

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA16/0357
<b>Proposed development:</b>	Eight (8) Storey Serviced Apartments Building containing 14 x 1 Bedroom Apartments & 47 x Dual Key Apartments (61 Apartments/108 Keys), Related Ground Floor Facilities & Ground Floor & First Floor Car Parking
<b>Property address:</b>	15 Engineers Place, PENRITH NSW 2750
<b>Property description:</b>	Lot 3008 DP 1184498
<b>Date received:</b>	13 April 2016
<b>Assessing officer</b>	Kathryn Saunders
<b>Zoning:</b>	Zone B2 Local Centre - LEP 2010
<b>Class of building:</b>	Class 3 , Class 7a , Class 9b
<b>Recommendations:</b>	Approve

### Executive Summary

---

Council is in receipt of a development application for an 8 storey serviced apartment building at 15 Engineers Place, Penrith. Under the Penrith Local Environmental Plan 2010 (PLEP 2010) serviced apartments are defined as a type of tourist and visitor accommodation. The subject site is zoned B2 Local Centre and development for the purposes of tourist and visitor accommodation is permissible within the zoning, with the consent of Council.

Key issues identified for the proposed development and site include:

- Traffic and car parking provision;
- Waste management; and
- Vehicular circulation around the site and interface with the proposed pedestrian through-site link.

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 by Council 17 June 2016 and through the provision of letters dated 6 July 2016 and 19 August 2016 related to provision of additional car parking spaces off-site and the widening of an internal private access lane.

The application has been notified to occupiers of adjoining properties and was advertised between 2 May and 16 May 2016, in accordance with relevant legislation. No submissions have been received by Council with regard to the proposal.

An assessment under Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions. This application is to be determined by Council under delegated authority.

## Site & Surrounds

---

The subject site is a vacant 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 is a corner allotment with frontage to Engineers Place to the east and Lord Sheffield Circuit to the south, north and west. The allotment is irregular in shape and has a total area of 4778sqm.

The subject 8 storey serviced apartment building will be located on the south-eastern end of the lot which has an area of 2744sqms. The north-western end of the site will be subject to a future development application for a similarly scaled commercial development. Each end of the lot is proposed to be separated by a pedestrian through-site link spanning east-west between Lord Sheffield Circuit and Engineers Place.

Development in the vicinity is predominantly newly constructed dwellings, town houses and vacant allotments. Several residential flat buildings are currently under construction along Engineers Place and Lord Sheffield Circuit. It is expected that the site to the immediate east will contain residential flat building. Vacant lots to the west and north-west of the site are the subject of a current planning proposal for residential flat buildings. The public entry to Penrith Railway Station is located 60 metres to the south.

The owner of the land is Urban Growth NSW (formerly Landcom).

## Proposal

---

The development application is for the construction of an 8 storey serviced apartment building including:

- 14 x 1 bedroom apartments;
- 47 x Dual key apartments (61 serviced apartments/108 keys);
- Ground floor reception area, café with servery window, conference room and sales office;
- Gymnasium;
- Parking for 36 cars (23 car spaces at ground floor 13 spaces at level 1) and 1 x delivery space;
- Ancillary landscaping and public domain works including a pedestrian through-site link to Engineers Place; and
- Various building identification and wayfinding signage.

## Background

*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 listed within Schedule 3.

**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>	No CEMP has been provided. It is recommended that a condition of consent be included in this regard.	Able to comply.
------------------	--	--	-----------------

	<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>Notwithstanding the above, it is noted that plans submitted with the subject development application indicate Engineers Place as open to through traffic, which is contrary to the approved Road Hierarchy Plan and the stamped approved Concept Plans under the Major Projects approval.</p> <p>It is noted that the treatment and arrangement of Engineers Place had been the subject of discussion associated with recent approvals for residential flat buildings (known as Stage 1 and Stage 2) with car parking entry off of the private laneway.</p> <p>An assessment of the impacts related to this development application have concluded that the arrangement and road hierarchy approved under the Major Projects approval should remain as approved and Engineers Place be closed to through traffic.</p> <p>As Engineers Place is a gazetted local road the final approved layout including details of landscaping and civil works can be resolved as part of the Roads Act application required to be submitted.</p> <p>To ensure that the proposed pedestrian through-site link and its interface with Engineers Place is consistent with the details approved as part of any future application to Council to undertake works within Engineers Place (as required under the Roads Act) it is recommended that a condition of consent be included requiring detailed design plans of the proposed pedestrian through-site link and its interface with the adjoining laneway and Engineers Place, to be submitted and approved by Council prior to the issue of the Construction Certificate.</p> <p>Further, a condition of consent is recommended to require the submission of an application under the Roads Act for any works in Engineers Place.</p>	<p>Able to comply.</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 not required to be provided as the proposal is for a serviced apartments development and not a commercial premises.</p>	<p>Able to comply</p>
--	--	--	-----------------------

## Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- North Penrith Design Guidelines
- North Penrith Design Guidelines
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- 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 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 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 development application was accompanied by an Environmental Site Assessment prepared by Presna dated January 2016. 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.

A review of Council's records does not identify that the site is contaminated and given the proposed use as a commercial development is not considered to be sensitive land use, no further investigation is required. 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 64—Advertising and Signage

The development application has been assessed against the State Environmental Planning Policy No 64 - Advertising and Signage and is found to be supportive of the aims and objectives expressed within the Policy. Compliance with the Assessment Criteria set out in Schedule 1 is provided below:

#### Assessment Criteria - Schedule 1

Assessment Criteria	Discussion	Complies (Yes/No)
---------------------	------------	-------------------

