

CALADINES
TOWN PLANNING PTY LTD



Statement of Environmental Effects

Mixed Use Development

608 – 612 High Street

Penrith

July 2020

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Appendix 1 – Design Review Panel Meeting Minutes
Appendix 2 - Pre-DA Meeting Minutes

Author	Version	Date
AC	Draft	10 June 2020
AC	Final	21 July 2020

1.0 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Caladines Town Planning Pty Ltd on instructions from Building Environments Pty Ltd and accompanies a Development Application (DA) to Penrith City Council seeking development consent to demolish the existing dilapidated structure on land at 608-612 High Street Penrith and carry out on site preparation works to facilitate:

- construction of a mixed use development;
- two (2), five (5) storey buildings inclusive of a ground floor commercial podium linking both buildings;
- 41 residential apartments;
- basement car parking;
- private and communal open space areas
- landscaping and
- shared communal landscaped area along eastern side boundary

This report has been prepared pursuant to Section 4.12 'Application' of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000 and provides a description of the site and surrounds, a comprehensive description of the proposed development, a summary of the relevant planning controls and an assessment of the environmental effects the proposed development will have on the surrounding built urban environment and what measures have been introduced to mitigate any environmental impacts

The report concludes that after examining the environmental impacts of the proposed development when measured against the evaluation criteria as set out under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the proposal will have no unreasonable environmental impacts upon the surrounding built and natural environments.

Accordingly, it is our opinion that this application is worthy of approval.

2.0 Regional Context

The site is located within the Penrith Central Business District (CBD) of the Penrith Local Government Area (LGA). Penrith is located approximately 32 km west of the Parramatta CBD, and approximately 54 km west of the Sydney CBD.

In the broader regional context, Penrith is geographically well-positioned as one of Sydney's major strategic centres, with proximity to the Blue Mountains to the west, the Hawkesbury to the north and the Western Sydney Airport growth catchment to the south.

Penrith's evolution as a major regional hub initially occurred in 2007 with the introduction of the Penrith City Centre local environmental plan that sought to promote jobs, services and residential development by concentrating the highest densities in the heart of the CBD and introducing development incentives to facilitate design excellence in the Penrith CBD.

Along with other major developments in the Penrith CBD, the proposal provides an opportunity for Penrith to become Sydney's 'third major city', through increased investment, urban amenity and high value social capital in the region.

The location of the site within its broader CBD context is shown at **Figure 1**. The site is located within the Culture and Civic precinct at the western edge of the CBD and immediately south of the Penrith Civic Centre.

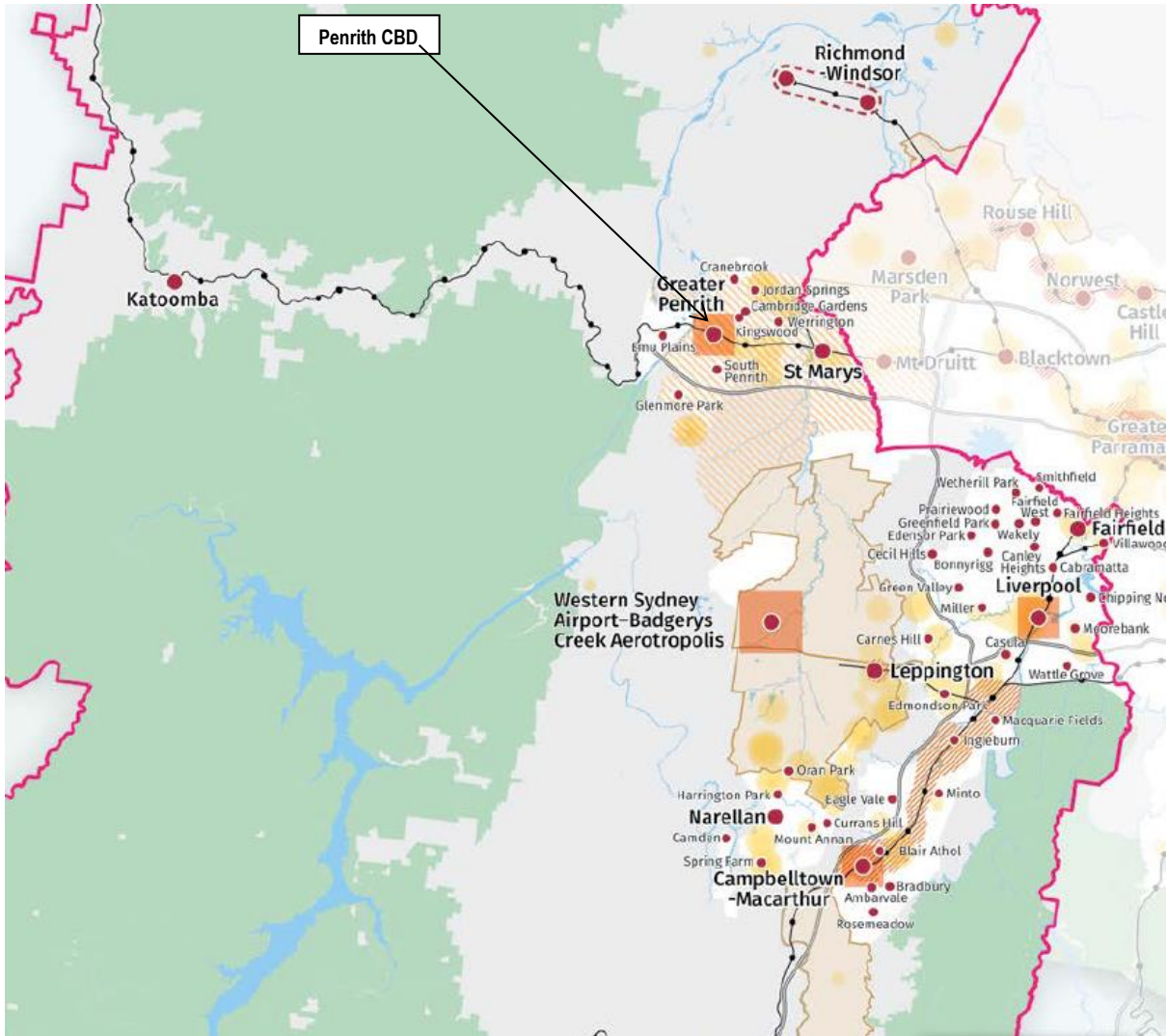


Figure 1
Source: Western City District Plan

2.1 The Site and Surrounding Neighbourhood

The development site is located towards the western edge of the Penrith CBD, on the southern side of High Street between Worth Street and John Tipping Grove.

The site backs onto Union Lane, which is a local two (2) way street however is a “no through” road. All vehicular ingress/egress associated with the development is from Union Lane.

The site is located diagonally opposite Penrith City Council offices, Community facilities, including Penrith Library and Joan Sutherland Performing Arts centre as well as the Penrith CBD major retail hub in Westfield Shopping Centre, which is afforded both at grade and upper level car parking.

The site is located within a predominantly medium to high rise mixed use precinct with new multi-level residential apartment buildings to the south and south-west of the site. To the east, abutting the development site is a multi-level commercial office building with a two (2) storey commercial offices/shops abutting that building, located on the corner of High Street and Worth Street.

High Street is the main retail spine of the Penrith CBD, which primarily consists of low level shops, with newer commercial development located towards the east.

The site adjoining the western boundary is large in size, is currently vacant, and generally known as 614-632 High Street Penrith. A DA for that site is currently before Council, seeking

consent to construct a high rise mixed use development, consisting of residential, commercial, retail, and serviced apartment components up to a maximum height of 46 storeys.

A number of at grade, Council car parks are located within this precinct. Penrith Railway Station and bus interchange are located towards the north-east, within a 5 minute level walk from the site.

A service station is located towards the east of the site, corner of High Street which has street frontages to High Street, Worth Street and Union Lane.

The site is within a short walk of numerous public parks, licensed clubs, employment hubs and schools, all of which promote increased densities.

Mulgoa Road is the main classified road channelling motor vehicles into the Penrith CBD from the south while Castlereagh Road being a classified State road, channels motor vehicles into the Penrith CBD from the north. The Great Western Highway is located to the west of the site, linking with High Street and channels motor vehicles into the Penrith CBD from the west.

The existing kerbside parking restrictions which apply to the local road network within the vicinity of the site are set out below:

- No Stopping restrictions along both sides of High Street, including along the entire site frontage
- No Stopping restrictions along both sides of Union Lane, including along the entire site frontage
- No Stopping restrictions along both sides of Worth Street, in between High Street and Union Road
- Times Restricted Parking is permitted in the Penrith Civic Centre.

Union Lane behind the site is a one-way street and has a narrow footpath from kerb to boundary. Safe and convenient pedestrian movement along this laneway is restricted by such design. See location map at **Figure 2** and aerial photo of the site and surrounds at **Figure 3**. See also photos of the site and surrounds at **Figures 4 – 17**.

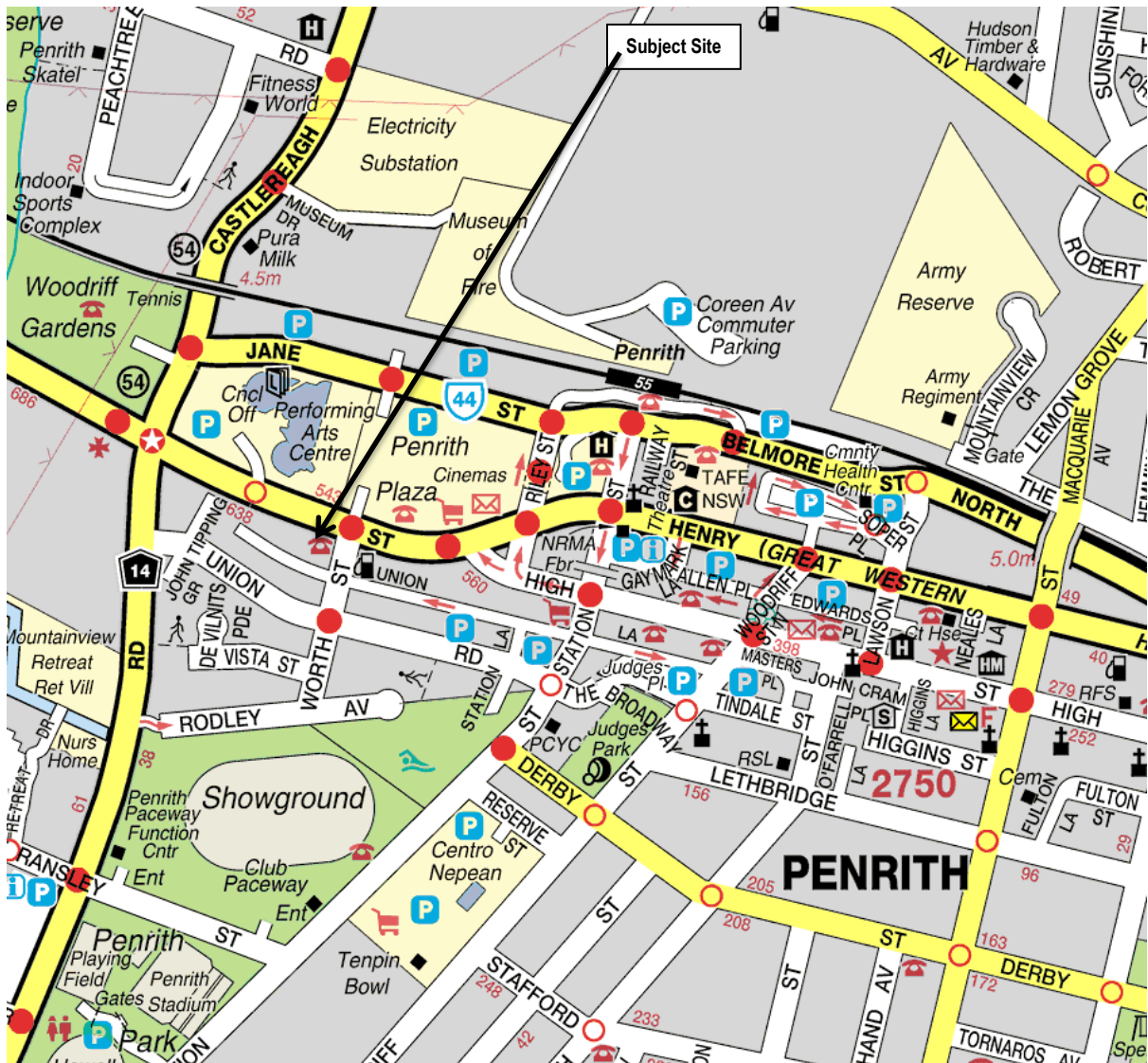


Figure 2
Source: UBD



Figure 3
Source: Six Maps



Figure 4
View South Towards Development Site



Figure 5
View South Towards Commercial Buildings - 604 - 606 High Street



Figure 6
View South Towards 606 High Street



Figure 7
View North Towards Development Site – Union Lane



Figure 8
View East Along Streetscape of Union Lane



Figure 9
View East Along Streetscape of Union Lane



Figure 10
View South-West Towards Adjoining Vacant Site - 614 High Street



Figure 11
View North Towards Westfield Shopping Centre



Figure 12
View North-West Towards Joan Sutherland Performing Arts Centre



Figure 13
View South- East Towards Intersection of High Street and Worth Street



Figure 14
View South- East Towards Adjoining Low to Medium Rize Commercial Buildings



Figure 15
View South Towards Nearby Council Owned Car Park – Intersection of Union Lane and Worth Street



Figure 16
View West Union Lane - Intersection of Union Lane and Worth Street



Figure 17
View North-West Towards Low Rise Shops - Corner Worth Street and High Street

3.0 Legal Property Description

The development site is generally rectangular in shape, consisting of three (3) lots with street frontages to High Street and Union Lane.

The lots are legally described as lot C in DP153855, Lot D in DP153855 and Lot 2 in DP525160, comprising a total site area of 2182m². See extract from NSW Land Registry offices cadastral map at **Figure 18**.

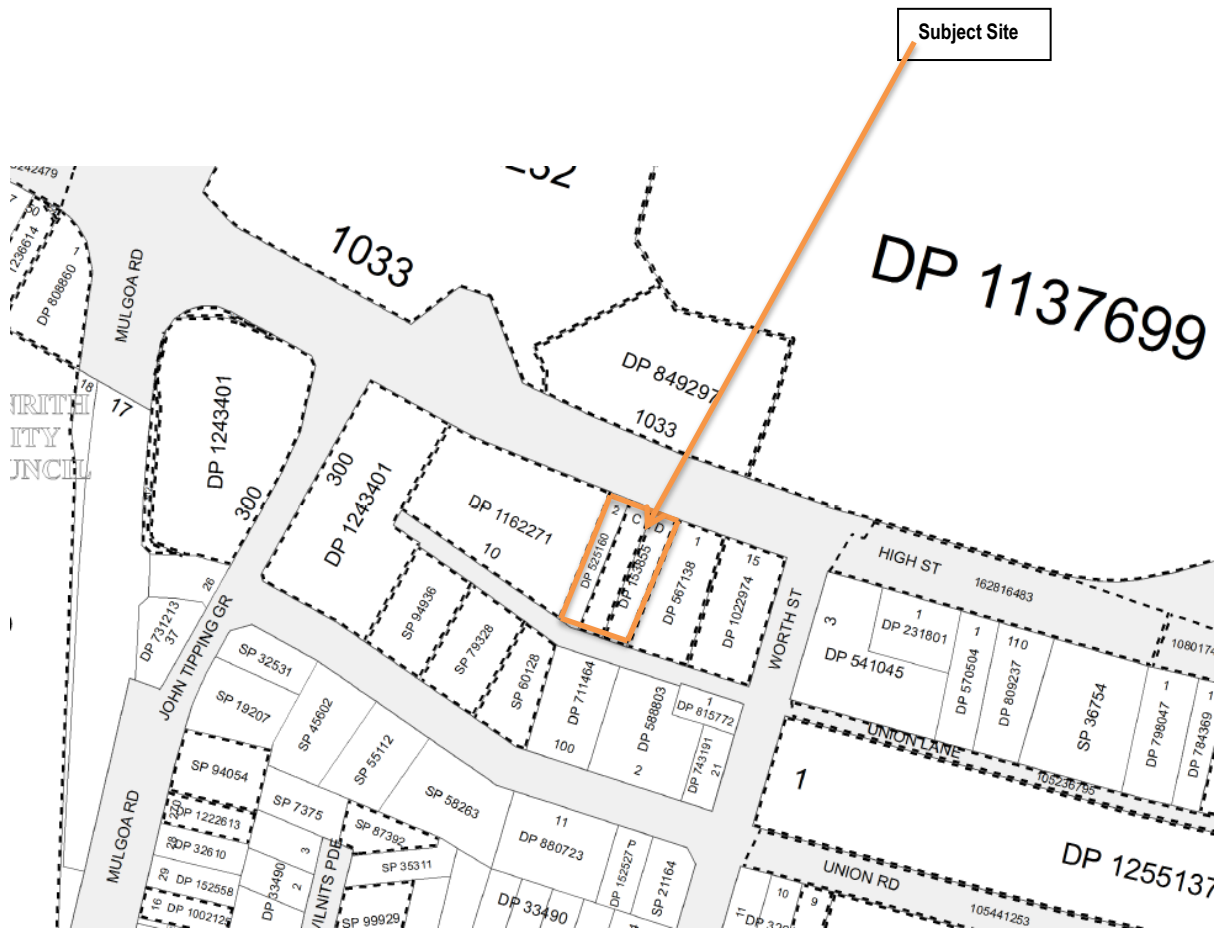


Figure 18
Source: NSW Land Registry Services

3.1 Public Transport & Bicycle Routes

The site is well-positioned to many transport opportunities including the Penrith Railway Station and bus interchange, which provides public bus transport to the Blue Mountains, Hawkesbury, Parramatta, inner-Sydney and surrounds.

The Penrith Railway Station and bus interchange are located approximately 600m north-east of the site. Penrith Railway Station is situated on the T1 North Shore and Western Line, operating between Emu Plains and Hornsby via Strathfield and the City, and also the Blue Mountains Line, operating between Bathurst and the City.

Train services operate out of Penrith Railway Station every 10-15 minutes during peak periods and every 20-30 minutes during off-peak periods. In addition, Penrith Bus Interchange is serviced by more than 20 services into and out of the local area.

The site is conveniently located in close proximity to a number of useful bicycle routes which connect to the wider cycle network including on-road and off-road bicycle routes in the surrounding area. The location of the existing bicycle routes in the vicinity of the site are illustrated on the figure below which is taken from the NSW Government's Bike Plan 2010. Penrith has been chosen as a key location for an increase in employment, infrastructure and cultural activities. In this regard, a new shared path is proposed along the Great Western Highway, west of the City Centre. The priority cycleway projects in Penrith include:

- Penrith to Emu Plains
- Victoria Bridge investigations
- Penrith to St Marys – Great Western Highway shared path
- Penrith eastern subregional connections
- Penrith South to Castlereagh

3.2 Town Planning Background

On 21 August 2019 the applicant and architect met with Council's Urban Design Review Panel to discuss a concept design for a proposed multi-level mixed use development on the land.. A number of issues were discussed and incorporated into an amended design scheme.

On 18 December 2019, the applicant, his Architect, Consultant Urban Designer and Consultant Town Planner attended a meeting with Council's Urban Design Review Panel to discuss the amended design scheme having regards to the comments made at the meeting with the panel on 21 August 2019. See minutes of meeting attached as Appendix 1

In April 2020, the project architect submitted pre-DA drawings to Council. As a result of the COVID-19 pandemic, an in house pre-DA meeting was held between Council Officers on 13 May 2020. Minutes of that meeting are provided at Appendix 2. The applicant has sought to address all issues raised at that meeting.

4.0 The Proposal

The proposal involves the demolition of the existing dilapidated structure on the land fronting High Street and the carrying out on site preparation works to facilitate:

- construction of a mixed use development;
- two (2), five (5) storey buildings inclusive of a ground floor commercial podium linking both buildings;
- 41 residential apartments;
- basement car parking;
- private and communal open space areas
- landscaping and
- shared communal landscaped area along eastern side boundary

A large passive communal open space area consisting of 485m² is sited between both buildings on level 1 and will be overlooked by future residents in both buildings. There is a separation distance between habitable rooms of both buildings by between 16.775m and 19.34m.

The proposed 41 residential apartments comprise a mix of 18 x 1 bedroom and 23 x 2 bedroom. The ground floor commercial podium provides for two (2) options, which were discussed at the design excellence panel meetings.

Option 1 provides for four (4) separate tenancies (1360m²) while Option 2 provides for eight (8) separate tenancies (1493m²), activating both street frontages of the development.

On the eastern side of the site generous setbacks are provided between the proposed development and the existing multi-level commercial building. These setbacks vary between 6.270m and 8.497m, allowing for a shared secure landscaped area created along that boundary, linking High Street with Union Lane.

On the western side of the site, the proposed development is mostly to be constructed to the side boundary. As part of the redevelopment of the adjoining site to the west, generally known as 614-632 High Street, the applicant proposes a high rise (46 storey) mixed use development. As part of that developments design, a new 10-12m wide shared laneway is to be created.

The commercial podium of the proposed mixed use development has a glazed interface with that proposed future shared laneway.

As mentioned above, the proposed architectural design includes three (3) key design elements:

- Mixed use Block A fronting High Street;
- Mixed Use Block B fronting Union Lane and
- Both buildings sit on top of a commercial ground floor podium, which is designed to accommodate between four (4) and eight (8) commercial tenancies.

The proposed commercial podium has been designed to provide active street frontages to both High Street and Union Lane as well as the proposed new laneway that will abut the western side boundary. See High Street, Union Lane and western elevations at **Figure 19**, **Figure 20** and **Figure 21** respectively.



