

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA18/0298
<b>Proposed development:</b>	Construction of a Nine (9) Storey Mixed Use Development including Two (2) Ground Floor Commercial Tenancies, 48 Residential Apartments & Ground Floor, Level 1 & Level 2 Car Parking
<b>Property address:</b>	15 Engineers Place, PENRITH NSW 2750
<b>Property description:</b>	Lot 3008 DP 1184498
<b>Date received:</b>	26 March 2018
<b>Assessing officer</b>	Kathryn Saunders
<b>Zoning:</b>	Zone B2 Local Centre - LEP 2010
<b>Class of building:</b>	Class 2
<b>Recommendations:</b>	Approve

### Executive Summary

Council is in receipt of a development application for a 9 storey mixed use development at 15 Engineers Place, Penrith also known as Lot 3008 in DP 1184498. The subject site is zoned B2 Local Centre under the Penrith Local Environmental Plan 2010 (PLEP 2010). Development for the purposes of commercial premises is permissible within the B2 Local Centre zone. Residential flat buildings are also permissible on the subject lot, under Schedule 1 Additional Permitted Uses of PLEP 2010.

Key issues identified for the proposed development and site include:

- Vehicular circulation and car parking provision, and
- Landscaping maintenance and viability.

The identified key issues were raised with the applicant who has addressed these by submission of an amended set of plans and related documentation received on 17 May and 5 June 2018.

The application has been notified to occupiers of adjoining properties and residents, advertised and was publically exhibited between 13 April and 27 April 2018, in accordance with relevant legislation. A total of four submissions have been received raising matters related to traffic, parking, vehicular circulation and safety, waste management, density of development, community safety, public transport capacity, deliveries and the need for additional commercial development in the Thornton Estate. One of the four submissions was a letter of support for the proposal.

The applicant attended a pre-lodgement meeting (PL17/0120) and attended Council's Urban Design Review Panel (UDRP18/0001) prior to the lodgement of the application.

An assessment under Section 4.55 (formerly Section 79C of the *Environmental Planning and Assessment Act 1979*) has been undertaken and the application is recommended for approval, subject to the recommended conditions. As directed by the Minister for Planning under Section 9.1 of the EP&A Act 1979, this application is to be determined by the Penrith Local Planning Panel as the development is for a residential flat building and is four or more storeys in height.

## Site & Surrounds

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The subject site is a vacant corner allotment located on the northern side of Penrith Railway Station within the Thornton Estate and is known as 15 Engineers Place, Penrith (Lot 3008 in DP1184498). The site has frontage to Engineers Place to the east and Lord Sheffield Circuit to the west. The allotment is irregular in shape and has a total area of 4778sqm.

A subdivision certificate application has been approved over the allotment which will result in the subject development, which is proposed to be located at the northern end of the lot, having a site area of 1354sqm's.

An 8 storey serviced apartments building operated by Quest, has been approved on the south-eastern end of the lot which has an area of approximately 2744sqms. Each end of the lot will be separated by a pedestrian through-site link spanning east-west between Lord Sheffield Circuit and Engineers Place. The link will remain in private ownership and will be the shared responsibility of both developments (Quest serviced apartments and the proposed mixed use development).

Development in the vicinity is predominantly newly constructed residential flat buildings, single dwellings, town houses and vacant allotments. Several residential flat buildings are currently under construction along Engineers Place and Lord Sheffield Circuit. Several sites to the immediate north have been approved for residential flat buildings and some instances of ground floor commercial premises have been approved.

The public entry to Penrith Railway Station is located 60 metres to the south.

## Proposal

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The development application is for the construction of a 9 storey mixed use development comprising:

- 48 apartments (12 x 1 bed, 35 x 2 bed, 1 x 3 bed);
- Two ground floor commercial tenancies of 224sqm and 263sqm;
- Communal open space provided at level 3 podium;
- Ground floor lobby with entry from Lord Sheffield Circuit;
- Parking for 65 cars (4 commercial car spaces at ground floor, 28 residential spaces at level 1, 33 residential spaces at level 2);
- Ancillary landscaping and public domain works including completion of a pedestrian through-site link to Engineers Place; and
- Site preparation and earthworks.

## Background

### *Subdivision*

A subdivision certificate application (SC18/0014) has been approved at the subject site which will result in two separate Lots. The subject development will be situated on Lot 2 which will be 1354sqm's in area and contains a Right of Footway (being the through site pedestrian link) 4.55m and 6m wide. The adjacent lot (Lot 1) containing the Quest serviced apartments development currently under construction, will be 1390sqm's in area and contains a 1.45m Right of Footway.

*Consistency with the NSW Department of Planning - Major Projects Approval MP10-0075 and MP10-0078 dated October 2011*

The NSW Department of Planning and Infrastructure undertook the assessment of a Transitional Part 3A Concept Plan and Stage 1A Project Application submitted by Urban Growth NSW (formerly Landcom) for a mixed use and residential development relating to a 40 hectare site known as Thornton Estate. A State Significant Site listing for the area was also sought with regard to the rezoning of the land. The Stage 1A Project Application included site preparation works, subdivision to create 120 lots and the construction of roads and supporting infrastructure.

The Transitional Part 3A Concept Plan and Stage 1A project application was approved by the Planning Minister on 9 November 2011 subject to the conditions in Schedule 2 and the Statement of Commitments listed in Schedule 3. A review of the subject proposal against the conditions in these Schedules has been undertaken. The proposal is found to be consistent with the conditions under Schedule 2 however, the following matters are tabled (refer **Table 1** below) with regard to the consistency of the proposal with the Schedule of Commitments

**Table 1:** Consistency with Schedule 3 of the Transitional Part 3A Concept Plan and Stage 1A Major Projects Approval

Subject	Commitment	Comment	Complies
Traffic & Access	<p>A Construction Environmental Management Plan (CEMP) is to be prepared which includes a site-specific construction traffic management plan.</p> <p><i>Responsibility/Timing:</i> To be demonstrated by the proponent at the time of any relevant detailed application.</p>	<p>No CEMP has been provided. It is recommended that a condition of consent be included in this regard.</p>	<p>Able to comply.</p>
	<p>Landcom will carry out the road works identified in Road Hierarchy Plan and dedicate those works on a stage by stage basis to Penrith City Council.</p> <p><i>Responsibility/Timing:</i> To be demonstrated by the proponent at the time of any relevant detailed application.</p>	<p>The road hierarchy of the Thornton Estate has been provided and dedicated to Council in accordance with the Major Project approval.</p>	<p>Complies.</p>
	<p>Commercial premises will provide cyclist end-of-trip facilities in accordance with the Planning for Walking and Cycling (NSW Planning, December 2004).</p> <p><i>Responsibility/Timing:</i> To be demonstrated by the proponent at the time of any relevant detailed application.</p>	<p>No end-of-trip facilities are provided.</p> <p>It is considered that due to the minimal commercial gross floor area provided by this development, provision of end-of-trip facilities are not warranted.</p>	<p>No. Justification provided.</p>
	<p>Landcom, through conditions on its future sales and tenancy agreements, will produce Transport Access Guides for new residents and require commercial tenants to produce Workplace Travel Plans for their employees and clients.</p> <p><i>Responsibility/Timing:</i> To be demonstrated by the proponent at the time of any relevant detailed application.</p>	<p>A condition of consent is recommended in this regard.</p>	<p>Able to comply.</p>

<p>Flooding</p>	<p>The final ground surfaces will be at or above the regional 100 year ARI flood level of RL 25.4m AHD.</p> <p>The minimum habitable floor level for the site will be RL 25.9 AHD, being 0.5m freeboard above the 1 in 100 year annual recurrence interval (ARI) flood event.</p> <p><i>Responsibility/Timing:</i> To be demonstrated by the proponent at the time of any relevant detailed application.</p>	<p>The finished floor level of the commercial ground floor is proposed to be RL 26.700m AHD.</p> <p>The finished floor level of the level 3 residential apartment is proposed to be RL 36.1m AHD.</p>	<p>Complies.</p>
<p>Employment Generation</p>	<p>Development on the site will include uses that generate at least 783 full time jobs.</p> <p><i>Responsibility/Timing:</i> To be demonstrated by the proponent at the time of any relevant detailed application.</p>	<p>This Commitment relates to key mixed use sites. The subject site is not identified within the approved subdivision or applicable built form controls as a key mixed use site.</p> <p>Notwithstanding, the development includes ground floor commercial and as such will contribute to the quantum of full time jobs anticipated within the Estate.</p>	<p>Complies.</p>
<p>Noise and Vibration</p>	<p>Future development shall be generally consistent with the findings and the recommendations of the Noise and Vibration Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.</p>	<p>A condition of consent is recommended in this regard.</p>	<p>Able to comply.</p>

## Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.55 (formerly Section 79C) 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

The application was submitted with BASIX Certificate No. 910375M\_02 dated March 22 2018, which confirms that the development will meet the NSW government's requirements for sustainability. The development application has been assessed against State Environmental Planning Policy and is found to comply.

## State Environmental Planning Policy (Infrastructure) 2007

An assessment of the development application has been undertaken against the applicable provision of State Environmental Planning Policy (Infrastructure) 2007 [ISEPP], in particular Clause 87 Impact of rail noise or vibration on non-rail development.

Clause 87 of the ISEPP states that before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

The application was lodged with a Noise Impact Assessment (NIA) prepared by Acoustic Logic, dated 12.03.2018 (revision 0). The NIA provides an assessment of the development proposal against the ISEPP and in particular rail noise and concludes that no further assessment is required given the site is greater than 80m from the rail line as nominated within the '*Development near Rail Corridors and Busy Roads - Interim Guideline*'. .

## 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 specifically an assessment has been undertaken of the proposal against the matters for consideration under Clause 7 Contamination and remediation to be considered in determining a development application.

The approved serviced apartments development located at the southern end of the site was accompanied by an Environmental Site Assessment prepared by Presna dated January 2016, which applied to the whole Lot (proposed Lot 1 and Lot 2). The Report included an analysis of site investigations including the results from 10 test pits and soil sampled from existing soil stockpiles. It is concluded that the potential for significant contamination associated with the historical and current use of the site is considered to be low; and that the natural soil across the site was considered to be Virgin Excavated Natural Material.

The subject development application was submitted with an Addendum to the Environmental Site Assessment Report for the Environmental Site Assessment undertaken at Lot 3008, Lord Sheffield Circuit, Penrith NSW, dated 20 February 2018. The addendum concludes that the site is suitable for mixed use shop top housing.

Further, a review of Council's records does not identify that the site has been occupied by any potentially contaminating developments or uses (since its approval for subdivision under the Major Projects approval). The proposal satisfies the requirements of the Policy and Council can be satisfied that the land concerned is suitable for the development as proposed.

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

An assessment has been undertaken of the proposal against the relevant criteria within the State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development and the proposal is found to be satisfactory, subject to recommended conditions of consent. The proposal is considered to be acceptable when assessed against the nine Design Quality Principles of Schedule 1.

Table 2 below provides an assessment against the applicable provisions of the accompanying Apartment Design Guide (ADG).

Table 2: Assessment Against the Apartment Design Guide (ADG)			
Part 3	Required	Discussion	Complies

3A-1	Each element in the Site Analysis Checklist should be assessed.	A Site Analysis plan was submitted with the application and identifies applicable elements as required within the Checklist. A written description of the proposal and subject site are also included in the submitted Statement of Environmental Effects and accompanying plans and reports.	Yes.
3B-1	Buildings to address street frontages.	Each elevation adequately addresses the street frontages. Direct access is provided to the retail tenancies at ground floor to both Lord Sheffield Circuit and to the pedestrian through-site link.  The common entry and foyer area is of an appropriate design and location and is direct and open to the street.	Yes.
3B-2	Living areas, Private Open Space (POS) and Communal Open Space (COS) to receive compliant levels of solar access.	Refer discussion under Parts 3D and 4A.	N/A.
	Solar access to living spaces and POS of neighbours to be considered.	Due to the orientation of the site to North and the limited building depth, acceptable levels of solar access can be maintained to the communal open spaces and living zones of neighbouring properties.  Additional overshadowing attributed to the development will fall toward Lord Sheffield Circuit to the south and south-west of the site and toward the through-site link.  The building to the south of the site is impacted by additional overshadowing attributed to the proposed development between 12 Midday and 3.00pm at the winter solstice. It is noted that the landscaped terrace at level 3 of the adjacent development will retain adequate levels of solar access and is a serviced apartments development.  Overshadowing impacts attributed to the proposal are considered acceptable.	Yes.
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased.	Acceptable levels of solar access is achieved between the primary daylight hours at the winter solstice. An increase in building separation is not required.	Yes.
3C-1	Courtyard apartments should have direct street access.	The proposal is for a mixed use development with retail tenancies at the ground floor. No residential apartments are located at ground floor.	Not applicable.
	Upper level balconies and windows to overlook the street.	All apartments are provided with an outlook over the surrounding streets.	Yes.