1. Character of the area	The proposed signage is assessed to be in keeping with the future desired character of the area. The Village Centre is identified within the Penrith DCP 2014 as having a commercial component and is located in close proximity to the Station Plaza and CBD. Proposed signage is considered to be appropriately located and is defined as business identification signage. No advertising is proposed.	Yes
2. Special Areas	The subject site is not identified as being within a special area such as a heritage conservation or environmentally sensitive area. The site is located within the Thornton Estate and as such a high quality design and streetscape presence is anticipated. The proposal is assessed as compliant with the applicable controls of the Penrith DCP 2014 in particular those related to North Penrith.	Yes
3. Views and vistas	The proposal will be highly visible within the landscape particularly given sites to the west are yet to be developed. Due to the location of the serviced apartments building and associated signage in close proximity to residential apartment buildings particularly to the east, it is recommended hours of illumination for signage be restricted as discussed under Assessment Criteria No. 7 below.	Yes
4. Streetscape, setting or landscape	The signage is integrated into the design of the building and is considered to be of an appropriate scale and quality of design. Proposed signage will not detract from the quality of the streetscape and will add interest to the façade of the building.	Yes
5. Site and Building	The proposed signage is compatible with the design of the building and is considered innovative in its positioning particularly along the frontage to Lord Sheffield Circuit with above awning signage integrated into a lowered portion above the pedestrian entry and foyer resulting in a sympathetically scaled addition to the overall signage strategy.	Yes
6. Associated devices and logos with advertisements and advertising structures	No visible safety devices or platforms or the like are proposed.	N/A
7. Illumination	Internally illuminated signage proposed at the upper level of the building has the potential to result in negative amenity impacts particularly given the close proximity of the site to residential apartments and future residential flat buildings expected in the Village Centre and surrounds.  It is recommended that a condition of consent be included within the Notice of Determination, should consent be granted, to limit the hours of illumination to between 7:00am and 9:00pm Monday to Sunday.	Yes
8. Safety	No issues of safety are anticipated as a result of the proposal.	Yes

## 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 - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.1 Earthworks	Complies
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 8.1 Application of Part	Complies - See discussion
Clause 8.2 Sun access	N/A
Clause 8.3 Minimum building street frontage	N/A
Clause 8.4 Design excellence	Complies - See discussion
Clause 8.5 Building separation	Complies - See discussion
Clause 8.6 Serviced apartments	Complies - See discussion

#### Clause 1.2 Aims of the plan

The proposal has been assessed against the aims of the Penrith Local Environmental Plan 2010 and is found to be acceptable in that:

- (a) the development will provide opportunities for employment and services supportive of Penrith City Council's role as a regional city in the Sydney Metropolitan Region whilst supporting the established city centre.
- (b) the proposed use as serviced apartments is considered consistent with the future vision for activities within the north penrith precinct;
- (c) The design and siting of the proposed development will contribute to the provision of a high quality streetscape and will provide safe pedestrian access arrangements to and from Penrith Station via the existing station plaza, through to Engineers Place, consistent with the approved Major Projects approval for the area.

#### Clause 2.3 Permissibility

The subject site is located within the B2 Local Centre zone. The proposal for the construction of an 8 storey serviced apartments building with ancillary café, conference room, office and pedestrian through-site link is defined as tourist and visitor accommodation and is permissible within the zoning, with the consent of Council.

#### Clause 2.3 Zone objectives

The proposal has been assessed against the objectives of the B2 Local Centre zone and is found to be compliant. The application proposes a bulk and scale commensurate with the anticipated and desired built form of the Village Centre precinct and will provide opportunity for a range of employment options through the serviced apartments development and the ancillary office and café proposed at ground floor. Further, the development is found supportive of Penrith City Council's Short Term Accommodation Study which identifies an existing demand for short stay accommodation in close proximity to the city centre.

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

The 8 storey serviced apartments building is proposed to a maximum of 28.5m from natural ground and as such complies with the maximum permissible height for the site of 32 metres under the Penrith LEP 2010.

### **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 8.1 Application of Part**

The subject site is located within the area defined as "Penrith City Centre" on Council's Clause Application Map and as such, Part 8 Local Provisions - Penrith City Centre applies.

### **Clause 8.4 Design excellence**

Clause 8.4 of the PLEP 2010 stipulates that development consent must not be granted for a development involving the construction of a new building, or external alterations to an existing building, on land to which this clause applies unless Council is of the opinion that the proposal exhibits design excellence. An assessment as to whether the proposal exhibits design excellence must consider the following:

- (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 PLEP Height of Buildings Map; and
- (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.

In addition to the above, development in respect of a building that is greater than 24m or 6 storeys (or both) in height and development that has a capital value of \$1,000,000 on a key site identified on the PLEP 2010 Key Sites Map, must be the subject of an architectural design competition. Notwithstanding the above, the applicant may seek a written exemption from the Director-General stating that an architectural design competition is not required.

Although the subject site is not identified on Council's Key Sites Map, the proposal is greater than 6 storeys and 24 metres in height and as such, the development must undergo an architectural design competition or seek a written exemption from the Director-General.

The development application was accompanied by correspondence dated 28 May 2015 issued by Olivia



Hyde, Director Design Excellence stating that, as there had been previous communication with Council's Urban Design Review Panel (UDRP) a process whereby the use of Council's UDRP, in lieu of an architectural design competition was considered reasonable subject to the continued use of DKO Architects throughout the design and construction phase. In addition, the proposal was assessed by Council's Urban Design Review Panel member Brett Newbold who provided comment in correspondence dated 24 February 2016, that the concept plans, demonstrate design excellence according to the matters for consideration under Clause 8.4 of the PLEP 2010.

The proposal has been assessed against the matters for consideration expressed within Clause 8.4(2)(a) through (e) and is found to satisfy those matters and exhibits design excellence. The design of the building is site responsive, includes active ground floor uses and is considered to be of a sympathetic height, bulk and scale in the context of the site. The proposal achieves a compliant height under the LEP and will provide a pedestrian through-site link from Engineers Place through to Lord Sheffield Circuit connecting pedestrians to the Station Plaza adjacent to Penrith Railway Station maximising opportunity for public transport patronage, whilst providing safe pedestrian circulation and linkages through to the Penrith CBD via the station overpass.

