


# APPENDIX I - PENRITH DCP 2014

Control	Provision	Proposal	Compliance
<b>Part C - City Wide Controls</b>			
C2 Vegetation Management	In accordance with Clause 5.9 of Penrith LEP 2010, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation which is prescribed by this Plan without development consent, or a permit granted by Council.	Tree removal will be carried out in accordance with the Arborist Report submitted at <b>Appendix J</b> .	Yes
C5 Waste Management Plan	Applicants are to submit a Waste Management Plan for demolition or construction of buildings. The Waste Management Plan must be supported by scaled waste management drawings.	A Waste Management has been prepared and submitted at <b>Appendix G</b> .	Yes
5.2.4. Non-Residential Development Controls	<p>Waste storage and collection areas should be:</p> <ul style="list-style-type: none"> <li>a) Flexible in their design so as to allow for future changes in the operation, tenancies and uses;</li> <li>b) Located away from primary street frontages, where applicable;</li> <li>c) Suitably screened from public areas so as to reduce the impacts of noise, odour and visual amenity;</li> <li>d) Designed and located to consider possible traffic hazards (pedestrian/vehicular) likely to be caused by the storage and collection of waste.</li> </ul>	As outlined in the Waste Management Plan, the waste storage and collection areas are suitably located away from primary street frontages and screened. Centre management will monitor and assess the requirement for odour control in addition to any base building mechanical ventilation.	Yes
<b>E11 – Penrith City Centre</b>			
11.2.2 Building to Street Alignment and Street Setbacks	<p>Street building alignment and street setbacks:</p> <ul style="list-style-type: none"> <li>• 2.0m-3.0m average front setback</li> </ul>	No change to building setback from High Street.	Yes

11.2.3 Street Frontage Heights	Buildings must comply with the relevant street frontage heights as shown in Figure E11.4 and illustrated in Figures E11.5 to E11.10.	No change to street frontage heights.	Yes
	Development of land in the vicinity of Allen Place, Memory Park and Judges Park the development must demonstrate that it does not adversely overshadow the adjoining public places.	As demonstrated in the shadow diagrams submitted at <b>Appendix B</b> , there is no overshadowing to Allen Place, Memory Park and Judges Park.	Yes
11.2.5 Boundary Setbacks and Building Separation	Up to a height of 20m: 0m.	No change to boundary setbacks or separation from adjoining buildings.	Yes
11.2.7 Site Cover and Deep Soil Zones	Maximum Site Cover:100% Minimum Deep Soil Area: 0%	The proposal complies with the DCP deep soil requirements.	Yes
11.2.8 Landscape Design	Recycled water should be used to irrigate landscaped areas.	Water Sensitive Urban Design (WSUD) principals have been incorporated into the landscape design in a way that celebrates a sustainable water cycle. Where possible storm water runoff will be directed to the lawn and garden beds. All irrigation systems will comprise of subsurface drip systems and automatic timers with rainwater / soil moisture sensor controls.	Yes
	Commercial and retail developments are to incorporate planting into accessible outdoor spaces.	A combination of hard and soft landscaping treatments is proposed throughout the public domain area adjoining the Westfield entrance.	Yes
	A long-term landscape concept plan must be provided for all landscaped areas including the deep soil landscape zone, in accordance with the Landscape Design Section of this DCP.	A landscape strategy has been prepared by Urbis and submitted at <b>Appendix C</b> .	Yes
11.2.9 Planting on Structures	Design planters to support the appropriate soil depth and plant selection. Design for optimum conditions for plant growth.	Planters have been designed to support appropriate soil depth and plant selection.	Yes
11.3 Pedestrian Amenity	Through site links are to be provided as shown in Figure E11.18.	The proposal does not impact on existing pedestrian through site links however is considered to enhance pedestrian connections between Westfield Penrith, Penrith City Centre and High Street by improving sightlines and upgrading the footpath.	Yes

			
11.3.2 Active Street Frontages and Address	Active street fronts are to be located at the ground level of all buildings located in those areas as shown in the Active Street Frontages map of Penrith LEP 2010.	While the majority of the proposal does not directly front the street, active frontages are provided at ground level in the form of cafes, restaurants and licensed outdoor seating areas.	Yes
	Restaurants, cafes and the like are to consider providing openable shop fronts.	Most tenancies will have openable shopfronts or glazed facades overlooking the Mondo Precinct.	Yes
11.3.6 Building Exteriors	Articulate façades so that they address the street and add visual interest.	The proposed works vastly improve the existing façade by articulating the south and west facing tenancies with contemporary, high quality materials.	Yes
	External walls should be constructed of high quality and durable materials and finishes.	The external walls will be constructed of high quality and durable materials and finishes.	Yes
	Maximise glazing for retail uses. To assist articulation and visual interest, avoid expanses of any single material.	All retail tenancies comprise floor to ceiling glazing.	Yes
11.4 Access, Parking and Servicing	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high-quality architectural features that improve clarity of building address and contribute to visitor and occupant.	The main entry point to Westfield Penrith from High Street has been enhanced by the addition of appropriate awnings, building signage and a new double height atrium which creates a prominent entry point.	Yes
	The development must provide at least one main pedestrian entrance with convenient barrier free access to the ground floor	An Access Report has been prepared and is submitted at <b>Appendix L</b> . The report concludes that accessibility	Yes

