

# MEMORANDUM

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Reference: PPSSWC-121 (Council Reference: DA20/0824)  
To: Sydney Western City Planning Panel  
From: Robert Walker, Senior Development Assessment Planner  
Date: 28 April 2022  
**Subject: Proposed Residential Flat Buildings at No. 46 Evan Street, Penrith**

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Reference is made to the subject Development Application, which was listed for determination at the Sydney Western City Planning Panel (SWCPP) meeting on 28 March 2022. The Development Application was recommended for Refusal.

The list of attachments accompanying this memorandum is provided below:

**Appendix A** – Record of Deferral  
**Appendix B** – Amended Test of Significance (5-part test)  
**Appendix C** – Updated Architectural Plans  
**Appendix D** – Amended Landscape Plan  
**Appendix D** – Recommended Conditions of Consent

The determination of the application was deferred by the Panel to allow the applicant a short period of time to address identified issues. This memorandum is provided in response to matters raised within the Panel's Record of Deferral, dated 1 April 2022 which sets out four matters requiring resolution.

In response to the Deferral of the determination, the Applicant has conferred with Council Officers and has provided additional material including a revised 5-Part Test, updated architectural plans and amended ground floor landscape details.

Council has reviewed the additional material and it is assessed that:

- (a) the information suitably responds to the matters to be addressed set out in the Panel's Record of Deferral, and
  - (b) satisfies those matters forming the reasons for Refusal in Council's Assessment Report, subject to the attached recommended conditions of consent at **Appendix D** as detailed below:
1. **Relationship between the proposed basement 'bin tunnel' and infrastructure associated with Council's Trunk Drainage System (within the easement traversing the site)**

# MEMORANDUM

The additional material included the provision of a section along the alignment of the 'bin tunnel' specifying the level of the bottom of the existing box culvert and the uppermost level of the 'bin tunnel' supports. Such levels provide for a clearance of approximately 880mm.

Council's Senior Development Engineer has considered the additional material and has raised no objection to this arrangement subject to associated conditions, which have been included within the recommended.

The additional material also included the provision of a revised alignment of the suspended pathway with associated columns now being positioned outside of the Council Trunk Drainage System easement.

Council's Senior Development Engineer has considered the additional material and has raised no objection to this arrangement.

## **2. Biodiversity Assessment and 5 Part Test**

The amended Test of Significance concluded that the proposal would not have a significant impact on Cumberland Plain Woodland. Council's Senior Biodiversity Officer (Ecologist) has considered the amended Test of Significance and has found such to be satisfactory.

Accordingly, it is considered that the proposal is satisfactory from a biodiversity perspective, subject to the associated recommended conditions.

## **3. Amended Ground Floor Layout**

The additional material included the provision of amended Ground Floor Plans, providing amendments to the respective building layouts. Following is a summary of noteworthy matters associated with such:

- Linking of the two foyer areas of both 'Building A' and 'Building B', through the provision of openings between the respective cores. These amendments resulted in the reconfiguration of apartments in the central portions of both buildings and therefore a reduction to the number of cross through / cross ventilated apartments to 74 (of the 128 apartments), or 58%.

It is noted that this is inconsistent with the ADG of Objective 4B-3 (Natural Ventilation), which requires the provision of at least 60% of apartments to be naturally cross ventilated.

- The provision of a front building entrance to 'Building A' directly from Evan Street. This amendment results in the reconfiguration of an apartment, from containing 2 bedrooms to 1 bedroom.
- The aforementioned amendments result in a change to the overall apartment mix, as follows:

# MEMORANDUM

- 'Building A' to comprise of 17 x 1-bedroom apartments, 52 x 2-bedroom apartments and 14 x 3-bedroom apartments.
  - 'Building B' to comprise of 2 x 1-bedroom apartments, 31 x 2-bedroom apartments and 12 x 3-bedroom apartments.
- The amended layout provided at Ground Floor level, now includes direct through pedestrian access from both street frontages and direct connectivity between the front cores of both buildings to the key communal open space areas (which are to the rear of the respective buildings, in the central portion of the site), and removes the need for a pathway along the full length of the eastern side setback of 'Building B'.
- Adjustments have been made at the entry points for both buildings, which include the provision of landscaping buffers between footpath areas and private balconies / terrace areas. Furthermore, clarification has been provided of level differences and associated screening elements. Overall, it is considered that the amended Ground Floor Layout provides a suitable relationship between the private open space areas of Ground Level apartments and adjacent common areas.
- The amended ground floor layout includes a more expansive raised pathway and deck area which links the two buildings which is elevated and positioned 1.5m from the boundary. This aspect of the amended layout is unsatisfactory from an amenity and privacy impact perspective. A condition has been recommended requiring the amendment of this section of the raised pathway, such that it does not extend within 6m of the adjacent boundary.
- Clarification has been provided, through the provision of dimensions associated with the substation, demonstrating that a blast wall or like structure is not required.
- Clarification has been provided of louvres and balcony screens. It is considered that the proposal provides an acceptable arrangement in relation to balconies which are located in close proximity to others.

The amended ground floor layout is suitable from a wayfinding, accessibility and overall amenity perspective, with clear and equitable access available to all users of the site.

## 4. Landscape screening and design

- As previously noted, the amended Ground Floor Layout has removed the need for a pathway along the full length of the eastern side setback of 'Building B', which has provided additional landscaping opportunities.
- The additional material included the provision of an amended Landscape Plan, which provides as landscaping scheme that takes benefit of the additional open area within

# MEMORANDUM

the eastern side setback of 'Building B' and now includes a palette of trees which are in keeping with the scale of the development and include additional Cumberland Plain Woodland species.

It is considered that the amended landscaping scheme will provide adequate screen planting and is satisfactory.

## Conclusion

As detailed key issues in relation to the biodiversity impacts, ground floor layout and associated arrangements, landscape design, and basement 'bin tunnel', are now suitably resolved through the submission of additional material.

Furthermore, the following key matters are noted, in relation to the additional material:

- It is considered that the amended plans provide a layout which satisfies 'Design Quality Principle No. 5 Landscape' and 'Design Quality Principle No. 6 Amenity'. Accordingly, it is considered that the proposal satisfies the requirements of Clause 28 of State Environmental Planning Policy No. 65.
- It is considered that the amended plans provide a layout which will achieve a high level of residential amenity and that overall the proposal (as amended) meets the Objectives for the 'R4 – High Density Residential' zone.
- As the proposal now includes the provision of an overall landscaping scheme which is considered to include adequate screen planting, high amenity usable open space areas, enhanced privacy and minimises the visual impact of the overall development, including on the adjacent heritage item, it is considered that the proposal (as amended) meets the Objectives for the 'R4 – High Density Residential' zone and a better planning outcome is achieved. Accordingly, the applicant's 'Written Request' (pursuant to Clause 4.6 of PLEP) which seeks to justify the contravention to the maximum building height Development Standard of 18m (pursuant to Clause 4.3 of PLEP), is supportable.
- It is considered that the amended proposal harmonises with the adjoining Heritage Item and satisfies the provisions of Clause 5.10 of PLEP.
- An amended arrangement is now provided for the basement 'bin tunnel' and the gradient of 1:24 is suitable for use by a bin tug device. Accordingly, it is considered that the proposal (as amended) is satisfactory from an operational waste management perspective, subject to the associated recommended conditions.

Robert Walker  
**Senior Development Assessment Planner**