#### **Clause 8.5 Building separation**

Clause 8.5 stipulates that buildings on land to which this part applies, must be erected so that the separation distance from neighbouring buildings and between separate parts or other separate raised parts of the same building, is not less than the separation distance specified within Council's Development Control Plan.

The Penrith Development Control Plan 2014 (PDCP 2014) does not specify a building separation distance for serviced apartments however, it is considered that the proposed setbacks and siting will allow for adequate building separation between vertical elements of the serviced apartments building itself, and between adjacent sites, with the exception of individual unit balconies as discussed further below.

The nearest residential development will be located at the intersection of Lord Sheffield Circuit and the private laneway to the east and is known as 7 Engineers Place. Construction works currently underway at 7 Engineers Place were approved on 17 December 2015 and when completed, the development will present as a 9 storey residential flat building containing 72 apartments with basement car parking accessed via the private laneway.

The upper level west facing balconies and windows of the apartment building under construction at 7 Engineers Place, will be separated from the subject site by the width of the private laneway. Balconies attached to centrally located units of 7 Engineers Place (numbered 03 and 04) on all levels are located directly opposite proposed balconies attached to the east facing serviced apartments suites and there is the potential for negative privacy and amenity impacts to occur.

The matter was raised with the applicant in correspondence sent 31 May 2016. Amended plans were received 17 June 2016 and in response to the privacy issues raised, amended plans indicate that privacy screens have been included along the most eastern upper level apartment balconies and in some instances the balcony length was reduced. The combination of reduced balcony lengths and the inclusion of privacy screens will assist in mitigating any privacy impacts of the proposed and is considered an acceptable.

#### **Clause 8.6 Serviced apartments**

The proposal complies with the Serviced Apartments clause in that no strata subdivision is proposal as part of this application.

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

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

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies
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

### North Penrith Design Guidelines

Provision	Compliance
North Penrith Design Guidelines	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 Surveyors for assessment who have not raised any objection to the proposal subject to the recommend standard conditions of consent.

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

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

The likely impacts of the proposal as identified within this report are detailed below:

### **Context and Character**

The development of the site will have a minor impact of the character of the area. The site is currently vacant and the approval of the development will introduce an eight storey serviced apartments development into the streetscape. The proposed setbacks, street activation, overall design and selected materials are assessed to be sympathetic to 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 a minor impact on the amount of solar access attributed to neighbouring sites particularly to the immediate south-east. Overshadowing attributed to the proposal will impact Lot 3002 to the immediate south between 9:00am and 3:00pm with the shadow tracking across the site throughout the day. The site is currently vacant however, the extent of overshadowing is not considered to be detrimental to the future development potential of the site, as solar access is available to at least 50% of the site between 9:00am and 3:00pm mid winter.

### **Traffic and Car Parking**

As a result of the proposal it is expected that there will be some increase in the volume of traffic entering the site, however the development proposes a compliant car parking rate and is unlikely to impact negatively, to the detriment of the local network. The applicant has also confirmed that 10 additional spaces are to be provided as part of an adjacent site for the use of the serviced apartments development. Conditions of consent are recommended with regard allocation of car parking spaces, use of a valet service for stacked parking spaces and the submission of an operations plan.

In addition to the above, to ensure that adequate vehicular access is provided to the serviced apartments development, a condition of consent is recommended to ensure that adequate vehicular passing distance is provided adjacent to the northern pull-in bay located on Lot 3007 DP 1184498 (also known as Stage 1).

### **Noise and Construction Impacts**

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

### **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 specifically those related to safety and security and is compliant in this regard. The development of the site will facilitate the provision of short term or tourist and visitor accommodation and employment opportunities within the local government area in accordance with the aims of the Penrith LEP 2010.

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

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

- The site is zoned to permit the proposed use as serviced apartments;
- 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.
- Adequate conditions of consent are included to ensure that the access and circulation requirements of residents, and visitors including waste collection and delivery vehicles are provided for into and around the subject site.

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

### **Community Consultation**

The application has been notified to adjoining properties, exhibited and advertised between 2 May and 16 May 2016 and a site sign was erected in accordance with relevant legislation. No submissions have been received by Council with regard to the proposal.

## Referrals

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

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Development Engineer	Not supported
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	Not supported

### **Development Engineer**

The proposal and subsequent amended plans and documentation was referred to Council's Development Engineering unit who have raised matters related to the single width access ramp to level 1, sight distances, the inability of vehicles to be accommodated on the site while waiting to enter the level 1 ramp or the ground floor car park and the dimensions of the service bay.

As discussed further within the report plans were amended to increase sight distances at the entry/exit point of the level one ramp and further details were provided regarding the operation of the lighting system associated with the single width level one ramp. It is considered that the proposal as amended and subject to recommended conditions of consent including:

- (a) the deletion of proposed waiting bays within the rear laneway; and
- (b) the submission of a Buildings Maintenance and Operations Plan detailing the management of parking and ramp operations;

is acceptable and adequately addresses the matters raised.

### **Traffic Engineer**

The development application was referred to Council's Traffic Engineer who has raised matters of non-compliance particularly related to the one way ramp access to the level 1 car park and swept paths for service vehicles. The matters were raised with the applicant who provided amended plans and documentation detailing the vehicle access and parking arrangements including swipe cards and intercom systems, provision of a valet service for stacked parking and details of a stop/go lighting system to manage the one-way ramp. In addition amended plans indicate that the entry to the level one ramp has been widened to increase sight distances.

It is considered that the proposed methods of internal traffic management are acceptable given the number of car parking spaces provided by the development, particularly at level one. The development is capable of providing parking for a delivery van although it is noted that more than one manoeuvre may be required to access the space.

In addition and as discussed elsewhere in this report, matters related to pedestrian safety and vehicular circulation around the development site are resolved by the submission of correspondence from Urban Growth NSW (the owner of the land)securing adequate vehicular passing width adjacent to the northern pull-in bay.