	Length of solid walls should be limited along street frontages.	Walls are adequately landscaped and articulated. No large expanses of blank wall are proposed. Walls adjacent to the service and back of house areas are adequately articulated.	Yes.
	Opportunity for concealment to be minimised.	Entryways are wide, straight and located to reduce opportunity for crime and concealment.	Yes.
3C-2	Ramping for accessibility should be minimised.	No ramping at street level is required.	Not applicable.
3D-1	Communal Open Space (COS) to have minimum area of 25% of site.	<p>The development complies with the ADG recommendation to provide 25% of the site area or 338.5sqm's, as COS.</p> <p>Approximately 180sqm's of common open space is provided at Level 3. In addition, the proposal includes the provision of 6m wide pedestrian through site link with an area of 192sqm's at ground floor. The development proposes a total of 372sqm's of COS.</p> <p>In addition to the above, the subject site is located in close proximity to a pocket park at the intersection of Lord Sheffield Circuit and Kleinig Place. A public park is also located at the eastern end of Engineers Place (Smiths Paddock and Thornton Playground and Community Centre).</p>	Yes.
3D-4	Boundaries should be clearly defined between public open space and private areas.	<p>The private open space areas of the development are clearly defined by the use of landscaping, walls and paving elements.</p> <p>The through-site link will be paved and embellished with street furniture and areas to sit which is supportive of its use as both a thoroughfare for commuters and people accessing the Penrith CBD and an area for social interactions, shopping, dining and meeting.</p>	Yes.
3E-1	Deep soil is to be provided at a rate of 7% of site area with a min. dimension of 3m.	<p>The ADG states that achieving the recommended percentage of deep soil may not be possible on sites where the location and building typology have limited or no space for deep soil at ground level, and on sites located in central business districts, on constrained sites, in high density areas and site located within centres as examples.</p> <p>The subject site is located within a high density area and is a relatively constrained site. Notwithstanding, deep soil can be provided within the through-site link and the opportunity to provide planting within this zone can be explored at detailed design phase.</p> <p>A condition of consent is recommended to require the submission of detailed design drawings of the through-site link prior to the issue of the Construction Certificate.</p>	Not applicable.

3F-1	<p>Minimum required separation distances from the building to side and rear boundaries is to be achieved as follows:</p> <p>1-4 Storeys – 6m habitable to habitable and 3m for non-habitable.</p> <p>5-8 storeys – 9m habitable to habitable and 4.5m for non-habitable.</p>	<p>The development does not comply with the separation distances as provided by the ADG.</p> <p>An assessment has been made of visual and acoustic privacy impacts as follows:</p> <p>The northern elevation is built to boundary with bedrooms and bathrooms located along this elevation. A residential flat building is located opposite with south facing balconies and windows to habitable spaces.</p> <p>The two buildings are separated by a private service laneway. The separation distance is measured as 7m which does not comply with the shared separation distances of 6m and 9m as stipulated within the ADG.</p> <p>The departure from the control is assessed to be acceptable, in that the site is located in a high density urban context, and the window openings attributed to the subject development are limited in area, and are to bathrooms or are located in the corner of a bedroom.</p> <p>The bedrooms to the corner units of the proposed development are generally oriented to the east and west rather than toward the adjacent residential flat building.</p> <p>The third floor communal open space area is adequately separated from the adjacent residential flat buildings and shade devices are utilised to assist in providing privacy to the common areas from above.</p>	No. Justification provided.
3G-1	Building entries to be clearly identifiable.	<p>Lobby entryways are articulated with cladding detail provided to accentuate the recessed entryway.</p> <p>Mail boxes are co-located adjacent to the entry point accessed from Lord Sheffield Circuit. The entry is accessible and is paved to the street front and provided with adequate security.</p>	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.
	Steps and ramps to be integrated into the overall building and landscape design.	Steps and ramps are not required at the ground floor.	Yes.



3H-1	Carpark access should be integrated with the building's overall façade.	<p>The carpark is integrated into the design of the site with access along the northern and eastern elevations. The carpark entryways are separated for commercial and residential entry.</p> <p>Residential entry to the upper level residential carpark is via the northern elevation along the service lane. Entry to the four commercial spaces and waste rooms is along the eastern elevation at ground level.</p>	Yes.
	Clear sight lines to be provided for drivers and pedestrians.	<p>Provision of adequate sight lines was raised with the applicant and was raised as an area of concern within submissions.</p> <p>Council's Development and Traffic Engineers also provided comment that sight lines are required to be compliant. The two areas of focus are identified as:</p> <ol style="list-style-type: none"> <li>1. The north-eastern corner of Tenancy 2 at ground floor, at the intersection of the through-site link and service laneway, and</li> <li>2. The vehicular exit at the north elevation from level 1 and 2 parking.</li> </ol> <p>With regard to focus area 1, additional information was provided by the applicant which confirms sight lines are adequate and plans have been amended to increase pedestrian safety.</p> <p>A thorough discussion is provided under the referrals section of this report and it is concluded that the provision of a 2.1m x 2m curved splay at this location (in lieu of a 2.5m x 2m angled splay as required by AS 2890.1 Figure 3.3) is acceptable, taking into consideration the characteristics of the site and the design response.</p> <p>With regard to focus area 2, the applicant has submitted additional information which indicates that a range of measures are proposed to calm traffic entering and leaving the building and to increase safety at the vehicle entry points including convex mirrors, warning lights and signage.</p> <p>Further discussion with regard to sight lines is also provided under the response to submissions section of this report.</p> <p>As detailed above, conditions of consent are recommended to require the installation of all of the proposed measures prior to the issue of any Occupation Certificate for the development.</p>	No. Conditions recommended.

	Garbage collection, loading and servicing areas are screened.	The waste collection area entry is located along the eastern elevation and is accessed off the service lane with all bin areas located within the ground floor parking area.	Yes.
	Traffic calming devices such as changes in paving material or textures should be used where appropriate.	A level change and differing materials are proposed between the pedestrian areas and the proposed waste bay. Bollards are provided to control vehicle movements.	Yes.
3J-1	The site is located within 800m of a railway station and as such car parking rates are set by the RMS (formerly RTA) Guide to Traffic Generating Developments document.	Refer discussion under Penrith DCP 2014.	Not applicable.
3J-2	Secure undercover bicycle parking should be provided for motorbikes and scooters.	Secure bicycle parking is proposed within the basement of the building. Several spaces are also provided for casual use within the through-site link.	Yes.
3J-3	A clearly defined and visible lobby area or waiting area should be provided to lifts and stairs.	Lobby areas are clearly defined and appropriately located with sufficient safe manoeuvring areas provided.	Yes.
	Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas, and car wash bays can be accessed without crossing car parking spaces.	A condition of consent is recommended to ensure that access to storage cages is not restricted by vehicles.	Yes. Condition recommended.
3J-4	Natural ventilation should be provided to basement and sub-basement car parking areas.	No basement car parking is proposed. Podium parking is provided with adequate ventilation.	Yes.
3J-6	Positive street address and active frontages to be provided at ground floor.	Wide and direct pedestrian access pathways are provided to the communal entries and lift lobby area via the surrounding streets and internal common open space areas.  Car parking is adequately screened and sleeved within the architecture of the building. Conditions of consent are recommended with regard to the car parking landscaping and its maintenance.	Yes. Conditions recommended.

4A-1	Living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9.00am and 3.00pm mid-winter.	Submitted documentation confirms that 75% of apartments are provided with compliant levels of solar access.  3 hours of direct solar access is achieved for west facing units between the hours of Midday and 3pm at the winter solstice.  Upper level (estimated levels 5-9) east facing apartments received between 2 and 3 hours of direct solar access between the hours of 9.00am and 11.30am at the winter solstice.  All apartments will have a sunny outlook and the upper levels (3-9) will benefit from protected distant views to the east via Engineers Place and interim distant view to the west.	Yes.
4A-3	Sun shading devices are to be utilised.	Balconies are proposed to be covered by the levels over.	Yes.
4B-3	60% of apartments are to be naturally ventilated and overall depth of cross-through apartments 18m maximum glass-to-glass line.	Submitted documentation confirms that 63% of apartments receive natural cross flow ventilation.	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 is for a minimum of 2.7m measured from finished floor to ceiling level.	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's.	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.	Unit depth is measured as being between 8m and 8.4m. This minor departure of 400mm from the guideline rate is assessed to be acceptable given the high amenity of the units and their general compliance with related ADG controls such as solar access and natural cross ventilation rates.	No. Justification provided.
4D-3	Master bedrooms to be 10sqm's and other rooms 9sqm's.	All units are acceptable having regard to this control.	Yes.
	Bedrooms to have a minimum dimension of 3m.	All units are acceptable having regard to this control.	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 are acceptable having regard to this control.  Minor departures from this design guidance rate are proposed, in that some areas of balconies are less than 2m in depth.  This departure from the ADG is acceptable given the main area of balcony for each unit is of a useable and practical size and orientation and is accessed directly from the main social areas of each unit.	No. Justification provided.
4E-3	Downpipes and balcony drainage are integrated with the overall facade and building design.	A condition of consent is recommended in this regard.	Condition recommended.
	Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	A condition of consent is recommended in this regard.	Condition recommended.
4F-1	Daylight and natural ventilation to be provided to all common circulation spaces.	Natural light is provided to the central ground floor lobby and to all lift core circulation spaces.	Yes.
4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: 1 bed – 4m <sup>3</sup> 2 bed – 6m <sup>3</sup> 3 bed – 10m <sup>3</sup> With 50% of the above to be provided within the Units.	Adequate storage is provided within each unit in addition to storage cages located with the residential carparks at levels 1 and 2.  As discussed above, a condition of consent is recommended to ensure that access to storage cages is not restricted by vehicles.	Yes. Condition recommended.
4K-1	Flexible apartment configurations are provided to support diverse household types.	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 proposed as follows:  12 x 1 bedroom apartments (25%) 35 x 2 bedroom apartments (72.91%) 1 x 3 bedroom apartments (2.1%)  A condition of consent is recommended to require that 10% of apartments (5) are to be constructed as adaptable. Adaptable apartments are allocated an accessible car parking space. It is noted that 5 accessible car parking spaces for residents are proposed.	Yes. Conditions recommended.

4M-1	Building facades to be well resolved with an appropriate scale and proportion to the streetscape and human scale.	<p>The development proposal triggered the requirement under PLEP to enter into an Architectural Design Competition. Notwithstanding, the application was lodged with a Design Competition Waiver issued by the Government Architect NSW, dated 20 February 2018 and as such a Design Competition is not required.</p> <p>The Waiver requires Council to establish a project specific design review panel to oversee the design development of the proposal and that design development of the proposal specifically address issues of local context and public domain.</p> <p>The Panel's role is to ensure design excellence continues throughout the design development, planning approval and delivery.</p> <p>In this regard, the Panel have reviewed the amended plans and have provided their endorsement in letter dated 2 July 2018. A copy has been issued to the Government Architect NSW.</p> <p>The amended design as endorsed by the Panel is considered to demonstrate design excellence and is considered appropriate in design relative to the context of the site. Elevations and selected materials are of general high quality.</p> <p>The development responds to the human scale.</p>	Yes.
4O-1	Landscape design to be sustainable and enhance environmental performance.	<p>The submitted landscape plan prepared by Urbis indicates a selection of trees, shrubs and ground covers appropriate for the site.</p> <p>Conditions of consent are recommended with regard to landscape maintenance in particular planting proposed within the openings of the podium car parking.</p>	Yes. Conditions recommended.
4Q-2	Adaptable housing is to be provided in accordance with the relevant Council Policy.	A condition requiring compliant levels of adaptable housing is recommended.	Yes. Condition recommended.
4U-1	Adequate natural light is provided to habitable rooms.	All habitable rooms are provided with appropriate levels of natural light. 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 application has been referred to Council's internal Environmental Waterways Unit with no objections raised. WSUD measures have also been considered at the major projects approval stage.	Yes.
4W-1	A Waste Management Plan is to be provided.	A Waste Management Plan has been submitted and is considered acceptable.	Yes.

	<p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p>	<p>The waste collection area is located at ground floor and is accessed via a roller door to the service lane at the rear (eastern elevation) of the building.</p> <p>The design is considered to be adequate and has the ability to accommodate the number of bins required to service the development.</p> <p>It is noted that the waste collection and manoeuvring area is co-located with the ground floor commercial carpark entry and waste storage area. Although it is acknowledged that this location may restrict access or exit to the four spaces within the commercial carpark whilst a waste vehicle is servicing the site, it is considered an acceptable for the following reasoning:</p> <ul style="list-style-type: none"> <li>- A low volume of vehicle movements are expected during waste collection times.</li> <li>- Adequate sight lines are maintained to the waste bay and manoeuvring areas from outside and inside the site.</li> <li>- Residential vehicles will not be impacted.</li> <li>- The waste solution is acceptable given the lane is a service lane and is one way in the location of the waste bay.</li> <li>- Waste trucks located in the bay will not restrict vehicle movements along the lane. Adequate room for passing is provided.</li> <li>- Smaller delivery vehicles in the bay will not restrict entry/exit to the ground floor commercial carpark.</li> <li>- No resident access is provided to the carpark or waste management areas at ground floor.</li> </ul> <p>The development provides for chutes for recycling and residual waste and are provided to all residential levels.</p> <p>Commercial waste is adequately separated and access is provided to the commercial waste area via the tenancies at ground floor.</p> <p>The building manager will be responsible for the changing of bins and their presentation for collection.</p>	<p>Yes.</p>
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## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997). This Policy aims “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”. The Policy requires Council to assess development applications with regard to general and specific considerations, policies and strategies.