Figure 19
North Elevation – High Street
Source: Building Environments Pty Ltd

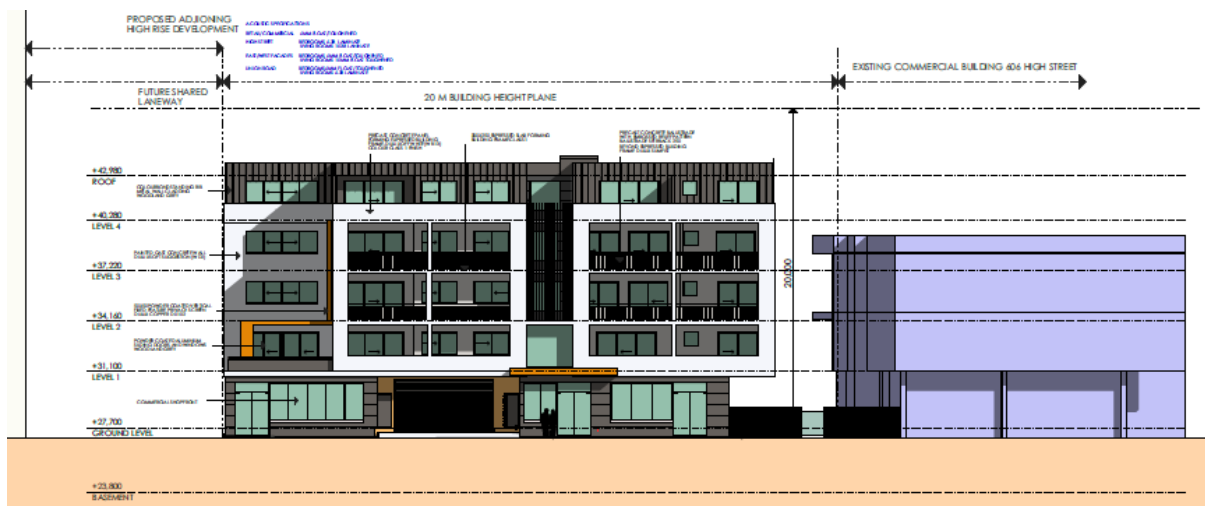


Figure 20
South Elevation – Union Lane
Source: Building Environments Pty Ltd

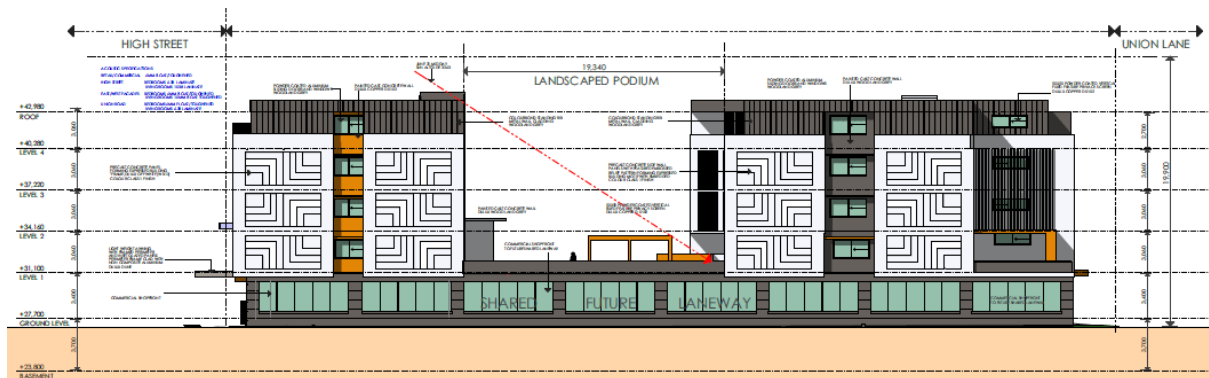


Figure 21
West Elevation – New Shared Lane Along Western Boundary
 Source: Building Environments Pty Ltd

The design is set out in greater detail below:

Basement Plan

- Bulk excavation works to construct a single level basement car park, which is accessed off Union Lane;
- Pedestrian ingress/egress for the building is located on High Street or Union Lane;
- 7 commercial spaces including 1 accessible space;
- 44 resident spaces including 3 accessible spaces;
- 7 visitor spaces
- Separate bulk storage rooms – Block A & Block B;
- 12 bicycle spaces;
- 2 core stairwells and 2 core lifts;
- Each block is afforded its own individual garbage holding room;
- Block A is afforded its own separate bulky goods storage room;
- Foyer abutting lift;
- Garbage truck loading bay. Boom gate provided to isolate waste vehicle circulation and
- Storage cages throughout the basement.

Ground Floor Plan

- Two (2) options are proposed for the commercial level. These include four (4) or eight (8) commercial tenancies, which could vary between shops and offices fronting each street frontage. Because 2 options are mooted, the commercial GFA will vary by between 1360m² and 1493m²;
- Two (2) separate lifts (Block A and Block B) are provided to residential floors 1 to 4. These lifts also provide access from the basement to the ground floor commercial/retail floor;
- The building is setback 1.4m from the High Street boundary of the site. This extends to approximately 3m at the door entry to the building. This design response enlarges the footpath;
- The rear of the building fronting Union Lane provides for a 6m setback to the laneway centre line. This design approach allows a footpath to run past the site;
- Stairwells for each level are also provided to both buildings;

- Separate residential and commercial access points/lobbies for both buildings facing each street frontage;
- Shared landscaped area along the eastern side of the building;
- Roller shutter security door fronting Union Lane allowing secured access to basement car park;

Level 1 Block A & Block B

- 3 x 1 bedroom + 7 x 2 bedroom units;
- Units provided with a courtyard or balcony;
- Unit 1 (Building A) is provided with an IT room and is also an accessible unit;
- Each building is provided with a common lift;
- 485m² of communal open space in core of development (landscaping and amenities);

Levels 2 Block A & Block B

- 5 x 1 bedroom + 5 x 2 bedroom units;
- Units provided a balcony;
- Unit 5 (Building A) is provided with an IT room and is also an accessible unit;
- Each building is provided with a common lift;
- Fire stairs;

Level 3 Block A & Block B

- 5 x 1 bedroom + 6 x 2 bedroom units;
- Unit 40 is a split level unit with living and dining areas located on level 4;
- Unit 9 (Building A) and unit 12 (Building A) each provided with an IT room;
- Each building is provided with a common lift;
- Fire stairs;

Level 4 Block A & Block B

- 5 x 1 bedroom + 5 x 2 bedroom units;
- Unit 40 - living and dining areas located on level 4;
- Unit 13 (Building A) and unit 16 (Building A) each provided with an IT room;
- Each building is provided with a common lift;
- Fire stairs;

Communal Open Space

The communal open space for this development is provided on level 1 in the core of the building between Block A and Block B. A total area of 485m² is provided to service the residential component of the development. This area is provided with a quality outdoor passive recreational area including planter boxes, pergolas, seating, BBQ, paved areas, and landscaped planter boxes. The communal open space is orientated in a general north-south direction and therefore receives excellent solar access during Winter to promote outdoor activities.

On the eastern side of the site, between the existing commercial building at 606 High Street and the subject site, provision is made for a secured (gated) shared landscaped area, inclusive of a pathway, landscaped outdoor open space with seating, which will afford the commercial tenants of the development with quality amenity. This area is not only confined for use by the commercial tenants, it is also able to be used by residential tenants. Because land associated with the commercial building on 606 High Street shares this landscaped area, they too have access to this area.

All landscaping proposed is of native species and selected to ensure survival in a hot dry climate that this region enjoys.

Concept Landscape Architects have prepared detailed landscaped design and these drawings accompany the DA submission.

Unit Layout & Design

Each apartment is provided with living, dining, kitchen, bedroom/s, laundry and balcony to promote a quality living environment. All 1 bedroom units are afforded a study.

Because of the open floor level design, 29 or 71% of all units are cross ventilated. Further, the orientation and articulation of the building allows for 37 or 90% of all units to receive a minimum of 2 hours of sun light throughout mid-winter.

During the hotter months of the year, when solar penetration into living areas and bedrooms is maximized, sun control devices are provided.

The proposed mixed use development is seen as being complimentary to other residential, commercial and retail land uses in this precinct as it will increase security and safety through the provision of an increase in passive surveillance during day and evening periods.

While there are some existing and proposed tall buildings located in the immediate context, each is well separated to ensure issues of amenity, separation and congregation have been assessed and will have no impact upon each other.

Materials

The building is to be constructed from a mix of materials which include:

- Pre-cast concrete panels (off white colour);
- Pre-cast concrete balustrade;
- Painted cast concrete walls (side elevations expressed with patterns);
- Colour bond metal wall cladding;
- Glazing along all podium façade;
- natural earthy colour tones;
- high performance glass and double glazing;
- aluminium louvres.

The proposed building offers a contemporary building form that will promote the Penrith CBD as one of the major CBD's in Sydney, particularly as it will be a visible building when viewed from the surrounding context. While not an identified 'gateway' site, it will add vibrancy, scale, colour and diversity in the streetscape.

The design and modeling of the proposed development has taken considerable time in order to avoid a bulky building appearance. The technique of introducing articulation, void areas, variety in materials, colours, landscaping, respecting the maximum heights and

setbacks offers a building of significant visual interest and will enhance the eclectic character of this western end of the Penrith CBD.

The materials used and the design features result in creating a sustainable built form to provide quality residential accommodation, causing no environmental impacts on surrounding properties in terms of overshadowing, wind channeling, setbacks, orientation and glazing that would cause reflectivity.

Environmentally Sustainable Design and Materials

A range of design initiatives and elements have been employed to ensure that the proposed development optimises its sustainability. Resource, energy and water efficiency have been incorporated into the design and layout to contribute to this high quality mixed use development.

The applicant has a philosophy of reducing the amount of waste to land fill by adopting a waste management hierarchy of avoid/reuse/recycle/dispose which is proposed in the in the construction process.

Building materials incorporate the properties of high thermal mass, glazing and insulation, thereby reducing the need for artificial heating, cooling and lighting.

Use of high efficiency water fixtures, and fittings throughout the development will further reduce water consumption.

The approximate quantity and destination of waste generated during the demolition and construction works with regard to re-use and recycling are outlined in the waste management plan prepared by the project architect.

The buildings presentation to both street frontages is exemplary in its built form and articulation. The buildings internal features seek to promote ecologically sustainable development (ESD) to ensure the overall development is able to meet best practice standards for mixed use buildings. Some of the internal ESD features include:

- use of high thermal mass materials;
- water efficient taps, shower heads, dual flush toilets;
- energy efficient lighting and appliances;
- waste recycling;
- reuse of stormwater.

Waste Management Plan

All waste is to be collected by a private waste contractor. Times and number of collections per week is yet to be confirmed. A part time caretaker will be employed by the Body Corporate to ensure garbage is correctly housed and collected to best practice standards. The garbage housing areas are located in the basement. These will be cleaned and maintained in accordance with best practice guidelines.

A waste management plan has been prepared by Building Environments Pty Ltd and accompanies the application.

The waste management plan also sets ways in which waste generated by the demolition of the existing building, excavation of soil and construction material is to be recycled or placed into land fill.

Landscaping

The application is accompanied by a detailed landscape plan prepared by Conzept Landscape Architects. This plan sets out the type and species of landscaping proposed throughout the development.

Landscaping has been provided to break up the building form by providing numerous shared (common) landscaped zones on ground level (eastern side) and Level 1, creating a visually interesting design for outside viewers of the building as well as a quality (natural) living environment for residents.

The landscape component of the design (build on structures) compensates for not providing a defined deep-soil component. The proposed landscaping comprises of the following features:

- Passive communal open space, totalling 485m² is located on level 1 and provides for residential walkways (central core), gardens and feature landscaped areas;
- The outdoor seating area on level 1 of the communal open space area is in part covered by a pergola. This open space area also makes provision for outdoor seating and dining areas, a BBQ facility, and dense garden planter beds;
- Pocket gardens are located sporadically through this level 1 area, providing visual focal points for pedestrians and will increase the amenity of residents and
- A passive landscaped area consisting of 325m² is provided along the eastern boundary, offering a secured (gated) shared landscaped area between High Street and Union Lane. This offers a quality amenity area for workers within the commercial podium of the development notwithstanding this area can also be used by residents within the complex. Also, because part of this area is owned by 606 High Street, occupants of that building can share that space.

5.0 Statutory Compliance Assessment

The following is a summary assessment of the proposed development as set out under the heads of consideration, pursuant to Section 4.15 (1) of the Environmental Planning & Assessment Act 1979

In determining a development application, the consent authority must take into consideration in their assessment of the DA the following:

- (1) **Matters for consideration—general** *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*
- (a) *the provisions of—*
- (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

- (iii) any development control plan, and
 - (iii a) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
 - (v) (Repealed)
- that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

Section 4.15 (1) (a) (i)
The provisions of any environmental planning instrument.

State Environmental Planning Policies (SEPP)
SEPP (Building Sustainability Index: BASIX) 2004

Comment

The aim of this policy is to ensure there is consistency in the implementation of the BASIX Scheme throughout the State.

The policy overrides the provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligation to comply with this policy.

The application is accompanied by a BASIX Certificate, which has considered the objectives of the SEPP and it concludes that the standards set out by the SEPP are achieved.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land aims to provide a State wide planning approach to the remediation of contaminated land, in particular, it promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or to the environment in general:

“by specifying when consent is required, and when it is not required, for a remediation work, and

by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work, in particular, and

by requiring that a remediation work meet certain standards and notification requirements.”

Comment

Clause 7 of SEPP 55 requires the consent authority when assessing a development application to consider whether the subject land is contaminated.

The consent authority must be satisfied that the land is suitable for the purpose for which development consent is sought or whether remediation of the land needs to occur prior to such use occurring.

An archival search (desk top) confirms that the site has never in the past been used for any industrial purpose or a purpose that would have contaminated the site.

The site is not listed on Council's records as being subject to contamination. In view of the above comments, the site has not at any time in the past been used for an industrial purpose that could have contaminated the land and as such the site is unlikely to be contaminated.

State Environmental Planning Policy (SEPP) (Infrastructure) 2007

Traffic Generating Development

High Street is a main collector road that generates a substantial number of traffic movements running past the site on a daily basis. The proposal provides for 41 residential apartments and between 1360m² (Option 1) 1493m² (Option 2) of commercial floor space at ground floor level. On site car parking for the proposed development will consist of 7 commercial/retail spaces including 1 accessible space, 44 resident spaces including 3 accessible spaces and 7 visitor spaces.

All vehicular access into and out of the proposed development is from Union Lane, which is located at the rear of the site. No vehicular access to High Street is proposed or required.

Currently, it is a low order local road that receives a small number of traffic movements each day. This scenario will however change in the future with the adjoining site to the west, known as 614-632 High Street proposing a 46 storey mixed use development containing 47 serviced apartments, 272 residential apartments and 1487m² of commercial/retail space. A total of 338 car spaces over 5 levels of above ground car parking is proposed to service this proposed new development.

SEPP (Infrastructure) 2007 is triggered by the proposed mixed use development because the site has a frontage to High Street, which is a classified road. The application is therefore required to be referred onto the Roads and Maritime Services (RMS) for consideration on traffic grounds.

A traffic report prepared by Motion Traffic Engineers accompanies the application under separate cover.

Clause 102 of SEPP (Infrastructure) 2007 is set out below and titled "Impact of Road Noise or Vibration on Non-Road Development and is a consideration in the assessment of this application because the proposal includes a component of residential development and the site fronts High Street. Clause 102 is set out as follows:

102 Impact of road noise or vibration on non-road development

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with*

an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,
 - (b) a place of public worship,
 - (c) a hospital,
 - (d) an educational establishment or child care centre.
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.
- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Comment

The applicant engaged the services of Acoustic Logic Consultancy Pty Ltd, to prepare an acoustic report to assess noise impacts generated by the proposed development and to also assess noise and vibration impacts from external sources that may in the future impact upon the amenity of future residents and workers within the proposed development.

The ALC report makes reference to Council's DCP controls, SEPP Infrastructure and the Australian Standard AS2107-2016 "Recommended Design Sound Levels and Reverberation Times for Building Interiors.

The conclusion reached by Acoustic Logic Consultancy Pty Ltd (ALC) states that:

"Noise intrusion impact from traffic noise onto the future occupants of the development has been assessed in accordance with SEPP (Infrastructure) and Penrith DCP. The acoustic treatments in principle necessary to achieve these guidelines have been set presented within this report.

Noise emission criteria for the development site have been determined based on the site noise logging and NSW EPA Noise Policy for Industry and Protection of the Environmental Operation Act Regulation.

ALC confirm that acoustic treatments have been formulated to ensure that internal noise levels comply with the requirements of Penrith City Council DCP and Australian Standard AS2107-2016 "Recommended Design Sound Levels and Reverberation Times for Building Interiors".

Provided the recommendations set out in the ALC report are adhered to in the design, and used in the buildings construction, the building will meet the prescribed controls to ensure impacts upon residential amenity does not occur.

State Environmental Planning Policy (SEPP) No 65

Design Quality of Residential Flat Development

Comment

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65) was amended on 19 June 2015. This amendment took effect on 17 July 2015 and applies to the proposed residential component of the development.

SEPP 65 aims to improve the design quality of residential apartment development in NSW.

The provisions contained within SEPP 65 are applicable to the proposed development in accordance with Clause 4.

Internal Areas of Apartments

The internal area for each apartment within the proposed development is at or larger than the recommended internal area for one (1) and two (2) bedroom apartments specified in the ADG. Furthermore, the proposed development achieves the recommended ceiling heights specified in the Apartment Design Guide.

Accordingly, Council cannot recommend refusal of the proposed development on internal units sizes areas or ceiling heights.

Schedule 1 Design Quality Principles

Schedule 1 of SEPP 65 identifies design quality principles for residential apartment development. The consistency of the proposed development with the 9 design quality principles is demonstrated in the Design Verification Statement accompanying the DA.

The provisions of SEPP 65 apply to the residential component of the proposed mixed use development and therefore such provisions seek to increase the design quality of residential flat development throughout NSW.

It is well accepted that good design is a creative process which, when applied to towns and cities, results in the development of good urban spaces.

Good design is inextricably linked to its site and locality, responding to the landscape, existing built form, culture and attitudes. It provides sustainable living environments, both in private and public areas.

Good design serves the public interest and includes appropriate innovation to respond to technical, social, aesthetic, economic and environmental challenges. These design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

Arvi Rannaste of Building Environments Pty Ltd is the registered architect for this project and he has carried out a comprehensive assessment of the proposal against the 9 design principles prescribed by SEPP 65. Mr Rannaste has concluded and certified that the design is a responsive design approach, ensuring the proposed building form will readily fit within its surrounding well established urban context without impacting upon neighbouring properties.

The 9 design principles are set out below and addressed accordingly. The signed Architectural Design Verification Statement from Mr Rannaste accompanies the DA.

Town planning commentary on the 9 design principles is set out below:

Principle 1: Context and Neighbourhood Character

The Penrith CBD is a major business centre that is undergoing economic revitalisation by promoting employment and housing opportunities in a medium to high density environment. The proposal offers a mix of employment and residential apartment opportunities to better serve the positive social and economic benefits the Penrith CBD has on offer.

The proposal is consistent with new development that is changing the character of this precinct, ensuring Penrith retains its important framework to ensure it continues to grow and prosper. The city centre of Penrith is a reasonably dense precinct, which contains a variety of land uses, including residential, retail, offices, cultural and social uses.

The proposal, which includes the construction of a modern, 5 storey mixed use development is consistent with the context of the Penrith CBD, which is increasingly becoming a liveable city centre as well as a major commercial business centre.

The proposed development will contribute to the identity and quality of the area due to its scale, design and uses which are in keeping with the transitional character of other new developments that are located or are to be located within the surrounding precinct.

Principle 2: Built Form and Scale

The scale of the proposed development is reflective of surrounding developments within the visual catchment of the site although will be much lower to those developments immediately to the west of the site along High Street. This is primary because those sites are identified as Key Sites under Council's LEP and therefore enjoy major incentives to increase densities.

Along High Street, buildings currently vary in height by between 2 – 5 storeys although this will substantially change as a result of the previously mentioned Key Sites to the west, which are being considered for buildings up to 46 storey's in height. The proposed buildings overall bulk and scale is modest in comparison, is well separated between Block A and Block B and provides no amenity impacts upon surrounding properties.

Penrith is a major CBD, which comprises a variety of large scale buildings, and for this reason, the proposed 5 storey scale of the mixed use development is consistent with other newer forms of development within the visual catchment of the site.

The proposed development is setback 1.4m from High Street, which increases to 3m at the entry to the residential/commercial lobby. This design response will provide a more generous footpath on the interface with a busy road.

The buildings rear interface with Union Lane offers a 6m setback from the centre of Union Lane.

The setbacks proposed are generally consistent with the existing buildings to the east, providing a cohesive streetscape for pedestrians walking along High Street with a modern light weight framed perimeter awning, comprising of inset glazed panels over the footpath below. The proposed building is compliant with the height and FSR controls prescribed by PLEP 2010.

As a result of the number of on-going discussions with Council's Urban Design Review Panel, the proposal is considered appropriate and responds to those discussions and minutes provided by Council officers.

Principle 3: Density

The density proposed as part of this development is representative of the sites proximity to public transport, employment opportunities, open space and community and cultural amenities.

The proposal is below the maximum FSR and height controls afforded to the site. The proposal provides for 41 residential apartments and between 1360m² (Option 1) and 1493m² (Option 2) of commercial/retail floor space at ground floor level.

The residential apartments provide for a range of apartment sizes, layouts and types and sited in two (2) well separated 1st floor building blocks on top of a ground floor commercial podium.

The amount of car parking provided in the basement car park complies with the standards contained within SEPP 65 for Residential Apartment Buildings as well as Council's DCP on-site car parking controls for commercial development. Accordingly, the density proposed is well within acceptable levels.

Principle 4: Sustainability

The proposal's built form has been designed with natural efficiency in mind. The strategically designed, well separated, free standing residential blocks receive quality solar access and cross ventilation, allowing natural cooling through breezes in the warmer months.

The northerly orientated of both blocks ensures the majority of the apartments within the development also receive excellent opportunities for cross ventilation.

Energy efficient appliances are to be installed throughout the building, to reduce the buildings carbon footprint.

A BASIX report accompanies the DA and outlines the building's natural efficiency.

Principle 5: Landscape

The building has been designed with strong landscape features in mind. The building incorporates well planned landscaped areas in key communal spaces to create attractive and usable soft, green spaces.

The proposed landscaping will encourage greater use of communal areas, providing well shaded areas that will promote good amenity for future residents. The landscape plan prepared by Conzept Landscape Architects accompanies the DA.

Plant species have been selected in accordance with the site specific conditions. Spaces proposed for seating areas have taller trees with shading capacity. Wind tolerant plants have been chosen for spaces affected by wind speeds.

Indigenous species are primarily used ensuring a natural aesthetic environment is created as well as reducing the need for on-going weekly maintenance.

Areas which have potential privacy impacts due to adjacent communal open space have natural screening proposed allowing for adequate privacy to those areas. All landscaped areas are able to be used by all residents, ensuring equitable access.

Principle 6: Amenity

A variety of different sized apartments and layouts are proposed. All meet the minimum unit sizes set out in the ADG.

The architectural plans demonstrate useable and appropriate room dimensions and shapes. Rooms are generally rectangular in shape with noise sensitive rooms away from potential noise sources. The acoustic report accompanying the application sets out design requirements to ensure the amenity of future residents is paramount.

The units are considered to be of high amenity with natural cross ventilation and a large degree of northerly sunlight. Each unit is afforded an internal storage area, together with storage cages in the basement.

Mobility of residents has also been well considered as lifts have been provided for each residential block, along with adaptable units.

Each apartment has generous outdoor private open space, with private open space at ground floor level being screened to prevent potential amenity impacts.

Principle 7: Safety

The development provides causal surveillance through the communal open space provided on top of the commercial podium. This ground floor commercial podium activates and also provides general casual surveillance to both High Street and Union Lane.

Due to the proposed high density of this development, the area will be busy and vibrant due to the number of future residents in the building. Safety will also be enhanced as a result of new major developments to the west of the site.

Entry points to the building are clearly defined (both street frontages), and the separate entry points to the residential and commercial areas will have security points ensuring there will be no unwanted access by people not associated with the building. Access into the building will be provided by security key cards and access to the site by visitors will only occur if the resident is within the complex.

These entries, along with other communal spaces will be well lit and will avoid dark areas. There will be clear definitions between private areas and public areas due to unit layout and screening which prevents entry to private areas from those who are not residents.

A shared landscaped area is provided along the eastern side boundary of the site. A clearly defined pathway is provided within to allow secured access between High Street and Union Lane. This shared densely planted landscaped area is accessed via a lockable security gate at both ends and only residents and tenants of the commercial podium at ground floor are able to access this area. Because the commercial podium has a glazed side elevation to this landscaped pathway, passive surveillance of this area is excellent.

A CPTED assessment has been prepared and is discussed towards the end of Section 5 of this report.