### **Waste Services**

As discussed elsewhere within this report, the proposal was referred to Council's Innovation Officer with regard to the waste arrangements and was not supported. The following matters were raised:

- Due to the surrounding developments and future proposed developments, Council's waste vehicles will need to service each building up to four times weekly, due to the service frequency and the inadequate size of loading bays along the laneway the proposal for on street collection will result in disruptions.
- The proposal will inhibit traffic access along the laneway and residents will be unable to pass or access the basements of adjacent sites.

Matters raised were conveyed to the applicant who provided amended plans and documentation detailing the vehicle access and parking arrangements including swipe cards and intercom systems, provision of a valet service and details of a stop/go lighting system to manage the one-way ramp. In addition, amended plans indicate that the entry to the level one ramp has been widened to increase sight distances.

It is considered that the proposed methods of waste management are acceptable particularly given commercial nature of the development. Conditions of consent are recommended to ensure commercial pick up occurs outside of the times for neighbouring residential waste collection. Further, Urban Growth NSW has provided documentation to confirm that adequate passing width is provided at the northern end of the site to allow vehicles to pass a waste truck when positioned in the adjacent collection bay.

## **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.

## **Conclusion**

---

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

The proposal will have a positive 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 applicable to the site. The application is worthy of support, subject to the recommended conditions.

## **Recommendation**

---

1. That DA16/0357 for an eight storey serviced apartments building with ancillary café at Lot 3008 DP1184498 known as 15 Engineers Place Penrith, be approved subject to the attached conditions.

# CONDITIONS

## General

### 1 A001

The development must be implemented substantially in accordance with the plans as tabled 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 attached plans and by the following conditions.

Architectural plans prepared by DKO Architecture			
Drawing No	Description	Revision	Date
DA101	Context Plan	B	14/06/2016
DA200	Ground Floor Plan	B	14/06/2016
DA201	Level 1 Plan	B	14/06/2016
DA202	Level 2 Plan	B	14/06/2016
DA203	Level 3 Plan	B	14/06/2016
DA204	Level 4 Plan	B	14/06/2016
DA205	Level 5 Plan	B	14/06/2016
DA206	Level 6 Plan	B	14/06/2016
DA207	Level 7 Plan	B	14/06/2016
DA208	Roof Plan	B	14/06/2016
DA209.1	Unit Plans	B	14/06/2016
DA209.2	Unit Plans	B	14/06/2016
DA301	Elevations – Streetscapes	B	04/06/2016
DA302	North Elevation	B	14/06/2016
DA303	East Elevation	B	14/06/2016
DA304	North Elevation	B	14/06/2016
DA305	Section A	B	14/06/2016
DA306	Section B	B	14/06/2016
DA307	Sections C, D and E	B	14/06/2016
Signage Plans Prepared by BG			
Drawing No	Description	Revision	Date
4	Site Plan	Version 1	16/03/2016
5	West Elevation	Version 1	16/03/2016
6	East Elevation	Version 1	16/03/2016
7	North Elevation	Version 1	16/03/2016
8	Section 02	Version 1	16/03/2016
ID-P / 10	General Dimensions	Version 1	16/03/2016
ID-P / 11	Typical Construction Detailing	Version 1	No date
ID-B-1 / 12	General Dimensions & Typical Section	Version 1	16/03/2016
ID-B-2 / 13	General Dimensions & Section J	Version 1	09/03/2016
ID-B-3 / 14	General Dimensions	Version 1	08/03/2016
ID-B-4 / 15	General Dimensions	Version 1	09/03/2016
ID-B / 16	Section Q Detail R	Version 1	12/08/2015
ID-CP / 17	General Dimensions & Section C	Version 1	12/08/2015
18	Finishes Schedule	Version 1	No date
UrbanGrowth NSW	Letter regarding access over Lot 3008 DP 1184498	-	19 August 2016

### 2 A001 M - Special (No waiting zones in lane)

No approval is granted for the proposed waiting zones along the private laneway at the rear of the site.

### 3 A001A Special (Waste Pick Up)

Waste collection from the site is not to occur between the hours of 5:00am and 5:00pm seven days and shall occur no later than 9:00pm seven days.

4 **A001AA Special (Amended plans)**

Plans are to be amended to incorporate the following:

- (a) The design of the servery window opening to the pedestrian through-site link is to include a low height section to allow a person seated in a wheelchair to be seen and served.
- (b) A section of the main ground floor foyer desk is to include a low height section suitable to serve a person seated in a wheelchair.
- (c) Left and right hand transfer option are to be provided in accessible bathroom facilities.

5 **A001B Special (Compliance with Waste Report)**

The construction and fit-out of the waste/bin rooms located on ground floor of the building is to be in accordance with the recommendations included within the Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 6/04/2016 as details on pages 12, 13 and 14.

6 **A001C Special (Car Parking Provision)**

The applicant is to provide Penrith City Council with confirmation from the owner of Lot 3003 in DP1184498 that ten (10) car parking spaces will be provided within the future development on that site, for the exclusive use of the customers and/or staff of the serviced apartments development located on the subject site, prior to the issue of the occupation certificate.

A review of the need for these spaces may be undertaken after 24 months from the issue of the occupation certificate of the serviced apartments building. If it is determined that the additional ten (10) car parking spaces are not being utilised at sufficient capacity, a development application may be lodged to amend or remove this condition. The review must be undertaken by an appropriately qualified and experienced traffic consultant with adequate justification provided in support of any request to modify or delete this condition.

7 **A001D Special (Lane Width)**

In accordance with stamped approved correspondence prepared by Urban Growth NSW dated 19 August 2016 and as marked in red on the stamped approved plans, sufficient passing width is to be provided within the boundaries of the northern end of the subject site (Lot 3008 DP 1184498) adjacent the northern pull-in bay located on Lot 3007 DP 1184498, to allow vehicles to pass a waste collection truck when parked in the pull-in bay.

