



Penrith Local Planning Panel

Determination and Statement of Reasons

DATE OF DETERMINATION	11 July 2018
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Mary- Lynne Taylor (Expert) Cody Masterfield (Community Representative)
APOLOGY	N/A
DECLARATIONS OF INTEREST	N/A
LISTED SPEAKER(S)	Alan Johnson – Alan Johnson Architect

Public Meeting held at Penrith City Council on 11 July 2018, opened at 5pm.

Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

Development Application DA17/0386 at Lot 32 DP 1283 & SP 79056, 15 – 17 Dent Street, Jamisontown – Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building containing 19 Apartments & Two (2) Levels of Basement Car Parking.

Panel Consideration/Reasons for the Decision

The Panel was provided with further staff advice prior the meeting (memo dated 11 July 2018) relating to various questions from the Panel.

The Panel generally agreed with the assessment of environmental considerations outlined within the Council staff report. The use was suited to the site and area, and was of a scale envisaged by the Council's primary environmental planning instrument. While there were non compliances with setback guidelines within the Apartment Design Guide (ADG), the setbacks were generally compatible with the area generally well considered given the adjoining context. Overall the site planning was sound and design measures have been incorporated to balance considerations of internal and external amenity. There was some uncertainty regarding solar access compliance within the ADG and the applicant offered to provide detailed solar access diagrams to demonstrate compliance which was not before the panel. The panel saw merit in being provided with this information and removing the uncertainty.

Accordingly the panel decided to defer the matter for further details for subsequent determination which was favoured to be by electronic means.

In terms of considering community views, the Panel noted there were 6 submissions received from the public exhibition of the DA and generally agreed with the Council staff assessment of the matters raised.

Panel Decision

Pursuant to the provisions of Section 4.16 & 4.17 of the Environmental Planning and Assessment Act 1979, Development Application DA17/0386 for Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building containing 19 Apartments & Two (2) Levels of Basement Car Parking be deferred for address of the following matters:-

- Provision of further information (including solar access diagrams at hourly intervals in mid-winter or lesser period periods as may be required) to demonstrate that the current proposal complies with the Apartment Design Guide requirements concerning solar access to living rooms of proposed units; or
- Submission of amended plans and supporting information that demonstrates compliance with the Apartment Design Guide requirements concerning solar access to living rooms of proposed units which shall not increase amenity impacts to neighbours.

Where additional information is submitted that demonstrates compliance without amendment to the development, delegation is granted to Penrith City Council assessment officers to determine the development application.

Where amendments are required to the development to achieve compliance, the matter is to be referred back to the Local Planning Panel for a possible electronic determination.

The applicant is to submit necessary information to address the above requirements within 10 working days.

The further assessment report for determination is also to address the following additional / revised conditions:-

- **Condition 18 be amended to include reference to the following at the end of the first paragraph:** "...including preparation of an environmental management plan to be submitted to and approved by Council."
- **New Condition added:** "Prior to the issue of a construction certificate, an arborist statement is to address suitable construction measures to protect trees on the adjacent properties. In addition excavation adjacent to the northern property boundary is to be overseen by a suitably qualified arborist to ensure the trees are suitably protected and retained"
- **New condition added:** "A footpath shall be constructed for the full width of the development site at no cost to Council and to Council's relevant design specifications.
- **New Condition added or amended plans:** "The studies within the units in the north eastern corner shall be redesigned so that the eastern wall is retained with the southern wall removed. Details shall be submitted to, and approved by Council prior to the issue of a Construction Certificate. Reason: So that the room is not capable of use

as a bedroom but is able to be flexibly used to augment the living space or as an ancillary study space.

Votes

The decision was unanimous.