Principle 8: Housing Diversity and Social Interaction

The proposed development will assist to provide the housing needs of the community within a high density mixed use environment.

The proposal will provide for a range of housing types and a mix of bedroom sizes. A small number of terrace style apartments are proposed.

The proposal will not impact on other land uses in the locality from providing facilities or services to meet the day to day needs of residents.

The proposal will provide a high concentration of housing in a very accessible location to Westfield Shopping Centre, Council's Library and Cultural centre. The proposal will ensure the existing amenity of residences in the neighbourhood is respected through mitigating adverse residential amenity impacts and offering good design in its transitional context.

Landscaping proposed provides a sense of high level landscaped relief internally within the core of the site.

A pedestrian pathway between both blocks allows residents to move from one side of the site to the other without their amenity being impacted.

The mix of units proposed responds to the current market demands and the SEPP 65/ADG controls, it also responds to the existing and expected demographics, living needs and household budgets.

This document contains aims and objectives aspiring to provide a good mix of housing stock and one that could be regarded as being affordable. The proposed development satisfies these design outcomes and all apartments comply or exceed the minimum sizes and dimensions prescribed by the ADG.

Principle 9: Aesthetics

The colours, textures and materials are reflective of other more modern developments in the Penrith CBD. The development consists of a modern design which seeks to integrate with the surrounding development.

The building does not use colours and textures which are out of character in the locality, but rather uses elements to ensure the building appears to fit in with the aesthetics of the Penrith CBD. As discussed previously the building elements and complimentary styles contribute to the established and strategically envisaged streetscape of High Street.

The colour and materials proposed will accentuate the architectural features of the building and be an asset to the streetscape. The use of glazing for the commercial level will assist in activating both the High Street and Union Lane street frontages.

Sydney Regional Environmental Plan (SREP) (Deemed SEPP) No.20 – Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River (SREP 20) aims to protect the environment of the Hawkesbury/Nepean River area by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to this proposal is the requirement to assess the development in terms of stormwater quality.

The development proposal incorporates a drainage concept plan that demonstrates stormwater can be adequately held on site and conveyed to the street.

Appropriate erosion and sediment controls can be implemented through the construction phase and it is anticipated that conditions of consent will reinforce this. It is noted that the proposal meets the WSUD measures required to achieve appropriate water quality for stormwater discharge.

The objectives of this deemed SEPP are considered to have been satisfied.

Penrith Local Environmental Plan (PLEP) 2010

The LEP is the primary environmental planning instrument relating to the proposed Mixed use development. The objectives of the LEP are as follows:

1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in Penrith in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
 - (a) *to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
 - (b) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
 - (c) *to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
 - (d) *to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*
 - (e) *to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*
 - (f) *to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
 - (g) *to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
 - (h) *to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

Comment

The proposal meets the aims of Penrith Local Environmental Plan 2010 by specifically achieving the economic revitalisation of the site, providing a high level of architecturally designed development, creating a living city, making better use of quality public transport that is located within an easy level walk of the site, promoting short and long term employment opportunities and satisfying all applicable environmental planning and policy controls governing the site.

2.3 Zone Objectives and Land Use Table

Comment

The land is zoned B4 Mixed Use under the provisions of Penrith LEP 2010. The proposed mixed use development is permissible.

2.4 Unzoned Land

Comment

The land is zoned B4 Mixed Use under the provisions of Penrith LEP 2010 and as such this control is not applicable to this application.

2.5 Additional Permitted Uses of Particular Land

Comment

Not applicable to this application

2.6 Subdivision – Consent Requirements

Comment

Not applicable to this application.

2.7 Demolition Requires Development Consent

Comment

The proposal involves the demolition of the existing small, dilapidated structures on the site.

2.8 Temporary Use of Land

Comment

Not applicable to this application.

Land Use Table

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To create opportunities to improve public amenity.
- To provide a wide range of retail, business, office, residential, community and other suitable land uses.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Home-based child care; Home businesses; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; **Residential accommodation**; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Serviced apartments;

Sex services premises; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Pond-based aquaculture; Rural workers' dwellings; Any other development not specified in item 2 or 3

Comment

The site is zoned B4 Mixed Use under the provisions of Penrith LEP (PLEP) 2010. The proposed development is permissible with consent of Council. See extract of zone map at **Figure 22**.

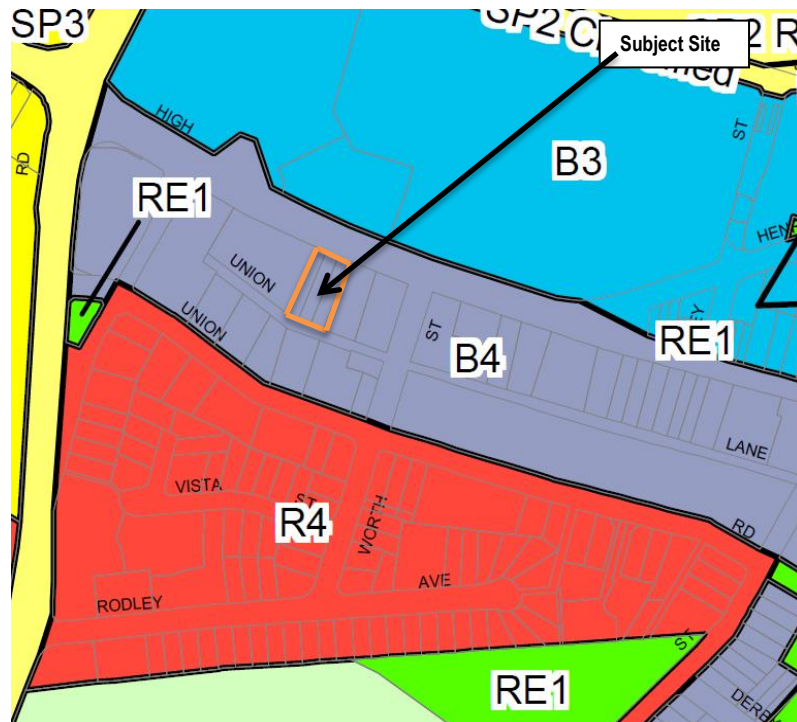


Figure 22
Source: Zoning Map – Penrith LEP 2010

The proposed mixed residential and commercial components of the development complement each other by ensuring both fit well within a major CBD environment, creating a living and working environment and utilizing the many services that a major CBD has on offer.

Other land uses within the visual catchment of the site include retail, commercial and residential forms of development, each complimenting the other in terms of how they function and present in their urban context.

The proposed mixed-use development will provide a fundamental and much needed form of development to the Penrith CBD to serve the growing population and workforce.

The active street frontages proposed along High Street and Union Lane generates additional commercial floor space to support employment and economic and social benefits to the Penrith CBD economy.

The location of the building within a short walk of excellent public transport nodes complements the overall development. Future residents will be able to better utilize the

excellent public transport network available within the Penrith CBD. Future residents will also be able to walk out of their apartments and gain convenient access to daily public transport. Further, employees of the ground floor commercial/retail component of the development may live in the surrounding area or within the residential apartments above, affording them easy and direct access to their place of work.

The residents and commercial/retail tenants of the development will create, through normal casual surveillance, a safer environment to live and work. The residential component of the development will generate a vibrant atmosphere by wanting to shop and eat out regularly, which will support local businesses.

The site is located in a highly accessible location of the Penrith CBD that will encourage walking and cycling through the provision of new footpaths and bike paths and will not result in any unacceptable conflicts.

The proposal improves the public domain and results in enhanced public amenity by including active street frontages, casual surveillance of public streets, street trees and an architectural design that achieves design excellence, which is discussed later in this report.

The proposal provides residential land uses within a range of dwelling types and expected for the community's housing needs in an emerging high density residential and commercial environment. The site location encourages walking and cycling through the Penrith City Centre.

The proposal provides for a mix of bedroom and apartment styles and arrangements. This mix of housing would suit a range of household types in close proximity to services and facilities of the Penrith City Centre through the provision of a high architectural design, private courtyards, terraces and balconies and common open space area in a landscaped setting.

Part 3 Exempt and Complying Development

Comment

Not applicable to this application.

Part 4 Principal Development Standards

4.1 Minimum Subdivision Lot Size

Comment

Not applicable to this application.

4.1A Minimum Lot Sizes for Dual Occupancies, multi dwelling Housing and Residential Flat Buildings

Comment

The objective of this clause is to achieve planned residential densities in certain residential zones. The site is located on land zoned B4 Mixed Use and as such this control is not applicable to this application.

4.1AA Minimum Subdivision Lot Size for Community Title Schemes

Comment

Not adopted

4.1AB Minimum Subdivision Lot Sizes for Strata Plan Schemes in Certain Rural, Residential and Environmental Protection Zones

Comment

Not applicable to this application.

4.2 Rural Subdivision

Comment

Not applicable to the subject land.

4.2A Residential development and subdivision prohibited in certain rural, residential and environment protection zones

Comment

Not applicable to the subject land.

4.3 Height of Buildings

(1) The objectives of this clause are as follows—

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,

(c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,

(d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Figure 23 identifies the site as being subject to a maximum building height control of 20m.

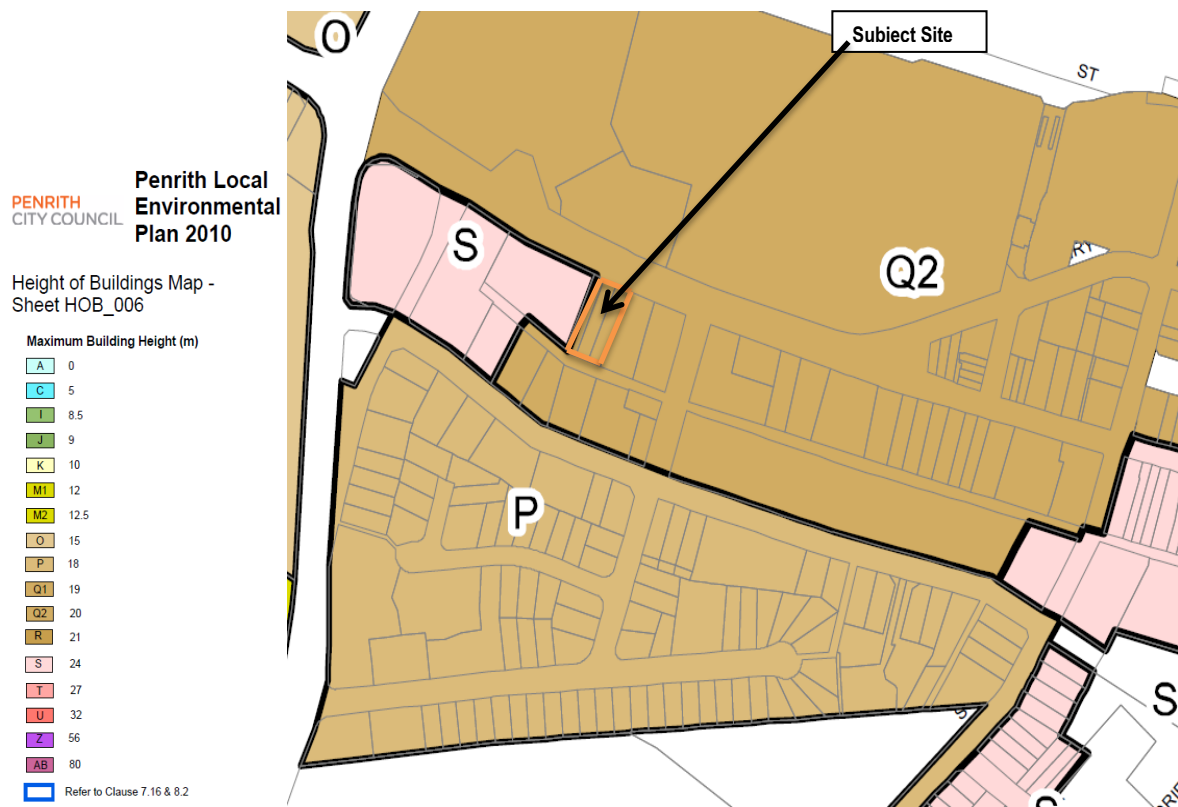


Figure 23
Source: Height of Buildings Map – Penrith LEP 2010

Comment

The development is proposed to be constructed to a maximum building height of approximately 17m, which is well below the 20m standard. This control is therefore satisfied.

4.4 Floor Space Ratio

- (1) The objectives of this clause are as follows—
 - (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
 - (b) to minimise the adverse impact of development on heritage conservation areas and heritage items,
 - (c) to regulate density of development and generation of vehicular and pedestrian traffic,
 - (d) to provide sufficient floor space for high quality development.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Comment

Figure 24 identifies the subject site is governed by a floor space ratio (FSR) of 3:1. The proposed development provides for a FSR of 2.32:1 and therefore is well below the maximum permissible standard.

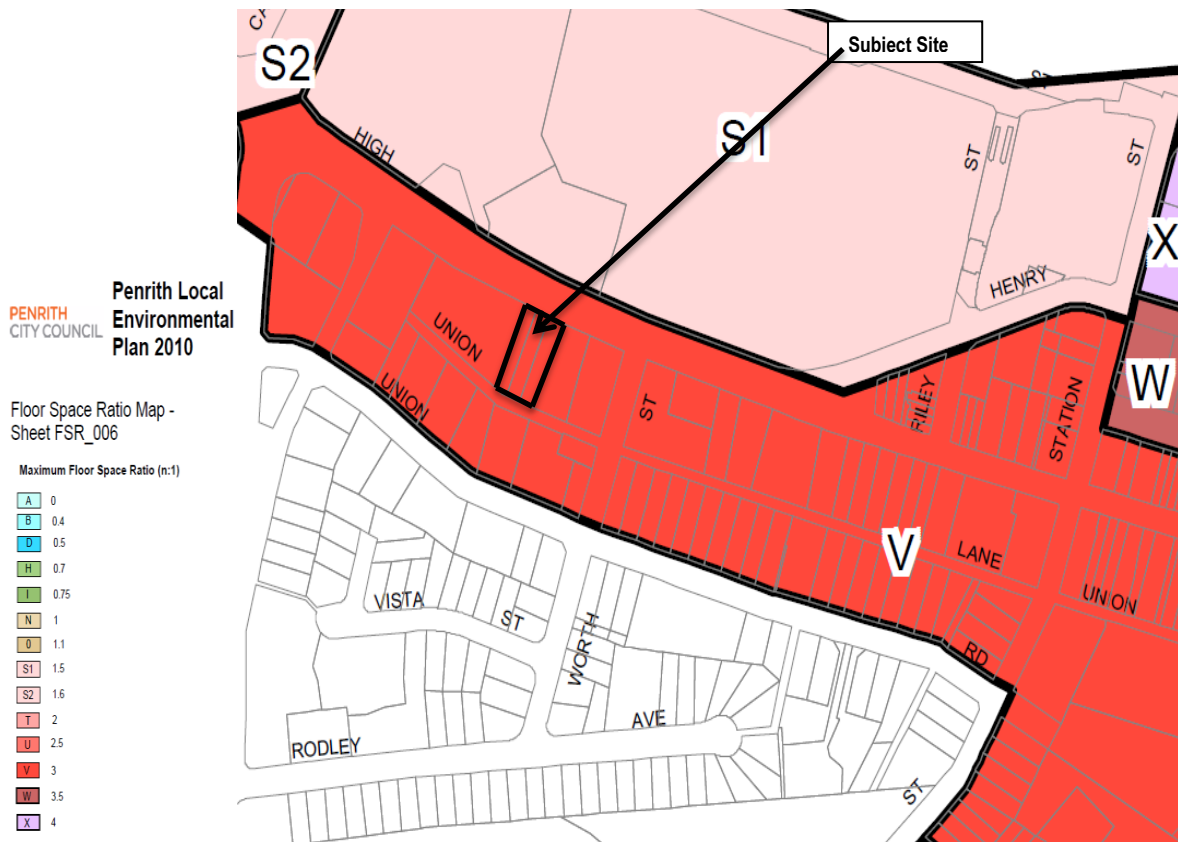


Figure 24
 Source: Floor Space Ratio Map – Penrith LEP 2010

4.5 Calculation of Floor Space Ratio and Site Area

Comment

The primary objective of this control is to set out standards for the calculation of the site area of development for the purpose of applying a permitted FSR.

The site area and proposed GFA have been calculated in accordance with this control and therefore this control has been satisfied.

4.6 Exceptions to Development Standards

Comment

The proposal does not seek to vary any development standard.

Miscellaneous Provisions

5.1 Relevant Acquisition Authority

Comment

This clause is not relevant to the application before Council.

5.2 Classification and Reclassification of Public Land

Comment

This clause is not relevant to the application before Council.

5.3 Development Near Zone Boundaries

Comment

This clause is not relevant to the application before Council.

5.4 Controls Relating to Miscellaneous Permissible Uses

Comment

This clause is not relevant to the application before Council

5.5 Development within the Coastal Zone

Repealed

5.6 Architectural Roof Features

Comment

There are no architectural roof features that require approval.

5.7 Development Below Mean High Water Mark

Comment

This clause is not relevant to the application before Council

5.8 Conversion of Fire Alarms

Comment

This clause is not relevant to the application before Council

5.9, 5.9AA Repealed

5.10 Heritage Conservation

Comment

The site is not listed as a heritage item nor is the site located within a heritage conservation area. The provisions within this control are therefore satisfied.

5.11 Bushfire Hazard Reduction

Comment

This clause is not applicable to the application before Council.

5.12 Infrastructure Development and Use of Existing Buildings of the Crown

Comment

This clause is not applicable to the application before Council.

5.13 Eco-Tourist Facilities

Comment

This clause is not applicable to the application before Council.

5.14 Siding Spring Observatory—maintaining dark sky

Comment

Not adopted

5.15 Defence communications facility

Comment

Not adopted

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

Comment

Not applicable

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

Comment

Not applicable

5.18 Intensive livestock agriculture

Comment

Not applicable

5.19 Pond-based, tank-based and oyster aquaculture

Comment

Not Applicable

Part 6 Urban release areas

6.1 Arrangements for designated State public infrastructure

Comment

This control is not applicable to this application as the site is not located within an urban release area.

6.2 Public utility infrastructure

Comment

This control is not applicable to this application.

6.3 Development control plan

Comment

The development site is not located within an urban release area. This control is therefore not applicable to this application.

6.4 Relationship between Part and remainder of Plan

Comment

This control is not applicable to this application.

Part 7 Additional local provisions

7.1 Earthworks

Comment

The objectives of this clause are to ensure that all earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or features of the surrounding land. The construction of the proposed development will require earthworks in accordance with the architectural drawings and hydraulic engineering drawings and geotech report.

The proposed development includes the demolition of a small existing dilapidated structure on the land and the carrying out of earthworks to allow for the provision of 1 level of basement parking. As a result of such, natural materials will be exported off site.

There are no natural water courses or rivers that dissect the site.

Due to the site being previously disturbed to accommodate low rise commercial buildings, it is considered that the likelihood of relics being found on the site is very low.

This application is supported by sediment and erosion control plans and a general arrangement plan with drainage and engineering details.

In terms of mitigating the impacts of the development on adjoining properties, silt fences will be erected prior to the construction to control sediment runoff. This will reduce and isolate sediments and particulate matter.

Overall, the earthworks proposed are reasonable and consistent with Council's strategic expectation when this precinct was being considered for an uplift in zoning to permit a development of this scale.

7.2 Flood Planning

Comment

CAM CONSULTING Engineers have carried out an overland flow study relevant to the proposed development. Their recommendations and conclusions following the assessment are set out below:

The site consists of three lots that include a single level masonry building, carport, concrete driveway, pathway and gravel vacant lot. The proposed development comprises of multi storey residential and commercial building with basement and ground level car parking.

The objective of this report is to determine the overland flow characteristics and to review the impact that the proposed development will have on the existing drainage infrastructure and surrounding properties.

The contributing catchment area and flow rates for 1% AEP critical storm event for the overland flow is extracted from Penrith CBD Catchment flood study (refer to figure 4). All flows generated from this catchment is captured through a network of pits and pipes as well as culverts, basins and open drains, the excess flows to the capacity of the existing stormwater system will run as an overland flow from top of the catchment being east of Parker street, Jamison road to the receiving waters Peach Tree Creek.

Based on investigations, design review and calculations undertaken as part of this Flood Impact Report overland flow marginally enters the site from the southern boundary of the site that is Union lane and ponds within depressed ground area and possibly flows downstream to High street. The impact of the overland flow on the adjoining properties is perceived to be nil as result of the proposal. The proposed flow path and flood storage is maintained within the ground level parking area and driveway next to the commercial units as well as in the common open space. The ramp through common open space is proposed to be on piers to allow the passage of the flow to common open space area.

The proposed access ramp to foyer and commercial unit next to ground floor driveway is modelled in Hec-Ras as obstruction to assess its impact on the flow characteristics such as depth, velocity and flow distribution. It is found that the net impact through the flow path area is an increase of 10mm and decrease of up to 80mm to the water surface level. This is achieved by removal of the existing masonry building, carport and having the ramp on piers.

Council engineer has nominated the flood level to be RL 27.10 and hence this level is adopted for flood planning level. The driveway is ramped up to crest RL 27.40 from the boundary this is 300mm above the nominated 1%AEP flood level (i.e Flood level RL 27.10).

The proposed overland flow management meets Penrith City Council's Development Control Plan 2014 C3 Water Management section 3.5 Flood Planning criteria.

The overland flow flood level for 1% AEP (RL 27.10) is adopted as per council flood information. Hence the Finished Floor level is recommended above this level plus 500mm for habitable areas and 300mm for driveway crest. These levels are summarised in the table below and the flood information is shown in Figure 7. – Flood information. The proposed levels are summarised in Table 4, below.

	Water Surface Level (m)	Min. Finished Floor Level (AHD)	Proposed Finished Floor Level (AHD)
Proposed development			
Ground Level	27.10	27.70	27.70
Driveway Crest	27.10	27.40	27.40

Table 4: Proposed FFL for the proposed development

It is recommended that the finished floor level of the ground level to be adopted as per table above. In addition, the ground level parking area, access driveway and landscape strip along the driveway must not be obstructed at any time. The western boundary fence to be a flow through type fence and landscape area adjacent to the driveway must be planted with flood compatible species. The Driveway ramp is proposed at RL 27.70, this will prevent any flow entering the basement from Union lane.

Based on the Hec-Ras overland flow analysis, the flow regime of the overland flow is maintained almost as to the existing conditions.

The proposed development is designed to facilitate this and minimise the impact on the adjoining properties.

Considering the extend of the flood waters within the site and the provision for flood storage, an Onsite detention is only feasible within landscape area on the eastern side.

CAM is of the view that the provisions within this control can be achieved.

7.3 Development on natural resources sensitive land

Comment

This control is not applicable to this application.

7.4 Sustainable Development

Comment

Climate change is a major environmental challenge facing all forms of development and is widely known to be caused by the combustion of fossil fuels during direct and indirect energy consumption. The proposed mixed use development is unlikely to generate significant greenhouse gases that would deny the proposed development from proceeding, particularly when green star appliances will be introduced into the design and internal appliances will further reduce energy consumption.

The building's design and orientated ensures there will be no unreasonable impacts upon surrounding development. The glazing proposed in the building, recessed windows, and open breezeways will afford each room within the building with natural ventilation and direct access to natural light.

The proposed development will be provided with best practice energy efficient appliances and practices to ensure the building promotes its green design by having 29 or 71% of units cross ventilated. Of the 41 units, 37 or 90% achieve the minimum 2 hours of solar access.