8 **A001E Special (Pedestrian Link)**

Prior to the issue of the Construction Certificate a detailed design plan of the pedestrian through-site link is to be submitted to the Manager Development Services at Penrith City Council. The detailed design plans are to include the following:

- (a) a dimensioned layout to an appropriate scale;
- (b) a schedule of all surface treatments, materials and finishes;
- (c) details and specifications of proposed planters, street furniture and public art installations;
- (d) details and locations of any kerb and gutter, pram ramps and sign posting proposed.

Civil details are to be designed in accordance with Council's standards and specifications. Detailed plans are to be approved by the Manager Development Services at Penrith City Council and relevant works completed prior to the issue of the occupation certificate for the serviced apartments building.

9 **A001H - Special (Signage Curfew)**

Internally illuminated upper level wall signage located above level 4 on all facades of the building is to have the hours of illumination restricted to 7:00am to 9:00pm Monday to Sunday.

10 **A001K - Special (Use of DKO Architects)**

DKO Architects are the approved architects for the design and documentation of the serviced apartments development and are to be retained throughout the design and construction phase as per the NSW Government Architects correspondence dated 28 May 2016.

11 **A001L - Special (Materials & Finishes)**

A 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.



12 **A001N Special (Building Maintenance and Operations Plan)**

Prior to the issue of the Occupation Certificate, a Building Maintenance and Operation Plan must be submitted and approved by Penrith City Council. This Plan is to include the following aspects of the buildings operation:

(a) Details of the Traffic Control Measures including the maintenance and operations of the system and what measures will be employed during periods where the system is unavailable such as power failures, emergencies or maintenance.

(b) The allocation of the parking spaces. Details shall ensure that any staff parking is allocated as a stacked space and that stacked spaces are for the use of valet personnel only.

(c) Details of how waste (recycling and residual) will be managed during the operation of the development.

13 **A006 - Separate DA for future development stages**

This development consent relates to the construction of the serviced apartments building and the pedestrian through-site link only. A separate development application shall be submitted to Penrith City Council for any future development of the site not covered by this consent. No approval is granted for the pattern of laneways, roads or landscaping or other urban design detail indicated on plans or referenced within supportive reports or documentation that is not located on the subject site being Lot 3008 in DP 1184498.

14 **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.

15 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

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

16 **A026 - Advertising sign (not for residential)**

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

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

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

18 **A Special (BLANK)**

A right of footway shall be registered on the title of the subject land in the location of the pedestrian through site link prior to the issue of an Occupation Certificate.

19 **A Special Condition (BLANK)**

**Prior to the issue of Construction Certificate** additional details regarding the requirements of Section 3.1 of Councils WSUD Policy which relates to the use of efficient (WELS) rated fittings and rainwater harvesting and reuse must be submitted to Council for review.

## Environmental Matters

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

All waste materials stored on-site during construction activities 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.

21 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Noise Impact Assessment (Document Reference: 20151400.1/3003A/RO/BW) prepared by Integrated Group Services and dated 11/04/2016. 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.

## 22 D014 - Plant and equipment noise

**Prior to the 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, assessed by a qualified acoustic consultant, is to be supplied to demonstrate that the operation of the plant and equipment (including mechanical ventilation/air-conditioning equipment) will comply with the internal noise criteria required for each of the individual units within the development, as well as complying with the provisions of the Protection of The Environment Operations Act 1997 that apply to the development, in terms of regulating offensive noise. In this regard, 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.

**Prior to the issue of the Occupation Certificate**, a Compliance Certificate is to be submitted to and approved by Council. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified. This Compliance Certificate for the mechanical plant and equipment may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the noise criteria established in the Noise Impact Assessment (Document Reference: 20151400.1/3003A/RO/BW) prepared by Integrated Group Services and dated 11/04/2016.

23 **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 Contaminated Land Development Control Plan) 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 Contaminated Land Development Control Plan 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."}

24 **D - Dust**

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

25 **D Special BLANK**

**Prior to the issue of the Construction Certificate**, a soil erosion and sediment control plan, prepared in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction" 2004 shall be submitted to Council for approval. (Note: Visit [www.urbangrowth.nsw.gov.au](http://www.urbangrowth.nsw.gov.au) to obtain a copy of the publication). If Council is not the Certifying Authority, a copy of Council's approval is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved erosion and sediment control measures are to be installed prior to the commencement of works on site and shall be maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. The erosion and sediment control measures are to be maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004 and are to ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

26 **D Special BLANK**

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 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.

27 **D Special BLANK**

Drainage details demonstrating that all waste water discharge from bin washing in the bin wash area will discharge to an approved sewer outlet, are to be shown on plans accompanying the Construction Certificate application.

28 **D Special BLANK**

The stockpiled material referenced in the "Environmental Site Assessment (Document Reference S0079:NMW:54235 Penrith ESA) prepared by prensa and dated January 2016 is to be removed from the site prior the commencement of the works.

## **BCA Issues**

29 **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.

30 **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.

31 **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.

## **Health Matters and OSSM installations**

### 32 F001 - General Fitout

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

### 33 F001A - Special (Food Fit out and Registration)

Fit out details of any part of the development involved in the sale of food to be public are to be submitted to Council, prior to the release of the construction certificate. This is to include detailed floor plans and cross sectional plans, drawn to scale showing:

- The proposed floor plan layout of the café.
- Details of all construction materials and other materials that will be used with the café (ie. finishes of all floor, coving, walls and ceilings)
- Elevations of the walls and floor finishes, showing the type and method of coving to be used.
- Details on toilet facilities and hand washing within toilet facilities.
- Locations and design details of proposed hand washing facilities.
- Locations and design details of proposed washing facilities and any floor waste.
- Proposed location and details of all fixtures, fittings and appliances (including proposed method of installation). This should include details of double/triple bowl sinks and/or commercial dishwasher.
- Proposed location and details of all waste storage areas including bin cleaning.
- Details on trade waste (grease trap requirements).

Any business involved in the sale of food to the public is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the business.