	<p>and have direct link to an identified accessible path of travel in the adjoining public domain</p> <p>The development must provide accessible internal access, linking to public streets and building entry points.</p>	<p>requirements, pertaining to external site linkages, facilities and parking can be readily achieved.</p> <p>The proposal maintains an accessible pathway linking High Street to Westfield Penrith and the adjoining Mondo Plaza.</p>	
11.4.3 Site Facilities and Services	<p>Loading/ unloading areas are to be:</p> <ul style="list-style-type: none"> <li>a) integrated into the design of developments;</li> <li>b) separated from car parking and waste storage and collection areas;</li> <li>c) located away from the circulation path of other vehicles; and</li> <li>d) designed for commercial vehicle circulation and access complying with AS2890.2.</li> </ul>	There is no change to existing servicing arrangements.	Yes
11.5 Sustainable Development	New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	The proposed works are set back from the roadway and will not cause excessive glare.	Yes
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%. Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians and motorists may be required.	The proposed materials will not cause excessive glare and a reflectivity report is not considered necessary.	Yes
<b>C8 Public Domain</b>			
8.1. Pedestrian Amenity	Opportunities to increase a site's permeability should be provided.	The active uses are located at ground level and directly accessible from High Street.	Yes
	Ensure active street frontages address the street that will promote pedestrian activity, safety and passive surveillance in the public domain.	Active uses (i.e. cafes, restaurants) are located at ground level and positioned to ensure that activity within the lifestyle precinct is visible from the street.	Yes
	Opportunities to increase a site's permeability should be provided.	The active uses are located at ground level and directly accessible from High Street.	Yes

	<p>Awnings should be an integral component of new developments (including alterations and additions). Awning dimensions should generally be:</p> <ul style="list-style-type: none"> <li>i) Setback from the face of the kerb to allow for clearance of street furniture including street trees;</li> <li>ii) A minimum depth of 2.8m where street trees are not required, otherwise a minimum depth of 2.4m;</li> <li>iii) A minimum soffit height of 3.2m and maximum 4m.</li> </ul>	New awnings are a minimum depth of 3m and minimum soffit height of 3.6m.	Yes
8.3. Lighting	<p>Council's adopted Public Lighting Policy and the implementation of an energy efficient lighting system should be incorporated into any design.</p> <p>As a minimum, the requirements of AS 1158 Lighting for roads and public spaces should be used for street lighting. AS 1158 may also be used for the lighting of pathways, laneways and access routes provided the lighting design allows:</p> <ul style="list-style-type: none"> <li>a) A wide beam of illumination to reach the beam of the next light, or the perimeter of the site or area being traversed; and</li> <li>b) The faces of users travelling along the path/laneway/arcade up to a distance of 15m are clearly illuminated.</li> </ul>	All external areas will be designed to meet relevant Australian Lighting Standards. Integrated landscape lighting is proposed to all the landscape elements.	Yes
8.4. Outdoor Dining and Trading Areas	The outdoor dining area must operate in conjunction with a food and drink premises including hours of operation. Where alcohol is to be sold or served within the outdoor dining area, the liquor licence issued for the food and drink premises should include this area.	The outdoor dining will operate in conjunction with the proposed food and drink premises.	Yes
	The outdoor dining area must be located in that part of the public domain that is immediately in front of the food and drink premises.	The outdoor dining areas will be located immediately in front of the ancillary food and drink premises.	Yes
	<p>If the outdoor dining area is located wholly within the development site and:</p> <ul style="list-style-type: none"> <li>• The floor area of the outdoor dining area exceeds 30m<sup>2</sup>; or</li> </ul>	The floor area exceeding 30sqm has been included in the calculation of GFA.	Yes