The building will be afforded with best practice water conservation and recycling methods to conserve and recycle water used throughout the building.

Both recycled and perishable goods will be placed in large wheelie containers and will be collected within the basement by a private waste contractor. A part time care taker will be employed who will be responsible for the day to day maintenance of the building, including both bin holding rooms and the waste loading bay.

The site is located in close proximity to major transport links in Penrith Railway Station and Bus Interchange and as such will reduce the reliance on motor vehicles by residents, customers and occupants/owners of the residents and employees of the developments commercial component.

The proposed development has responsibly respected fundamental ESD principles throughout the overall development and clearly meets this control.

7.5 Protection of scenic character and landscape values

Comment

This control is not applicable to this application.

7.6 Salinity

Comment

The proposal is unlikely to have an impact on the salinity processes or salinity likely to impact the development. There is no known salinity issues on the site.

7.7 Servicing

The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.

(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that—

- (a) the development will be connected to a reticulated water supply, if required by the consent authority, and
 - (b) the development will have adequate facilities for the removal and disposal of sewage, and
 - (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and
 - (d) the need for public amenities or public services has been or will be met.
- (3) Subclause (4) applies to land in Zone RU5 Village or Zone R5 Large Lot Residential that is not connected to a reticulated sewerage system provided by Sydney Water or licensed by the Council or the Environment Protection Authority.
- (4) Development consent must not be granted to a subdivision of land referred to in subclause (3) unless each resulting lot will have an area of at least 1 hectare.

Comment

The proposal will retain all existing servicing that occurs on the site, including connections to water, sewer and electricity. The augmentation of some services may be required to meet the demand of the future use and this will need to be confirmed with the relevant agencies prior to construction.

Existing infrastructure within the area is considered sufficient to service the proposal in addition to contributions payable for local open space and district facilities.

7.8 Active Street Frontages

Comment

The proposed development provides an active street frontage to both High Street and Union Lane in accordance with this control.

7.9 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport

Comment

Not applicable

7.10 Dual occupancies and secondary dwellings in certain rural and environmental zones

Comment

Not applicable

7.11 Penrith Health and Education Precinct

Comment

Not applicable

7.12 Maximum gross floor area of commercial premises

Comment

Not applicable

7.13 Exhibition homes limited to 2 years

Comment

Not applicable

7.14 Cherrywood Village

Comment

Not applicable

7.15 Claremont Meadows

Comment

Not applicable

7.16 Glenmore Park Stage 2

Comment

Not applicable

7.17 Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa

Comment

Not applicable

7.18 Mulgoa Valley

Comment

Not applicable

7.19 Villages of Mulgoa and Wallacia

Comment

Not applicable

7.20 Orchard Hills

Comment

Not applicable

7.21 Twin Creeks

Comment

Not applicable

7.22 Waterside

Comment

Not applicable

7.23 Location of sex services premises and restricted premises

Comment

Not applicable

7.24 Sydney Science Park

Comment

Not applicable

7.25 Warehouses and distribution centres on land zoned B7 Business Park

Comment

Not applicable

Part 8 Local Provisions—Penrith City Centre

8.1 Application of Part

This Part only applies to land identified as "Penrith City Centre" on the Clause Application Map.

8.2 Sun access

- (1) *The objective of this clause is to protect public open space from overshadowing.*
- (2) *(Repealed)*
- (3) *Despite clauses 4.3, 5.6 and 8.4, development consent may not be granted to development on land to which this Part applies if the development would result in overshadowing of public open space to a greater degree than would result from adherence to the controls indicated for the land on the Height of Buildings Map.*
- (4) *This clause does not prohibit development that does not alter the exterior of any existing building.*

Comment

The maximum building height control that applies to the site is 20m whereby the proposed building height is approximately 17m. The shadow cast by the proposed development onto public open space is therefore well below that of a fully compliant 20m building form. This control is therefore considered to be satisfied.

8.3 Minimum Building Street Frontage

- (1) *Development consent must not be granted for the erection of a building on land in Zone B3 Commercial Core or Zone B4 Mixed Use that does not have at least one street frontage of 20 metres or more.*
- (2) *Despite subclause (1), development consent may be granted for the erection of a building on the land if the consent authority is satisfied that—*
 - (a) *due to the physical constraints of the site or an adjoining site or sites, it is not possible for the building to be erected with at least one street frontage of 20 metres or more, and*
 - (b) *the development is consistent with the aims and objectives of this Plan.*

Comment

Council's planning controls seek to require development sites within the Penrith CBD to have at least one (1) minimum street frontage of 20m to achieve architecturally sound buildings. The subject site has a street frontage to High Street of 28.860m and a rear street frontage to Union Lane of 31.650m. The development site satisfies this control on both street frontages.

8.4 Design Excellence

- (1) *Development consent must not be granted for development involving the construction of a new building, or external alterations to an existing building, on land to which this Part applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*
- (2) *In deciding whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—*

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
- (c) whether the development will detrimentally impact on view corridors,
- (d) (Repealed)
- (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.
- (3) Development consent must not be granted for any of the following development on land to which this Part applies unless an architectural design competition has been held in relation to the development—
 - (a) development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,
 - (b) development that has a capital value of more than \$1,000,000 on a key site identified on the Key Sites Map,
 - (c) development for which the applicant has chosen to have an architectural design competition.
- (4) Subclause (3) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (5) Development consent may not be granted for the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10% greater than that allowed by clause 4.4 or a height of up to 10% greater than that allowed by clause 4.3, unless—
 - (a) the design of the building or alteration is the result of an architectural design competition, and
 - (b) the concurrence of the Director-General has been obtained to the development application.
- (6) In deciding whether to give concurrence to the development application, the Director-General must take into account the matters set out in subclause (3) and the results of the architectural design competition.

(7) In this clause:

architectural design competition means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

8.4 Design Excellence

- (1) Development consent must not be granted for development involving the construction of a new building, or external alterations to an existing building, on land to which this Part applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (2) In deciding whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

Response

The proposal seeks to deliver an architecturally sound, contemporary mixed use building (ground floor commercial/retail and upper floors residential) over a single level of basement car parking. The building design carefully integrates into the setting of the adjoining commercial offices to the east whilst responding to the overall transitioning of high density development to the west.

The colours and materials to be used in the development is shown on the elevations of the architectural drawings, illustrating how earthy colours and materials are appropriate for the proposed buildings typology and are commensurate with the sites context.

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

Response

The proposed Building Environments Design will set the benchmark for future quality mixed use building forms along this southern side of this High Street.

The building form proposed responds positively to the public domain with activate public areas, including trees and paving, as well as internal passive recreation areas.

The landscape design strategy seeks to accommodate residents with a diversity of spaces and activities for their leisure that are both lush and functional. The design aims to deliver opportunities for community gathering and private retreats across level 1.

This will include sheltered and intimate zones including paved areas partly-shaded by groups of trees, BBQ and communal areas, play areas, paths, seating, raised planters and ornamental shrubs provide an attractive softness to the edges.

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

Response

There are no identified view corridors that dissect the site, interrupting views and causing view loss to nearby residential properties.

The site abuts a Key site to the west that permits buildings up to 46 storey's in height. An application for a development of that scale is currently being considered by Council.

Surrounding development to the north and north-east of the site including the offices of Penrith City Council, cultural centre and Westfield Shopping Centre, will experience some interruption of local views however, this is reflective of the changing nature of the area and its transformation to a high density mixed use precinct at this western end of the CBD.

(d) *(Repealed)*

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

(i) *the suitability of the land for development, - The site is generally flat, is rectangular in shape, having street frontages to both High Street and Union Lane.*

Response

The site is large in size, having a total site area of 2197m² and street frontage dimensions of 28.860m to High Street and 31.650m to Union Lane. All vehicular ingress/egress is from Union Lane, which is a no through road.

The land is located diagonally opposite Penrith City Council chambers, cultural centre and Westfield Shopping Centre. The site is also within a 5-8 minute walk or 800m of the Penrith Railway Station and bus interchange.

The land is not affected by contamination. See previous comments under SEPP 55 Remediation of Land in this section of the report.

Whilst the land is flood affected, the overland flow of stormwater is within acceptable levels, and the design meets best practice standards for the provision of on-site stormwater detention and disposal of SW to High Street.

(ii) *existing and proposed uses and use mix,- The site contains a small, vacant building fronting High Street. This building is dilapidated and is proposed to be demolished as part of the proposal.*

Response

The ground floor of each street frontage is activated by the introduction of commercial offices or shops facing High Street and Union Lane. Level 1 to Level 4 of the development is proposed to contain residential apartments of varying sizes, types and mix. These units are located within two (2) apartment blocks separated by a large communal outdoor open space that is sited between both blocks and will be used by residents and their visitors for passive recreation.

(iii) *heritage issues and streetscape constraints.*

Response

The development site is not listed as a local heritage item under Council's LEP or being located within a conservation area. Also, the site is not within the vicinity of any local heritage items.

The proposed building design, including its size and scale will complement the adjoining commercial building to the east and enhance the modern and transitioning streetscape of both High Street and Union Lane.

(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,*

Response

The proposal is seen as being complimentary to other residential, commercial and retail land uses in this precinct. While there are many existing large medium to high rise buildings in the immediate context, each is well spaced apart to ensure issues of amenity, separation, overshadowing, overlooking, view loss and congregation will not be impacted upon by the proposed development.

The design and modeling of the proposed development has taken considerable time to design in order to avoid a bulky building appearance. The technique of introducing articulation, modulation and choosing a variety of materials, earthy colours, finishes and landscaping ensures the proposed building will be of significant visual interest on the western edge of the Penrith CBD.

(v) *bulk, massing and modulation of buildings;*

Response

The proposed building is to be constructed to a maximum height is approximately 17m, which is 3m below the permissible standard of 20m prescribed by Council's LEP. The permissible FSR for the site is 3:1, whereby the proposed FSR is 2.32:1.

Because these bulk, scale form and height controls are not being achieved the proposal is below the building form intensity for the site however will contextually fit into its existing and future context.

The proposed development offers a contemporary building form to promote the Penrith CBD. It will add vibrancy, scale, colour, diversity in building form and contrasting materials. This proposed building response will complement other contemporary building forms within the visual catchment of the site.

(vi) *street frontage heights:*

Response

The proposal provides street frontage heights that conform to the standards contained within Council's DCP.

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

Response

Shadow diagrams illustrating the shadows cast by the proposed development on 21 June have been prepared by Building Environments Pty Ltd. Because the proposal does not seek to maximise the sites development potential in terms of FSR and height controls, the building form has been arranged to ensure overshadowing onto the private and public domains is well within acceptable perimeters.

Prevailing wind directions in Sydney are from northeast, south, southeast and west quadrants. Existing street level wind conditions in the vicinity of the site are deemed to be well within acceptable limits. The open spaced area outside the site fronting High Street ensures there will be no channelling of winds along aligning streets.

The orientation of the building on the site facing north and south with a generous separation between the building blocks ensures all units receive good levels of ventilation and solar access.

Whilst solar access is generously provided in the design, there are no building elements that would generate adverse reflectivity impacts to the surrounding CBD precinct.

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

Response

The principles of ESD have driven the design of the proposed development.

A BASIX Assessment Report and Certificate has been prepared to clearly demonstrate that the proposed development will achieve the targets for water and energy consumption set by BASIX, and in this regard will achieve an appropriate level of sustainability.

The buildings internal features also seek to promote ESD principles to ensure the overall development is able to meet best practice standards for mixed use buildings of this type. Some of the internal ESD features include:

- use of high thermal mass materials;
- water efficient taps, shower heads, dual flush toilets;
- energy efficient lighting and appliances;
- waste and stormwater recycling;

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

Response

The proposed development provides all requisite pedestrian, cycle and service vehicle requirements. The proposal also provides a common, privately owned shared landscaped area along the eastern side boundary. The design response seeks to allow this area to be shared with an existing outdoor area of the development to the east (606 High Street).

Provision is made for bicycles spaces within the basement car park for use by residents who have bicycles.

The proposed development is serviced by a private waste contractor whose truck will enter and leave the site in a forward direction after collecting waste from the designated waste truck loading bay.

All vehicular access into and out of the site is over a 6m wide driveway off Union Lane. A secured roller door is proposed to be provided at the basement entry to stop undesirable persons entering the basement of the proposed building. A CCTV response is proposed in this area.

Pedestrian footpath paving along High Street and Union Lane will be enhanced to meet Council's Public Domain guidelines. This includes the provision of street trees along both street frontages.

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

Response

It is for the reasons previously mentioned above; the proposal will enhance the public domain to the betterment of the local community.

- (3) Development consent must not be granted for any of the following development on land to which this Part applies unless an architectural design competition has been held in relation to the development:
- (a) development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,
 - (b) development that has a capital value of more than \$1,000,000 on a key site identified on the Key Sites Map,
 - (c) development for which the applicant has chosen to have an architectural design competition.
- (4) Subclause (3) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.
- (5) Development consent may not be granted for the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10% greater than that allowed by clause 4.4 or a height of up to 10% greater than that allowed by clause 4.3, unless—
- (a) the design of the building or alteration is the result of an architectural design competition, and
 - (b) the concurrence of the Director-General has been obtained to the development application.
- (6) In deciding whether to give concurrence to the development application, the Director-General must take into account the matters set out in subclause (3) and the results of the architectural design competition.
- (7) In this clause—

architectural design competition means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

Response

Because the proposed development does not trigger any of the abovementioned controls, there is no requirement for a design excellence competition to be held.

8.5 Building Separation

Buildings on land to which this Part applies must be erected so that the separation distance:

- (a) *from neighbouring buildings, and*
 - (b) *between separate parts or other separate raised parts of the same building, and*
- is not less than that provided for in a development control plan made by the Council.*

Comment

The proposed development is designed to accommodate a ground floor level commercial office space base. While Level 1 of the development contains two (2) detached residential apartment buildings identified on the drawings as Block A (fronting High Street) and Block B (fronting Union Lane). The separation distance between both blocks is 19.50m, well in excess of the standard of 12m to 18m.

The existing multi-level commercial building to the east is setback off its western boundary by approximately 4m, having a glazed edge along this setback.

The proposed building is setback between 6m and 9m along this eastern side boundary. This allows the adjoining commercial building at 606 High Street with a glazed facade to enjoy good natural light and outlook.

The ground floor commercial component of the proposed building is glazed along this eastern boundary and therefore will enjoy similar amenities in terms of sunlight and outlook onto a natural leafy setting with amenities.

The proposed development is to be constructed to the edge of its western side boundary. This design approach responds to the adjoining site to the west, known as 614-632 High Street. Council is currently considering a DA for a 46 storey mixed use development on that site. The design response of that DA proposes a shared common laneway along that western side boundary, allowing units from the subject development with an elevation to the west to be afforded natural light and air flow without causing amenity impacts to either development.

The proposed developments design solution allows all apartments within the proposed development to have excellent views over the public and private domains, therefore promoting passive surveillance and enhanced levels of safety and security.

Accordingly, the proposal complies with the objectives for separation distances as set out in Council's LEP.

8.6 (Repealed)

8.7 Community infrastructure on certain key sites

(1) *The objectives of this clause are—*

(a) *to allow higher density development on certain land in the City Centre where the development includes community infrastructure, and*

(b) *to ensure that the greater densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on those localities.*

(2) *This clause applies to land identified as a key site on the Key Sites Map.*

(3) *Despite clauses 4.3, 4.4 and 8.4 (5), the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the Height of Buildings Map or the floor space ratio for the land shown on the Floor Space Ratio Map, or both, if the proposed development includes community infrastructure.*

(4) *The consent authority must not consent to the erection of a building on land to which this clause applies if the floor space ratio for the building exceeds the following floor space ratio—*

(a) *in relation to development on land identified as “Key Site 1”, “Key Site 2”, “Key Site 8” or “Key Site 9”—5.5:1,*

(b) *in relation to development on land identified as “Key Site 3” or “Key Site 10”—6:1,*

(c) *in relation to development on land identified as “Key Site 4”, “Key Site 7” or “Key Site 11”—5:1,*

(d) *in relation to development on land identified as “Key Site 5”—2:1,*

(e) *in relation to development on land identified as “Key Site 6”—2.5:1.*

(5) In deciding whether to grant development consent under this clause, the consent authority must have regard to the following—

(a) the objectives of this clause,

(b) whether the development exhibits design excellence,

(c) the nature and value of the community infrastructure to the City Centre.

(6) In this clause, **community infrastructure** means development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), recreation facilities (major), public car parks or public roads.

Comment

The development site is not listed as a key site on Council's Key Site Map. Accordingly, this control is not applicable to this application.

Part 9 Penrith Panthers site

Comment

Not applicable to this application.

Section 4.15 (1) (a) (iii) Development Control Plans (DCPs)

Penrith DCP 2014

The provisions of Penrith DCP 2014 are designed to provide more detailed planning controls to support the objectives of Penrith LEP 2010 so as to contribute to the character and growth of the PLGA and protect and enhance the public domain. This DCP seeks to ensure the proposed development is able:

- To provide guidance to people wishing to carry out development within the City of Penrith
- To promote development which is consistent with Council's vision for the City of Penrith, namely, one of a sustainable and prosperous region with a harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.
- To ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes.
- To encourage development which 'lifts the bar' in terms of delivering sustainable and healthy communities in the long term.
- To foster development that responds appropriately to the natural and built environment, in particular, vegetation, biodiversity corridors, significant waterways, riparian land, significant buildings and gardens, and scenic landscapes and views.
- To provide for an urban environment that is active, attractive and safe for residents and visitors.
- To ensure the quality of development in the City of Penrith is of a high standard.

Comment

The Penrith DCP (PDCP) 2014 supports the PLEP 2010 in providing detailed development controls such as landscaped area, car spaces and building scale etc.

As can be seen in the assessment of this application, the proposed development generally complies with the provisions of PDCP 2014. These controls are set out and addressed as follows:

Part A Penrith City Centre

11.1.3 Penrith City Centre Precincts and Character areas

The Penrith City Centre developed along a section of The Great Western Highway that was also the transport stop on The Great Western Rail Line. Its reliance on transport links for its development is evident in its elongated, east-west pattern. The City Centre has a distinctive heart in High Street.

There are eight precincts in the Penrith City Centre, all comprising their own distinct characteristics and is illustrated in Figure E11.2. The intended character of these precincts is identified below and will be used to inform and guide future development.

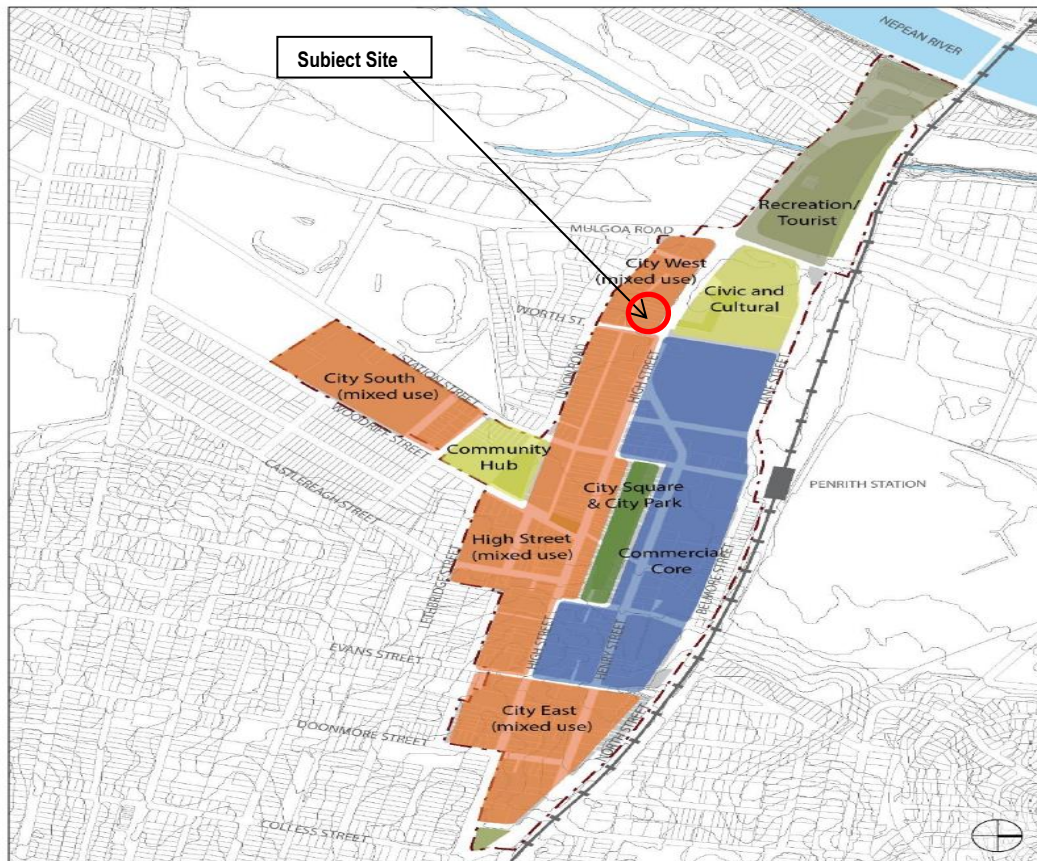


Figure 25
Penrith City Centre Character Areas
Source: Penrith DCP 2014

11.2 - Building Form

Comment

Figure 25 identifies the City Centre character areas. It is noted that the subject site is located within the City West (Mixed Use) area.

11.2.2 – Building to Street Alignment and Street Setback

The building fronts High Street which refers to specific street alignment and street setbacks. **Figure 26** requires the proposed development to be built to the street alignment.