## Utility Services

### 34 G002 - Section 73 (not for

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

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

### 35 G004 - Integral Energy

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

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

## Construction

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

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

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

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

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

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

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

### 37 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

### 38 [H006 - Submission of and implement waste management plan](#)

A completed Construction Waste Management Plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate can be issued for the approved development.

The Construction Waste Management Plan shall address all waste materials likely to result from the construction phase of the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout the construction phase of the development, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

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

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

- 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.

## **Roads Act Requirements**

### 40 [I001 A Special \(Roads Act Apporval to be Sought\)](#)

An application under the *Roads Act 1993* is to be submitted to Penrith City Council for works related to Engineers Place prior to the issue of the Construction Certificate. Detailed design plans are to include:

- (a) Relevant levels, surface materials and finishes;
- (b) Location of pram ramps, crossings and signage;
- (c) Paving, kerbs and gutters;
- (d) Landscape details including tree, shrub and ground cover species.

## **Engineering**

### 41 [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.

### 42 [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 the issue of any Construction Certificate. 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.



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

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

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

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

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

Note:

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

44 **K209 - Stormwater Discharge – Minor Development**

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

45 **K209A - Special Condition (Management Strat & WSUD Policy)**

A detailed Management Strategy is to be submitted at **Construction Certificate** that details how the community style wetland and central water feature will be protected from pollutants and sediment during the serviced apartment building construction stages.

**Prior to the issue of Construction Certificate** additional details regarding the requirements of Section 3.1 of Councils WSUD Policy which relates to the use of efficient (WELS) rated fittings and rainwater harvesting and reuse must be submitted to Council for review.



46 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by IGS, reference number EN-N15\_78, revision 01, dated 11/04/2016.

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.

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

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

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

49 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, 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 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

50 **K302 - Traffic Control Plan**

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

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

Note:

a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to CC.

51 **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.

52 **K405 - Turf to Verge**

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

53 **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.

54 **K511 - Directional signage**

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

55 **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.

56 **K Special (BLANK)**

All deliveries and service vehicles (other than waste service vehicles) accessing the site (including deliveries to the internal gym and café) shall be accommodated by a dedicated off-street service /delivery vehicle parking space.

57 **K Special (BLANK)**

The rear laneway adjacent to the entry/exit driveway and ramp shall be signposted as full time No Stopping zone. Vehicles are not permitted to wait in this area.

58 **K Special (BLANK)**

A valet parking service to be operated by hotel management is to be provided for access to all stacked parking areas.

59 **K Special (BLANK)**

All car parking spaces are to be line-marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials, etc. Subleasing of car parking spaces is not permitted.

60 **K Special (BLANK)**

The required sight lines around the driveway entrances are not to be compromised by fixtures, fencing or signage and all vehicles are to enter/exit the site in a forwards direction.

## Landscaping

61 **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.

62 **L007 - Tree protection measures—no TMP with DA**

All street trees located along Lord Sheffield Circuit and Engineers Place are to be retained and protected throughout the site preparation and construction phases.

## Certification

63 **Q006 - Occupation Certificate (Class 2 - 9)**

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

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

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

64 [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.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### 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 proposal has been assessed against the key aims and objectives of the Chapter and is considered to comply in that, the design of the serviced apartments 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 the PLEP 2010. Each elevation is adequately articulated with a variety of high quality materials and finishes incorporated.

#### C5 Waste Management

The DCP does not include controls specific to serviced apartments development. Notwithstanding this, 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. Submitted plans indicate a 6.1sqm bin room with separated cleaners closet and a 19.1sqm bin room with wash bay and roller door to the rear laneway located on the ground floor. Both bin rooms will accommodate waste from the serviced apartments development including café, kitchen and conference rooms. Waste pick up will be by private commercial arrangement from the private laneway adjacent a 19.1sqm bin room with wash bay. Pick up is proposed to be on-street parallel with the kerb.

A Waste Management Plan prepared by Elephants Foot Recycling Solutions, dated 6 May 2016 was submitted in support of the proposal. The Report details the management of waste for each function of the development and has assessed the practicality of the waste rooms in terms of floor area, wash facilities, location and collection. The Report suggests that Council will collect waste from the private lane at the rear of the site however, it is confirmed that due to the commercial nature of the development, waste will be collected by private arrangement secured by the operator.

Due to the location of a pull-in bay for waste collection associated with a residential flat building located opposite the subject site (on the eastern side of the private laneway), it is recommended that a condition of consent be included to ensure commercial waste collection associated with the serviced apartments does not occur at the same times as waste collection for the residential flat building adjacent. This will ensure that the private laneway is not blocked by two trucks servicing the sites at the same time. It is also recommended that the details of the Waste Management Report as listed under the Garbage Rooms Construction Requirements, Signage, Ventilation, Stormwater Prevention & Litter Reduction sections of the Report, form part of the stamped approved documentation to ensure that the construction and fit-out of the bin rooms complies with the recommendations.

The proposal is assessed to comply with the applicable sections of the DCP in that the waste areas are located away from the frontage of the site, allow for storage and manoeuvring of both recyclable and residual waste on and through the site and the collection point can be managed to reduce the impact of on-street collection within the private rear lane.

The proposal was referred to Council's internal Innovation Officer with regard to the proposed waste arrangements and was not supported. The following matters were raised:

- Due to the surrounding developments and future proposed developments, Council's waste vehicles will need to service each building up to four times weekly, due to the service frequency and the inadequate size of loading bays along the laneway the proposal for on street collection will result in disruptions.
- The proposal will inhibit traffic access along the laneway and residents will be unable to pass or access the basements of adjacent sites.

In response to the matters raised by Council's Innovation Officer and to ensure that vehicles are

able to pass Council's waste trucks when they are parked within pull-in bays a minimum of 3.5 metres is required between the outside of the parked truck and the kerb on the opposite side of the laneway. The pull-in bay at the southern end of the Laneway (adjacent the proposed serviced apartments building) complies with this requirement however, the pull-in bay at the northern end of the laneway is insufficient in width to allow vehicles to pass a truck when it is positioned in the bay.

