

Statement of Environmental Effects
Alterations and Additions to the Existing
Heritage Item to provide temporary COVID
compliant Gaming Room
Australian Arms Hotel
351 & 359 High Street,
Penrith

November 2020

Mersonn Pty Ltd
20 Wylde Street
Potts Point NSW 2011

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1.0 Introduction

This report has been prepared on behalf of Australian Arms Hotel Pty Ltd by Mersonn Pty Ltd and is submitted to the Penrith City Council in support of a development application for alterations and additions to the Heritage Item known as the Australian Arms Hotel to provide a COVID compliant Gaming Room at 351 & 359 High Street, Penrith (Lot 9 DP 28199 and Lot 2 DP 513015).

The Australian Arms Hotel currently has a gaming room located within the ground floor of the heritage listed building which doesn't comply with areas or separation to comply with the COVID provisions.

It is proposed to alter the existing brick store at the rear of the building (adjoining Lawson Lane) within an area which is currently open space adjoining the beer garden to meet the COVID provisions.

The proposed alterations and additions are temporary to provide a compliant facility while the current development application for a new hotel is being assessed and will in time be demolished when the new hotel is constructed on the site.

The site accommodates a number of buildings and structures of various ages and styles which are used for hotel related purposes. On site parking is available in an existing at grade parking area on the northern portion of the site which also provides some limited servicing from Lawson Lane. The buildings on the south-west of the site comprise a local heritage item which is the Australian Arms Hotel while the north-western corner of the site accommodates a covered beer garden and open area.

This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this document is to describe the existing improvements on the site, detail the proposed development, review the applicable planning regime relating to the proposal, assess the degree of

compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

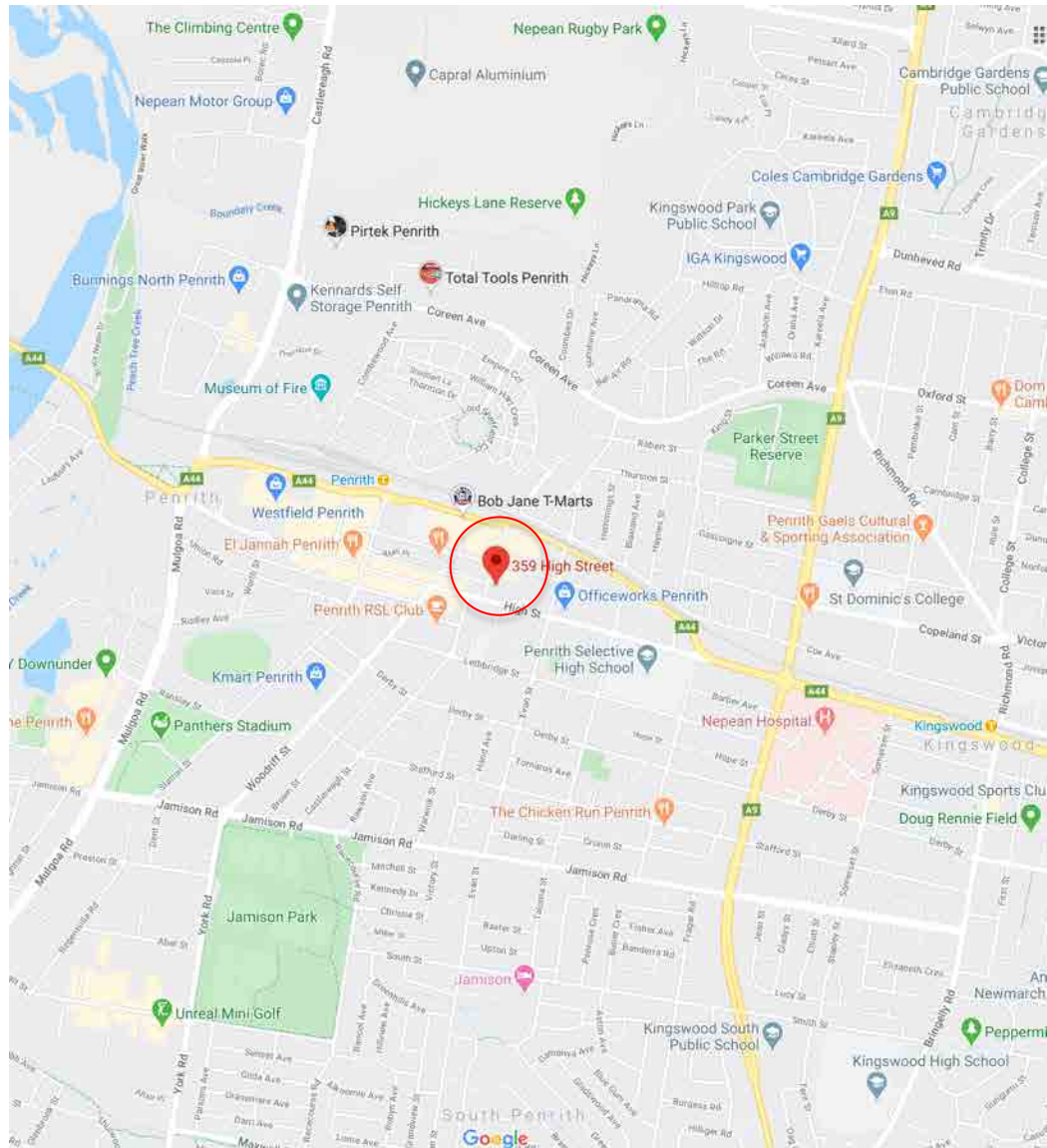
This report should be read in conjunction with:

- Architectural plans prepared by NRA Collaborative Architects;
- Survey Plan prepared by Matthew Freeburn Surveyors;
- Heritage Impact Statement prepared by Mark Bullen Architects;




Source: RPData 2020

2.0 The Site and Context



Site location Source: GoogleMaps 2020

 The site

The address of the property is 351 and 359 High Street, Penrith.

The site comprises three titles and is identified as:

- Lot 9 DP 28199; and
- Lot 2 DP 513015;



Site context

Source RPData 2020

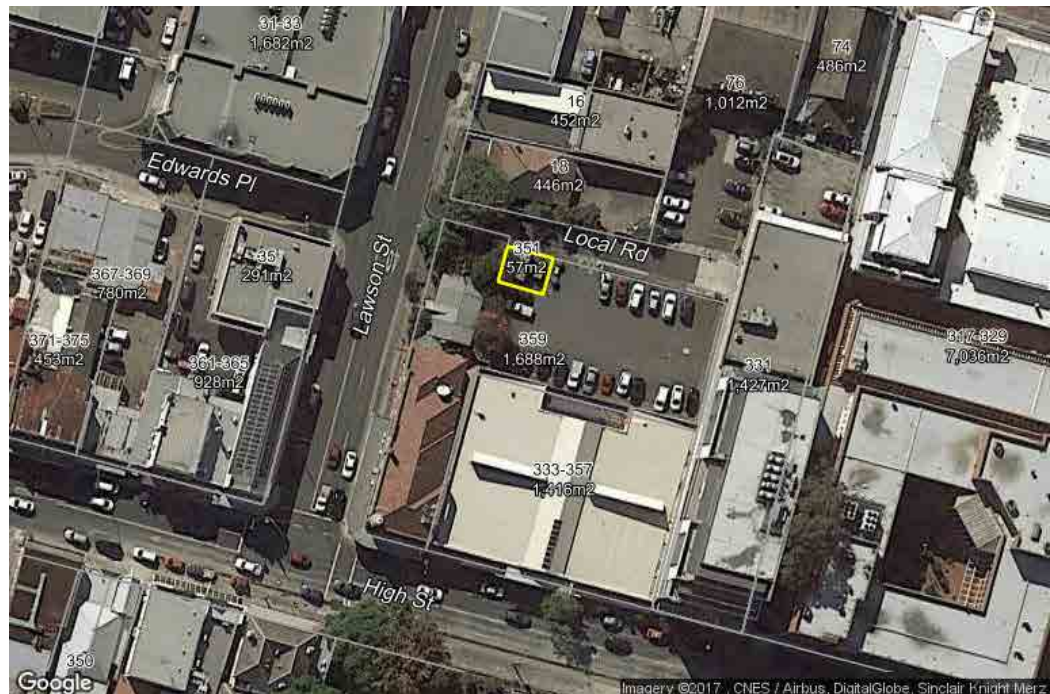
The site is located approximately 50km west of the Sydney CBD and within the Penrith Commercial Core. The site is located within 500m of Penrith Rail Station and has frontage to High Street which forms the primary commercial spine. The area is generally characterised by a mix of commercial, retail and employment uses with the site adjoined to the north and east by the Penrith Court House, Police Station and attendant government and institutional uses.