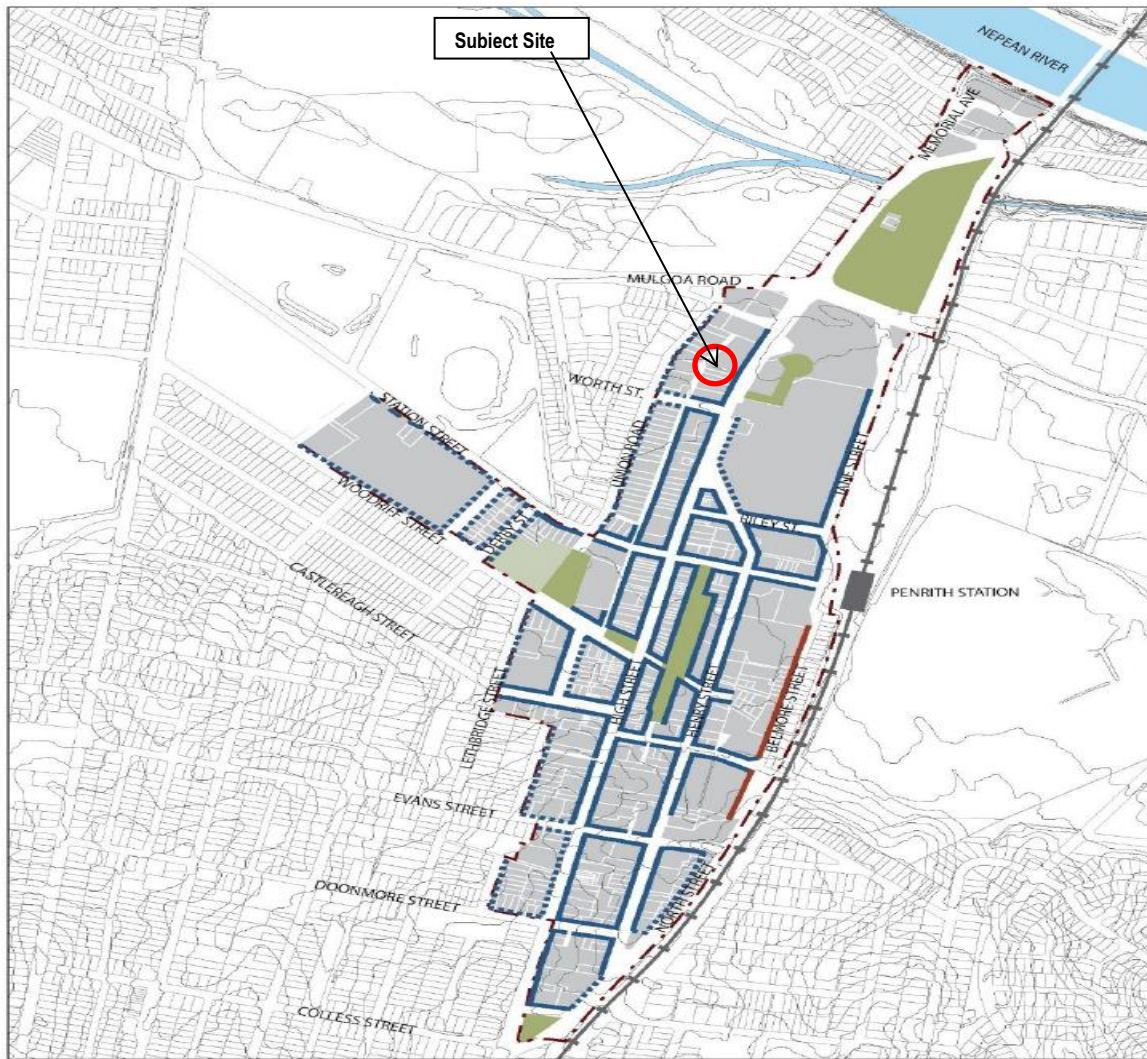


Figure 26
Front Setbacks
 Source – Penrith DCP 2014 – Penrith City Centre

C. Controls

The controls for building form are as follows:

- 1) Street building alignment and street setbacks are specified in Figure E11.3.
- 2) Balconies may project up to 600mm into front building setbacks, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level.
- 3) Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.
- 4) Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure E11.3) it must also be built to the side boundaries (0m

setback) where fronting the street. The minimum height of development built to the side boundary must comply with the minimum street frontage height requirement.

5) Buildings along High Street must demonstrate that views to the Blue Mountains escarpment are maintained through the provision of perspectives.

Notwithstanding the flood constraints associated with the site, the building is still able to be built to the street alignment.

Comment

Block A is designed with a street setback from High Street of 1.4m at ground floor level, which allows for an increase in public domain space, offers better opportunities for street tree plantings and to promote a better separation between pedestrian and traffic along High Street. Also, the minor variation to the setback allows doors to swing open within the site not onto public land.

The upper floors balconies are built to the front boundary with High Street. There are no street alignment or setback controls for Union Lane.

Clause 11.2.3 – Street Frontage Height

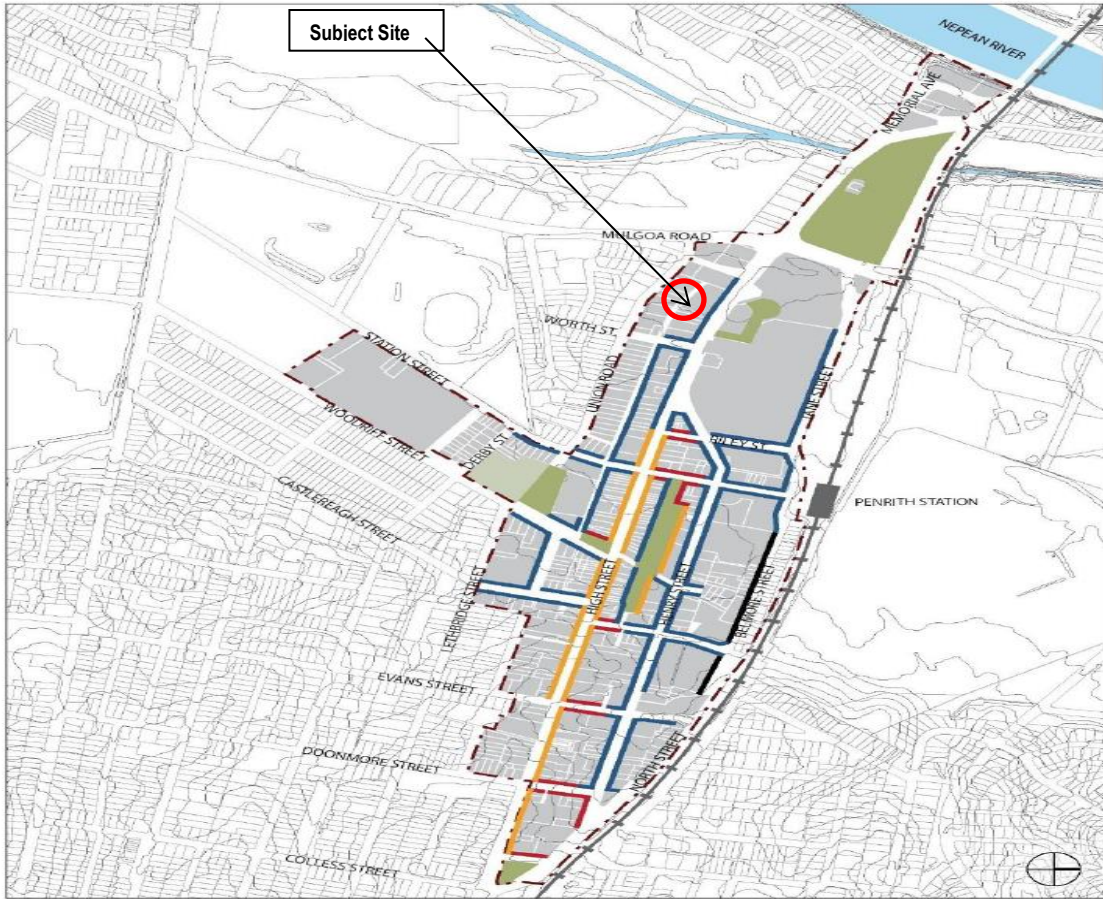
C. Controls

1) Buildings must comply with the relevant street frontage heights as shown in Figure E11.4 and illustrated in Figures E11.5 to E11.10.

2) 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.

Comment

Figure 27 and **Figure 28** identify the site as being subject to street frontage Type A requiring a street frontage height of 16 – 24m to be provided in any design.









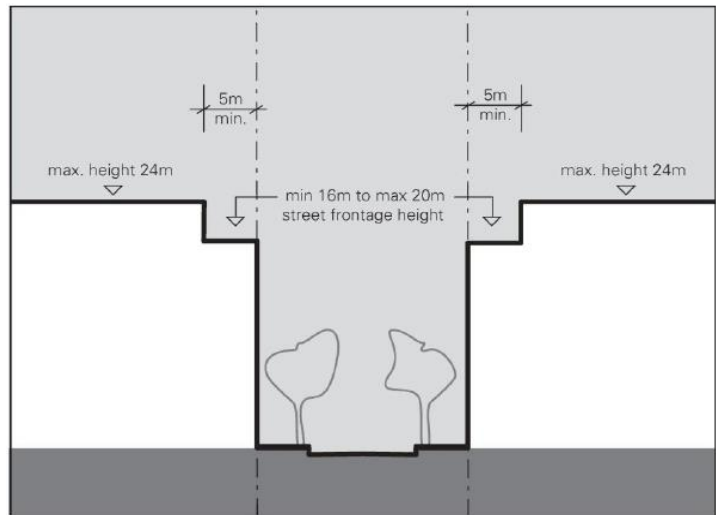
-  Street frontage height A applies - refer to figure E11.5
-  Street frontage height B applies - refer to figure E11.6
-  Street frontage height C applies - refer to figure E11.7
-  Street section D applies - refer to figure E11.8
-  Special section through Allen Place - refer to figure E11.9
-  Front setback applies as specific in figure E11.3

Figure 27
Source – Penrith City Centre DCP 2014



STREET FRONTAGE HEIGHT TYPE A

Figure 28
Source – Penrith City Centre DCP 2014

Comment

The proposal provides for a street wall height of approximately 16m and steps in to approximately 5m to the face of the building, complying with this control.

Clause 11.2.4 – Building Depth and Bulk

C. Controls

1) The maximum floorplate sizes and depth of buildings are specified in the table below (also refer to Figure E11.11).

2) Notwithstanding the above, no building above 24m in height is to have a building length in excess of 50m.

3) All points of an office floor should be no more than 10m from a source of daylight (e.g. window, atria, or light wells) in buildings less than 24m in height, and no more than 12.5m from a window in buildings over 24m in height.

4) Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation. (Refer to figures E11.12 and E11.13)

The controls for building depth and height are outlined in Table E11.1.

Land Use	Building Use	Condition	Maximum Floorplate	Maximum Building Depth (excludes balconies)
	Residential	Above 20m height	750m ²	18m
All other zones	All	Above 12m height	750m ²	18m

Comment

The preferred maximum floor plate for residential buildings is 750m² with a building depth of 18m. The proposal provides two (2) building blocks (Block A and Block B) that have floor plates of 395m² (Block A) and 617m² (Block B) separated by 19.340m, fully complying with this control

The proposed building is able to meet the objectives of this control in that:

- The design of the proposed development provides excellent opportunities for access to cross ventilation and solar access. It is noted that 90% (standard is 70%) of all apartments receive more than 2 hours of solar access, most receiving 4 hours while 71% of apartments receive cross ventilation (standards 60%);
- The orientation of the building and thin unit floor plates ensures the units will not solely rely on artificial heating, cooling and lighting;
- The proposal provides commercial premises at ground level to activate both street frontages;
- Because of the orientation of the site in a north-south direction, the public domain will not be impacted upon by the proposed design. The design therefore fully respects overshadowing of footpaths and roadways;

- The design responds to the natural (flat) topography of the land;
- No important views or view corridors will be interrupted by the proposed building give both buildings are well below the maximum building height control;
- The buildings mass and scale is broken up by a stepping design response and a well-articulated building.

11.2.5 Boundary Setbacks and Building Separation

C. Controls

1) *The minimum building setbacks from the side and rear property boundaries are specified in Table E11.2 and illustrated in figures E11.14 to E11.16.*

2) *Notwithstanding the setback controls, where development must be built to the street alignment (as identified in figure E11.3) it must also be built to the side boundaries (0m setback) in the vicinity of the street.*

3) *Where 0m side and rear boundary setbacks are permissible, and where it can be demonstrated that 0m setbacks cannot be achieved, Council may consider buildings that are setback from the boundary providing they are setback at least 5m to provide amenity in terms of day light access, useable outdoor space and landscaping. (Refer to figures E11.14 or E11.15)*

4) *If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means.*

Comment

See **Figure 27** and **28**. The sites rear boundary is located on the interface with Union Lane. Block B is setback 6m from the centre of Union lane. There are no street frontage heights required by the plan along Union Lane.

The proposed building's design allows the upper level rear units to have excellent views over Union Lane and other areas of the public domain.

Accordingly, the proposal fully complies with this control.

11.2.6 Mixed Use Buildings

C. Controls

1) *Provide flexible building layouts which allow greater adaptability of the floor area of, or tenancies on, the first floor of a building above the ground floor.*

2) *Ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential.*

3) *The commercial and residential activities of the building are to have separate service provision, such as loading docks, from residential access, servicing needs and primary outlook.*

4) Locate clearly demarcated residential entries directly from the public street. Clearly separate and distinguish commercial and residential entries and vertical circulation.

5) Provide security access controls to all entrances into private areas, including car parks and internal courtyards.

6) Provide safe pedestrian routes through the site.

7) Front buildings onto major streets with active uses.

8) Avoid the use of blank building walls at the ground level.

Comment

The proposal is provided with a loading bay within the basement, which is primarily to collect waste, which will be collected by a private waste contractor with the assistance of a part time caretaker who will be engaged by a future Body Corporate. .

Clearly demarcated commercial and residential entries to the building are visible from both street frontages.

All entries into the proposed building will be subject to security doors or access controls that will be visible from a CCTV system. This includes a roller shutter door allowing secured access into the basement car park off Union Lane.

The proposed mixed use development is provided with an active street frontage on both street frontages .

Minimum floor to ceiling heights of 3.638m at ground level to 3.1m for standard residential levels, which exceed the DCP controls.

11.2.7 Site Cover and Deep Soil Zones

C. Controls

1) The maximum site cover and minimum deep soil area for development is specified in Table E11.3 below:

Table E11.3: Maximum site cover & minimum deep soil for development

Zone/Area	Maximum Site Cover	Minimum Deep Soil Area
Commercial Core	100%	0%
Mixed Use (Other)	100%	0%
Mixed Use (City East)	70%	10%
All Other Zones	70%	10%

2) Deep soil area is provided in one continuous block. In multiple deep soil areas are provided they must have a minimum dimension (in any direction) of 6m.

3) Where non-residential developments result in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 11.2.9 Planting on Structures. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.

4) Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/ shrubs that will grow to be mature trees.

5) No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).

Comment

Per Table E11.3 above the site is located within the Mixed Use (other) precinct, which permits a maximum 100% site cover and zero deep soil.

The proposal pursuant to Council's DCP control provides for a site coverage of approximately 1012m² or 54%, which is well below the 100% permissible that is set by this control.

High rise developments of this type, which are located in flood prone areas and also within major CBD environments, are usually unable to provide deep soil zones because buildings must be lifted above the flood level or sites are usually built boundary to boundary to achieve density controls.

The proposal does not provide any deep soil and as it is not required by this control this control of the DCP is satisfied.

11.2.8 Landscape Design

C. Controls

1) Recycled water should be used to irrigate landscaped areas.

2) Commercial and retail developments are to incorporate planting into accessible outdoor spaces.

3) Remnant vegetation must be maintained throughout the site wherever practicable.

4) 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. The plan must outline how landscaped areas are to be maintained for the life of the development.

Comment

There is no existing landscaping provided for on the site. The application is accompanied by a detailed landscape plan prepared by Conzept Landscape Architects. Landscaping in the amount of 325m² is provided within the eastern side boundary setback at ground floor level. This area provides for a shared landscaped area with the adjoining site at 606 High Street, which provides for 195m². A total shared landscaped zone of 520m² is to be provided for use by both developments. Please note that while this shared landscaped area (including seating) is accessible from High Street and Union Lane, it is a secured (gated) area for use by residents and commercial tenants of both developments, it is not accessible to the general public.

On level 1, generous landscaping (485m²) is provided. Both landscaped areas are easily accessible to residents.

Because of the buildings open design, natural daylight will be able to enter the development ensuring the landscaping provided will readily survive.

11.2.9 Planting on Structures

C. Controls

- 1) *Recycled water should be used to irrigate in areas with planting on structures.*
- 2) *Design for optimum conditions for plant growth by:
 - a) *providing soil depth, soil volume and soil area appropriate to the size of the plants to be established,*
 - b) *providing appropriate soil conditions and irrigation methods, and*
 - c) *providing appropriate drainage.**
- 3) *Design planters to support the appropriate soil depth and plant selection by:
 - a) *ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and*
 - b) *providing square or rectangular planting areas rather than narrow linear areas.**
- 4) *Increase minimum soil depths in accordance with:
 - a) *the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass,*
 - b) *the level of landscape management, particularly the frequency of irrigation,*
 - c) *anchorage requirements of large and medium trees, and**
- 5) *soil type and quality.*
- 6) *A long-term landscape concept plan is to be submitted with a development application. The plan is to be prepared in accordance with the requirements of the Landscape Design Section of this DCP. The plan must outline how the planting on structures are to be maintained for the life of the development.*

Comment

A detailed landscape plan prepared by Conzept Landscaped Architects accompanies the application. See landscaping species, paving materials, seating, BBQ facilities, planter boxes and location of pergolas on these plans.

Discussed previously under clause 11.2.7 and 11.2.8 above, therefore complying with these controls.

11.3 Pedestrian Amenity

11.3.1 Permeability

C. Controls

- 1) *Through site links are to be provided as shown in Figure E11.18.*
- 2) *Existing dead end lanes are to be extended through to the next street as redevelopment occurs.*
- 3) *New through site links should be connected with existing and proposed through block lanes, shared zones, arcades and pedestrian ways and opposite other through site links.*

4) Existing publicly and privately owned links are to be retained.

5) The redevelopment of sites with an extra area of 5 hectares or more are to include new streets, lanes and/or site links to ensure permeability and encourage public access throughout the site.

6) Signage is to be located at street entries indicating public access through the site as well as the street to which the link connects.

Comment

As previously discussed a shared landscaped area with the adjoining commercial development to the east (606 High Street) is provided along the eastern side boundary. This area is landscaped and gated and therefore secured from the general public. It is available to residents and commercial tenants of both developments only, not the general public. A designated pathway is provided as are seating areas and landscaped planter boxes to afford users with a natural passive setting for outdoor activities such as reading, lunch breaks, staff and family gatherings.

Pedestrian links

7) Through site links for pedestrians are to be provided as shown in Figure E11.18 with accessible paths of travel that are:

a) a minimum width of 4m for its full length and clear of all obstructions including columns, stairs, etc.;

b) direct and publicly accessible thoroughfares for pedestrians; and

c) Open-air for its full length and have active frontages or a street address.

8) Arcades are to:

a) have a minimum width of 4m for its full length and clear of all obstructions including columns, stairs, etc.;

b) direct and publicly accessible for pedestrians during business trading hours;

c) be designed as an accessible path of travel for persons with a disability and incorporate the 'safer by design' principles;

d) have active frontages on either side for its full length;

e) where practical, have access to natural light for at least 30% of its length; and

f) where enclosed, have clear glazed entry doors to at least 50% of the entrance.

Comments

See comments in clause 11.3 above. There is no requirement on Council's plans for the provision of a through site link for the proposed development.

Because the site adjoins a commercial development to the east, known as 606 High Street, a consolidated shared landscaped area between the proposed development and 606 High Street is proposed. This shared landscaped area is generous in size, orientated in a general north-south direction, will provide a quality amenity area for occupants of both the proposed mixed use development and the commercial tenants at 606 High Street.

Lanes

9) Lanes are to be designated pedestrian routes that are:

a) accessible paths of travel, with a minimum width of 6m for its full length clear of all obstructions;

b) designed, paved and lit in accordance with the lighting provisions of this Plan and any technical documents applying to the city centre. The Penrith City Centre Public Domain Masterplan should be referred to for further design details.

c) appropriately signposted indicating the street(s) to which the lane connects.

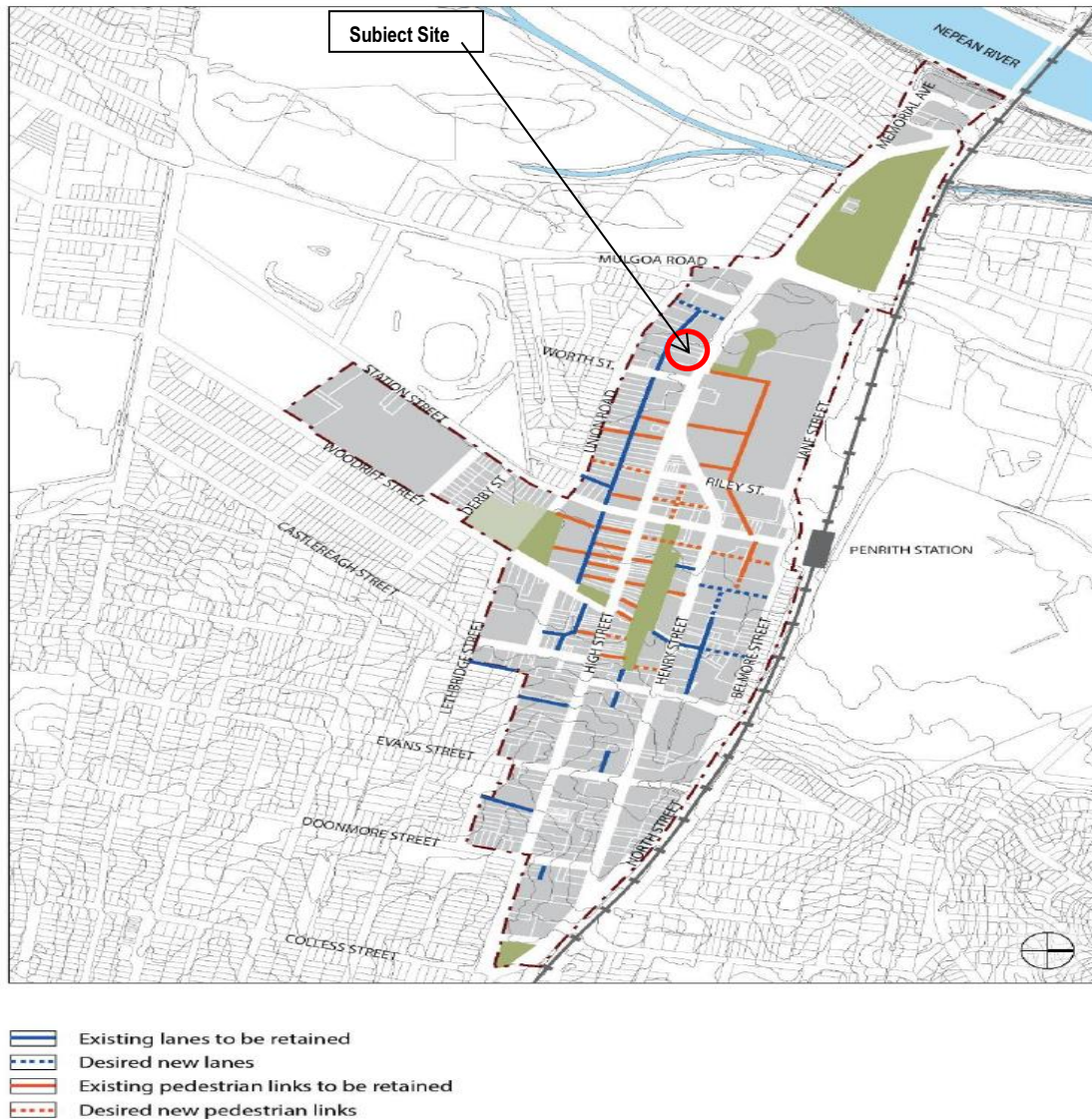


Figure 29
Source – Penrith City Centre DCP 2014

Comment

Pursuant to **Figure 29**, Union Lane is required to be retained. The proposal fully complies with that control. Refurbishment and enhancement of the laneway is proposed. See accompanying drawings.

11.3.2 Active Street Frontages and Address

C. Controls

Active Street Frontages

1) Active frontage uses are defined as one or a combination of the following at street level:

a) entrance to retail;

b) shop front;

c) glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage;

d) café or restaurant if accompanied by an entry from the street;

e) active office uses, such as reception, if visible from the street;

f) public building if accompanied by an entry.

2) 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.

3) Ground floor active street frontage uses are to be at the same level as the adjoining footpath and must be directly accessible from the street.

4) Restaurants, cafes and the like are to consider providing openable shop fronts.

5) Only open grill or transparent security shutters are permitted to retail frontages.

Street Address

1) Street address is defined as entries, lobbies, and habitable rooms with clear glazing to the street not more than 1.2m above street level, and does not include car parking areas.

