

1 August 2019

PENRITH CITY COUNCIL

Att: Wendy Connell

DA FOR MIXED USE DEVELOPMENT: DA18/0999- ESQ STAGE 2 & 3

I refer to the recent Sydney Western City Planning Panel determination meeting held on 24 July 2019 in relation to the above mentioned DA.

At that meeting the Panel resolved to defer the application for the reasons set out below that are taken from the confirmed minutes of the Panel:

The Panel notes that proposed development would provide additional housing supply and choice within the City of Penrith and the Sydney Western City district with access to the services, amenities and transport facilities available within the Penrith C.B.D. and the community facilities in the immediate locality of the subject site. The proposal implements a further stage of the Panthers' Precinct Masterplan element of the Penrith Riverlink Precinct.

Further, the Panel notes that the proposed development, subject to the conditions proposed adequately satisfies the following relevant legislative requirements: the Water Act 2000, SEPP 55 (Remediation of Land), and State Regional Environmental Plan No20- Hawkesbury Nepean River as well as Penrith LEP 2010 (Amendment 4) Cl7.1 Earthworks and Cl7.2 - Flooding.

However, the current proposal does not adequately satisfy the provisions of SEPP (Infrastructure) 2007, in that no comment has been received from the RMS. It is noted that the RMS has requested further information to assess the application and its infrastructure requirements on its merits.

Further, the current proposal does not adequately satisfy the provisions of SEPP 65 Design Quality of Residential Flat Development, as a number of significant criteria of its associated Apartment Design Guide have not been complied with. It is considered that failure to observe these criteria would result in a standard of residential amenity not consistent with the intent of the Apartment Design Guide. The Panel notes that the development is proposed on a greenfield site with no evident design constraints.

Having regard to these non-compliances, the Panel will defer determination of the application to allow:

- 1. Further communication between Council assessment staff and the RMS to secure their advice in relation to this proposal; and***
- 2. Time for the proposed design to be amended to secure SEPP 65 / Apartment Design Guide compliance with building separation distances; balcony areas; and to improve solar access for each building.***

Upon receipt of the Council addendum report, the Panel will determine the matter electronically.

On that basis we provide the following responses:

1. SEPP (Infrastructure) 2007 and the RMS

The proponent and Council have been liaising with RMS in relation to the development proposal with regard to the previous advice from November 2018. It is understood that a response has been provided from the RMS (1 August 2019) to confirm that they have no objection to the proposal, subject to the imposition of relevant conditions of consent.

2. SEPP 65/Apartment Design Compliance: Separation, Balconies and Solar Access

The proponent has amended the development and prepared plans to amend the scheme with regard to the 3 issues raised above. The proposal has been revised as per the comments received with reference to the identified non-compliances.

<i>Application Reported to Panel</i>	<i>Amended Proposal</i>
Unit Mix 1 x studio 109 x 1 bedroom units 187 x 2 bedroom units 31 x 3 bedroom units Total: 328 Units	Unit Mix 1 x studio 110 x 1 bedroom units 175 x 2 bedroom units 31 x 3 bedroom units 3 x 4 bedroom units Total: 320 Units
GFA & FSR Across Stage 1, 2, 3: 42,555sqm 0.87:1	GFA & FSR Across Stage 1, 2, 3: 41,785sqm 0.86:1

<u>Building Separation (Original)</u>	<u>Building Separation (Amended)</u>
Non-Compliant Buildings Identified	Revised Buildings
Building E	Building E
Up to 4 storeys:	Up to 4 storeys:
Required: 12m	Required: 12m
Provided: Min 9m (3m variation)	Provided: Min 12m (compliant)
Building F	Building F
Up to 4 storeys	Up to 4 storeys
Required: 12m	Required: 12m
Provided: Min 9.5m (2.5m variation)	Provided: Min 12m (compliant)
Building G	Building G
Up to 4 storeys	Up to 4 storeys
Required: 12m	Required: 12m
Provided: Min 11.2m (800mm variation)	Provided: Min 12m (compliant)
5 th Storey	5 th Storey
Required: 18m	Required: 18m
Provided: Min 11.4m (6.6m variation)	Provided: Min 18m (compliant)
	*Note: Building C also amended at 5 th Storey to achieve 18m separation.
	Conclusion
	Full Compliance Achieved.

<u>Solar Access (Original)</u>	<u>Solar Access (Amended)</u>
<p><u>Overall:</u></p> <p><u>236 Units Achieve 2 Hours Solar Access (72%)</u></p> <p><u>32 Units Achieve No Solar Access (10%)</u></p> <p>Non-Compliant Individual Buildings Identified with 2 Hour Solar Access Standard (Min 70%)</p> <p>Building D</p> <p>2 Hours Solar Access: 69%</p> <p>Building E</p> <p>2 Hours Solar Access: 67%</p> <p>Non-Compliant Individual Buildings Identified with Zero Solar Access Standard (Max 15%)</p> <p>Building C: 25%</p> <p>Building D: 16%</p>	<p><u>Overall:</u></p> <p><u>237 Units Achieve 2 Hours Solar Access (74%)</u></p> <p><u>18 Units Achieve No Solar Access (5.6%)</u></p> <p>Revised Buildings with 2 Hour Solar Access Standard (Min 70%)</p> <p>Building D</p> <p>2 Hours Solar Access: 70%</p> <p>Building E</p> <p>Building E West: 2 Hours Solar Access: 76%</p> <p>Building E East: 2 Hours Solar Access: 70%</p> <p>Revised Buildings Zero Solar Access Standard (Max 15%)</p> <p>Building C: 14.2%</p> <p>Building D: 8%</p> <p>Conclusion</p> <p>Full Compliance Achieved.</p>

<u>Balcony Areas (Original)</u>	<u>Balcony Areas (Amended)</u>
Non-Compliant Buildings Identified	Revised Buildings
Building G	Building G
38% of Units not Achieving Minimum Balcony Areas	All Units Achieving Minimum Balcony Areas
	Building F
	All Units Achieving Minimum Balcony Areas
	Building C D & E
	All Units Achieving Minimum Balcony Areas.
	Conclusion
	Full Compliance Achieved.

It would be appreciated if the relevant review can occur and an addendum report prepared to enable reporting to the Planning Panel for electronic determination as soon as possible.

Please don't hesitate to contact me should you wish to discuss.

Jonathon Wood
Think Planners Pty Ltd
 PO BOX 121
 WAHROONGA NSW 2076