such as ordering the right quantities of materials and prefabrication of materials where possible;
- Reusing formwork;
- Minimising site disturbance, limiting unnecessary excavation;
- Careful source separation of off-cuts to facilitate re-use, resale or efficient recycling; and
- Co-ordination/sequencing of various trades.

The following details should be shown on your plans.

- Location of temporary storage space within unit;
- Location of Waste Storage and recycling Area(s), per dwelling unit or located communally on-site. In the latter case this could be a Garbage and Recycling room;
- Details of design for Waste Storage and Recycling Area(s) or Garbage and Recycling Room(s) and any conveyance of volume reduction equipment; and
- Location of communal composting area.

### **Section 2(b) – Design Of Facilities**

The following details should be shown on your plans:

- Location of Waste Storage and Recycling Area(s) per unit or located communally on-site;
- Details of design of Waste Storage and Recycling Area(s);
- Where appropriate, design details of Garbage and Recycling Room(s);
- Access for vehicles.

Every building shall be provided with a Waste Storage and recycling Area which is flexible in size and layout to cater for future changes in use. The size is to be calculated on the basis of waste generation rates and proposed bin sizes.

### **Section 2(c) – On-going Management**

This section will enable you to describe how you intend to ensure on-going management of waste on-site (e.g. lease conditions, care-taker/manager on-site).

**Construction - Stage 2(a) (Small amount of Construction waste for shop fitting and will be disposed of by relevant contractor)**

Materials On-Site		DESTINATION		
		RE-USE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (m <sup>3</sup> ) or Area (m <sup>2</sup> )	ON-SITE • Specify proposed reuse or on-site recycling methods.	OFF-SITE • Specify contractor and recycling outlet.	• Specify contractor and landfill site.
Excavation Material		Covered in sectional as part of demolition		
Green Waste		Covered in sectional as part of demolition		
Bricks	10m3	Use for fill behind retaining walls	Remainder to Brandown Crushing and Recycling Company	Nil
Concrete	3m3	Use for fill behind retaining walls	Remainder to Brandown Crushing and Recycling Company	Nil
Timber – Oregon Pine Timber pallets Particle board finishes	1m3	Chip for landscaping sell some on-site for firewood	Remainder to approved landscaping supplies of chipping and composting	Nil
Plasterboard	3m3	Nil	Remainder to Boral Recycling 3 Thackery St Camellia 2142	Nil
Metals – Copper Aluminum		Nil	To SellandParker Metal Recyclers for re-use	
Other – Electrical fittings Reject trade-ins PVC Plastic		Nil		To Collex Recycling Waste Contractors

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.

## Design of Facilities – Stage 2(b)

TYPE OF WASTE TO BE GENERATED	EXPECTED VOLUME PER WEEK	PROPOSED ON-SITE STORAGE AND TREATMENT FACILITIES	DESTINATION
Please specify. For example: glass, paper, food waste, off cuts etc.	Liter or m <sup>3</sup>	For example: <ul style="list-style-type: none"> <li>Waste storage &amp; recycling area</li> <li>Garbage chute</li> <li>On-site composting</li> <li>Compaction equipment</li> </ul>	<ul style="list-style-type: none"> <li>Recycling</li> <li>Disposal</li> <li>Specify Contractor</li> </ul>
<p>A. Recyclables:-</p> <ol style="list-style-type: none"> <li>Home paper and cardboard waste.</li> <li>Glass, aluminum and plastic (bottles).</li> </ol> <p>B. Non-recyclables:-</p> <ol style="list-style-type: none"> <li>Foodscraps etc.</li> <li>Other plastics (eg wrapping).</li> <li>Unrecyclable waste.</li> </ol>	<p>Expected volume 40 Liters Per unit Per week</p> <p>Epected Volume 120 Liters Per Unit Per Week</p>	<p>A. 240 Liter Recycle storage bins for paper, cardboard, glass, plastic and aluminum.</p> <p>(20 units x 40L)</p> <p>expected 800 Litres per week . Provide 5 240L bins for recycling</p> <p>B. 240 liter Storage bins (20 units x 150L)</p> <p>Expected 3000 Liters Per week. Provide 15 240L bins for general waste</p>	<p>Paper/cupboard to recyclers Glass/aluminum &amp; plastic to collected by council or contractor</p> <p>To be collected by Council or contractor</p>

**Note: On collection day, all bins will be placed at front of building for Council contractor to pick up.**

### On-going Management – Stage 2(c)

Describe how you intend to ensure on-going management of waste on-site (e.g. lease conditions, caretaker/manager on-site).

**Council garbage bins weekly collection – Bins will be placed on street frontage on collection day and returned to bin room by building manager immediately after collection by council waste contractors.**