The proposal is not found to be contrary to these general and specific aims, planning considerations, planning policies and recommended strategies of the plan. The site is not located within a scenic corridor of local or regional significance and it is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context.

### Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.2 Flood planning	Complies
Clause 7.3 Development on natural resources sensitive land	N/A
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.5 Protection of scenic character and landscape values	N/A
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies - See discussion
Clause 7.8 Active street frontages	N/A
Clause 7.12 Maximum gross floor area of commercial premises	N/A
Clause 8.4 Design excellence	Complies - See discussion
Schedule 1 Additional permitted uses	Complies

#### Clause 2.3 Permissibility

The proposal is for a mixed use development comprising two commercial tenancies at the ground floor, two levels of above ground car parking at levels 1 and 2 and residential apartments at levels 3 to 9.

The subject site is zoned B2 Local Centre under Penrith Local Environmental Plan 2010 (PLEP 2010). Development for the purposes of commercial premises is permissible within the B2 Local Centre zone. Residential flat buildings are permissible on the subject site (Lot 3008 in DP 1184498), under Schedule 1 Additional Permitted Uses of the PLEP 2010.

#### Clause 2.3 Zone objectives

Objectives of the B2 Local Centre include the following:

- (a) To provide for a range of retail, business, entertainment and community uses that serve the needs of the people who live in, work in and visit the local area;*
- (b) To encourage employment opportunities in accessible locations;*
- (c) To maximise public transport patronage and encourage walking and cycling;*
- (d) To provide retail facilities for the local community commensurate with the centre's role in the regional retail hierarchy;*
- (e) To ensure that future housing does not detract from the economic and employment functions of a centre; and*
- (f) To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposed development is compatible with the objectives of the B2 Local Centre zone, in that the site will provide employment in close proximity to Penrith Railway Station and transport interchange. Two commercial tenancies are proposed at the ground floor with frontage to Lord Sheffield Circuit and the pedestrian through site link. The scale and location of the tenancies are such that they may be adapted over time for a range of uses or scale of tenant whilst remaining supportive of the retail hierarchy of the local area. Visitor and employee bike parking facilities are provided both within the building and within the through site link.

The development proposal is not in conflict with the dwelling densities and built form character expressed from the site within the applicable development controls plans as further detailed within this report.

#### **Clause 2.5 Additional permitted uses for particular land**

The proposed development is for a mixed use building comprising a residential flat building and commercial uses. Commercial premises are permissible within the B2 Local Centre zone under the PLEP 2010.

Clause 2.5 of the PLEP 2010 stipulates that development on particular land that is described or referred to in Schedule 1 may be carried out with development consent, in accordance with the conditions specified in that schedule in relation to that development. The subject site which is legally described as Lot 3008 in DP 1184498 is identified within Schedule 1 Additional permitted uses under Clause 23 (Site 22 on the Additional Permitted Uses Map). Additional permitted uses for the site include residential flat buildings.

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

The submitted survey indicates that the site has a fall from the south-east to north-west of approximately 0.59m. Levels vary between 27.13m AHD along the through site link to 26.54m AHD along the frontage of the site to Lord Sheffield Circuit at the northern most end. The proposed 9 storey mixed use building has a maximum height of 57.755m AHD.

The maximum permissible height for the site is 32 metres under the Penrith LEP 2010. The proposal for a height of 57.755m complies with the maximum permissible height of 32m or 59.13m AHD.

#### **Clause 7.1 Earthworks**



Objectives of Clause 7.1 Earthworks of the PLEP include 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. Proposed earthworks include site preparation and excavation required for the construction of footings and the installation of services and infrastructure. No basement excavation is proposed.

As per Clause 7.1(3) prior to granting development consent for earthworks, the consent authority must consider the following:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed 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 proposed 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,*
- (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.*

The proposal is not assessed to be in conflict with any of the matters listed above, in that excavation will be limited to footings and services. Council's Development Engineer has reviewed the proposal and raises no objections with regard to drainage, soil stability or impacts on waterways. The proposed development will not result in negative impacts on the likely future uses and does not include the proposal to introduce fill to the site.

The development application was lodged with a Geotechnical Report which concludes the site is suitable for the proposed development.

The Major Projects Approval MP10-0075 and MP10-0078 dated October 2011 also found the site suitable for development and assessed impacts related to waterways, heritage and likelihood of relics and archaeological potential at the site. Notwithstanding the above, standard conditions of consent are recommended to be included with regard to unexpected finds, validation and disposal of fill material, sediment and erosion control and dust suppression.

Further, a condition requiring the submission of a dilapidation report surveying civil infrastructure in the locality is recommended to be included, to ensure that construction works including those related to soil removal, will not result in damage to existing infrastructure and if so can be identified and rectified by the applicant/developer.

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

The proposal has been assessed against the principles of sustainable development and is considered to be compliant. The proposal provides a site responsive design with quality solar access, opportunity for natural ventilation and is located in close proximity to Penrith Railway Station, bus interchange and local bicycle networks.

#### **Clause 7.7 Servicing**

The development proposal is assessed to comply with Clause 7.7 Servicing of PLEP, in that the site is capable of being connected to services including water, sewer, electricity and other essential infrastructure.

#### **Clause 8.4 Design excellence**

Clause 8.4 Design Excellence of PLEP stipulates that development consent must not be granted for development involving the construction of a new building, or external alterations to an existing building, on land to which this Part applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence. In deciding if the development exhibits design excellence, Council is required under Clause 8.4(2) to have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type*

and location will be achieved,

(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development will detrimentally impact on view corridors,

(d) whether the development will detrimentally impact on any land identified as "Area 4" on the Height of Buildings Map,

(e) how the development will address the following matters:

(i) the suitability of the land for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the relationship of the development with other buildings (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(viii) the achievement of the principles of ecologically sustainable development,

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

(x) the impact on, and any proposed improvements to, the public domain.

Subclause (3) states that development consent must not be granted for any of the following development unless an architectural design competition has been held in relation to the development:

(a) development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,

(b) development that has a capital value of more than \$1,000,000 on a key site identified on the Key Sites Map,

(c) development for which the applicant has chosen to have an architectural design competition.

Although the proposed development triggers the requirement under PLEP to enter into an architectural design competition, the application was lodged with a design competition waiver issued by the Government Architect NSW, dated 20 February 2018. In this regard subclause (4) of Clause 8.4 states that where the Director-General certifies in writing, that the development is one for which an architectural design competition is not required, then subclause (3) no longer applies.

The waiver issued for the subject site requires Council to establish a project specific design review panel to oversee the design development of the proposal and that design development of the proposal specifically address issues of local context and public domain. The Panel's role is to ensure design excellence continues throughout the design development, planning approval and delivery.

In accordance with the terms of the waiver, the applicant attended an Urban Design Review Panel meeting (Council reference UDRP18/0001) on 7 March 2018 where matters related to the design competition waiver were discussed. The project specific review panel raised the following summarised matters with regard to design excellence:

(a) Built Form: The north-western corner of the building incorporates a 'lighter-weight' break-out for the top two storeys which, although a positive design solution in-principle, requires further refinement in order to moderate scale of the proposed ten storey facade that adjoins the eight storey form of Thornton Stage 1;

(b) Laneway Design Detail: Further detail is to be submitted on the design treatment and intention of the laneway. This includes the planting details, paving treatments, shore lining, furniture, lighting and accessibility features. A cross section drawing is also required which identifies the approved works and details how further embellishment will address the proposed northern interface subject of this proposal;

(c) Circulation and Activation: a circulation diagram is required which addresses pedestrian movements into and out of the laneway including verification of kerb ramp relocation, seating design details and intended seating locations, shadow analysis and view corridor analysis. The detail needs to demonstrate that the space is inviting, safe and accessible for through pedestrian movements and congregation.

(d) Laneway Lighting: there needs to be sufficient lighting of people's faces to create a sense of safety and security in the space. The space should be lit to reflect that of an outside room which will assist in managing the scale of the space to avoid a dark canyon presentation. A lighting engineer should be engaged.

(e) Public Art: further detail is required on the proposed public art offering or a strategy on how public art can be suitably designed and integrated into the space. This could include a strategy document that may

inform conditions of consent if the development is supported.

(f) Common Open Space: The common open space requires amendment to create a series of outdoor rooms / areas that provide congregation opportunities as well as a sense of privacy between the different spaces. It was recommended that paving be reduced and territory division planting be incorporated to separate intended common open space from private open space areas. It was also suggested that 'floating furniture' may assist in adding to diversity in how the spaces are utilised.

(g) Green Wall Design: the landscape design solution which screens carpark openings requires technical refinement to ensure the viability of proposed 'green screens'.

The applicant was provided with a copy of the above advice and an amended set of plans was submitted with the development application, accompanied by additional information which included circulation diagrams, landscaping details and a detailed public art strategy document. The amended plans and additional documents were reviewed by the project specific panel, who have provided their endorsement of the final in letter dated 2 July 2018. A copy of the endorsement letter was also issued to the Government Architect NSW. The endorsement letter included an Appendix of conditions which were recommended to be included within the consent, should development consent be granted. The conditions as detailed in the endorsement letter are recommended to be included and are adopted at the end of this report within various conditions including within the general and special landscape and through-site link conditions.

The amended design as endorsed by the Panel, is considered to demonstrate design excellence, taking into consideration of the matters listed above (under Clause 8.4 (2) of PLEP) and is considered appropriate relative to the context of the site. Elevations and selected materials are of general high quality and the development responds to the human scale at street level, with integrated services and activated frontages and will provide an 'edgy' pedestrian through-site link incorporating art, lighting and seating as well as facilitating practical access to the station and to Smith's Paddock (recreation area).

Conditions of consent are recommended to be included with regard to landscape maintenance, submission of a final materials and finishes schedule, and the submission of a detailed through-site link plan inclusive of lighting and public art plans.

Conditions are also required to ensure that the through-site link remains open to the public whilst construction of the site is being undertaken (after the issue of the Occupation Certificate for the Quest serviced apartments development adjacent).

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

There are no draft Environmental Planning Instruments that have been placed on public exhibition that apply to the subject proposal.

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies
C8 Public Domain	Complies - see Appendix - Development Control Plan Compliance
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
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
D2.6 Non Residential Developments	N/A
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements in place that apply to this development application.

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

In accordance with Section 143 of the *Environmental Planning and Assessment Regulation 2000*, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application has been referred to Council's Building Surveyor for assessment. No objections have been raised with regard to the proposal, subject to recommended conditions of consent.

Further, the development was submitted with an Access Report concluding that the proposal is capable of complying with the applicable provisions of the Building Code of Australia and relevant Australian Standards. The proposed development complies with the applicable requirements of the Regulations.

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

## **Context and Character**

The development of the site will have an acceptable impact on the character of the area. The site is currently vacant and the approval of the development will introduce a nine storey mixed use development into the streetscape. The proposed building facades, uses and street activation, overall design and selected materials are assessed to be sympathetic with the local area and are supportive of the high quality future desired streetscape character anticipated for the Village Centre both under the Penrith DCP 2014 and the approved Major Project Concept Plan for Thornton Estate (MP10-0075 & MP10-0078).

## **Solar Access**

The development will have an acceptable level of impact on the amount of solar access attributed to neighbouring sites particularly to the immediate south and south-east. Overshadowing attributed to the proposal will impact predominantly to the south with the shadow tracking across Lord Sheffield Circuit and towards the through-site link throughout the day. Importantly the gardens and landscaping at the western end of Engineers Place retain sufficient access to the sun at the winter solstice, to allow for sustainable growth.

## **Traffic and Parking**

### *Traffic movements and increase in cars entering the site*

As a result of the proposal it is expected that there will be an increase in the volume of traffic entering the site, however the development proposes an acceptable car parking rate and is unlikely to impact negatively, to the detriment of the local network. Conditions of consent are recommended with regard to the allocation of car parking spaces and compliance with applicable Australian Standards related to parking, manoeuvring and sight lines and accessible car parking spaces.

As detailed within this report, car parking exit and entry points are to be provided with warning lights and convex mirrors to assist in driver awareness. The waste bay will also make use of warning lights, bollards and it is noted that there is a change in surface levels and materials which will assist in increasing pedestrian awareness and highlighting the use of the waste bay as a non-pedestrian zone.