<p>Jason Perica – Chair</p> 	<p>John Brunton - Expert</p> 
<p>Mary-Lynne Taylor – Expert</p> 	<p>Cody Masterfield – Community Representative</p> 

MEMORANDUM

Reference: DA17/0386

To: Penrith City Council Local Planning Panel

From: Lauren van Etten, Development Assessment Planner

Date: 11 July 2018

Subject: **Proposed Residential Apartment Development at 15-17 Dent Street, Jamisontown**

I refer to the above matter scheduled for determination with the Penrith City Council Local Planning Panel on 11 July 2018 and an email from John Brunton dated 6 July 2018 and Jason Perica dated 10 July 2018 and provide the following clarification on the matters raised:

LPP Comment	Assessment Officer Comment
<i>Apartment Design Guide (ADG) Deep Soil & Solar Access Guidelines</i>	Submitted documentation indicates that 30% (310sqm's) of the site is provided as deep soil. The ADG guideline states that 7% of the site area is to be deep soil with a minimum dimension of 3 metres. The attached plans indicate that 89% of the units will receive 2 hours direct sunlight between 9am and 3pm mid-winter. The ADG guidelines for solar access require living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm mid-winter. In addition, 2 units (10% of the development) will receive no direct sunlight, which remains compliant with the ADG where a maximum of 15% of apartments shall receive no direct sunlight.
<i>Apartment Design Guide (ADG) Side & Rear Setback Guideline</i>	The fifth floor is non-compliant with the 9m side and rear setback that is recommended under the ADG. The UDRP comments on the non-compliant setbacks apply to the fifth floor setback, as well as the ground to fourth floor setbacks. Non-compliance is considered acceptable in that a variety of design responses are incorporated to avoid negative acoustic and visual privacy impacts on neighbouring sites and to ensure a suitable streetscape presentation.
<i>BASIX Certificate Requirements</i>	The BASIX Certificate was updated when the plans were revised, hence the certificate title which reads 791875M_02.
<i>Ground Water Level</i>	The geotechnical report notes that the bulk of excavation works are up to 7.5m deep whereas groundwater was found at a depth of 8m+. There is however a localised deeper pocket of excavation required where the lift overrun is to be located. Council's Environmental Health Officer noted that potential contact during construction can be effectively addressed

MEMORANDUM

	through an Unexpected Finds Protocol. In addition, an environmental management plan can be required as a condition of consent prior to the issue of a Construction Certificate to provide greater detail as to the strategies that will be in place in the event of encountering contaminated groundwater.
<i>Study Rooms</i>	While the study room dimensions of 2m x 3m do not meet the minimum dimensions for bedrooms under the ADG, the stamped approved plans can be amended in red to remove the walls and ensure the study rooms are not enclosed and are part of an open plan living area.
<i>Design Rationale for Building Location</i>	The building is situated to ensure that the units of the proposed development receive adequate sunlight given the overshadowing that is anticipated from the residential flat building directly to the north (9 Dent Street). In addition, the extent of overshadowing from the proposal to the residential flat building to the south (29-31 Preston Street) is not considered to be detrimental to the overall amenity of the neighbouring site and is reasonable in its impact particularly given the high density zoning of the locality. Overall the building siting is a consequence of the lesser side setback provided by the existing building to the north, the larger side setback provided by the existing building to the south, provision of adequate solar access for the proposed development and minimising overshadowing to the existing units to the south.
<i>BCA/Fire Safety Compliance</i>	The location of the fire stairwell is in accordance with the BCA as it leads to an open space area which then has a direct pathway to the street.
<i>Building Height</i>	The plans have been amended to remove the redundant lift overrun which exceeded the building height standard. The revised elevations, detailing the revised overrun height, are attached.



Lauren van Etten
Development Assessment Planner

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Thermal Specifications DA - 410