The subject site is bounded by High Street to the south, Lawson Street on the west and Lawson Lane on the north. While the site has an extensive western and northern frontage, the southern frontage to High Street is limited by the adjoining Services NSW building. The two storey Australian Arms Hotel (which is a local heritage item under Penrith LEP 2010) occupies the High Street frontage and approximately 50% of the Lawson Street frontage.

The site is known as 351 and 359 High Street, Penrith. Australian Arms Unit Trust is the owner of the primary site which comprises the following lots as reflected on the drawing below:

- Lot 2 DP513015;
- Lot 9 DP28199;

Lot 9 DP28199 is a 57m² lot located on the Lawson Lane boundary and accommodates a substation. The location of Lot 9 DP28199 is superimposed on the aerial photograph extract below.



Source: RPData 2017

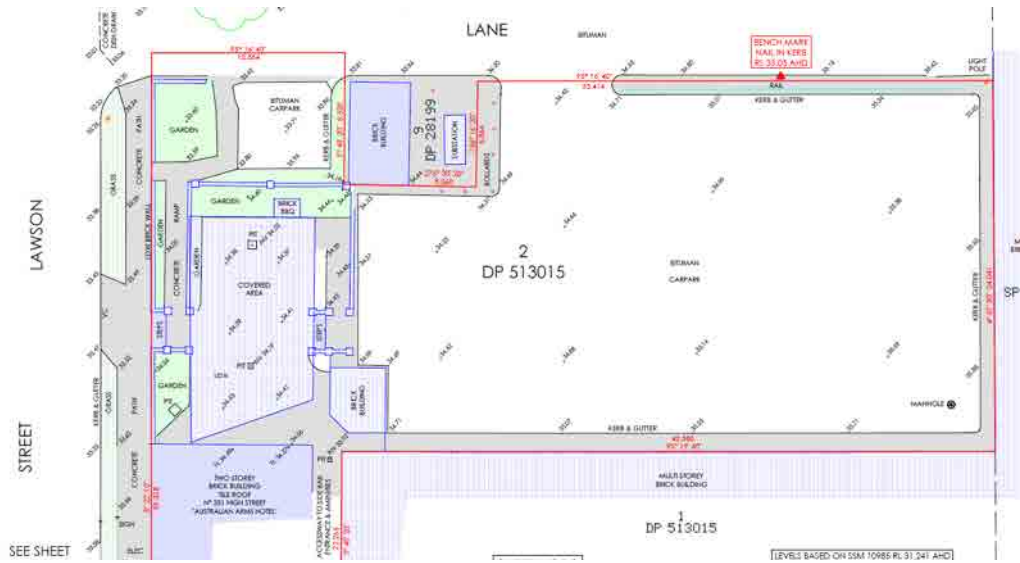
Lot 2 DP513015 is a 1,688m² lot, which accommodates the local heritage item known as Australian Arms Hotel with frontage to both High Street and Lawson Street. The remainder of the lot accommodates the beer garden along the Lawson Street frontage and the asphalted car park to the rear with frontage to Lawson Lane. The lot is in the ownership of Australian Arms Unit Trust. The location of Lot 2 DP513015 is superimposed on the aerial photograph extract below.