As discussed elsewhere within this report, a condition is recommended to ensure a left only turn is available for vehicles exiting the residential carpark. This will reduce the potential for conflicts between vehicles exiting the Stage 1 basement located on the northern side of the service lane.

### *Carpark lighting*

It is identified that lighting within the upper level residential car parks may result in negative impacts on the amenity of residential units located on the northern side of the service lane. This matter was raised with the applicant who has advised that the impact will be mitigated by the proposal for planting within the carpark window openings. In the case where landscaping fails to thrive, impacts of light spill may result. In this regard, a condition of consent is recommended to require the installation of recessed louvres, located behind the planting, along the window openings of the northern façade of the building (or similar) to reduce the impact of lighting from the car parking on the residential apartments located on the northern side of the service lane.

## **Noise and Construction Impacts**

### *Construction noise*

Construction at the site will have a temporary affect on the amenity of the area due to noise from construction traffic, equipment and machinery. Standard conditions of consent are recommended with regard to hours of construction, noise and dust suppression and soil and sediment control.

### *Noise from vehicles*

It is identified that screeching noises from the tyres of cars manoeuvring around the elevated carpark may have a negative impact of the amenity of the residential apartments located in the northern side of the service lane (opposite the northern elevation of the proposed development). In this regard, a condition of consent is recommended to ensure that the surface of the carpark floor is a matt or rough finish and is not smooth or gloss.

## **Social & Socio-Economic Impacts**

The development is unlikely to result in any negative social impacts in the area. The proposal has been assessed against the principles and objectives contained within the DCP and is compliant in this regard.

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

The site is considered to be suitable for the proposed development for following reasons:

- The use is compatible with surrounding and future adjoining land uses;
- The grade and area of the site is capable of providing for, or connecting to the infrastructure required to service and maintain the development;
- The proposal is permissible within the zoning and will not result in unacceptable negative environmental impacts in the locality.

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

### Community Consultation

In accordance with Appendix F4 of the Penrith Development Control Plan 2010, the proposed development was notified to nearby and adjoining properties and residents, advertised and was publically exhibited between 13 April and 27 April 2018. Four submissions were received one being a letter of support for the proposal. A summary of the matters raised in the submissions and a response to those matters, is provided below.

<b>Issue Raised</b>	<b>Comments</b>
<p><i>Safety</i></p> <ul style="list-style-type: none"><li>• <i>The safety of the area is becoming a concern to us as residents. There are non-stop break-ins, stealing from the storage cages in secured carparks, noise after midnights within the area. Adding not just residential but mixed used building would only "attract" more criminals to "visit" this area.</i></li></ul>	<p>The development application was referred to the NSW Police and no objections were raised. It was raised however, that the area is subject to crime including break-ins, drug and graffiti offences and vehicle break-in and theft. In this regard, recommendations provided by the NSW Police with regard to provision of CCTV and lighting to increase safety within the local area are recommended to be included as conditions of consent.</p> <p>The development is unlikely to result in increased crime within the area and it is expected that the addition of active commercial uses at ground floor and the provision of a pedestrian through-site link and residential balconies overlooking the street, will provide greater opportunity for passive surveillance in the Village Centre area.</p>

#### *Traffic Entry and Exit*

- *The [Traffic] report does not identify that the proposed northern Residential entry/exit off Lord Sheffield Circuit for the Development is shared with the 151 apartments in Thornton Stage 1.*
- *Vehicles exiting Stage 1 come up a steep ramp with limited visibility.. vehicles of the new development will come down a steep ramp and conflict with vehicles exiting Stage 1 carpark.*
- *The vehicle movements from Stage 1 have not been included in the Traffic Assessment report and the potential risk of vehicle collision given restricted visibility is significant.*

Additional information was requested from the applicant in letter dated 17 May 2018. This included a request for details related to compliance with relevant Australian Standards and further detail related to safety and traffic circulation across the site.

The applicant responded with additional traffic plans and a written response dated 4 June 2018, which included confirmation that the proposed development achieves compliance with blind aisle extension requirements of AS 2890.1-2004 and height clearances required by AS 2890.6-2009.

A meeting was also held with the applicant, where matters raised within submissions were discussed. Amended plans were received which indicate the inclusion of convex mirrors and warning lights at the ramp locations and on the external wall, opposite the entry/exit ramp to Stage 1, to assist in driver awareness and sight lines.

It is noted that the access ramp for Stage 1 is located diagonally opposite the site and is steep, meaning that sight lines for drivers exiting Stage 1 are limited whilst the vehicle is on the ramp.

A condition of consent is recommended to require the provision of warning lights at the driveway exit (for this development) and that line marking be provided to restrict vehicle exit from the residential carpark to a left turn only.

It is noted that additional information provided by the applicant indicates clear views are provided for the drivers of existing vehicles, to the basement ramp for Stage 1.



### Car Parking

- *Presently, residents are allotted a single car space per unit which I note is also the case in the proposed development.*
- *Unfortunately, the economic necessity of commuting to places of work (not always on public transport routes) mean that many families require two vehicles.*
- *These two circumstances together have resulted in an inadequacy of unrestricted on-street parking for use by residents, who already compete for severely limited space under current conditions.*
- *This situation will only be worsened by the addition of 48 additional units plus two commercial tenancies. whose popularity remains an unknown quantity.*
- *The calculations provided in the Transport Impact Assessment allow for a maximum of 69 additional spaces, whereas the proposed development only provides 65.*
- *Residents must compete for limited space and are regularly forced to park in distant unrestricted space elsewhere in the estate and walk home in the dark, or else park in restricted spaces and make additional vehicle movements in the morning.*
- *It is my lived experience that the average minimum vehicle movement per unit in peak hours is far closer to 1 than 0.19, with numerous households contributing 2.*
- *A one-for-one provision for staff is the only reasonable provision without expecting any overflow to add to the nearby parking burden.*

As detailed within this report, the proposal complies with the car parking requirements of Part B - North Penrith of the DCP with the exception of two spaces related to the commercial tenancies.

Car parking rates are maximums for the Thornton Estate with the aim of shifting modal split and encouraging those residing within the precinct to utilise those transport options that are in close walking distance.

The total quantum of car parking at the site is considered to be acceptable for the development and will not result in detrimental impacts on the local road network or unreasonable demands on the availability of parking in the estate.

Council has adopted a strategy for car parking within the Thornton Estate which includes the specific aim to encourage modal split. This position was also adopted by the Department of Planning and Environment in their approval of the Master Plan and in their support for the adoption of maximum parking rates for the area as detailed within Part B - North Penrith of the DCP.

In addition to the above, all day car parking is provided within the commuter car park which is located to the south-west of the proposed development. The NSW State Government has also proposed an expansion of this car park which includes an additional 430 spaces. Construction on the new commuter car park has begun and it is expected that this will alleviate the pressure on all day car parking spaces currently available within the Thornton Estate for commuters.

The car parking rates adopted for the estate (1 space per 1 and 2 bedroom units and 2 spaces per 3 bedroom unit) are the same rates as provided by the Penrith DCP for the greater local government area (although are maximums). It would be unreasonable for Council to increase the rate for parking for the site, particularly given the proximity of the site to public transport options and the purposeful and strategic approach to reducing reliance on private vehicles within the estate, with the view to shifting model split.

The applicant's Traffic Report was reviewed by Council's Traffic Engineers and no objection was raised with regard to the ability of the local traffic network to accommodate the volume of traffic or the impact on parking needs, that may be generated by the development.

Due to the proximity of the site to public transport options, a one-for-one staff/parking ratio is considered unnecessary and exceeds the adopted maximum rate for commercial floor space within the estate.

<p><i>Density of development</i></p> <ul style="list-style-type: none"> <li>• <i>The density of living environment is very high.</i></li> <li>• <i>Having another 9-storey development which has not been included in the original development plan will worsen the already bad living environment for residents here.</i></li> </ul>	<p>The NSW Department of Planning and Infrastructure undertook the assessment of a Transitional Part 3A Concept Plan and Stage 1A Project Application submitted by Urban Growth NSW (formerly Landcom) for a mixed use and residential development relating to the 40 hectare site which is now known as Thornton Estate.</p> <p>The Stage 1A Project Application included site preparation works, subdivision to create 120 lots and the construction of roads and supporting infrastructure for a mixture of residential and commercial uses with varying densities and heights.</p> <p>The subject site is identified within the Part B, North Penrith of the DCP, for high rise development being either for commercial, residential or mixed use.</p> <p>It is noted that an LEP amendment to the Height of Buildings map allowed for an additional three storeys at the site and that the North Penrith DCP requires amending to reflect the allowable height under the LEP, as it identifies the site for 6 storeys. Notwithstanding this, the density of dwellings at the site is considered acceptable and reflects the density of residential apartments reflected in the approved Master Plan under the Major Projects Approval.</p> <p>The approved Master Plan also provided significant local community open space for passive recreation with a pocket park and Smiths Paddock located within walking distance to the north and east of the site.</p> <p>Site visits undertaken at various times of the year and on differing times of the day provide reassurance that solar access to apartments within Stage 1 and 2, located on the north and eastern sides of Engineers Place is maintained and is largely due to the wide separation provided by Engineers Place, and the orientation of buildings which is facilitated by the pattern of subdivision approved under the Major Project.</p>
<p><i>Train Services</i></p> <ul style="list-style-type: none"> <li>• <i>During peak hours [people] can hardly have a seat.</i></li> <li>• <i>Train services are already struggling to deal with the number of commuters from Penrith.</i></li> <li>• <i>Adding a new development which was not originally in the development plan before the infrastructure can be upgraded is not a wise movement.</i></li> </ul>	<p>It is not expected that the density of development will result in detrimental impacts on existing train services operating from Penrith.</p> <p>As detailed within this table, the proposed development is compliant with the uses and building envelope controls of the Penrith LEP and Part B - North Penrith of the DCP and as detailed within the approved Master Plan as part of the Major Projects approval.</p>

<p><b>Kiss and Ride</b></p> <ul style="list-style-type: none"> <li><i>The kiss and ride area on High Street cannot cope with the demand anymore and that is why the "unofficial" kiss and ride area has been expanded to and along the Lord Sheffield CCT. The situation has worsened the road safety around the area especially when drivers do not even stop in the crossroad for pedestrians.</i></li> <li><i>In case we were to approve to build a mixed used building, we would have more traffic for commercial and truck deliveries and the road safety for residents in the area will only be worse.</i></li> </ul>	<p>It is not expected that residents of the development will utilise existing Kiss and Ride areas given the close proximity of the site to the station. Residents are most likely to walk as the site is across the road from Penrith Railway Station.</p> <p>It is noted that since the submissions were received, the Kiss and Ride area at High Street has been re-developed and is now capable of accommodating timed short stay, parked vehicles and provides a dedicated drop-off area located in a separated zone, further west from the existing Station entry.</p> <p>The proposed development includes a dedicated loading bay at the rear of the site for deliveries and waste collection which will assist in confining loading to a dedicated area. No pedestrian way is provided along the frontage of the site to the service lane.</p>
<p><b>Need for Mixed Use Development</b></p> <ul style="list-style-type: none"> <li><i>Shopping mall, commercial and business area are along High St and with the Westfield complex. Do we have the need for a mixed used development in the area?</i></li> <li><i>Can the commercial companies have enough business to sustain their survival there? The low tenancy rate is only to create more problems to the residents. For example, security issue, attract junkies to stay there.</i></li> </ul>	<p>Due to the number of residential dwellings expected to be delivered within the estate, a mixture of commercial, retail and office uses are seen as supportive of local residents needs.</p> <p>The overall floor area of the proposed commercial tenancies is relatively minor and will activate the street and provide services to local residents.</p> <p>Council's future assessment of larger developments incorporating more substantial commercial floor space will be undertaken at the time of lodgement for such proposals.</p> <p>It is not expected that the commercial spaces will be vacant due to the strong pedestrian desire line to the station and the volume of local foot traffic in the location.</p>

A response will be sent to all submitters advising of the recommendation and the proposed meeting date of the Penrith Local Planning Panel.

### **Referral to NSW Police**

The development application was referred to the Nepean Local Area Command of the NSW Police with no objections raised. Conditions of consent are recommended to be included with regard to matters raised by NSW Police related to the provision of CCTV cameras and effective lighting.