DRAWING LIST

- NO. NAME**
- A000 COVER SHEET
- A001 CONTEXTUAL ANALYSIS
- A002 SITE PLAN/SITE ANALYSIS
- A003 DEEP SOIL
- A005 SHADOWS DIAGRAM 9.00AM ON 20TH JUNE
- A006 SHADOWS DIAGRAM 12.00PM ON 20TH JUNE
- A007 SHADOWS DIAGRAM 3.00PM ON 20TH JUNE
- A008 SHADOWS ON NEIGHBOUR - SHEET 1
- A009 SITE
- A010 SHADOWS ON NEIGHBOUR - SHEET 2
- A011 SHADOWS ON NEIGHBOUR - SHEET 3
- A012 SHADOWS FROM NEIGHBOUR - SHEET 1
- A013 SHADOWS FROM NEIGHBOUR - SHEET 2
- A101 PARKING 2
- A102 PARKING 1
- A201 LEVEL 1(GD)
- A202 LEVEL 2
- A203 LEVEL 3
- A204 LEVEL 4
- A205 LEVEL 5
- A206 ROOF
- A301 EAST ELEVATION
- A302 SOUTH ELEVATION
- A303 WEST ELEVATION
- A304 NORTH ELEVATION
- A305 STREET ELEVATION
- A401 SECTION 1
- A402 SECTION 2
- A403 SECTION 3 & 4
- A410 RAMP SECTION
- A411 WALL DETAILS
- A501 SOLAR ACCESS
- A601 ADAPTABLE UNITS - TYPE 1
- A602 ADAPTABLE UNITS - TYPE 2
- A701 LEVEL 1(GD) - WINDOWS
- A702 LEVEL 2 - WINDOWS
- A703 LEVEL 3 - WINDOWS
- A704 LEVEL 4 - WINDOWS
- A705 LEVEL 5 - WINDOWS
- A801 BASIX SHEET

Number	Type	Adaptable
Level 1		
101	2B	Yes
102	1B	Yes
103	1B	No
3		
Level 2		
201	2B	No
202	2B	No
203	2B	No
204	2B+S	No
4		
Level 3		
301	2B	No
302	2B	No
303	2B	No
304	2B+S	No
4		
Level 4		
401	2B	No
402	2B	No
403	2B	No
404	2B+S	No
4		
Level 5		
501	2B	No
502	2B	No
503	2B	No
504	2B+S	No
4		
Grand total: 19		

PARKING QUANTITIES (Total-Site)	
Type	Spaces
Residential	17
Residential_Disable	2
Visitor	3
	22

Unit No.	Type	Adpt Type
101	2B	TYPE 1
102	1B	TYPE 2
Grand total: 2		



REV	DATE	REVISION	BY
14	09.07.18	SOLAR ACCESS REVISED. SHADOWS FROM NTH NEIGHBOUR ADDED.	TWJ
13	04.07.18	BASIX SHEET ADDED	TWJ
12	14.05.18	RE-ISSUED FOR DA	TWJ
11	21.02.18	RE-ISSUED FOR DA	TWJ
10	09.08.17	ISSUED FOR DA	TWJ
9	16.01.17	ISSUED FOR REVIEW	TWJ
8	04.01.17	ISSUED FOR REVIEW	TWJ
7	23.12.16	ISSUED FOR REVIEW	TWJ
6	19.12.16	ISSUED FOR BASIX REVIEW	TWJ
5	15.11.16	ISSUED FOR CONSULTANT REVIEW	TWJ
4	08.11.16	ISSUED FOR CONSULTANT REVIEW	TWJ
3	02.11.16	ISSUED FOR CONSULTANT REVIEW	TWJ
2	19.10.16	DRAFT ISSUE	TWJ
C	30.08.16	ISSUED FOR PRE-DA MEETING	TWJ
	17.08.16	MEETING WITH CLIENT	TWJ
B	10.07.16	SHADOW DRAWINGS ISSUED FOR DESIGN REVIEW PANEL	
A	06.07.16	ISSUED FOR DESIGN REVIEW PANEL	TWJ
1	11.06.16	DRAFT ISSUE	TWJ
		REVISION	BY