The matter was discussed in meetings held with both the applicant and Urban Growth NSW. As a result of these discussions it was agreed that Engineers Place is to remain closed as per the Major Projects approval. However, to resolve the issue of passing width along the private laneway, Urban Growth NSW have agreed to accommodate sufficient width (within the boundaries of the northern end of the subject site) for vehicles to pass waste trucks when parked in the northern pull-in bay associated with Lot 3007. Confirmation of this agreement was provided to Council in letter dated 19 August 2016.

### **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 or commonly used areas such as road verges, parks and squares, outdoor trading areas and includes spaces in 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 northern side of the building which will connect pedestrians from Lord Sheffield Circuit to Engineers Place. Submitted plans indicate a paved link with suspended artwork and landscaping (vines on suspended 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 proposed at the south-western corner of the link with plans indicating a servery window and glazing. Potential for future retail or commercial is provided along the ground floor of the northern elevation of the building which will enable additional future activation and opportunity for passive surveillance.

The entry and lobby spaces are acceptable in design and comply with the 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 and from the conference areas to the café via the lobby space.

An awning is proposed along the western elevation of the site and along the Lord Sheffield Circuit street frontage. 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 has a soffit height of 2.4m at the entry way and protrudes from the façade glazing by 2.6m. The soffit height is raised either side of the entryway to approximately 3.1m. The minor non-compliance of the development with the soffit height of 3.2m is considered acceptable in this instance.

To ensure that the materials and selected finishes, public art, lighting, landscaping and any street furniture is 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.

Further, the proposal was presented to Council's Access Committee who have recommended that the servery window be designed to ensure that it can be utilised by all members of the

community and that the lobby design include a low section to enable a person in a seated position to be serviced. Conditions of consent are recommended in this regard.

#### *Private laneway and intersection of the pedestrian through-site link and Engineers Place*

Various meetings were held between Council, the applicant and Urban Growth NSW specifically related to the arrangement of the private laneway and the intersection of the proposed pedestrian through-site link and Engineers Place. Matters discussed include:

- (a) the width of the private laneway at the northern end;
- (b) the inability for vehicles heading south along the private laneway to pass a truck positioned in the pull-in bay adjacent Lot 3007;
- (c) possibility of temporary left turn only from Engineers Place into the private laneway;
- (d) emergency services access;
- (e) safety of pedestrians at the intersection of Engineers Place and the private laneway; and
- (f) compliance with the Major Projects Approval.

Specifically, it was raised that the inability of vehicles to pass a waste truck parked in the northern pull in bay located on Lot 3007, was resulting in the need to allow vehicles to exit from the southern end of Engineers Place which is currently approved as a closed road with turning bay at the western end.

In subsequent discussions with Urban Growth NSW it has been agreed that Engineers Place is to remain closed as per the Major Projects approval (MP10\_0075 & MP10\_0078). However, to resolve the issue of passing width along the private laneway, Urban Growth NSW have agreed to accommodate sufficient width at the northern end of the subject site adjacent to the pull in bay sufficient for vehicles to pass a waste truck when parked in the pull-in bay located on Lot 3007. Confirmation of this arrangement has been received via letter dated 19 August 2016.

A condition of consent is recommended to require sufficient passing width to be provided adjacent to the northern pull-in bay in accordance with letter dated 19 August 2016 prepared by Urban Growth NSW.

#### **C9 Advertising and Signage**

The proposal includes the installation of signage as detailed below:

- 1 x Free standing pylon style sign - Location adjacent the lobby entry at ground (western elevation) - Polycarbonate letter forms - Internally illuminated 24 hours - 0.380m x 1.8m high
- 1 x Awning sign - Located above lowered section of awning over ground floor lobby entry (western elevation) - Profile cut acrylic letters - Internally illuminated during reception Hours - 0.905m high x 4m in length.
- 1 x Upper level wall mounted building identification sign - Located on the western elevation spanning levels 5, 6 and 7 - 1.750m wide x 7.8m long (vertically) - Internally illuminated during reception hours.
- 1 x Upper level wall mounted building identification sign - Located on the eastern elevation spanning levels 6 and 7 - 2m x 6.2m long (vertically) - Aluminum frame with letters - Internally illuminated during reception hours.
- 1 x Free standing pylon style sign - Level 1 wall sign along east facing elevation - Aluminum frame with letters - 0.900m wide x 3.75m high - Internally illuminated during reception hours.
- 1 x Wall mounted wayfinding sign - ground floor car park entry east facing elevation - Aluminum frame with acrylic lettering - 0.365m wide x 1.5m high (inclusive of "P" parking sign) - internally illuminated 24 hours.

The proposed signage as detailed above is considered to be appropriate in the selected locations and is of an acceptable standard of design and quality. Signage is adequately integrated into the design of the building and minimal use of projecting elements is proposed. Illumination of signage is internal and will reduce the instance of light spill. It is noted that the DCP does not support the installation of above awning signs and that one awning sign is proposed as part of the signage scheme, however the awning sign is integrated into the awning

design which is reduced in height to accommodate the height of the sign above the entry to the foyer. This minor non-compliance is considered acceptable.

The use of illuminated signage is assessed to be compliant with the DCP. A condition of consent is recommended with regard to the upper level wall signs imposing a curfew between 7:00am and 9:00pm seven days to ensure that light spill, glare or other amenity impacts are reduced particularly given the proximity of the signage to adjacent residential apartments.

The signage strategy/scheme is consistent with the provisions of Chapter E11 Part B North Penrith.

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

The proposal has been assessed against the provisions of the 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 northern façade of the building between Lord Sheffield Circuit and Engineers Place and complies with the DCP in this respect.