### **Referrals**

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

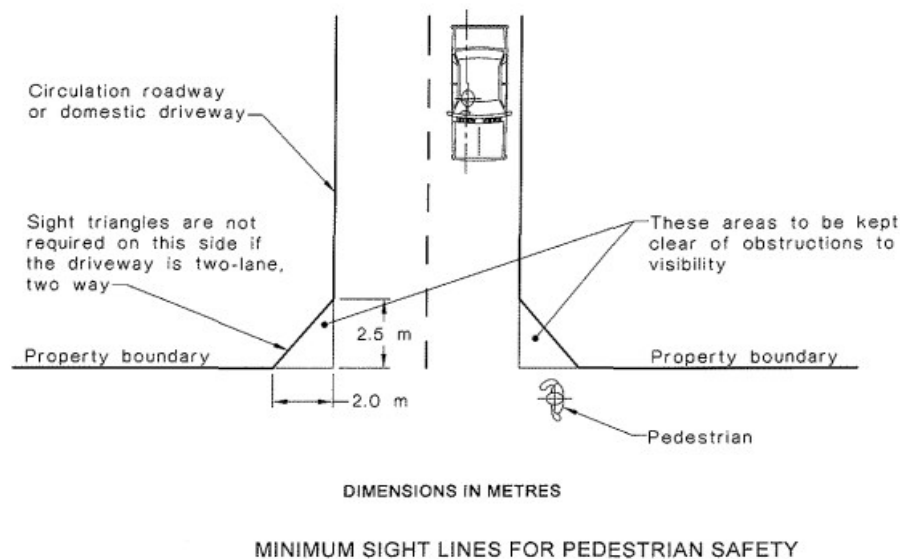
Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	Not supported, however conditions provided
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste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

## Development Engineer

Council's Development Engineer has raised the following matters:

- The development shall provide adequate sight lines in accordance with Figure 3.3, AS 2890.1.

As detailed elsewhere within this report, Figure 3.3 of AS 2890.1 indicates that a splayed corner of 2m x 2.5m is to be provided at the corner within the site boundaries (see Figure 1 below).

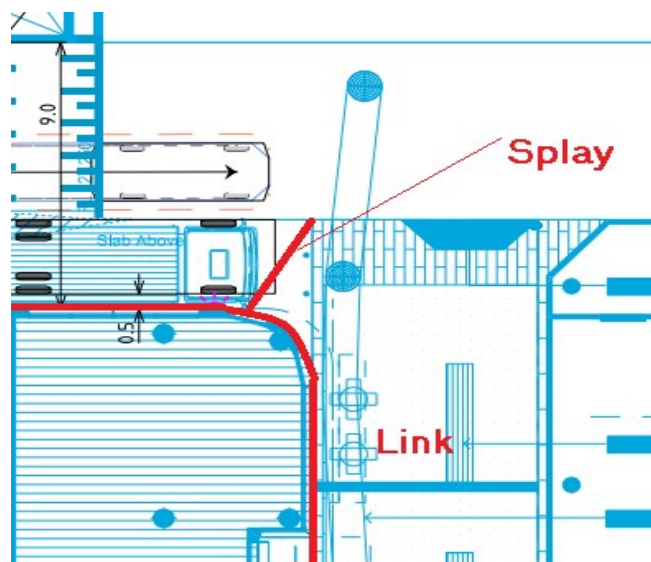


**Figure 1:** Excerpt from AS 2890.1 (Figure 3.3) - Sight Lines

This would allow a pedestrian and vehicles approaching the corner to have a clear view of oncoming traffic.

The proposal is for a 2.1m x 2m curved splay at the corner (refer Figure 2 below). It is noted that there is no pedestrian way provided along the service lane and that a 3m wide waste collection bay is provided in addition to the 6m wide carriageway. The service lane does not contain pedestrian access points to residential units meaning that the pedestrian desire line is not to the north. Notwithstanding this, given that pedestrian movements cannot be guaranteed, conditions of consent are recommended to include:

- the installation of two bollards at the north-eastern corner of the through-site link,
- a warning light indicating waste collection movements are being undertaken, and
- the provision of a splayed egress kerb to direct vehicles using the waste collection area to be positioned away from the corner and provide a buffer area for a pedestrian if the a vehicle is exiting the waste bay. In addition, it is noted that there is a kerb provided at the road/pedestrian through-site link interface which will add to visual awareness for pedestrians in this location.



**Figure 2 -** Proposed splay and curved building envelope in plan

### **Traffic Engineer**

Matters raised by Council's Traffic Engineer were forwarded to the applicant. Additional information received included confirmation that the sight distances and vertical clearances are compliant with the applicable Australian Standards. The applicant has included warning lights and convex mirrors to increase driver awareness and visibility.

A condition of consent is recommended to require the kerb in front of the waste collection bay to be splayed to allow a forward out movement that is clear of the pedestrian through-site link.

### **Waste Services**

The referral response from Council's internal Waste Officer was assessed against the provisions of the DCP and matters identified were raised with the applicant. Although it is noted Council's Heavy Rigid Vehicle is not provided with access to a basement for waste collection, the alternative proposal is considered to be practical and satisfies the objectives of the DCP.

A waste vehicle can pull along side the building within the boundaries of the site and can load and manoeuvre the required volume of 1100L bins within the ground floor commercial carpark and back of house area. As detailed further within this report, the bin manoeuvring and collection areas are co-located for practical and efficient loading and manoeuvring. It is considered that this arrangement is acceptable given the low volume of vehicle movements expected within this area. The location of the waste collection and loading bay is practical in its position and will not impact residents of the development in this location.

The ground floor carpark services all of the waste needs of the site and provides for four commercial car spaces only. The area is not restricted and clear, direct and unobstructed views are provided for collection staff, drivers and the building manager or staff. The applicant proposes to install a warning light in the waste bay location to assist in driver and pedestrian awareness.

It is noted that the service lane is not provided with pedestrian entries to units, to the serviced apartments development or to units of the subject development, and no pedestrian pavements are provided along the service lane. The pedestrian desire line will be via Engineers Place to and from the Railway Station and overpass, via the through-site link.

A thorough assessment of the waste room areas, infrastructure and residential and commercial waste volumes is provided under the DCP section of this report and the proposal is found to be compliant with the DCP requirements.

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

The likely impacts of the proposal have been assessed as acceptable or have been addressed by way of recommended conditions of consent and as such, the proposed development will not generate any significant issues of public interest. Matters raised in submissions received have been taken into consideration as part of the assessment of the proposal.

## **Section 94 - Developer Contributions Plans**

Condition C4 of MP10-0075 (as amended) and Condition B8 of MP10-0078 (as amended) set out the rates for development contributions for residential dwellings within the Thornton Estate, consistent with the Ministerial Cap for Section 94 plans. The Conditions state that:

1. Contributions shall be made payable to Penrith City Council for the purposes of District Open Space Facilities at a rate per dwelling type, as shown below:

<b>Development Type</b>	<b>Contribution</b>
<i>Residential flat building, Multi dwelling housing and Shop-top housing</i>	<i>\$1,566 for each new dwelling</i>
<i>Dwelling houses, Dual occupancies and subdivision</i>	<i>\$2,427.30 for each new dwelling or new lot</i>
<i>Housing for older people</i>	<i>\$1,174.50 for each new dwelling.</i>

2. The contributions are to be paid to Council prior to Construction Certificate being issued for a dwelling,

3. Deferred or periodic payments may be permitted subject to agreement from Council. Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance,

4. If not paid within the current quarterly period, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan.

*Note: Section 94 Contributions are not required for the community facility or any other non-residential development.*

Based on the above requirements, the following development contributions for district open space facilities (as indexed) are applicable:

- 48 dwellings x \$1,869 = \$89,869.00

A condition of consent is recommended to require the payment of this contribution prior to the issue of a Construction Certificate.

## Conclusion

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The proposal has been assessed against the relevant environmental planning instruments and policies, including Penrith LEP 2010 and Penrith DCP 2014, including Part B - North Penrith. The proposal is found to satisfy the aims and objectives of these policies.

The proposal will have an acceptable impact on the surrounding character of the area and proposes a site responsive design which is compliant with Council's key development standards and as such is not contrary to the public interest. Further, the proposal is found to be consistent with the Major Project Approval - North Penrith Concept Plan and Stage 1 Project Approval applicable to the site. The application is worthy of support, subject to the recommended conditions.

## Recommendation

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1. That DA18/0298 for a nine storey mixed use development at 15 Engineers Place, be approved by the Penrith Local Planning Panel, subject to the attached recommended conditions; and,
2. That those making submissions are notified of the determination.

# CONDITIONS

## General

### 1 A001

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

<b>Architectural plans prepared by DKO Architecture</b>			
Drawing No.	Description	Revision	Date
TP200	Ground Floor Plan	E	02/08/2018
TP201	Level 1	E	02/08/2018
TP202	Level 2	D	02/08/2018
TP203	Level 3	E	02/08/2018
TP204	Level 4	E	02/08/2018
TP205	Level 5	E	02/08/2018
TP206	Level 6	E	02/08/2018
TP207	Level 7	E	02/08/2018
TP208	Level 8	E	02/08/2018
TP209	Roof	D	02/08/2018
TP300	West Elevation 1	D	02/08/2018
TP301	West Elevation 1	D	02/08/2018
TP302	North Elevation 1	D	02/08/2018
TP303	East Elevation 2	E	02/08/2018
TP304	South Elevation	D	02/08/2018
TP305	Section 1	C	02/08/2018
TP306	Section 2	D	02/08/2018
TP307	Section 3	D	02/08/2018
TP308	Façade Detail Section	A	02/08/2018
TP309	Commercial Carpark Clearance	A	02/08/2018
TP405	Materials Board 1 and External Finishes Legend	D	30/05/2018
TP406	Materials Board 2 and External Finishes Legend	D	30/05/2018
-	Materials and Finishes Board (photographed)	-	-
<b>Landscape Plans Prepared by Urbis &amp; Public Art Strategy Prepared by Guppy Associates</b>			
Drawing No.	Description	Revision	Date
-	Landscape Design Statement	-	30 May 2018
-	Design Response	-	30 May 2018
-	Plant Establishment and Maintenance	-	30 May 2018
-	Ground Level/Through Link Landscape Plan - Option 2	-	30 May 2018
-	Level 1 Landscape Plan	-	30 May 2018
-	Level 2 Landscape Plan	-	30 May 2018
-	Level 3 Podium Landscape Plan	-	30 May 2018
-	Typical Landscape Sections - Scale 1:50@A3	-	30 May 2018
-	Precedent Imagery	-	30 May 2018
-	Indicative Planting Strategy and Palette	-	30 May 2018
-	Indicative Planting Palette	-	30 May 2018
-	Materials Strategy	-	30 May 2018
-	Typical Landscape Details - Scale 1:20@A3	-	30 May 2018
-	Engineers Place Public Art Plan	V3	15 May 2018
<b>Stormwater Plans Prepared By SCG Engineering Value &amp; Traffic Plans prepared by GTA Consultants</b>			
18-534-01	Civil Stormwater Development Application Report by AT&L	01	March 2018
DAC101	Cover Sheet, Notes, Legends and Drawing List	A	20-03-18
DAC103	Typical Section	A	20-03-18

DAC105	Site Works and Stormwater Drainage	A	20-03-18
DAC110	Sediment and Erosion and Control Plan	A	20-03-18
DAC111	Sediment and Erosion and Control Details	A	20-03-18
03-01	Ground Level Carpark Compliance Review, Sheet 01 of 06	P5	31 May 2018
03-02	Basement Level 01 Carpark Compliance Review, Sheet 02 of 06 (reference to basement is noted as an error)	P5	31 May 2018
03-03	Basement Level 02 Carpark Compliance Review, Sheet 03 of 06 (reference to basement is noted as an error)	P5	31 May 2018
03-04	Vertical Clearance Assessment, Sheet 04 of 06	P5	31 May 2018
03-05	Ground Level Swept Path Assessment, Sheet 06 of 06	P5	31 May 2018

### Reports

- Report on Geotechnical Investigation, Project 85755.00, dated December 2016, Revision 0, prepared by Douglas Partners
- Operational Waste Management Plan prepared by Elephants Foot, dated 20/03/2018, Revision A
- Access Assessment Report, prepared by BCA Logic dated 20 March 2018
- BASIX Certificate No. 910375M\_02 issued 22 March 2018
- BCA Assessment Report, prepared by Blackett Maguire & Goldsmith, Revision 1 dated 23.03.2018
- Operational Waste Management Plan, prepared by Elephants Foot, dated 20/03/2018
- Noise Impact Assessment, prepared by Acoustic Logic dated 22/05/2018, Revision 1
- Transport Impact Assessment, prepared by GTA Consultants, dated 22/03/18, Revision B

### 2 [A001 M - Special \(Signage Strategy\)](#)

**Prior to the issue of an Occupation Certificate**, a signage strategy shall be submitted to Council for approval in accordance with Clause E11.8.4.13 of Penrith Development Control Plan 2014. The strategy is to:

- identify the preferred locations and quantum of all building identification and business identification signage;
- include a palette of preferred materials, signage types and graphic style;
- outline any illumination requirements and/or restrictions so as to consider its impact on adjacent properties and uses;
- promote a high quality, co-ordinated approach to signage within the Village Centre and minimise visual clutter;
- include details of any way-finding signage.



### 3 A001A Special (Design Amendments )

**Prior to the issue of a Construction Certificate**, the following amendments to the ground floor plan are required to be submitted to and approved by Penrith City Council:

(a) The kerb in front (south) of the waste collection bay is to be splayed to allow a forward out vehicle movement that is clear of the pedestrian through-site link as marked in red on the stamped approved ground floor plan (refer plan TP200 Revision E dated 05/08/2018).