AIDED MODELING WITH DESIGN

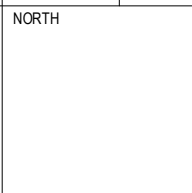
ALAN JOHNSON ARCHITECT
 ABN 70 626 763 554
1 STRICKLAND AVE
LINDFIELD NSW 2070

PROJECT
BISHI CONSTRUCTIONS PTY LTD
15-17 DENT STREET,
JAMISONTOWN NSW 2750

DRAWING TITLE
COVER SHEET

DATE	SCALE	DRAWING NO	REV
MAY 2016		A000	14
DRAWN BY TWJ	PROJ. NO 15015		

DO NOT SCALE
 USE FIGURED DIMENSIONS AT ALL TIMES. IF IN DOUBT CHECK WITH THE BUILDER. CONTRACTOR/S TO CHECK AND VERIFY ALL LEVELS, DATUMS AND DIMENSIONS ON SITE AND SHALL REPORT ANY DISCREPANCIES OR OMISSIONS TO THE BUILDER PRIOR TO COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE.



DA ISSUE

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4	09.07.18	SOLAR ACCESS REVISED. SHADOWS FROM NTH NEIGHBOUR ADDED.	TWJ
3	14.05.18	RE-ISSUED FOR DA	TWJ
2	21.02.18	RE-ISSUED FOR DA	TWJ
1	09.08.17	ISSUED FOR DA	TWJ
REV	DATE	REVISION	BY

AIDED MODELING WITH DESIGN

ALAN JOHNSON ARCHITECT

ABN 70 626 763 554

**1 STRICKLAND AVE
LINDFIELD NSW 2070**

PROJECT
BISHI CONSTRUCTIONS PTY LTD

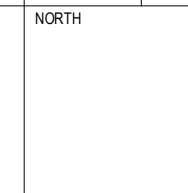
**15-17 DENT STREET,
JAMISONTOWN NSW 2750**

DRAWING TITLE

STREET ELEVATION

DATE	SCALE	DRAWING NO	REV
MAY 2016	1 : 250	A305	4
DRAWN BY	PROJ. NO		
Author	15015		

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Thermal Specifications DA - 410



1 0900 SHADOWS ON 20TH JUNE



2 0930 SHADOWS ON 20TH JUNE



3 1000 SHADOWS ON 20TH JUNE



4 1030 SHADOWS ON 20TH JUNE



5 1100 SHADOWS ON 20TH JUNE



6 1130 SHADOWS ON 20TH JUNE



7 1200 SHADOWS ON 20TH JUNE



8 1230 SHADOWS ON 20TH JUNE



9 1300 SHADOWS ON 20TH JUNE

1	09.07.18	SOLAR ACCESS REVISED. SHADOWS FROM NTH NEIGHBOUR ADDED.	TWJ
REV	DATE	REVISION	BY

AIDED MODELING WITH DESIGN

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 ABN 70 626 763 554
1 STRICKLAND AVE
LINDFIELD NSW 2070

PROJECT
BISHI CONSTRUCTIONS PTY LTD
15-17 DENT STREET,
JAMISONTOWN NSW 2750

DRAWING TITLE
SHADOWS FROM NEIGHBOUR - SHEET 1

DATE MAY 2016	SCALE	DRAWING NO A012	REV 1
DRAWN BY Author	PROJ. NO 15015		

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NORTH

DA ISSUE



1 1330 SHADOWS ON 20TH JUNE



2 1400 SHADOWS ON 20TH JUNE



3 1430 SHADOWS ON 20TH JUNE



4 1500 SHADOWS ON 20TH JUNE

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1	09.07.18	SOLAR ACCESS REVISED. SHADOWS FROM NTH NEIGHBOUR ADDED.	TWJ
REV	DATE	REVISION	BY

AIDED MODELING WITH DESIGN

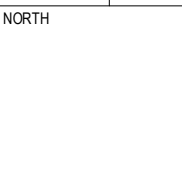
ALAN JOHNSON ARCHITECT
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LINDFIELD NSW 2070

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15-17 DENT STREET,
JAMISONTOWN NSW 2750

DRAWING TITLE
SHADOWS FROM NEIGHBOUR - SHEET 2

DATE MAY 2016	SCALE	DRAWING NO A013	REV 1
DRAWN BY Author	PROJ. NO 15015		

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DA ISSUE