2) Street address is required on the ground level of buildings specifically located in areas shown in the Active Street Frontages Map of Penrith LEP 2010.

3) Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.

4) Provide multiple entrances for large developments including an entrance on each street frontage.

5) Provide direct 'front door' access from ground floor residential units.

6) Residential buildings are to provide not less than 65% of the lot width as street address.

Comment

The proposed development seeks to provide active street frontages to High Street and Union Lane. Each elevation has separate entry points for the residential and commercial components of the development.

High Street is activated through the provision of a commercial street frontage at ground level and clearly identifiable entry points to the building.

Union Lane is also to be provided with an active street frontage. All units in the building, depending on which direction they face have clear views over the public domain.

11.3.3 Awnings

C. Controls

1) *Continuous street frontage awnings are to be provided for all new developments as indicated in Figure E11.19.*

2) *Awnings dimensions should generally be:*

a) *minimum 2.8m deep where street trees are not required, otherwise minimum 2.4m deep;*

b) *minimum soffit height of 3.2m and maximum of 4m;*

c) *steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm;*

d) *low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height); and*

e) *set back from kerb to allow for clearance of street furniture*

3) *Awning design must match building facades and be complementary to those of adjoining buildings.*

4) *Wrap awnings around corners for a minimum 6m from where a building is sited on a street corner.*

5) *Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage.*

6) *Provide under awning lighting recessed into the soffit of the awning or wall mounted onto the building to facilitate night use and to improve public safety.*

7) *One under-awning sign may be attached to the awning, at intervals of 6m of the awning frontage.*

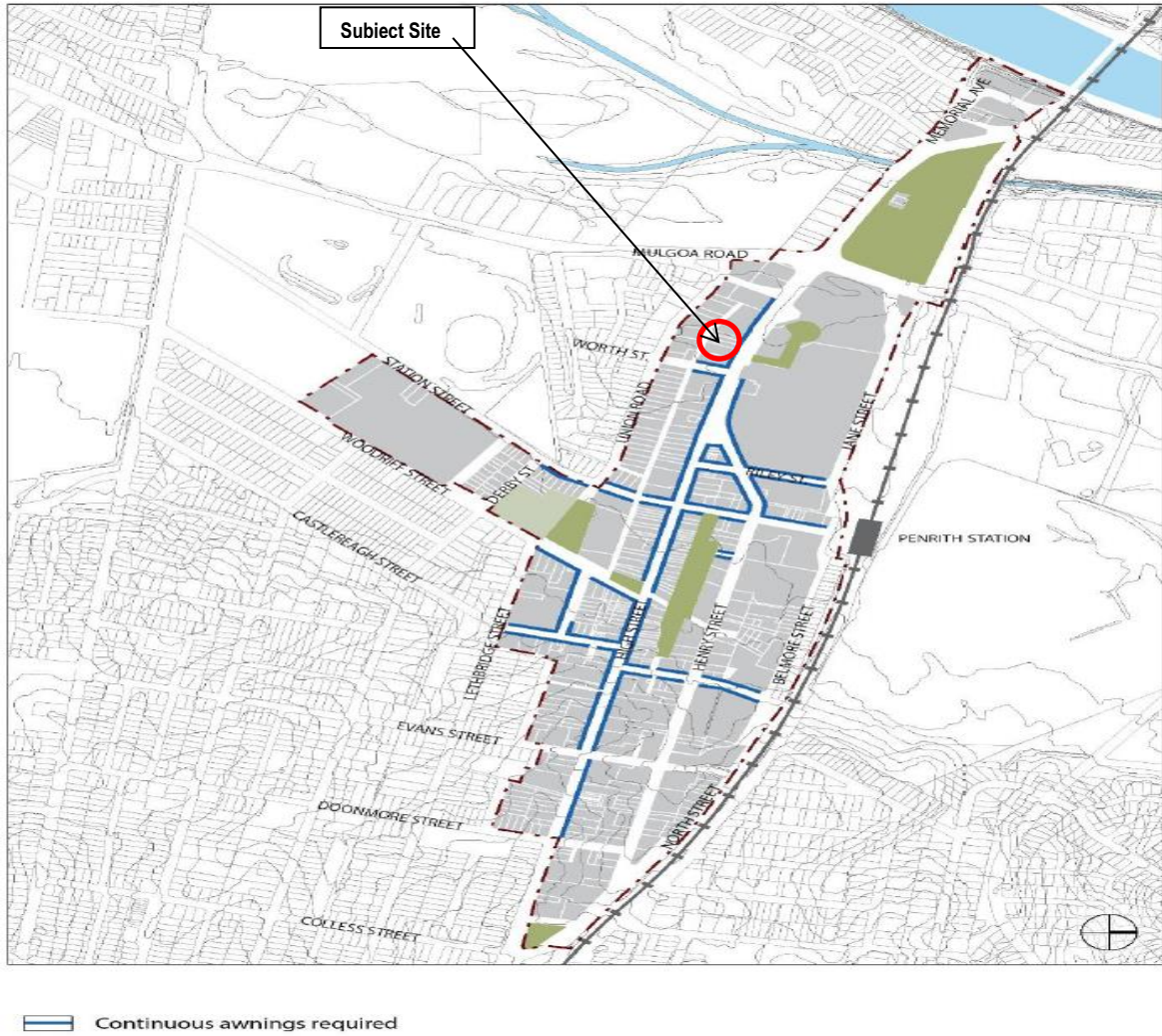


Figure 30
Source – Penrith City Centre DCP 2014

Comment

As required by **Figure 30** above, the proposal provides a continuous awning along the street frontage of the buildings frontage to High Street.

The proposal provides for a light weight awning with framed perimeter and inset glazed panels, which will filter natural light onto the footpath.

This awning will enhance the buildings street presentation and protect pedestrians from adverse weather conditions.

11.3.4 Vehicle Footpath Crossings

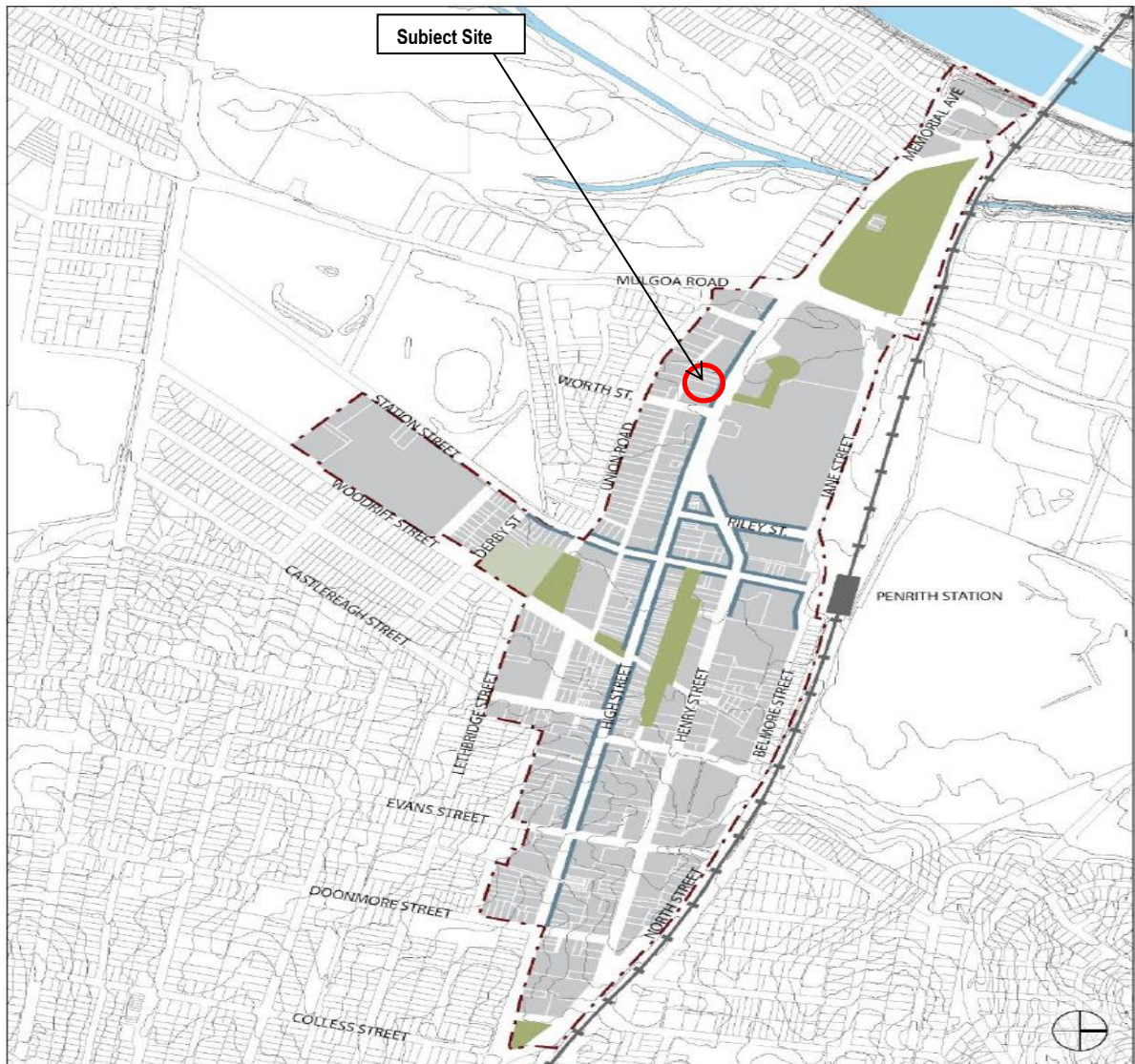
C. Controls

Location of Vehicle Access

- 1) No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified as significant pedestrian circulation routes in Figure E11.21.
- 2) In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.
- 3) Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity.
- 4) Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.
- 5) Vehicle access may not be required or may be denied to some heritage buildings.

Design of Vehicle Access

- 1) Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7m over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4m may be permitted for safety reasons (refer to Figure E11.20). The Penrith City Centre Public Domain Masterplan should be referred to for further design details.
- 2) Vehicle access ramps parallel to the street frontage will not be permitted.
- 3) To ensure vehicle entry points are integrated into building design.
- 4) Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building facade.
- 5) Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.



— Additional vehicular entries not permitted

Figure 31
Source – Penrith City Centre DCP 2014

Comment

Per **Figure 31** above, there is to be no vehicular ingress/egress to the site from High Street. All vehicular ingress/egress for the site is proposed from Union Lane over a 6m wide concrete driveway, which complies with Council's controls. All vehicles entering the basement will exit it in a forward direction.

11.3.5 Pedestrian Overpasses and Underpasses

C. Controls

1) New overpasses over streets are discouraged. In exceptional circumstances, new overpasses may be considered subject to assessment of impacts on safety and crime prevention, streetscape amenity and activation of the public domain. In such circumstances, overpasses are to be fully glazed, not greater than 6m wide or more than one level high.

2) New pedestrian underpasses are strongly discouraged as they reduce pedestrian accessibility, safety and passive surveillance opportunities. In exceptional circumstances, new underpasses may be considered where it can be demonstrated they would substantially improve pedestrian safety and accessibility, will incorporate active uses for the entire length and have a minimum width of 4.5m clear of all fixed obstructions and a minimum ceiling height of 4m.

Comment

No pedestrian over or under passes are proposed.

11.3.6 Building Exteriors

C. Controls

1) Adjoining buildings (particularly heritage buildings) are to be considered when designing new buildings and extensions to existing buildings in terms of:

a) appropriate alignment and street frontage heights;

b) setbacks above street frontage heights;

c) appropriate materials and finishes selection;

d) facade proportions including horizontal or vertical emphasis; and

e) the provision of enclosed corners at street intersections.

2) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings and on roofs are encouraged.

3) Articulate façades so that they address the street and add visual interest.

4) External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.

5) To assist articulation and visual interest, avoid expanses of any single material.

6) Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.

7) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level

8) A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.

9) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building, and in residential buildings may be screened by roof pergolas.

Comment

Discussed previously under Section 4 of this report. See also architectural drawings that provide the materials and colours scheme for the proposed development.

11.4 Access Parking and Servicing

11.4.1 Pedestrian Access and Mobility

C. Controls

1) 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 amenity.

2) The design and provision of facilities for persons with a disability including car parking must comply with Australian Standard 1428 Parts 1 and 2 (or as amended) and the Commonwealth Disability Discrimination Act 1992 (as amended). The Penrith City Centre Public Domain Masterplan should be referred to for further design details for access through and from public places.

3) Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.

4) The development must provide at least one main pedestrian entrance with convenient barrier free access to the ground floor, and have direct link to an identified accessible path of travel in the adjoining public domain.

5) The development must provide accessible internal access, linking to public streets and building entry points.

6) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.

7) A report from an accredited access consultant is to be submitted with development application, indicating the proposal's compliance with AS1428. If approved, Council may impose a condition on the development consent requiring the submission of a compliance certificate (or other such document) from an accredited access consultant attesting to the development's compliance with AS1428, and that a person with a disability can access the development.

Comment

Peter Simpson from PSE Access Consulting has prepared a detailed access report, which accompanies the application under separate cover. He has considered the design, relevant planning controls, both statutory and policy and best practice guidelines and is of the view that the proposed development meets all relevant controls, in particular PDCP 2014.

The proposal provides for 3 adaptable units and 3 accessible car spaces within the basement level.

11.4.2 On-Site Parking Options

C. Controls

1) In addition to the parking requirements outlined in the Transport, Access and Parking Section of this DCP, Figures E11.22 and E11.23 contains additional options for car parking at Penrith City Centre.

2) On-site parking is to be accommodated in basement parking except in the blocks between Belmore and Henry Streets where above ground car parking may be permissible in the form illustrated in Figure 11.24 below.

Comment

On-site car parking is provided for 58 car spaces over a single level of basement parking. This includes 44 resident spaces, 7 visitor spaces and 7 commercial spaces. A total of 12 bicycle spaces are provided on the eastern side of the basement.

11.4.3 Site Facilities and Services

B. Controls

Mailboxes

1) Letterboxes should be integrated into a wall immediately adjacent the building entrance(s). Where there are a number of entrances into the building, the letterboxes located at each entrance should service the tenancies that will utilise that building entrance.

2) Letterboxes shall be secure and large enough to accommodate articles such as newspapers.

Communication facilities/networks

3) Telecommunication infrastructure should be built into the development and predominantly below ground, incorporating the following services fundamental in the effective operation of businesses, home businesses and dwellings:

a) Multiple telecom services including high speed internet (including broadband), voice and data systems,

b) Cabling from all telephone lines, cable TV, internet is built into the building from the outset,

c) Consider centralised (C.A.T.V.) system is provided.

4) Where a master antenna is provided, the antennae must be sited in a location that does not intrude into, or is less visible from, surrounding public spaces/ open areas.

Service Infrastructure

5) Infrastructure attributed to the servicing of the development, including associated cabling, should be located below ground.

Air conditioning units, service vents and other associated structures

6) Such structures should be:

a) located away from street frontages and lanes;

b) located in a position where the likely impact is minimised; and

c) adequately setback from the perimeter wall or roof edge of buildings.

7) Where it is to be located on the roof, it should be integrated into the roof scape design and in a position where such facilities do not become a feature in the skyline at the top of building(s).

8) Refer to the Water Management Section of this DCP for locational and connection requirements.

Loading/Unloading Areas

9) Loading/ unloading areas are to be:

- a) integrated into the design of developments;
- b) separated from car parking and waste storage and collection areas;
- c) located away from the circulation path of other vehicles; and
- d) designed for commercial vehicle circulation and access complying with AS2890.2.

10) For mixed use developments, separate loading/unloading areas should be provided for commercial/retail and residential uses.

11) Vehicular access to the loading/unloading area(s) is preferred off rear lanes, side streets and right of ways. Where appropriate, consider a single vehicular access point for the loading/unloading area(s) and waste collection area(s).

Fire service and emergency vehicles

12) Generally, provision must be made for all emergency vehicles to enter and leave the site in a forward direction, particularly the NSW Fire Brigade vehicles where:

- a) NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants; or
- b) otherwise required by the NSW Fire Brigade's Code of Practice – Building Construction – NSWFB Vehicle Requirements.

13) For developments where NSW Fire Brigade vehicle(s) is required to enter the site, the circulation path and access/egress provision is to comply with NSW Fire Brigade's Code of Practice – Building Construction – NSWFB Vehicle Requirements.

Comment

Two (2) separate garbage rooms are proposed (residential and commercial) at basement level for the entire complex.

All waste is to be collected by a private waste contractor, which will visit the site at designated collection days.

A part time caretaker will be employed by the Body Corporate to ensure garbage is correctly housed, collected and maintained to best practice standards.

All other site service facilities associated with this development will meet best practice standards.

11.5.1 Sustainable Development

Reflectivity

C. Controls

1) *New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.*

2) *Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.*

3) *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.*

Comment

The proposed development has been designed with the intention of meeting fundamental ESD principles and best practice guidelines for environmental management issues.

There is not significant glazing on both the High Street and Union Lane façades to generate any adverse reflectivity associated with this development.

See also Section 4 of this report and the detailed BASIX Certificate prepared for the design.

11.5.2 Maximising Liveability and Longevity

C. Controls

1) *Demonstrate how the passive and active environmental design features of the building design and proposed construction achieves ESD criteria and the 'whole of building' approach. Elements include, but not limited to:*

a) *Adaptability of buildings and floor levels within buildings to accommodate a range of uses over time;*

b) *Occupant comfort and amenity;*

c) *Fulfilling the Ecospecifier's Assessment criteria; and*

d) *Incorporation of safety and crime prevention measures in the design of buildings and public domain as well as the siting of activities in the building.*

A report, prepared by a suitably qualified environmental design expert, may be required with the development application and application for Construction Certificate.

2) *Development proposals may require referral to the NSW Police for crime prevention and safety considerations, in accordance with the community safety protocol.*

Comment

All appliances within the building include the following ESD features:

- use of high thermal mass materials;
- water efficient taps, shower heads, dual flush toilets;
- water recycling features;
- energy efficient lighting and appliances;

A BASIX Certificate accompanies the application for the residential component of the development.

11.5.3 Reduce Resource Consumption

C. Controls

1) *Materials with low embodied energy properties and/or materials that have been salvaged/ recycled are to be selected for the construction and fit out of the development.*

2) *Avoid using high environmental/high impact materials, such as volatile organic compounds (VOC's) and hydrofluoro-carbons (HCFC's) as these materials can become volatile at room temperature contributing to poor indoor air quality and affecting the health of occupants.*

Comment

See control 11.5.2 above.

11.6 Controls for Residential Development

11.6.1 Housing Choice and Mix

C. Controls

1) *Where residential units are proposed at ground level, a report must be provided with the development application demonstrating how future non-residential uses can be accommodated within the ground level design. The report must address:*

a) *access requirements including access for persons with a disability;*

b) *any upgrading works necessary for compliance with the Building Code of Australia; and*

c) *appropriate floor to ceiling heights.*

2) *For smaller developments comprising up to six dwellings demonstrate how the proposal achieves a mix appropriate to the locality.*

3) *For developments containing more than six dwellings, a mix of living styles, sizes and layouts is to be achieved by providing:*

a) *a mix of bed-sitter/studio, one bedroom, two bedroom and three bedroom apartments;*

b) *bed-sitter apartments and one bedroom apartments must not be greater than 25% and not less than 10% of the total mix of apartments within each development; and*

c) *two bedroom apartments are not to be more than 65% of the total mix of apartments within each development.*

4) *10% of all dwellings or a minimum one dwelling, whichever is the greater, must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure visit ability is achieved.*

5) *Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.*

6) *The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified,*

when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).

7) Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard as accessible car spaces.

Comment

All residential apartments in the proposed development are located between Level 1 and Level 4 over Block A and Block B. The proposal provides a choice of apartment types and sizes to cater for a variety of socio-economic groups, which includes 2 x 2 bedroom units that are split over two (2) levels and a number of 2 bedroom units that vary in size and design, including some units with IT rooms. A total of 3 x 2 bedroom adaptable units are provided, each with allocated an accessible car spaces.

The proposal provides the following mix of units:

1 bedroom units = 18
2 bedroom units = 23
Total unit numbers = 41

Block A fronts High Street and provides for 8 x 1 bedroom and 8 x 2 bedroom units – Total 16 apartments.

Block B fronts Union Lane and provides for 10 x 1 bedroom and 15 x 2 bedroom unit – Total 25 apartments.

The 18 x 1 bedroom unit's proposed is more than the 25% (10 units) of the total number of units for the development and therefore is a non-compliance with this control. We would argue that the departure sought is minor in its context and reflects market demands for the Penrith CBD and will have no impact upon other housing choices in the CBD of Penrith.

This is so because of the sites location to an abundance of local services and amenities, including the Westfield Shopping Centre (directly across the road) and the site being within 800m of the Penrith Railway Station and bus interchange.

Clearly the intent of this control is to provide diversity and choice in housing stock and as such in our view the proposal complies with the objectives of this control.

Whilst the proposal does not provide any 3 bedroom units, the residential market has no demand for larger size units in the Penrith CBD. Also, the ADG does not set numeric controls to determine the type of mix that is appropriate for each LGA and given the proposal does provide a mix of apartment types, sizes and designs, the proposal is considered reasonable and is appropriate planning response for the type of units sought after in the Penrith CBD.

A total of 23 x 2 bedrooms is provided, which is below the 65% control within the DCP and therefore complies.

Vehicular ingress/egress for the site is from Union Lane over a 6m wide driveway off Union Lane, which complies with Council's controls. All vehicles entering the site will exit the site in a forward direction.

Section 4.15 (1) (a) (iiia)

Any Planning Agreement That has Been Entered into Under Section 7.4 or any Draft Planning Agreement that a Developer has Offered to Enter Into Under Section 7.4

The applicant has not entered into any agreement or offered to enter into any agreement under Section 7.4 of the Environmental Planning and Assessment Act 1979.

Section 4.15 (1) (a) (iv)

Matters Prescribed by the Regulations

There are no prescribed matters pursuant to the Environmental Planning & Assessment Regulations 2000 that would relate to this application.

Section 4.15 (1) (b)

Likely Impacts of That Development

Safety and Security

The proposed development has been designed in accordance with safety by design principles. The proposal offers a high level of public surveillance over the public domain by designing balconies and primary living areas to overlook both street frontages, in particular, the building entries that are readily visible from the street frontage.

Excellent sight lines are provided and concealed spaces have been avoided. Both foyers for residential tenants are clearly defined on each street frontage to ensure direct access is restricted to residents and their visitors. Commercial entries are separate to residential entries to foyers.

Intercom security door systems have been incorporated into the design. A part time caretaker will be employed by the Body Corporate to ensure the complex is maintained.

Commercial/retail tenants wont be able to access upper level floors via the lift or stairwells. Swipe cards or security coded doors will only be provided to residents. All entries to the development will be subject to security doors or access controls that will be visible on both street frontages through the use of CCTV systems.

Amenity

The proposed development has been designed with particular attention to the amenity of its future occupants, neighbouring properties and the public domain.