(b) Two bollards are to be installed at the southern end of the waste collection bay as marked in red on the stamped approved ground floor plan (refer plan TP200 Revision E dated 05/08/2018).

**Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority is to ensure that the following design amendments have been incorporated/installed:

(c) Louvres or a similar high quality screening solution is to be incorporated/installed behind the window openings of the level 1 and level 2 carparks and is to be designed/oriented to reduce the impact of noise, headlights and lighting emanating from the upper level carparks. Louvres (or other design response) shall be recessive in colour and is to be designed and fixed such that the high quality external design of the building is not impacted, DKO are to provide their endorsement.

(d) The ground floor residential chute room is to be provided with a linear track device for the 1100L bins, a hose and water supply and the floor of the room is to be graded to a drainage point which is connected to the sewer. The bin wash bay is to be bunded and all walls are to be finished with a smooth, water proof surface to allow for cleaning and the bin wash bay floor is to be drained to a floor waste which is connected to the sewer.

(e) Warning lights and convex mirrors are to be installed within the carpark and waste bay areas as detailed on the stamped approved traffic plans dated 31 May 2018, Issue P5, prepared by GTA Consultants.

(f) Integrated under awning lighting is to be provided along the Lord Sheffield Circuit elevation.

### 4 A001C Special (Waste rooms)

The Principal Certifying Authority is to ensure that the design and building requirements of the garbage rooms as recommended with the Elephants Foot Operational Waste Management Plan (Page 14), dated 20/03/218 are constructed as described, **prior to the issue of an Occupation Certificate**.

### 5 A001D Special (Major Projects Approval - Compliance)

The proponent is to comply with the applicable conditions of consent of the Major Projects Approval No. MP10-0075 and the Statement of Commitments included within Schedule 3 of MP10-0075, in particular, those related to site contamination, unexpected finds and the discovery of unexploded ordinance.

### 6 A001DA Special (Cranes)

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 the 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 counter boom/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 all times of the day and night, should be positioned so that when displayed it is visible from all directions.
- When a crane is unattended for an extended 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.

7 **A001E Special (Unexpected Finds)**

Should any "unexpected finds" occur during site 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 notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

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 before the remediation works commence.

8 **A001F - Special - Waste**

**Prior to the issue of an Occupation Certificate** and in perpetuity, the development shall comply with the following requirements in relation to waste collection infrastructure:

(a) The residential bin storage room and bulky waste room will need to be lockable through an abloy key device to restrict access only to the building caretaker/manager and Council's waste collection staff.

Advisory notes:

1. The property owner or agent acting for the owner shall arrange for the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days **prior to occupancy** and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 4732 7615 for the commencement of waste services.

2. Access to the bulky waste room shall be restricted to Council and the building manager and shall be provided with an access doorway with a width of 1.8m minimum. Residents are to arrange access with the building manager for the storage of bulky waste prior to collection.

3. Commercial and residential bin storage and waste areas are to be kept clean and tidy.

4. Commercial waste is not to be placed in residential waste bins. The commercial bin room is to be kept secure and access is to be provided for the commercial tenants only.

5. The residential bin room, bulky waste and chute rooms and the commercial bin room are to be clearly sign posted to ensure waste is not co-mingled.

9 **A001F - Special (Adaptable units and accessible car spaces)**

A minimum of five apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability and in accordance with the stamped approved plans. The adaptable units shall each be allocated an accessible car parking space compliant with AS 2890.6 and shall be evenly distributed throughout the building and not be concentrated in any one area or level.

**The Construction Certificate application must be accompanied by certification** from a person suitably qualified by the Association of Consultants in Access Australia 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). A Compliance Certificate in this regard, shall be provided **prior to the issue of an Occupation Certificate**.

10 **A001G - Special (Waste Collection)**

**Prior to the issue of an Occupation Certificate**, the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or damage.

Commercial waste collection at the site will not be undertaken by Penrith City Council. Commercial waste collection is to occur outside of those times when Council is conducting its residential collection for the building (estimated times are Monday to Friday 5am to 12 Midday). Commercial tenants are to liaise with Council prior to confirming waste contracts for commercial collection to ensure collection times do not clash with Council's residential waste service.

Note:

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

11 [A001J - Special \(Travel Plan\)](#)

In accordance with the Schedule 3 of the Statement of Commitments attached to the Major Projects Approval No. MP10-0075, evidence of the preparation of a Transport Access Guide document, that is to be made available to residents of the development, is to be provided to the Principal Certifying Authority **prior to the issue of the Occupation Certificate.**

12 [A001k - Special \(Design verification OC\)](#)

**Prior to the issue of an Occupation Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

13 [A001K - Special \(Design Verification CC\)](#)

**Prior to the issue of a Construction Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

14 [A001L - Special \(Materials & Finishes\)](#)

A Final Schedule of Materials and Finishes is to be submitted to and approved by the Manager Development Services at Penrith City Council prior to the issue of the Construction Certificate. Roof surface material is to be nominated.

15 [A001N Special \(Through link\)](#)

No external roller shutters, bars or similar structures are permitted to be installed on the ground floor glazing of the commercial tenancies.

16 [A001o Special \(CPTED gates and graffiti\)](#)

The following Crime Prevention Through Environmental Design matters are to be incorporated in the design of the building:

- (a) User/sensor electronic security gates/doors shall be installed at the carpark entrances/exits.
- (b) Each individual apartment is to be clearly numbered and each level of the building is to be easily identifiable when viewed from the lift.
- (c) Glazing to the ground floor entry lobby is to be clear and unobscured to allow a view to the street.
- (d) CCTV is to be installed along the frontage of the site to Lord Sheffield Circuit and along the rear of the site in the location of the ground floor commercial vehicle entry point.

17 [A001P Special \(CPTED - Lighting\)](#)

Car parking and vehicle access points, pedestrian pathways, lobby areas, stairwells, garbage rooms, laneways and pedestrian access routes in outdoor public spaces should be lit to the minimum of Australian Standard 1158 and the following design requirements:

- (a) Lighting is to be consistent in order to reduce the contrast between shadows and illuminated areas.
- (b) Lighting is to be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

**Advisory Notes:**

- Lighting should be directed towards access/egress routes to illuminate potential offenders, rather than towards the building or observation points.
- Lighting is to take into account vegetation and landscaping that may act as an entrapment point and should be designed to avoid vandalism.
- Where appropriate movement sensor lighting may be incorporated.
- Lighting shall be maintained and kept in good working order.
- Appropriate directional signage is to be installed to assist with way-finding.
- All surfaces in the car parking areas should be light in colour to reflect as much light as possible.

18 [A004 - Through-Site Link](#)

**Prior to the issue of a Construction Certificate**, detailed design plans for the through-site link are to be submitted to and approved by Penrith City Council in consultation with the Landscape Architect Supervisor - Design and Projects at Penrith City Council and are to include the following details:

- (a) A set of civil plans including sections, levels, paving, drainage, kerb, gutter and pram ramp details,
- (b) The design details of all fixtures and street furnishings,
- (c) A Lighting Plan. CCTV is to be installed within the through-site link and camera locations are to be noted on lighting plans.
- (d) A Detailed Public Art Plan and Design Development documentation, in accordance with the stamped approved Engineers Place Public Art Plan V3 dated 15 May 2018, prepared by Guppy Associates Management.

The submitted set of plans are to be of an appropriate scale and are to be fully dimensioned.

19 [A005 - Through link](#)

Suitable and safe pedestrian access to Penrith Railway Station via the through-site link is to be maintained throughout construction works related to the site, unless otherwise approved by Council.

20 [A006 - BCA Home Building Act](#)

This building work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the *Home Building Act*.

21 [A007 - Quest valet spaces](#)

Ten car parking spaces are to be provided for the use of staff or guests (guest parking by Quest valet only) of the Quest serviced apartments development adjacent. A review of the need for these spaces may be undertaken after 24 months from the issue of the Occupation Certificate for the Quest serviced apartments development (Council development application reference number DA16/0357). If it is determined that the 10 spaces are not being utilised at sufficient capacity, a development application may be lodged to amend or delete this condition.

22 [A011 - Engineering Works DCP](#)

All civil engineering construction works shall be carried out substantially in accordance with Penrith City Council's Engineering Works Development Control Plan and accompanying Guidelines for Engineering Works for Subdivisions and Developments Part 2 - Construction.

23 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

24 [A020 - Carparking](#)

A minimum of 5 apartments shall be constructed as adaptable units to meet the requirements for persons with a disability in accordance with the approved plans. These units shall be allocated an accessible car space (one per unit) in compliance with AS 2890.6.

25 [A021 - Car spaces](#)

All ground floor car parking spaces are to be allocated to the commercial tenancies.

26 [A022 - Line Marking](#)

**Prior to the issue of a Construction Certificate**, the applicant shall provide a concept line marking and signage plan to the Manager of Development Services at Penrith City Council. The plan shall include the following:

- (a) All line marking and signage along the service lane;
- (b) Left turn only arrow and/or signage for residential vehicles exiting the level 1 and 2 carpark;
- (c) Right turn only arrows and/or signage for vehicle exiting the Quest Services apartments building;
- (d) Left and right turn movements will be available for vehicles exiting Stage 1 basement carpark;
- (e) All directional and parking signage along the lane as modified or required to facilitate the development as approved; and
- (f) The provision of regulatory signage labelled "No Parking - Waste, Delivery and Removalist Vehicles Excepted" (R5-445 or R5-447 modified) is required to be installed along the loading bay.

The final Line Marking and Signage Plan is to be submitted to and approved by Penrith City Council and shall be endorsed by Council's Local Traffic Committee. Please note that the Committee meets monthly. All approved and endorsed signage and line marking is to be undertaken and/or installed, **prior to the issue of an Occupation Certificate**.

27 [A023 - Sensor Gates](#)

User/sensor electronic security gates shall be installed at carpark entrance/exits.

28 [A028 - Acoustic Treatment](#)

The surface treatment of all car parking areas is to be a brushed or matt surface to reduce the impact of noise from the turning movements of vehicles.

29 [A039 - Graffiti](#)

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

30 [A046 - Obtain Construction Certificate before commencement of works](#)

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

31 [A Special \(Dilap\)](#)

**Prior to the issue of a Construction Certificate**, a Civil Dilapidation Report is to be prepared and submitted to Penrith City Council. The report shall detail in photographs, the quality of the existing pavement, kerb and gutter, landscaping, street trees and any other civil infrastructure immediately adjacent to the site, likely to be damaged as a result of construction works at the subject site.

**Prior to the issue of an Occupation Certificate**, an addendum to the Dilapidation Report is to be provided to Penrith City Council, which details the same areas surrounding the site and shall identify any areas damaged as a result of construction. All damage is to be reported and rectified to Council's satisfaction prior to the issue of the Occupation Certificate.

32 [A Special \(Screening of Plant\)](#)

All roof mounted plant, ducting or services infrastructure shall be screened from view. No approval is granted for the installation of ducting, conduit, plant or services infrastructure on the external facades of the building, unless it is indicated on the stamped approved plans.

33 [A Special Condition \(BLANK\)](#)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B - 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference 9470Rpt1B, dated 17 October 2012.

Details on the location and sizing of rainwater tanks for the proposed development, including harvested rainwater reuse information, is to be submitted to Council **prior to the issue of a Construction Certificate** in line with the requirements of Council's Water Sensitive Urban Design Policy 2013.

34 [A Special Condition \(BLANK\)](#)

A detailed Soil and Water Management Strategy is to be submitted at the Construction Certificate stage that details how the wetland and central water feature will be protected during the building construction stages.

### 35 [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 the proposed 'through link', 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.
- 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 buildings including the car park.
- 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.

#### **Graffiti/Vandalism**

- Graffiti resistant coatings must be used for external surfaces where possible, including for signage, outdoor furniture and surfaces etc.

#### **Advisory Notes:**

(a) Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings and common areas. This includes reporting incidents to police and/or relevant authorities.

(b) All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.

## **Heritage/Archaeological relics**

### 36 [C003 - Uncovering relics](#)

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *Heritage Act 1977* may be required before any further work can be recommenced in that area of the site.

## **Environmental Matters**

### 37 [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.

### 38 [D004 - Dust](#)

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

### 39 [D005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site during construction, must not be deposited on the roadway.

### 40 [D009 - Covering of waste storage area](#)

All waste materials stored on-site 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 are to be fully enclosed when the site is unattended.

41 **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.

42 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in Noise Impact Assessment, Lot 3008, Lord Sheffield Circuit, North Penrith prepared by Acoustic Logic dated 22 May 2018. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

43 **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.

#### 44 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan 2014) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

(Note: Penrith Development Control Plan 2014 defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.")

#### 45 **D Special - Waste Collection Agreement**

The current on-waste infrastructure provided within the development is to be built in accordance with configurations specified in the plans labelled 'Ground Floor' and dated 05/06/18 on ECM. On-site waste infrastructure permissible to change only in accordance with conditions stipulated by Councils Waste Service department.