#### *Clause 10.5 Parking Access and Driveways*

The Penrith DCP 2014 does not provide specific car parking rates for serviced apartments and refers applicants to the Roads and Maritime Services (RMS) *Guide to Traffic Generating Developments* document for rates. The guide rate for Hotels - Tourist (with 3,4 and 5 star ratings) is that set by the City of Sydney Council. The development represents a compliant scheme when assessed against the City of Sydney Council rates as detailed within the table below:

<b>Required Rate</b>	<b>Proposed</b>	<b>Complies/Discussion</b>
<b>Car Parking –</b> 1 space per 4 rooms (3 & 4 star hotels)	108 rooms / 4 = 27 spaces	<b>Complies</b> 36 proposed including 1 x delivery space
<b>Taxi facilities –</b> <ul style="list-style-type: none"> <li>The Guide states that a large proportion of hotel guests &amp; conference patrons were recorded arriving by taxi.</li> <li>The survey findings indicated that the derived demand for taxi use to hotels is given by the relationship of 1 taxi trip per hour per 10 hotel rooms. The relationship provides an indication for the provision of taxi pick-up and drop off facilities.</li> </ul>	2 x 5 minute zones. The 5 minute zones are proposed to work in conjunction with the existing taxi zone currently located opposite the site on Lord Sheffield Circuit outside the station entry.	<b>Complies</b> Based on the City of Sydney LGA rates, should all rooms be leased individually at 100% capacity it is calculated that the development would generate 11 taxi trips per hour in peak max.  It is considered that the 2 x 5min zones and existing taxi rank located opposite are sufficient.

Required Rate	Proposed	Complies/Discussion
<b>Service vehicles –</b> <ul style="list-style-type: none"> <li>Peak deliveries were recorded on Thursdays &amp; Fridays. The suggested minimum service vehicle bay is 1 space per 100 rooms.</li> <li>This rate was adopted by both Sydney City and South Sydney City Councils.</li> </ul>	108 rooms total  1 x delivery space required	<b>Complies</b>  1 x delivery space provided
<b>Stacked Parking –</b> <ul style="list-style-type: none"> <li>Stacked parking should not be used unless a valet parking service is also available.</li> </ul>	7 (14) x stacked car parking spaces are proposed. A valet services is also proposed.	<b>Complies</b>

In addition to the above, the applicant has provided a detailed Traffic and Parking Report prepared by Parsons Brinckerhoff, dated 11 April 2016, which includes calculations of parking demand based on 80% occupancy rate and 47% mode share. This modal split is based on the existing North Penrith Development Transport Mobility and Accessibility Plan 2010 prepared for the Major Projects approval (MP10\_0075 & MP10\_0078). the report also provided a comparison rate for other Quest serviced apartments developments and indicates that the model of parking proposed is not dissimilar to the model (rates/number of rooms) presented by other Quest serviced apartments developments within the greater suburban areas of Sydney.

It was conveyed to the applicant that the modal split used within the Parsons Brinckerhoff Plan dated 2010, was high when compared to the know reliance on personal vehicles for transport within the Penrith Local Government Area and due to the distance between the subject site and local destinations and limited transport options.

In response to Council's concerns, Urbis (the applicant) provided a statement of commitment dated 6 July 2016 from the developer (St Hilliers) to provide 10 additional car parking spaces as part of a nearby future development known as 'the supermarket site' identified as Lot 3003 DP1184498. A condition of consent is recommended to require a formalisation of this offer and the request by Urbis to have this requirement reviewed at a later date, should the parking spaces be under utilised.



## North Penrith Design Guidelines

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 11.8.4 The Village Centre*

The proposed development is consistent with the preferred land uses within the Village Centre as identified in Figure E11.47 of the DCP in that the subject site is identified for commercial use. It is noted that the DCP stipulates a maximum of 6 storeys however this control is superseded by the Penrith LEP 2010 allowing a maximum height of 32m for the subject site. The proposal is compliant with the maximum permissible height as per the LEP and proposes 8 storeys or 28.5m.

The development is also consistent with the building setbacks and build-to lines within the Village Centre and proposes a built to boundary development along Lord Sheffield Circuit with compliant continuous cantilevered awning. A semi-active street frontage is provided at the ground floor in compliance with the requirements of table E11.11 in that the foyer is visible from the street and a café and conference facilities with break-out space are proposed with frontage to the street. The proposal achieved compliance with controls related to the integration of services and plant into the design of the building and the use of high quality materials and finishes on the facades of the building.

The proposed frontage characteristics, setback and use of the building as serviced apartments is consistent with Figures E11.47 - Village Centre location of preferred land uses and E11.48 - Village Centre build to lines, in that the development is commercial in nature and a built to boundary design is provided along Lord Sheffield Circuit.

Table E11.10 requires that awnings are to be continuous along Lord Sheffield Circuit and are to be at an angle of 90 degrees to the wall. The proposal includes an a compliant awning as per the DCP requirements. In addition, to the above the proposal is compliant with the Village Centre active frontages plan in that the development will provide a semi-active street frontage with glazed façade and ground floor lobby. A café is also proposed at the intersection of Lord Sheffield Circuit and the pedestrian through-site link which will further activate the frontage.

The DCP requires under Clause 11.8.4 that as part of the first major retail/commercial development within the Village Centre, a signage strategy is to be prepared and submitted for approval and is to:

- (a) identify the preferred locations and quantum of all building identification and advertising signage;*
- (b) include a palette of preferred materials, signage types and graphic style;*
- (c) outline proposed illumination requirements so as to consider its impact on the future, nearby residential uses;*
- (d) promote a high quality, coordinated approach to signage within the Village Centre and minimise visual clutter; and*
- (e) include details of any way finding signage.*

No signage strategy for the through-site link and Lord Sheffield Circuit frontage has been provided and it is considered that this can be undertaken as part of the future development of the northern end of the lot which is currently vacant.

### *Clause 11.8.4.2 Access, Parking and Servicing*

The clause stipulates that car parking and bicycle rates are to be as per the Part C, City-wide Controls (refer to discussion under C10 Transport, Access and Parking). The floor to ceiling heights of the proposed ground and level 1 car parking areas complies with the DCP requirement for a minimum of 2.8m to allow for future adaption of spaces.