The proposed development is responsive to the opportunities and constraints of the site and it's surrounds with regard to topography, neighbouring buildings, noise, impact of street traffic, flooding, stormwater, deep soil, solar access and views. The design of the proposed mixed use development has culminated in generating a unique design which creates a sense of space and connectivity to passive communal open space. This is achieved by the following design initiatives:

- providing suitable separation between existing and future mixed use buildings on either side and rear boundaries;
- short paths of travel between units and lifts/access stairs and enable ease of access and minimises the volume of persons travelling past each room;
- resilient floor finishes to the walkway to minimise footfall noise;
- the access framework throughout the site is efficient and legible;
- generous open floor plans are provided for each unit;

- floor plan layout will afford a good amenity for future tenants and
- safety by design initiatives have been incorporated into the design to enhance the sense of safety and security, which includes the provision of external CCTV system.

The design of the development results in a positive outcome with regard to future residents amenity. In this respect, careful consideration has been undertaken to mitigate potential adverse impacts of the design.

We consider the amenity of future residents in the development to be of high quality and will, given its proximity to the large retail hub across the road and along High Street, public transport, open space, employment areas and educational establishments will be a much desirable development to live in.

Visual Amenity and Impacts Upon Views

Based on an assessment of the surrounding area, it is considered there will be no identified views or view corridors lost or interrupted by the proposed development.

The assessment has investigated the existing visual character and the surrounding context to identify the visual opportunities and constraints.

The visual assessment has concluded that the potential visual impacts of the proposed development are well within acceptable thresholds given the maximum height and FSR controls are not being achieved however the desired future character prescribed by Council's planning controls is.

Urban Design

The proposal will increase housing stock and provide for a range of housing types and choice for future residents wanting to live within a major CBD environment. As can be seen from the elevations, the proposed mixed use development is aesthetically pleasing, incorporating a varied and modulated pattern of articulation and framing with balconies carefully integrated into the overall architectural composition.

The building's front and rear facades present an example of appropriate, modern mixed use architecture and at the same time create a barrier for negative environmental externalities from its surrounds, including any traffic noise generated by motor vehicles from the surrounding streets.

Whilst the proposed development involves an increase in bulk and scale on the site, it is considered that the impact on the public domain will be acceptable as the proposal represents the form and scale of development that Council's strategic planning vision is for this precinct.

Drainage Control

Comment

The application is accompanied by stormwater management plans, which propose to capture, and slowly disperse stormwater from the site during heavy rain. These plans have been prepared in accordance with best practice guidelines. The objective of the overall design is to:

- Reduce the amount of stormwater leaving the site at any one time during heavy rainfall and
- Redirect the flow of existing stormwater within the site to appropriately sited pits.

Soil and Stormwater Water Management

Comment

Prior to any building works being carried out on site, a sedimentation control fence will be erected around any part of the site that is to be disturbed. Such fencing will be erected in accordance with best practice guidelines.

Along the eastern side boundary of the site, provision is made for a drainage easement to direct overland flow of stormwater from Union Lane to High Street. Also along this boundary is the developments OSD basin that will collect and hold stormwater before being slowly dispersed to High Street

Environment Protection

Comment

The site is located within a well-established urban environment with the land generally flat and has no major environmental constraints such as:

- Excessive topography;
- Contamination;
- Proximity to natural watercourses;
- Soil landscapes;
- Threatened plant communities;
- Bushland;
- Fauna habitat;
- Large trees to be removed or
- Bushfire hazards that would impact upon the design of the proposed development.

Whilst the site is subject to flooding, the design redirects overland flood waters from Union Lane to High Street along the eastern side of the site. This design meets best practice standards. See SW plans and flood report accompanying DA.

Safety, Security and Crime Prevention

The proposal has been designed to incorporate principles of Crime Prevention Through Environmental Design (CPTED), with these design measures supplemented by future security management strategies.

The design responds to crime reduction and prevention issues through the use of the four principles for CPTED which are required to be addressed in the assessment of development application pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979. These principles are set out and addressed below:

- Surveillance;
- Access Control;
- Territorial Reinforcement;
- Space Management:

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance. Good surveillance means that people can see what others are doing.

People feel safe in public areas when they can easily see and interact with others. Would be offenders are often deterred from committing crime in areas with high levels of surveillance. From a design perspective, 'deterrence' can be achieved by:

- *clear sightlines between public and private places*
- *effective lighting of public places*
- *landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims.*

Comment

The proposed development encourages casual surveillance by providing an appropriately designed pedestrian entrances off both High Street and Union Lane, promoting passive surveillance and creating an active environment for residents, commercial/shop tenants and their customers.

Balconies and primary living spaces are designed and orientated to overlook either High Street or Union Lane.

Access into the lobbies of Block A and Block B is through a security coded door or swipe card entry. Access to each level will only be available to residents, meaning visitors will not be allowed access into the building without the permission of a resident who is already within the building.

All access ways will be well lit in order to provide residents and users of the site's pedestrian links with a sense of security. CCTV in both lobbies and along the eastern boundary of the site will ensure these areas are continually monitored.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. However, care needs to be taken to ensure that the barriers are not tall or hostile, creating the effect of a compound. Effective access control can be achieved by creating:

- *landscapes and physical locations that channel and group pedestrians into target areas*
- *public spaces which attract, rather than discourage people from gathering*
- *restricted access to internal areas or high risk areas (like car parks or other rarely visited areas). This is often achieved through the use of physical barriers.*

Comment

The use of physical barriers to attract, channel or restrict the movement of people has been incorporated into the design.

Access into Block A and Block B, including the basement car park are to be controlled by security doors and an intercom/CCTV system, limiting access to residents and permitted visitors only. This type of access control minimises opportunities for crime and increase the effort required to commit crime.

The access points for the residential and commercial/retail components are separate to ensure residential safety is paramount.

The proposal incorporates clear sight lines between public and private domains, with external lighting to be provided. The through site link along the eastern boundary of the property is able to be accessed through a secured gated door that is only accessible to residents.

Territorial Reinforcement

Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership also increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it.

Territorial reinforcement can be achieved through:

design that encourages people to gather in public space and to feel some responsibility for its use and condition design with clear transitions and boundaries between public and private space clear design cues on who is to use space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces private spaces, through gates and enclosures.

Comment

Access into Block A and Block B of an evening will be through security doors fronting High Street or Union Lane. No access at any time of the day or night to the upper level residential apartments will be available to non-residents unless the occupant of a unit is already within the either.

Space Management

Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for. Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti.

Comment

The creation of well-kept and attractive spaces will help attract more people, and thus reduce the likelihood of crime occurring.

CCTV will be installed at the point of entry to the Blocks lobby and a swipe card/coded door entry security system introduced to access the building. The camera system will allow residents to see the person at the entry door before allowing any visitor into the building.

The Body Corporate when formed will put in place guidelines to reinforce to residents of their responsibilities to maintain a secure environment.

Conclusion

Crime Prevention Through Environmental Design (CPTED) is a recognized model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED principals within the design, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

The increase in residential population in this neighbourhood can only have positive benefits because it will allow greater passive surveillance of both the public and private domains.

The proposal offers a high level of public surveillance by designing balconies and primary living areas to overlook each street frontage, in particular, each blocks main point of entry.

Social Impacts

The proposal will not give rise to any adverse social impacts. The proposal has been designed with a view to promote housing diversity and affordability.

The proposal seeks to provide a range of unit sizes, including adaptable housing, to cater for the full life cycle of tenants and enabling people to age in place without the need for specialised aged accommodation. The development will also cater for "young professional single persons or couples, as well as older "empty nesters".

The development will therefore meet the demands of a wide demographic and will promote "ageing in place". Long term residents of this area, may wish to down size and retain the benefits of living in a major CBD where up keep of large properties becomes a burden to them.

The proposal will have a positive social impact by increasing the supply of affordable housing stock within the Penrith CBD with the provision of quality apartments of varying sizes and types. The proposal also incorporates commercial/retail tenancies, providing additional local services. Some residents may work within the commercial/retail component of the development.

Economic Impacts

The proposal will not adversely impact on the function or role of Penrith CBD, including the core retail and office precincts. The proposal incorporates commercial/retail components of the development at ground level.

Due to the scale of the proposed commercial/retail tenancies and location within a mixed use area also incorporating residential apartments, it is considered that the proposal will not undermine the role, or impact on the economic viability of existing retail uses in this precinct.

The future residents of the proposed development will be potential patrons and customers for existing nearby shops and business. The proposal will have a positive economic impact by contributing to the long term viability of local businesses.

The proposed commercial/retail tenancies will provide long-term employment opportunities, while short term employment opportunities will be generated during the construction of the development.

Sustainability

The proposed development achieves the benchmarks prescribed under SEPP (BASIX).

The building design has implemented the following sustainability strategies aimed at reducing energy and water consumption as well improving resident's well-being:

- Double glazing of windows and doors along High Street;
- Natural ventilation in corridors;
- Orientation of apartments for maximum solar benefit;
- Enhanced thermal comfort from high performance facades;
- Low-VOC materials and finishes;
- Use water-saving appliances;
- Combined basement with adjacent sites to optimise efficiency;
- LED and other low energy, flicker-free lighting sources and
- Corridor and fire stair lighting on occupancy sensors.

Nuisance During Construction

All building works on site will be carried out in accordance with the State Governments statutory construction hours for building works.

Initial excavation work is to be carried out on site to prepare the proposed car park, which will require excavation machinery on site for a short period of time, much depending on the prevailing weather at the time.

Trucks leaving the site will be checked by a designated worker to ensure soil and other material does not spill onto the public road, however should this occur for some unforeseen reason, the problem will be quickly cleaned from the road surface by a designated worker.

While concrete and material trucks will be servicing the site at various times these will be supervised by an on-site foreman to ensure vehicles are able to unload and depart from the site as quickly and safely as is reasonably possible.

Overall, the amount of nuisance caused by the proposed development would not be unreasonable to cause undue loss of amenity to local businesses or residents.

Council would normally requires a construction management plan to be prepared as part of a conditional approval of this application.

Access

Peter Simpson from PSE Access has reviewed the drawings and advises as follows:

"As documented above all areas of compliance requirements of National Construction Code (NCC)-2016/BCA Part D3, DDA 1992 and accessibility requirements of PENRITH DEVELOPMENT CONTROL PLAN 2014. Part D2 Residential Development, in to regard access for people with disability, have been catered for with this proposed development at 608- 610 High Street Penrith. It is evident from the above that the requirements of Councils DCP have been implemented (and applicable technical detail for Development Application or/and Construction Certificate issuance) in the design of the dedicated "adaptable unit" and its surround built environment.

As detailed above it is proposed that overall not less than 10% of the units are adaptable (compliant with AS4299-1995 Adaptable housing Class B) whereas PENRITH DEVELOPMENT CONTROL PLAN 2014. Part D2 Residential Development Clause 2.21 Accessibility and Adaptability calls for units to be accessible to AS1428.2 or adaptable to AS4299-1995 Adaptable housing.

Provided is 20% of the units with the "Seven Core Design Elements" of Liveable Housing Australia being an objective of SEPP No 65 Apartment Design Guide Part 4 Clause Q4.

This access is in a manner which complies with AS1428.1, AS4299 and NCC/BCA-2016 Part D3. The technical requirements called for in these standards, and related legislations/ DCPs, has been adhered to in addressing the Disability Discrimination Act 1992 legislation in regard to access by, provision of appropriate housing and the rights/aspirations of people with disability".

Comment

Given the above comments the proposal will comply with all relevant standards applicable to this form of development.

Section 4.15 (1) (c)

The Suitability of The Site For The Development

The site is well suited to the proposed mixed use development because:

- it is rectangular in shape, large in site area (2197m²) and has two (2) generously wide street frontages for a major CBD development site;
- it is located at the western edge of the Penrith CBD, providing a visually pleasing building form;
- it is located on a classified road that funnels traffic into and out of the Penrith CBD each day;
- the site has two (2) street frontages with all vehicular ingress/egress achieved from the rear laneway, which promotes safety;
- the proposal responds well to its context and will readily fit within its built environment without impacting upon the amenity of residents and workers of this precinct;
- it is strategically located in close proximity to the Penrith Railway Station and bus interchange that operate 7 days a week, which supports the State Government's aims of intensifying development around public transport routes;
- all utility services will be augmented suitable to accommodate the proposed development;
- no environmental constraints have been identified that would not allow the development as proposed to be approved in this location;
- it will improve safety in the surrounding precinct by increasing the population to promote greater passive surveillance over the public and private domains;
- the site is located within 800m or a 5-8 minute level walk of the Penrith Railway Station and bus interchange;
- the site is directly across the road from Westfield Shopping Centre and other public amenities and services;
- no important views or vistas will be interrupted by the proposed buildings;
- the site is not contaminated or subject to major natural or man made constraints;
- the public domain will be upgraded through the provision of new street trees, kerb and guttering and footpath paving;
- the majority of units in both proposed development will have quality views in a variety of directions and
- the site is located within easy walking distance of local parks and schools and churches.

Section 4.15 (1) (d)

Submissions Made in Accordance With The Act or The Regulations.

To be determined by Council after the application is notified.

Section 4.15 (1) (e)

The Public Interest

It is considered that proposal serves to benefit the public interest through the provision of a mixed use development that will integrate well within a major CBD environment.

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is "*Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development*".

The assessment of this application needs recognition that the provision of new affordable housing stock and commercial/ retail shops is a balanced consideration that serves to benefit the social and economic impacts of the community where it can be readily demonstrated that a sensitive design responds to Council's strategic objectives with a high degree of accessibility and usability with consideration of any environmental impacts arising from its physical form and the resultant public benefit.

The physical appearance of the proposed development will contribute to the streetscape and complement the transitional environment that is strategically envisaged for this precinct. There are no impacts that will arise from the proposed development, therefore, the benefits outweigh any disadvantage and as such the proposed development will have an overall public benefit.

In summary, the public advantages of this development are:

- the ground floor commercial floor space will generate long term employment opportunities;
- create short term employment for builders and sub-contractors;
- Increasing diversity in housing supply and commercial/retail floor space in an area which is free of adverse planning constraints;
- the proposal generates a substantial monetary sum of Section 7.12 Contributions to benefit identified public amenities and services;
- Provide housing within a major CBD environment;
- Provide housing in close proximity to public bus and rail transport;
- Increased population will assist in creating a 24 hour living CBD;
- Provide housing opportunities and commercial floor space directly opposite a major shopping centre for this region as well as cultural entertainment;
- Creating a design outcome that promotes the controls expected by the aims and objectives of the governing LEP and DCP for the Penrith CBD;
- Provide a high quality built form outcome which will set a standard for future urban renewal of this area.

The assessment of this application needs to give balanced consideration to the social and economic benefits that this proposal will have in terms of redeveloping a large parcel of land in a major CBD environment that has a high degree of accessibility and usability with consideration of any environmental impacts arising from the buildings physical form and the resultant public benefit it will have.

The physical appearance of the built form will contribute to the streetscape and complement the transitional environment that is strategically envisaged for this precinct without having any impacts upon the surrounding built environment.

Therefore the benefits outweigh any disadvantage and as such the proposed development will have an overall public benefit.

6.0 Conclusion

The proposed mixed use development is permissible under the sites B4 Mixed Use zone with consent of Council.

The proposal satisfies the objectives of all relevant environmental planning instruments and planning controls within the Penrith DCP 2014.

The development will provide a diverse range of housing opportunities within the Penrith LGA that is also in walking distance to high frequency public transport, community facilities, large shopping hub and employment opportunities.

The proposal will deliver a contemporary architectural design which will reinvigorate the streetscape and surrounding area and will make a positive contribution to the Penrith CBD.

An assessment of the potential environmental impacts of the development concludes that the proposal will not give rise to any unacceptable impacts in terms of amenity, traffic and parking, noise or other environmental impacts.

In summary the proposal is considered to:

- provide a built form which strengthens the neighbourhood's sense of identity, and visual appearance. This includes maintaining an appropriate scale to both High Street and Union Lane street frontages of the site without generating any adverse amenity impacts on surrounding properties;
- provide a development that is in keeping with planning controls governing the site;
- provide an increase in housing density and choice to meet a strong demand for residential apartments in the Penrith CBD;
- provide high quality residential apartments which will afford a high level of amenity to future occupants;
- allow a good opportunity to redevelop a unique site, which will assist in achieving the desired regional objectives by contributing towards additional housing and
- have no adverse environmental impacts on adjoining properties and is an innovative and appropriate response to the desired future character of the locality.

The proposed development is subject to a number of statutory planning instruments and policy controls of which the proposal has been assessed against, enabling a conclusion that the proposal complies with the controls that are applicable to this form of development.

Other plans and reports comprising the project application address key aspects of the development and its implications for the existing and desired future character, such as urban design, flooding, BASIX, Traffic, acoustics, geo-technical, stormwater management and landscaping.

Collectively, these reports and the assessment of other issues in this report confirm the proposed development will have no unreasonable impacts upon the built and natural environment in which the proposed mixed use development is to be sited.

In view of the comments contained within this report, we are satisfied that this proposal has properly responded to all relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the accompanying Regulation, and that the proposal will comfortably fit within its urban context and a conditional consent from Council should be granted.

APPENDIX 1

**FURTHER URBAN DESIGN REVIEW PANEL ADVICE
(3rd Panel Meeting)**

Date of Meeting: 18 December 2019

Reference: UDRP17/0021.03

Proposal: Amended Plans for a Proposed Mixed-Use Development & Basement Car Parking

Address: 608-612 High Street PENRITH NSW 2750

Panel Comments

The proposal was considered having regard to SEPP 65 – Design Quality of Residential Flat Buildings, the Apartment Design Guide, Penrith LEP 2010 and Penrith DCP 2014 and the comments below are provided for address in the progression of the development proposal.

The matters raised within previous Urban Design Review Panel Notes dated 30 August 2019 are to be considered in conjunction with the comments outlined within these notes. While the previous advice relates to an earlier scheme, the majority of commentary is still relevant as the concept plans subject of these notes are further progressed.

- The amended scheme provides a significantly improved development outcome for the site which has considered and positively responded to the local context and character of the area including neighbouring development capability, pedestrian movements, street activation and floor plate arrangement. Matters below provide recommendations to build on these positive attributes further.
- Previous advice requested the driveway to be located towards the eastern end of the development or within the centre of the development. While the proposal relocates the driveway to the centre of the development, the descending ramp and waste collection arrangement is concerning. Council's waste collection vehicle will not reverse across the aisle as this is point of conflict. Ideally the driveway should be relocated to the eastern end of the development as previously suggested or a detailed traffic management mechanism must be proposed that ensures that basement access is not available for the duration of waste vehicle manoeuvring.
- The ramp must allow for two-way movements and while the basement plan suggests a two way ramp, the ground floor appears significantly narrower. With no dimensions on the plans it cannot be verified however a two-way ramp is required and amendments to the ground floor will be required to ensure this is depicted.
- The basement does not provide sufficient storage areas as required by the Apartment Design Guide. Clause 4G of the ADG requires a mix of storage opportunities to cater for bulky items (such as bicycles and the like). Opportunities for basement storage in addition to apartment storage should be further refined.
- The plans suggest stacked commercial parking however only staged residential parking is generally permitted by Council's DCP. Progression of detailed design plans

for the basement parking arrangement should ensure that commercial parking (employees and visitors) is accessible without a stacked arrangement. This aspect will need to be further discussed at a future Pre-lodgement Meeting when the concept plans are further developed.

- Opportunities to remove the staircase from the lobby areas would provide a greater lobby space for circulation and congregation. It is however appreciated that an alternate fire safety solution may be required. The void above the lobby is supported and provides a greater sense of arrival, and amenity for this space. The location of the lobby door fronting Union Lane should be relocated or separated from the driveway so as to avoid potential conflicts for pedestrians and vehicles. This could be achieved through the design layout of the lobby or landscaping works.
- Two ground floor plan schemes were presented however the Panel is more favourable of the split tenancy arrangement as this provides for direct access and activation of the adjacent proposed shared laneway. Activation of this laneway is critical, and a single tenancy runs the risk of turning its back to this space. The plans should provide for a split tenancy arrangement or detail how laneway activation and presentation is still maintained where a single larger tenancy occupies the ground floor.
- Access from the tenancies on the ground floor to basement services will need to be further considered and refined through progression of detailed design plans.
- The Level 1, south western corner apartment suggests bedrooms presenting to a single large south facing balcony. The use or intention of this space is to be confirmed. Opportunities exist for a roof garden. If this is to be a trafficable balcony area, then raised planters (potential pergola structure) should still provide for a roof garden outcome as viewed from Union Lane. This could also feature as a corner marker for the development.
- Level entry from the public domain into the development is noted and supported. Any necessity for ramps and the like should be internalised (as suggested on the plans) to ensure a level transition is available for pedestrians.
- As previously raised, the design of the communal open space should include a number of varied offerings in terms of congregation spaces. The design should reflect a series of outdoor rooms as framed by planters, seating, pathways and the like. Given level 1 balconies front this space, the relationship of private open space vs communal open space will also need to be considered in the design having regard to fencing treatment and landscaping separation. The tabled concept landscape plans are yet to provide this design outcome, noting that further refinement is still intended and can be addressed as the proposal progresses to a development application.
- The architectural form indicated in the concept plans is supported by the Panel. While it is noted that further elevation drawings were tabled that depicted further simplification of the form, opportunities to maintain the copper finishes between the expressed façade (as visual break to the pre cast form) is encouraged.
- The use and function of the 'shared area' within the eastern setback will need to be refined and detailed as the proposal progresses. It was suggested that this will be a breakout space for the ground floor tenancies however the concept landscape plans suggest planting up to the glass line. The same comments regarding the design of communal open space applies to the ground floor shared area.

- An analysis of solar access and cross ventilation is required that demonstrates compliance with the applicable ADG provisions. The adjacent development (west) is likely to be lodged early in the new year and it is recommended that the plans be considered during the notification and exhibition phase to calculate implications of overshadowing for this proposal. This includes implications of overshadowing to the communal open space areas as a consequence of this adjacent development coupled with the shadow cast of the proposed scheme.

It is recommended that the concept design plans be further development having regard to the comments above and requirements that stem from a further Pre-lodgement meeting with Council officers.

The key considerations to be discussed at the Pre-lodgement Meeting are waste collection arrangements and traffic management measures within the basement, car parking design and arrangement of parking and aisles and stormwater drainage and flooding considerations (as these will impact on potential finished floor levels).

Registration Submission Requirements

Please note that all architectural drawings and accompanying design verification statements are to be prepared by a suitably qualified registered architect with associated registration details recorded on the documents submitted as part of any development application pursued.

APPENDIX 2



Our Ref: PL17/0126.01
Contact: Sandra Fagan
Telephone: (02) 4732 7992

13 May 2020

Arvi Rannaste
Building Environments Pty Ltd
PO Box 34
EMU PLAINS NSW 2750

Dear Arvi,

**Pre-Lodgement Advice for Proposed Development
Mixed Use Development Including Two Buildings for Retail and
Commercial Uses with Residential Apartments Above and Basement
Parking
Lot C DP 153855, Lot D DP 153855, and Lot 2 DP 525160,
608-612 High Street, Penrith**

Thank you for seeking further pre-application advice for the above proposed development. It is useful for Council staff to gain an understanding of your proposal and be able to raise any issues that you can consider prior to lodging an application.

Information given by the pre-lodgement panel does not constitute a formal assessment of your proposal and at no time should comments of the officers be taken as a guarantee of approval of your proposal.

If staff can help you any further regarding the attached advice, please feel free to contact me on 4732 7992.