#### 46 **D Special - waste other**

The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- All on-site waste collection infrastructure, doors and access points (Waste Chute Room, Waste Collection Room, Bulky Household Waste Collection room, ground floor roller door) 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 (Waste Chute Room, Waste Collection Room, Bulky Household Waste Collection Room and Loading bay) 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 provision of regulatory signage labelled "No Parking - Waste and Removalist Vehicles Excepted" (R5-445 or R5-447 modified) is required to be installed along the proposed loading bay to accommodate Councils 10.5m Heavy Rigid Waste Collection Vehicle (22.5m long loading bay). A sign plan is to be submitted identifying the location of the parking restrictions to be endorsed by Council's Local Traffic Committee and adopted by Council prior to implementation.
- The chute room to be designed/provide infrastructure in accordance with section 3.5.1 of the 'Residential Flat Building Waste Management' Guideline document.
- The waste collection room to be designed/provide infrastructure in accordance with section 3.5.2 of the 'Residential Flat Building Waste Management' Guideline document.
- The bulky household waste collection room to be designed/provide infrastructure in accordance with section 3.5.3 of the 'Residential Flat Building Waste Management' Guideline document.

#### 47 **D Special (Wash areas connected to sewer)**

**Prior to the issue of a Construction Certificate**, the Principal Certifying Authority is to ensure that all areas provided for bin washing are to be appropriately bunded and are to be provided with a floor waste, connected to the sewer. At no time is wastewater from the washing areas to enter the stormwater drainage system.

#### 48 **D Special BLANK**

Prior to issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is to be reviewed by an acoustic consultant and written correspondence is to be supplied to demonstrate compliance with the established noise criteria.

#### 49 **D Special BLANK**

In the event of a complaint being received by Council, regarding headlights from vehicles or lighting from the car park, the owner/manager of the building may be required by Council to arrange for an Environmental Investigation and report prepared by an appropriately qualified professional in order to provide mitigation measures to reduce light spill and/or nuisance to neighbours.

#### 50 **D Special BLANK**

**Prior to the issue of an Occupation Certificate** the following is to be submitted to and approved by Penrith City Council:

- For the internal movement of 1100L bins a bin tug device is required to be provided and stored within the development in accordance with section 3.6 of the 'Residential Flat Building Guideline' document. Device specifications, use and operational requirements are required to be submitted to Council for approval
  - 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.

#### 51 **D Special BLANK**

Councils bin infrastructure and collection service will be provided/commenced for the development upon the completion of all on-site waste collection infrastructure and the attainment of an Occupation Certificate.

## BCA Issues

### 52 [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.

### 53 [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.

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.

### 54 [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.

## Utility Services

### 55 [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 any Occupation Certificate.

### 56 [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 must 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. Confirmation is to be provided that a blast wall or other protective structure is/is not required.**

57 **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.

58 **G Special (Fire Hyd Boost)**

**Prior to the issue of a Construction Certificate**, Penrith City Council must be consulted should the proposed location of the fire hydrant booster vary from the location as shown on the stamped approved plans.

## **Construction**

59 **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.

## 60 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 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 construction 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.

## 61 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 that 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.

## Engineering

### 62 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.

### 63 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.

### 64 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 application, including payment of application and inspection fees, shall be lodged with 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.
- 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

### 65 K210 - Stormwater Management

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by AT&L Civil Engineers, reference number 18-534, revision A, dated 20/03/2018.

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 and Water Sensitive Urban Design (WSUD) Policies.

66 **K214 - Flooding – Floor levels**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 25.90m AHD (standard flood level + 0.5m freeboard).

67 **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 and pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith Development Control Plan 2014.

68 **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.

69 **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.

70 **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 AS 1742.3 "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.

71 **K403 - Major Filling/ Earthworks**

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

72 **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.

73 **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 Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

74 [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 Policy.

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.

75 [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.

76 [K504 - Stormwater Compliance](#)

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

a) Stormwater management systems

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

77 [K511 - Directional signage](#)

**Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority must ensure that directional signage and linemarking is installed along the service lane, as per the Final Signage and Line Making Plan endorsed by Penrith City Council.

78 [K601 - Stormwater Management system operation and maintenance](#)

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

79 [K Special \(BLANK\)](#)

All car parking, manoeuvring and access must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.

80 [K Special \(BLANK\)](#)

The required sight lines around the driveway entrances are not to be compromised by fixtures, fencing or signage.

81 [K Special \(BLANK\)](#)

All car parking spaces are to be dedicated for the parking of vehicles only and not used for storage of materials, products, waste materials or the like. Access to individual residential storage spaces is to be maintained at all times.

82 [K Special \(BLANK\)](#)

Subleasing of car parking spaces is not permitted by this consent.

## Landscaping

### 83 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans prepared by Urbis and Appendix F5, Clause 2.9 of Penrith Council's Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

### 84 L002 - Landscape construction

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape architect. Landscaping is to be installed and maintained in accordance with the stamped approved plans.

### 85 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a qualified landscape architect.

#### (a) Implementation Report

Upon completion of the landscape works associated with the development **prior to the issue of an Occupation Certificate** for the development, 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.

#### (b) Plant Establishment and Maintenance Report

**Six months after the issue of the Occupation Certificate**, a Plant Establishment and Maintenance Report is to be submitted to Penrith City Council in consultation with the Landscape Architect Supervisor - Design and Projects at Penrith City Council, certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving. The report is to be prepared by a qualified Horticulturalist and shall evaluate the success and failure of planter landscaping around the above-ground carpark levels.

#### (c) Landscaping Review

A review of the level 1 and 2 landscaping is to be provided to the Manager of Development Services at Penrith City Council, **24 months after the issue of the Occupation Certificate**. The review is to be prepared by a qualified landscaping consultant and is to detail the health and status of all planting and is to provide recommendations if required with regard to the continued success and vitality of the carpark screen planting.

Should the landscaping and planting proposed to screen the level 1 and level 2 carpark openings fail or be unsuccessful such that the design and building façade planting, as approved is not achieved, an alternative solution to screen the carpark openings is to be adopted in consultation with Penrith City Council.

### 86 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

### 87 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.

### 88 L007 - Tree protection measures—no TMP with DA

All street trees are required to be retained and protected throughout construction, in accordance with the minimum tree protection standards prescribed in Part F, Appendix F5 of Penrith Development Control Plan 2014.

### 89 L012 - Existing landscaping (for existing development)

**The Principal Certifying Authority** is to ensure all street trees adjacent the development have been retained and are in good health prior to the issue of the Occupation Certificate. Where street trees have been damaged or destroyed by construction or site works, the street trees are to be replaced like-for like in consultation with Council, at no cost to Council.



## Development Contributions

### 90 N001 - Section 94 contribution (District Open Space)

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for District Open Space as required under Major Projects Approval No. MP10-0075 (as amended). Based on the current rates detailed in the accompanying schedule attached to this Notice, \$89,712.00 is to be paid to Penrith City 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 development contributions plan and conditions of the Major Projects Approval No. MP10-0075. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule and under major projects approval No. MP10-0075. Council should be contacted prior to payment to ascertain the rate for the current quarterly period.

The Section 94 invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith and is also available on Council's website.

The Major Projects Approval No. MP10-0075 may be viewed via the Department of Planning and Environment's Major Projects website <http://majorprojects.planning.nsw.gov.au/>.

## Payment of Fees

### 91 P001 - Costs

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

### 92 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

### 93 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.

### 94 Q05F - Occupation Certificate for Class10

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.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding. A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part B - DCP Principles

This section of the Development Control Plan (DCP) sets principles and corresponding objectives which are to be addressed as part of any development application.

Principles include:

- Provide a long term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.
- Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.
- Build on the characteristics of ecosystems in the development and nurturing of healthy sustainable cities.
- Enable communities to minimise their ecological footprint.
- Achieve long term economic and social security.

An assessment of the proposal against the above mentioned principles has been undertaken and the application is found to be acceptable.

The development is located in close proximity to a major public transport node and incorporates opportunities for full time employment.

The development is found to be compliant with sustainability targets set by the NSW government including BASIX targets and energy saving design requirements set out under SEPP 65 and the related Apartment Design Guidelines.

### Part C - City-wide Controls

The proposal has been assessed against the applicable provisions of the Penrith DCP 2014 in particular those under Part C, City Wide Controls and is found to be compliant. Compliance with particular sections is discussed below.

#### C1 Site Planning and Design Principles

The proposed development has been assessed against the key aims and objectives of the Chapter and is considered to comply in that, the design of the mixed use building is of an acceptable bulk and scale in the context of the location and is compliant with the maximum permissible height expressed for the site, within PLEP 2010. Each elevation is adequately articulated with a variety of high quality materials and finishes incorporated.

#### C5 Waste Management

An assessment has been made of the proposal against applicable objectives and general waste controls relating to the practical and sustainable management of waste at the site and is found to be generally compliant. An assessment is provided below with regard to individual controls. Tables C5.1 and C5.2 below indicate compliance with Council's waste generation rates.

##### Commercial Component

*Table C5.1 - Commercial tenancy waste generation and collection*

Waste generation rates have been calculated on the maximum rate achievable - being the use of each tenancy as a café open 6 days per week.

	Tenancy 1 – 224sqm	Litres per day	6 days	1100l
	Rate			
Residual	300l per day / 100sqm	2.24 x 300 = 672l	672l x 6 = 4032l	4032 / 1100 = 3.67
Recycling	200l per day / 100sqm	2.24 x 200 = 448l	448l x 6 = 2688l	2688 / 1100 = 2.44
	Tenancy 2 – 263sqm			
	Rate			
Residual	300l per day / 100sqm	2.63 x 300 = 789l	789l x 6 = 4734l	4734 / 1100 = 4.30
Recycling	200l per day / 100sqm	2.63 x 200 = 526l	526l x 6 = 3156l	3156 / 1100 = 2.87

Residual				3.67 + 4.30 = 7.97 = 8 x 1100l bins
Recycling				2.44 + 2.87 = 5.31 6 x 1100l bins
			Total	
Residual				8 x 1100l bins
Recycling				6 x 1100l bins

As indicated above, should the two tenancies operate at full capacity, 6 days per week then the maximum waste generation rate (based on the DCP commercial rates) of 14 x 1100l bins would be required. A total of 6 x 1100l bins are proposed meaning that each waste stream would require collection 2 times per week. The development proposal is capable of facilitating multiple collections, per stream, per week, and in this respect the development proposal is considered to comply.

Each tenancy is provided with direct access to the ground floor back of house area which contains the commercial waste storage rooms. The commercial waste area is separated from the residential waste storage areas and chute room, in compliance with the DCP requirements. Commercial waste collection will be undertaken by private contractor who will utilise the proposed loading bay in the private service lane at rear of the site.

Collection arrangements can be further assessed and appropriate conditions of consent may be applied, should a development application be lodged for the use of each tenancy as a cafe or restaurant in the future.

A condition of consent is recommended to be included requiring the commercial collection times to be arranged so as to avoid conflict with Council's residential waste collection service for the subject site. A Crime Prevention Through Environmental Design condition is also recommended to require the provision of lighting around the building to ensure that safety is improved for pedestrians, Council's waste collection staff and other road users in the vicinity.

#### Residential Apartment Component

*Table C5.2 - Residential waste generation and collection*

	Apartment Numbers		1100l Required	1100l Proposed
Residual	18 units per 1100l bin	48/18 = 2.67	3	3
Recycling	18 units per 1100l bin	48/18 = 2.67	3	3
Service	2 x 1100l		2	2
		Total	8	8

Submitted plans indicate that 6 x 1100l bins can be accommodated within a caged area adjacent to the commercial vehicle entry on ground floor. Adequate area is provided within this bin room to accommodate two additional service bins (taken from under the waste chutes). A further 2 x 1100l bins are also provided for, which will remain under the residential waste chutes whilst collection is being undertaken. The total number of bins (10 x 1100l) satisfies Council's requirements with regard to volume of waste calculated to be generated by the development.

#### Residential Bulky Waste

A residential bulky waste room is proposed adjacent to (and separated from) the commercial bin storage area. Council's Residential Flat Building Waste Management Guidelines document which is to be read in conjunction with Section C5 Waste Management of the DCP, stipulates that an area of 8sqm is to be provided to accommodate bulky waste for 48 units [calculation (48 x 8) / 52]. The proposed bulky waste room is measured to be 8sqm.

#### Clause 5.1 Waste Management Plans

The DCP requires a Waste Management Plan to be submitted with the development application. The Plan shall include details related to the volumes of waste expected to be generated by the development, how residual waste and recyclables will be managed and disposed and how ongoing waste will be managed for the life of the development.

The application was submitted with an Operational Waste Management Plan, dated 20 March 2018, Rev A, prepared by Elephants Foot Recycling Solutions. The report details residential waste management, source separation, commercial and retail waste management, movement and transportation of bins, collection of waste and installation of equipment and design. The report confirms that a building manager be responsible for transferring bins to and from the chute room and the residential waste collection/storage area and that Council's waste collection vehicle will load bins from the loading bay located at the rear of the site.