<ul style="list-style-type: none"> <li>The furniture is fixed to the ground (unable to be removed at the close of each operating day);</li> </ul> <p>The floor area occupied by the outdoor dining area will be included in the calculation for the total floor space of the food and drink premises. This will be used for the purposes of calculating car parking and amenities (including parenting facilities) only.</p>		
<p>The outdoor dining area must:</p> <ul style="list-style-type: none"> <li>i. Be setback a minimum of 2m from the building</li> <li>ii. Not be on land that is used for vehicular access, circulation or parking, or a designated loading/unloading area;</li> <li>iii. Not be immediately in front of an ingress/egress, including fire exist(s);</li> <li>iv. Be setback from street furniture;</li> <li>v. A clear distance of at least 2 metres must be maintained adjacent to the seating area for pedestrian circulation,</li> <li>vi. Where possible the preferred location for seating in an outdoor dining area is away from the building edge.</li> <li>vii. Present an open, inviting image and be easily accessible from the public way.</li> </ul>	<p>The proposed outdoor dining areas have been located away from vehicular access areas, fire exits and street furniture within the Mondo Precinct. Outdoor seating is proposed within 2m of the building facade however will be confined entirely within the tenancy. No outdoor dining is proposed outside the site boundary and therefore there will be no impact on pedestrian circulation within the Mondo Precinct.</p>	Yes
<p>The outdoor dining area must:</p> <ul style="list-style-type: none"> <li>viii. Be defined by a barrier that is of sturdy construction and is a minimum of 60cm high with no sharp edges or protruding feet that may cause a trip hazard to pedestrians or patrons; and</li> <li>ix. Complimentary in colour to the seating; and</li> <li>x. Have a current Outdoor Eating licence from Penrith Council, with a copy of the</li> </ul>	<p>Noted. There are no barriers proposed however there are existing bollards at both entry points to the Mondo Precinct. These are provided for pedestrian safety. The outdoor dining areas will be kept clean and tidy at all times by the respective café/restaurant manager. No food will be prepared or stored outside. Each individual tenancy will be required to apply for an Outdoor Eating license from Penrith Council.</p>	Yes
<p>Overhead structures for weather protection may be placed in the outdoor dining area so long as they:</p> <ul style="list-style-type: none"> <li>xi. Are a minimum height of 2.1m, have vents at the pinnacle to reduce wind loading and are appropriately anchored (if anchored on the ground and the outdoor dining area is located on Council land including the footpath, then this will</li> </ul>	<p>No overhead structures are proposed as part of this DA.</p>	Yes

	<p>require Council approval by lodging a Road Reserve Opening Permit);</p> <p>xii. Do not overhang the carriageway or obstruct pedestrians; and</p> <p>xiii. Do not present potential trip hazards. That is, they use flat plate anchor bases rather than raised types.</p>		
	<p>Furniture must be of sturdy construction and suitable for outdoor use. Furniture must be of high structural and aesthetic quality and must be kept clean and well maintained.</p> <p>Applicants should select a colour scheme for outdoor furniture that complements the streetscape character.</p> <p>Outdoor furniture should make a positive contribution to the street environment</p>	<p>Details of outdoor dining furniture are yet to be finalised however they will be of a sturdy construction and suitable for outdoor use. Consideration will be given to the durability and quality of the furniture and its compatibility with the wider public domain.</p>	Yes
	<p>Signage may be permitted on umbrellas only.</p> <p>The name of the premises may be displayed on any boundary furniture that defines the outdoor dining area only</p> <p>No incidental advertising including A-frame signs will be permitted.</p>	<p>This application seeks approval for signage zones only. Detailed tenant signage will be the subject of separate applications.</p>	Yes
	<p>The arrangement and location of the outdoor dining or trading area should consider the location of any existing street furniture and services. The outdoor dining or trading area must not:</p> <ul style="list-style-type: none"> <li>• Intrude into the frontage of another premises;</li> <li>• Encroach or obstruct access to another premises; or</li> <li>• Interfere with the circulation of pedestrians around the frontage of the adjacent premises.</li> <li>• Any existing Council-provided street furniture may be relocated at the applicant's expense. Any request to relocate furniture should be detailed in the development application.</li> </ul>	<p>The proposed arrangement and location of the outdoor dining and trade area has considered the location of existing street furniture and services within the Mondo Precinct. The proposed outdoor dining will not interfere with the circulation of pedestrians around the frontage of the premises or within the Mondo Precinct.</p>	Yes
	<p>Owner's consent must be obtained to locate the outdoor dining or trading area on the land owned or managed by Council.</p>	<p>The outdoor dining proposed as part of this application is located entirely within the subject site.</p>	Yes

<b>C10 - Transport, Access and Parking</b>			
<b>10.5. Parking, Access and Driveways</b>	For existing developments, a new use must not commence, or the floor area increased until the required car park spaces have been provided on the site, corresponding to the land use outlined in Table C10.2.  <i>Retail Premises</i> - Penrith City Centre and St Marys Town Centre – 1 space per 30m2 GFA	Refer to Traffic and Parking Assessment submitted at <b>Appendix K</b> . For the purposes of this assessment, the post-development parking demand has been estimated using an 85 <sup>th</sup> percentile design event approach consistent with that used for evaluating traffic generation.	Yes
	Penrith City Centre – A maximum 60% of the total number of commercial parking spaces required by a development, other than for service vehicles, car washing bays and parking spaces allocated to people with a disability, are to be provided on-site	The existing Westfield Shopping Centre car park provides the required accessible car parking provisions.	Yes