Yours sincerely

Sandra Fagan
Senior Planner

PRE-LODGE MENT ADVICE

Proposal Mixed Use Development Including Two Buildings for Retail/Commerical Uses, with Residential Apartments above and Basement Parking

Address 608-612 High Street, PENRITH

Advice from Penrith City Council Staff

Sandra Fagan – Senior Planner
Craig Squires – Building Certification and Fire Safety Coordinator
Stephen Masters – Senior Development Engineer
Daniel Davidson – Senior Traffic Engineer
Teresa Dalton – Environmental Health Officer
Joshua Romeo – Senior Waste Planning Officer

The pre-lodgement panel will endeavour to provide information which will enable you to identify issues that must be addressed in any application. The onus remains on the applicant to ensure that all relevant controls and issues are considered prior to the submission of an application.

RELEVANT EPIS POLICIES AND GUIDELINES

- Environmental Planning and Assessment Regulation, 2000, with particular reference to Clause 92, and the NSW Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No. 2 - 1997)
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide (ADG)
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index (BASIX) 2004
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

KEY ISSUES AND OUTCOMES

The proposal is to address the following issues:

PLANNING:

You would be aware that Council staff have previously provided advice about the proposed development. This has occurred at pre-application, Development Application, and Urban Design Review Panel level. Therefore, this pre-application advice will not reiterate comments previously made, nor carry out a full assessment of ADG compliance.

Therefore, it is important that you continue to consider the advice previously given and that the advice contained in this letter is read in conjunction with previous correspondence.

In this regard, I am aware of advice being issued to you by Council staff at the following times:

Pre-Application: Reference Number PL17/0126 with advice issued on 29 December 2017.

Development Application: Reference Number DA18/0783, with relevant design advice issued by letter dated 12 October 2018.

Urban Design Review Panel: Reference Number UDRP17/0021 with advice issued on 5 September 2017; UDRP17/0021.01 with advice issued on 28 November 2018; UDRP17/0021.02 with advice issued on 30 August 2019; and UDRP17/0021.03, meeting held on 18 December 2019 with advice issued on 24 December 2019. It appears that the architectural drawings submitted with this most recent UDRP meeting are the same as the drawing set lodged with this current pre-application request for advice.

In addition, Council's Development Assessment Coordinator, Gavin Cherry, forwarded advice by email dated 10 March 2020 relating to landscape design. It appears that more refinement is needed to the landscaped spaces surrounding the built forms to address the specific matters raised in the most recent UDRP advice and the email of 10 March.

Subsequently, I can offer the following planning advice based on my own review of the proposed development:

- The external form and scale of the two buildings and their architectural expression and language has vastly improved since the previous DA;
- It is positive to see that many apartments exceed the minimum size criteria required by the ADG;
- It is positive to see that cross ventilation requirements appear to be met, although a more detailed assessment will occur when the DA is lodged. Please review whether Unit 22 is in fact cross ventilated given that your table states that it is, but the layout and position of the unit does not allow for air flow from different directions. Your use of roof vents for 4 units on the top floor and for some two storey units is acceptable to achieve cross ventilation

compliance. You should include details of how the roof vents work, including a roof plan and detailed sections. Please ensure that the roof vents are orientated to achieve cross flow of air (that is, facing a different direction to the units' window intake/discharge);

- It is positive to see that solar access compliance appears to be met, although a more detailed assessment will occur at DA stage. For Units 40 and 41 that will use roof vents to access sunlight, please show on the floor plan and roof plan where the vent will be located and how it will work;
- The issues raised below relating to Council's waste truck should be resolved before lodging a DA. This specifically relates to the proposed reverse manoeuvre of the truck. If this issue is not resolved prior to lodgement, it is likely to lead to delays in the DA assessment and the need to make further amendments to the basement layout, which may have knock-on effects for other floors;
- You will need to consider whether the proposed basement excavation will result in the need for dewatering. If dewatering is likely, the application should be lodged as Integrated Development and General Terms of Approval (from Water NSW) applied for concurrently with the DA;
- Any windows on the east (side) elevation that sit within the 6m setback need to be secondary, high level windows, given they don't comply with the setback requirements;
- The upper floor of Unit 21 (on Level 2) has been notated as Unit 22 (this appears to be a typographical error);
- All mechanical plant should be shown on the drawings. Residential plant should be contained in one area on the roof, should be suitably screened and sit within the permissible height control. You should also submit an acoustic report and engineer's advice to confirm whether the amount of plant shown is suitable to meet the demands of the building. Given the site's location within the Penrith CBD and on High Street, and the requirements for design excellence, mechanical plant should be included now with the DA and should be integrated into the architectural design;
- Tenancy Option 2 is preferred as this allows smaller, more fine grain tenancies facing the side laneway, and if designed well, can contribute to activity and interest; and
- For the most part it appears that the western edge of the development is built to the boundary. For the upper residential levels, you will therefore need to be careful about where you place windows in terms of BCA compliance (fire source). In planning terms, it is assumed you will not have operable windows within 6m of the western boundary, and that where dining rooms have been shown with side windows, these are designed to be high level or fixed shut for privacy and separation. For the ground floor retail/commercial tenancies which are built to the western boundary, it is unclear what arrangement has been made to share the proposed adjoining laneway. While I am aware that a DA for the adjoining site has been lodged, I am not the assessing officer for that application and am therefore not aware of the design details relating to the laneway as you show in your drawings.

In addition, it appears from the advice provided below from Council's Engineering and Waste Management Units, that further amendments will be required to address

flood prone land, drainage and waste collection requirements. Any draft amendments should continue to consider urban design advice already provided to you. In this regard, you are to ensure that either Council's Principal Planner or Senior Planner have input into any amendments which seek to resolve engineering or waste issues to ensure that design excellence in streetscape and urban design continue to be met.

Please ensure your DA package continues to provide the required architectural details as listed in the Regulations, some of which I can see are included in this pre-DA package:

- Detailed cross sections of the street elevations at a 1 in 50 scale;
- Physical material samples board (please consider the weight of the sample board);
- Floor plans showing coloured or hatched the areas included in the calculation of GFA, and excluding those areas permitted by the definition;
- Design Verification Statement by the identified Registered Architect, including a specific statement demonstrating how design excellence has been achieved. This should also include commentary about the landscaped areas;
- The units included in the calculation of cross ventilated units should be shown in both floor plan (such as identifying with an arrowed line the units and the direction of the cross flow) and in table format;
- Sun-eye diagrams (as submitted with the pre-DA package) showing compliance with the ADG solar access controls, including in a table format and showing in floor plans the units that achieve full solar compliance. For those units that do not achieve full compliance with solar access, it is useful to state how many hours/minutes they do receive sunlight (as you show in your table);
- Confirmation of finished floor to ceiling heights, and floor to floor heights. Any floor to floor height less than 3.1m needs to be further justified in terms of construction requirements (ceiling services, etc) to ensure that residential floors can achieve the minimum floor to ceiling height of 2.7m;
- Your Statement of Environmental Effects and any supporting documentation should particularly consider Part 8 of the Penrith LEP that relates to the City Centre Controls, Clause 7.8 relating to active street frontages, Clause 7.2 relating to flood planning, Clause 8.4 relating to Design Excellence, and Chapter E11 of the Penrith DCP.

ENVIRONMENTAL MANAGEMENT:

Noise Impacts

An acoustic assessment is required to demonstrate that the proposed development will not have any impact on nearby sensitive receivers. This report is to be prepared by a suitably qualified acoustic consultant and is to consider:

- The 'NSW Noise Policy for Industry' (October 2017) in terms of assessing the noise impacts associated with the development, including noise from the indoor and outdoor communal spaces on surrounding properties (including their

outdoor spaces) and residents of the proposed development, garbage removal, service deliveries for the commercial tenancies, the car parking, as well as any mechanical plant associated with the development (including air conditioning for individual units and any mechanical ventilation);

- The AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors in terms of ensuring that internal noise levels can be achieved; and
- The Interim Construction Noise Guideline in assessing the impacts associated with the construction phase of the development.

Should mitigation measures be necessary, recommendations should be included to this effect. Recommendations and mitigation measures must be shown on all architectural and landscape plans.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
The application is to address all relevant requirements under State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), specifically Clause 7.

These reports are to accompany any development application, which is to also seek the remedial work as part of the approval process. Any reports need to be completed by an appropriately qualified person(s) or company and be prepared in accordance with relevant NSW EPA guidelines and NEPM 2013.

An appropriately qualified person(s) is defined as “a person who, in the opinion of the 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(s) or company will be required to have appropriate professional indemnity and public liability insurance.

Food Handling and Storage

General fit-out plans are required for the commercial sections if they are proposed food premises of the proposed development. Food premises must provide fit out plans referring to AS 4674 and Food Safety Standard 3.2.3 and provide general details of construction of walls, floor, ceiling, and indicative layout of equipment, fridges, cool room, freezer, storeroom, preparation areas, sinks and wash hand basins. This is to particularly include any proposed external mechanical exhaust systems, which are to be integrated into the design of the building.

Waste Management

A Waste Management Plan is to accompany any future development application and is to address waste produced during the construction, and during the operational phases of the development. The Plan is to address waste quantities, storage locations, and waste collection. Vehicular access for collection is to be detailed, and if necessary, waste collection vehicle swept paths are to be provided.

Water Quality

Any areas provided for waste/bin storage and washing are to be connected to sewer with provision of hot and cold water as well as drained to a floor waste.

General Environmental Health Impacts

The environmental impacts associated with the operational phases of the development will also need to be addressed, such as water quality, noise, dust, air quality and sediment and erosion control. This can be included in the Statement of Environmental Effects.

ENGINEERING:

General

- Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website at the following link:
<https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Engineering-requirements-for-developments/>
- All engineering works must be designed and constructed in accordance with Council's *Design Guidelines for Engineering Works for Subdivisions and Developments* and Council's *Engineering Construction Specification for Civil Works*.

Stormwater

- Stormwater drainage for the site must be in accordance with the following:
 - The Penrith Development Control Plan,
 - *Stormwater Drainage Specification for Building Developments* policy, and
 - *Water Sensitive Urban Design Policy and Technical Guidelines*.
- A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application.
- The location of all existing Council drainage infrastructure in Union Lane and surrounds is to be shown on plans including pit and pipe invert levels, pipe diameters, pipe locations and pipe discharge points.
- The application shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development. This may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity.
- On-site Stormwater Detention (OSD) is required to be provided for the site. The Site Storage Rate (SSR) is 280cbm/Ha with a Permissible Site Discharge (PSD) of 120L/s/Ha.
- The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards.
- A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance.
- MUSIC modelling is to be submitted (*.sqz file) demonstrating that the development complies with Council's *Water Sensitive Urban Design Policy and Technical Guidelines*.
- The basement pump out system shall be designed to AS 3500.

Mainstream Flooding

- The site is affected by mainstream flooding from the Nepean River in a Probable Maximum Flood (PMF) event.
- The application shall address the evacuation requirements as per the NSW Department of Planning Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre.

Local Overland Flows

- The site is affected by local overland flow flooding.
- Information currently held by Council indicates that the 1% AEP water surface level affecting the site is estimated to be 27.1 m AHD.
- The Penrith CBD Catchment Overland Flow Flood Study is available from Council for a nominal fee. Please contact Council's Engineering Services Department for further information. Catchment maps / contour maps are also available from Council's Mapping Section for a nominal fee.
- The site occupies an area that currently ponds overland flows in a 1% AEP local storm event. It is noted that a piped system is proposed to cater for the ponding in Union Lane that will pipe flows in excess of the existing drainage system through to High Street. To support this proposal Council will require submission of a local overland flow study undertaken by a suitably qualified person that shall address:
 - an assessment of the capacity of the existing drainage system in Union Lane through to Union Road;
 - the post development impacts upon the loss of flood storage from the development site occupying the ponding of water;
 - that the development shall not have an adverse impact upon adjoining developments or Council's road networks by raising existing top water levels;
 - appropriate blockage factors have been applied for the proposed overflow system through to High Street;
 - the overflow system shall cater for the 1%AEP local flood event;
 - a capacity analysis of the existing drainage systems in High Street to determine capability to cater flows from an external catchment via the overflow system;
 - finished surface levels, top water levels and extents of any overland flow paths through or adjoining the site in the event of a system failure.
- All plans for the site shall have levels and details to AHD.
- The application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's Local Environmental Plan and Development Control Plan for Flood Liable Lands.
- All habitable floor levels shall be a minimum RL 27.6 m AHD (1% AEP water surface level + 0.5m freeboard).
- The access ramp to the underground basement shall be the greater of 300mm above the top of kerb level or 300mm above the 1% AEP water surface level.

Traffic

- The application may be referred to Transport for NSW (formerly Roads and Maritime Services).
- The application shall be supported by a traffic report prepared by a suitably qualified person addressing, but not limited to, traffic generation, access, car parking, and manoeuvring.
- The application must demonstrate that access, car parking, and manoeuvring details comply with AS 2890, Parts 1, 2 and 6 and Council's Development Control Plan.
- Basement columns shall be located in accordance with the design envelope as per Figure 5.2 of AS 2890.1. Particular attention is to be given to car spaces C3/C4 and C5/C6.
- A long section of the driveway is to be provided from the kerb and gutter in Union Lane through to the basement level demonstrating compliance with AS 2890.1
- The proposed development shall be designed to be serviced by a Medium Rigid Vehicle.
- The application shall be supported by turning paths in accordance with AS 2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road.

Roadworks

- The development will require the removal of redundant laybacks and replacement with upright kerb and gutter in Union Lane and High Street.

Earthworks

- No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.
- Earthworks and retaining walls must comply with Council's Development Control Plan.
- Proposed fill material must comply with Council's Development Control Plan.
- The application is to be supported by a geotechnical report prepared by a suitably qualified person for the basement car parking areas and should include, but not be limited to, ground water movement, salinity, contamination, impact upon adjoining developments during construction, impact upon Council's adjoining assets and public utility assets during construction.



3134922
Date: 13/05/2020

*Photo showing existing kerb inlet pits in Union Lane. Location of inlet and outlet pipes unknown. Survey required to locate all pipelines servicing pits.
(Source Nearmap Streetview).*

TRAFFIC:

Although some of the advice from the Traffic Unit below duplicates Engineering advice, it has been included for completeness as follows:

- The application is to be accompanied by a Traffic and Car Parking Assessment report that addresses (but is not limited to):
 - Demonstrating calculation (in accordance with Council's DCP) and allocation of proposed car parking provision;
 - Demonstrated compliance with AS 2890.1, regarding car parking and layout, with dimensions to be shown on all plans;
 - Manoeuvring within the internal car park (including swept paths to spaces 9 and 10).
- The Traffic and Parking Assessment Report must address traffic generation and nearby intersection analysis considering growth from this and adjacent developments.
- The waste collection operation is not clear on the preliminary plans provided, but it is noted that the Waste Truck Management Plan provided to Council refers to reversing manoeuvres into a waste collection bay, which is also not apparent on the plan. In each case the appendices including swept paths do not appear to be attached as intended. Therefore, the application must address:
 - Service/waste vehicle access (including waste vehicle and deliveries);
 - Demonstrating proposed waste vehicle operations internally and/or in Union Lane (access and manoeuvring including swept paths on plans);
 - Note that the reversing of garbage trucks to/from the public road will not be supported, nor in any area or car park where a pedestrian may be present.

BUILDING:

- Access to and within the building will need to comply with Part D3 of the BCA and AS 1428.1-2009.
- If possible, relocate accessible car parking spaces to be close to the lift and ensure accessible spaces are compliant with AS 2890.6.
- Ensure that each of the tenancies on the ground floor have access to an accessible toilet.
- Facilities to the ground floor are to be provide in accordance with Section F of the Building Code of Australia.
- Egress from the fire isolated stair is to the foyer for both buildings. Ensure these exits discharge externally to the building, if a Performance Solution is intended provide details with the application if available.
- Ensure construction and essential services provided comply with the provisions of Volume 1 of the Building Code of Australia with attention paid to the fire resisting construction used and setbacks proposed.

- Ensure that any non-combustible cladding must be used complying with the relevant provisions of the BCA. Note that it is anticipated that sprinkler protection will be required for this type of building in the 2019 Building Code of Australia.
- It is anticipated that sprinkler protection will be required for this type of building in the 2019 Building Code of Australia.
- Provide details of the location of the hydrant and sprinkler booster with DA application.

WASTE:

The waste collection infrastructure and collection proposal is not permitted in its current configuration.

Waste Concept Designs

To facilitate the development of an integrated on-site waste collection solution for the proposed development, Waste Services is happy to review concept design configurations. This process will allow various configurations/solutions to be explored prior to formalising and submitting amended architectural plans to Council. Council's Senior Waste Officer's direct contact details are 4732 7634 or joshua.romeo@penrith.city

Waste On-Site Loading Bay

Residential Flat Building developments as outlined in the C5 Waste Management DCP 2014, Section 5.2.2.4;

Subsection 5: On-site collection is required to service the development. Adequate and safe access must be provided for Council's Standard Waste Collection Vehicles and waste collection staff

Note: The submitted Waste Management Plan proposes an 8.8m Medium Rigid Waste Collection Vehicle, amended plans to be developed to accommodate Council HR standard waste collection vehicles. Vehicle specifications outlined in section 2.3 of the 'residential flat building waste management guideline' document.

Design for Collection Vehicles

The development will need to accommodate Council's current waste collection vehicles to permit on-site waste collection within the development in accordance with section 2.2 of the 'Residential flat building waste management guideline' document.

On-Site Waste Collection (section 2.2.1)

Council's standard waste collection vehicle must be able to safely and efficiently access the site and nominated collection point in accordance with section 5.3.4.1, subsection 3 of the C5 Waste Management DCP.

Note: The current configuration proposes a reverse manoeuvre at the base of the ramp obstructing a highly trafficked area. This configuration will inhibit the provision of a safe and efficient waste collection service from being provided.

The WMP submitted by Motion Traffic Engineers outlines:

'waste trucks entering the basement are/will be asked to beep their horn to indicate to drivers on the basement the presence of a waste truck'

This proposal (beeping of horn) as a traffic calming technology is not permitted to support a reverse manoeuvre within an active carriage.

Swept Path Models (section 2.2.3)

Swept path models are to be provided illustrating how Council's standard waste collection vehicle will enter, service and exit the site. A 0.5m unobstructed clearance is required from all obstructions for the vehicle's ingress and egress manoeuvres. The model is to provide on-street parking on both sides of the road adjacent to the development to demonstrate unobstructed access during a 'business as usual' configuration.

Service Clearances (section 2.2.4)

For rear-load vehicles an additional 2m unobstructed loading zone is required behind the vehicle for the loading of 660L and 1,100L bins. Additionally, a 0.5m side clearance is required on either side of the vehicle for driver movements and accessibility.

Waste Collection Loading Areas (section 2.2.6)

All on-site loading bays are to be integrated wholly within the building's built form and enclosed. The bays are to be accessed via a restricted opening (roller door or sliding retractable door). The room is to provide adequate light, ventilation and acoustic attenuation treatments in accordance with the Building Code of Australia.

Council's waste collection vehicles are required to enter and exit the designated loading bay in a forward direction. Reverse manoeuvres proposed within an active carriageway are not permitted. Alternative vehicle manoeuvres will be reviewed in accordance with section 2.5.

Multi-Use On-Site Loading Areas (section 2.2.8)

The integrated on-site loading bay is to be designed to facilitate use by removalist and other service vehicles when not utilised by Council's standard waste collection vehicles. The loading bay is required to be located within close proximity to the elevator core to facilitate unobstructed access. The access corridor must be a minimum 1.8m wide with a maximum gradient of 1:24.

Commercial On-Site Waste Collection Infrastructure

Integrated on-site waste collection infrastructure to be provided in accordance with the *'Industrial, commercial and mixed-use waste management guideline'* document:

- On-site waste collection to be provided to support truck movements in accordance with section 2.2
- Alternative solutions for site restricted development may be proposed in accordance with section 2.3

- Bin infrastructure proposed to service the respective development to be proposed in accordance with section 3.1
- Waste generation rates for respective waste streams to service the development to be provided in accordance with section 3.3
- Integrated on-site waste collection infrastructure to be provided wholly within the development build form in accordance with section 3.4
- Waste collection vehicles proposed to service the development to be provided in accordance with section 3.5

Bin Assignment to the Dwelling

The waste generation rates for the residential dwellings to be provided in accordance with section 3.4 of the '*Residential flat building waste management guideline*' document.

Abloy Key

All on-site waste collection infrastructure (Chute Room, Waste Collection Room, Bulky Household Goods Bay and Loading Bay Infrastructure) to be locked through Councils Abloy Key System. The lock system number is 5OL092.

Waste Chute System

The waste chute rooms located in basement 1 will need to incorporate infrastructure in accordance with section 3.5.1 of the '*Residential flat building waste management guideline*' document.

Waste Collection Room

The waste collection room will need to incorporate infrastructure in accordance with section 3.5.2 of the '*Residential flat building waste management guideline*' document.

Bulky Goods Collection Room

The bulky goods collection room will need to incorporate infrastructure in accordance with section 3.5.3 of the '*Residential flat building waste management guideline*' document.

Bin Transportation

To support the movement of bins within a development a bin tug device is required to be provided and stored within the development. Tug devices are categorised as Electric Ride On Tug Device and Electric Portable Bin Tug Devices. Device Specifications are outlined in section 3.6.1 and 3.6.2 respectively of the '*Residential flat building waste management guideline*' document.

Waste Infrastructure Guidelines

For further specific waste operational and infrastructure information please see '*Residential flat building waste management guideline*' located at the following link: <https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Forms/>

Documentation to be submitted with Development Application

- | | |
|------------------|---------------------------|
| • Survey Drawing | • Site Plan |
| • Floor Plans | • Stormwater Concept Plan |

- Statement of Environmental Effects
- Elevation and Section Plans
- Traffic and Parking Assessment Report
- Schedule of External Materials and Finishes
- Signage Details (if proposed)
- Acoustic Report / Statement
- Waste Management Plan
- WSUD Strategy Landscape Plan
- Contamination Assessment (in SEE)
- Access Statement
- Operational Plan of Management
- 3D electronic model in Autodesk FBX format

A Development Application can be lodged through the NSW Planning Portal following the link below:

<https://www.planningportal.nsw.gov.au/major-projects/services/lodge-application>

Alternatively, 1 x hard copy and 1 x PDF digital copy to be lodged to Council (additional copies required if integrated development). Please refer to Council's submission requirement located on the website:

<https://www.penrithcity.nsw.gov.au/building-development/development/application-process>

Please refer to Council's Development Application checklist, as attached, for further details of submission requirements and ensure that plans submitted illustrate consistent detail.

Please ensure you contact Council's duty officer on 4732 7991 to make an appointment for lodgement of this application.

Electronic Model Requirements

A copy of a 3D electronic model in Autodesk FBX format is required to be submitted in support of any development application for a residential flat building development or mixed use development.

Please contact Council for assistance regarding alternate file format options if this is required.

Sydney Water Services

For all development proposals within Mulgoa, Wallacia and Londonderry, it is recommended that Sydney Water is contacted to ascertain servicing availability. Please contact Sydney Water's Growth Planning and Development Team on 8849 4649 or email urbangrowth@sydneywater.com.au for this information.

Key Land Based Considerations

Bushfire Prone Land will likely require lodgement of a Bushfire Assessment Report.

Flood Affected Land will require floor levels to Australian Height Datum (AHD).

Impacts to native vegetation (including grassland) will require an assessment under the NSW Biodiversity Offset Scheme and may require a Biodiversity Assessment Report or a Test of Significance.

Fees

Please call the Development Services Department Administrative Support on (02) 4732 7991 to enquire about fees and charges.