#### Clause 5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development

Clause 5.2.1 states that a development must provide a waste bin storage area sufficient in area to accommodate waste bins required by the development and that all waste streams are to be catered for in a sufficient area provided for storage and manoeuvring. As detailed above, the waste generation rates are supported by the area proposed to accommodate the full fleet of bins. All waste streams are catered for as dual chutes are provided. A bulky waste area and residential bin wash area is also proposed at ground floor. Separated commercial waste storage areas are provided at ground floor, with waste generation rates assessed to be compliant.

It is noted that the manoeuvring area required for the 1100L bins located at the ground floor will require the use of the commercial vehicle carpark entry however, it is assessed that vehicle movements can be adequately controlled during collection and loading times by the installation of warning lights at the entry/exit. It is also considered that vehicle movements will be minimal as the ground floor commercial car parking entry is restricted to four spaces which are reserved for the operators of the two commercial tenancies and the carpark is not for visitor or residential parking. No access is provided from this entry to the upper level parking areas.

It is noted that a linear track device is not provided under the chutes. In the absence of a linear track device it is assessed that the 1100L bins at the base of the chutes may require replacement up to twice per day. It is impractical to require a building manager to be on-site to monitor bin capacity during the day. Installation of a linear track device will prevent waste backing up the chutes or overflowing. In this respect, it is recommended that a condition of consent be included to require the installation of a linear track device.

#### Clause 5.2.2.4 Residential Flat Buildings

The proposal is assessed to comply with the applicable provisions of the clause, in that the proposal provides adequate area to accommodate the full fleet of bins calculated to service the waste generated by the development. A dual chute system is incorporated with access at each residential level. A splitter system is provided at the base of the chutes with sufficient area for the 4 x 1100L bins (two under each waste stream and two service bins for placement under the chutes whilst collection is being undertaken).

The proposal for a waste bay adjacent to the eastern elevation of the building complies with Clause 5.2.2.4(5) which stipulates that on-site collection is required to service the development. The 3m wide waste bay is able to accommodate Council's Heavy Rigid Vehicle (HRV). The service lane adjacent to the waste bay is utilised by other developments for waste collection and servicing needs. A site inspection was undertaken and additional plans have been submitted and it is verified that the service lane is adequate in width to allow vehicles to pass safely. It is confirmed that the total width of the lane and proposed bay is adequate and that the service lane is one-way, south-bound along the frontage of the site.

#### Clause 5.2.3 Mixed Used Development Controls

The proposal has been assessed to be compliant with the applicable controls of the DCP as they relate to mixed use developments.

### **C8 Public Domain**

The DCP states that the public domain comprises the shared urban spaces, the structures that relate to those spaces and the infrastructure that supports and serves them. Public space includes public owned commonly used areas such as road verges, parks and squares, outdoor trading areas and includes spaces on private property such as through site links and lobby entries. Objectives of the section include to:

- (a) enhance the quality of the public domain;
- (b) enhance the natural setting and landscape character of Penrith;
- (c) ensure that the public domain is enhanced by the built form adjoining it; and
- (d) ensure that the principles of Universal Design are considered when designing the public domain.

The proposal includes the construction of a pedestrian through-site link along the southern side of the building which will allow pedestrians to move from Lord Sheffield Circuit to Engineers Place. Submitted plans indicate a paved link with suspended artwork and landscaping (vines on catenary wire), seating, planter boxes and bollards at the intersection with Engineers Place to the east. The link is assessed to provide an acceptable visual transition from the public areas around the site across the private domain. A café is approved at the south-western corner of the link associated with the Quest serviced apartments building and submitted plans indicate commercial tenancies along the ground floor interface with the link.

The entry and lobby space is acceptable in design and complies with the applicable provisions of the ADP and DCP in that, the entry lobby is glazed and located at ground floor and provides a 'sense of address'. Freedom of circulation is provided through to the lobby from the street.

An awning is proposed along the frontage of the site to Lord Sheffield Circuit. The DCP requires that where awnings are proposed, they are to be setback from the kerb to allow for street trees (2.4m min. where street trees are required) and are to have a minimum soffit height of 3.2m (maximum of 4m). The proposed awning is measured as being approximately 3.4m and protrudes from the façade by approximately 2m as such, is compliant with the DCP awning controls.

To ensure that the materials and selected finishes, public art, lighting, landscaping and any street furniture designed and located appropriately and to ensure that the link is open to the public at the time of occupation of the building, it is recommended that a condition of consent be included requiring the submission and approval of a detailed design plan of the pedestrian through-site link and its connection to Engineers Place prior to the issue of any Construction Certificate for the building.

A condition of consent is also recommended to require that access through the link is to be provided at all times during construction (albeit in a reduced or altered manner), and that the link be completed and fully embellished prior to the issue of any Occupation Certificate for the building.

### **C9 Advertising and Signage**

No signage is proposed as part of this development application. A condition of consent is recommended to be included to require the submission of a signage strategy for the site. This condition is to ensure that signage within the through-site link and along Lord Sheffield Circuit is managed in a controlled manner and integrated into the building where appropriate.

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

The proposal has been assessed against the provisions of this Section and is found to be acceptable. Compliance with particular clauses is detailed below.

#### Clause 10.1 Transport and Land Use

The DCP requires that public transport use is to be enhanced by providing good pedestrian connections from places of residence or employment to transport networks or nodes. The development will facilitate greater access to Penrith Railway Station through the provision of a through-site link spanning along the southern elevation of the building and complies with the DCP in this respect.

#### Clause 10.5 Parking Access and Driveways

The parking rates of this section do not apply to the subject site. Refer to discussion under Part E11 of the Penrith DCP. An Assessment of the development against the general controls of Clause 10.5 is provided below.

Clause 10.5 (3)(a) states that on-site parking for residential developments including the residential component in a mixed use development, is to be accommodated wholly within a basement parking area unless the applicant can demonstrate to Council's satisfaction that the site's unique conditions prevent parking from being located in a basement. The development proposal has adequately addressed impacts related to the proposal for podium parking at levels 1 and 2 in that planting is proposed as a feature of the development within the window openings to the parking levels. The development application was also accompanied by design competition waiver issued by the Government Architects NSW and design excellence has been endorsed by Council's project specific urban design panel.

The site is relatively constrained in that the site is infill development and basement carpark access is

constrained and may result in poor urban design outcomes and amenity impacts. At grade parking complies with the DCP in that access is via the rear of the building and parking is contained within the building envelope and not visible from the activated street frontages. All vehicles can enter and exit the site in a forwards direction.

Clause 10.5(5)(t) requires that all loading and unloading areas be located away from the circulation path of vehicles. It is noted that waste collection and manoeuvring areas will make use of vehicle circulation space however as discussed elsewhere within this report, the location is within the ground floor back of house area which accommodates a minimal number of commercial spaces (4 total). It is assessed that impacts on vehicle circulation are acceptable and that the design response is appropriate given the inner city urban context of the development. Safety of waste collection staff is increased by the installation of a warning light. It is noted that sight lines to the manoeuvring area is unobstructed and clear and loading areas are generous and flat.

#### Clause 10.5.2 Access Driveways

The proposal is considered to comply with the DCP as follows:

- Vehicles are provided with safe entry and exit driveways which are located greater than 6m from any intersections.
- Forward entry and exit is provided.
- Sight distances are assessed to comply with AS 2890.1 and 2 with the exception of the intersection of pedestrian through-site link and service lane (justification is provided elsewhere within this report with regard to this matter refer Figures 1 and 2).

## **E11 Penrith**

### **Part B - North Penrith**

The proposal has been assessed against the Penrith DCP 2014, in particular Chapter E11, Part B - North Penrith and is found to be acceptable. Compliance with particular sections of the Chapter is detailed below.

#### *Clause 11.8.2.1 Vision*

The proposal is assessed to comply with the vision statements expressed within the clause in that the proposal is well designed and will contribute to active spaces within the Estate.

#### *Clause 11.8.3.3 Building Envelopes*

The proposal does not comply with the applicable building envelope controls, in that Figure E11.37 identifies a 6 storey height limit. Notwithstanding this, the PLEP 2010 allows for a maximum building height of 32m. The proposal is for a 9 storey mixed use development which is 31.055m (RL57.755m AHD) in height and complies with the allowable maximum height under the LEP. It is noted that there is conflicting height controls related to the site and it is acknowledged that Part B - North Penrith of the DCP requires a housekeeping amendment to reflect the maximum height expressed for the site under PLEP 2010.

#### *Clause 11.8.3.10 Specific Provisions - Residential Flat Buildings*

Objectives of the Clause include to establish high quality residential flat developments that have a good level of amenity. The proposed development complies with the minimum site requirement of 650sqm's.

The following car parking rates override those rates outlined within Section C10 Transport, Access and Parking.

<b>Required Rate</b>	<b>Proposed</b>	<b>Complies/Discussion</b>
<b>Car Parking</b> 1-2 Bedrooms = 1 x space per dwelling 3+ Bedrooms = 2 x spaces per dwelling  [48 units proposed (12 x 1bed, 35 x 2 bed and 1 x3bed)] 48 rooms total	49 Residential spaces are required.	<b>Complies.</b> 61 proposed including 3 accessible.  It is noted that, as agreed with the operator of the adjacent serviced apartments development, 10 car parking spaces are to be provided for the use of their valet attendant.
Visitor Parking - On street	No visitor spaces required.	N/A.

<p>Commercial parking</p> <p>The development is required to provide a minimum of 1 car space per each 75sqm's of commercial/retail floor area maximum.</p> <p>487sqm's of commercial space is proposed = 6 spaces</p>	<p>Four commercial spaces.</p>	<p><b>Discussion provided.</b></p> <p>A total of 4 commercial car parking spaces (inclusive of one accessible space) are provided at ground floor.</p> <p>A maximum of 6 spaces are permissible. The proposal for 4 spaces is considered acceptable given the proximity of the site to the railway station (50m) and that the parking rates for the Thornton Estate are maximum parking rates.</p>
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*11.8.3.10 Specific Provisions - Residential Flat Buildings*

Figure E11.44 of Section 11.8.3.10 Specific Provisions - Residential Flat Buildings nominates sites where residential flat development is to occur and the subject site is not identified in this figure. However, the D notes that residential flat buildings may occur on sites other than those nominated.

*Clause 11.8.4 The Village Centre*

The proposed development is generally consistent with the preferred land uses as detailed in Figure E11. Village Centre location of preferred land uses, with the exception of the residential component of the development. It is clarified as discussed above under Section 11.8.3.10, that residential flat buildings may occur on sites other than those nominated, and in this respect the proposal for a mixed use development acceptable. The development complies with the requirement for floor to ceiling heights of 3.6m for ground and complies with the build to lines identified for the site under Figure E11.48 (built to boundary is identified the subject site).

Compliance with building frontage characteristics is detailed below:

<b>Frontage Type</b>	<b>Characteristics (Control)</b>	<b>Discussion</b>
Awnings	<ul style="list-style-type: none"> <li>- Continuous and intermittent awnings required as per Figure E11.50.</li> <li>- To be solid element (not glazed), at an angle of 90 degrees to the wall (i.e. not angled upwards)</li> <li>- May be cantilevered or suspended.</li> <li>- Dimensions - Min. 3m deep and have a min. soffit height of 3.2m and max of 4m.</li> <li>- Awnings to wrap around corners where a building is sited on a street corner.</li> <li>- Provide under awning or wall mounted lighting.</li> <li>- One under-awning sign may be attached to the awning, at minimum intervals of 6m of the awning frontage.</li> </ul>	<p>Complies.</p> <p>The awning is less than 3m in width however is related to the width of the street below and provides adequate for street trees.</p> <p>A condition of consent is recommended with regard to integrated under awning lighting and submission of a signage strategy.</p>
Street Frontage Type	<ul style="list-style-type: none"> <li>- Active street frontage uses</li> <li>- Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage.</li> <li>- Active office uses, such as reception, if visible from the street.</li> </ul>	Complies.

Other	<ul style="list-style-type: none"> <li>- Main building entry points should be clearly visible from primary street frontages.</li> <li>- Provide clearly separate and distinguishable commercial and residential entries and vertical circulation.</li> <li>- provide multiple entrances for large developments including an entrance on each street frontage.</li> </ul>	<p>Complies.</p> <p>Separated circulation spaces are employed across site for commercial and residential uses.</p> <p>Multiple entries are provided for individual commercial tenancies and residential uses.</p>
	<ul style="list-style-type: none"> <li>- Car parking above ground level is to have a minimum floor to ceiling height of 2.8m to allow for future adaption.</li> </ul>	<p>Does not comply. Justification provided below.</p> <p>Ceiling heights are proposed to be 3m floor to floor for level 1 and 2.9m, floor to floor for level 2 which does not comply with this requirement. The non-compliance does not prohibit an acceptable solution being achieved, should the car parking areas be converted in the future.</p>