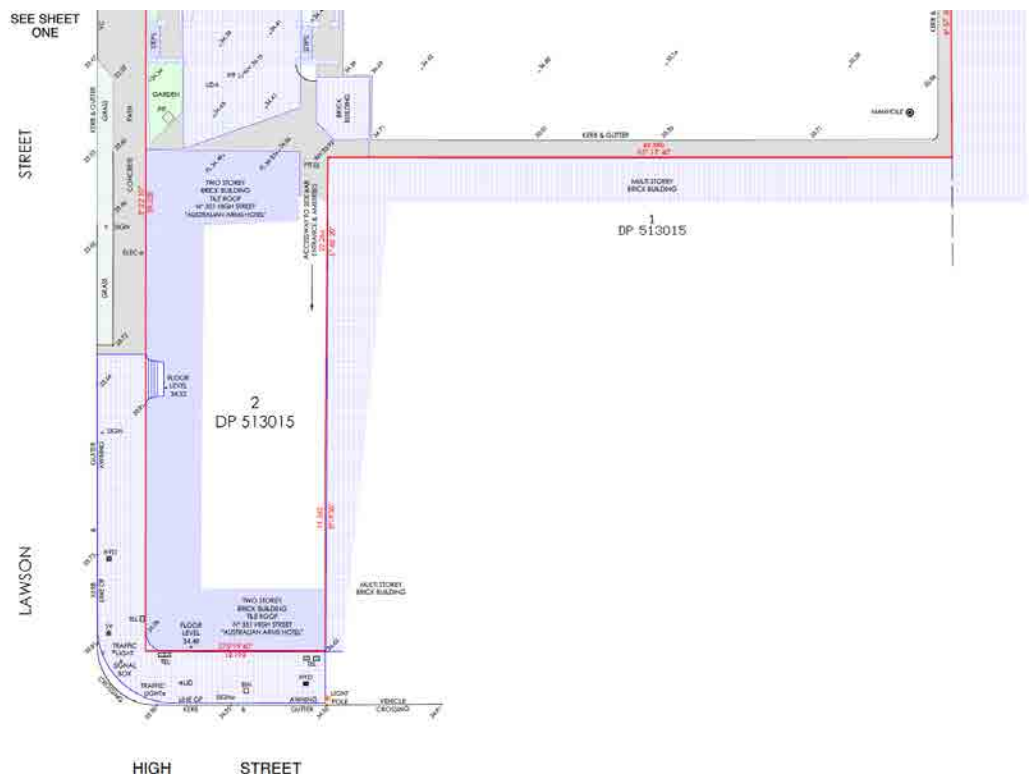
Source: RPData 2017

The total site has an area of approximately 1,745m² and is irregular in shape.

The site has a southern boundary to High Street of approximately 12.192m and a western frontage to Lawson Street of approximately 59.328m. The northern frontage to Lawson Lane is approximately 54.528m. The eastern boundary is common and stepped to 333 – 357 High Street and 331 High Street both commercial buildings (22.266 and 24.041m) 46.307m. A secondary southern boundary is common with 333 – 357 High Street 42.380m.



Survey Extract Source: Matthew Freeburn 2014



Survey Extract Source: Matthew Freeburn 2014

The land falls from south-east to north-west with the primary site falling from RL35.88 – RL 33.60 (2.28m) and the secondary site falling from RL34.68 – RL33.38 (1.3m).

The accommodates a number of buildings and structures of various ages and styles which are used for hotel related purposes. On site parking is available in an existing at grade parking area on the northern portion of the site which also provides some limited servicing from Lawson Lane. The buildings on the south-west of the site comprise a local heritage item which is the Australian Arms Hotel while the north-western corner of the site accommodates a covered beer garden.



Australian Arms High Street frontage view towards north-west



Australian Arms Hotel view towards north-east Lawson Street



Australian Arms Hotel view towards north-east High Street and Lawson Street



Covered beer garden on north-west of the site interface with Hotel



Covered beer garden on north-west of the site



View west from subject site down Edwards Place



View east of the subject site from Edwards Place



View east of the subject site substation and playground from Lawson Lane



View of the substation from Lawson Lane



View west of the subject site substation and playground from Lawson Lane



Asphalted car park fronting Lawson Lane to the rear of the site view to south-west.



Asphalted car park fronting Lawson Lane to the rear of the site view to south-east.



Asphalted car park fronting Lawson Lane to the rear of the primary site view to south.



View west on Lawson Lane



View north-east on Lawson Lane



View from asphalted car park south-west to the rear of the beer garden with the substation to the right.

A detailed architectural and heritage assessment¹ has been undertaken of the existing improvement on the site and identifies buildings and fabric of merit. The study also identifies the uses and tenancies within the buildings on the site. Generally, aside from the local heritage item, the buildings are an accretion of structures of varying age and utility which have been combined and extended over time.

¹ Mark Bullen Conservation Management Plan Australian Arms Hotel 2017

2.3 Surrounding Development



Source: RPData 2020

333 – 357 High Street

The subject site adjoins 333 – 357 High Street to the south which is a single storey commercial building built on a raised plinth and occupied by Services NSW. The building is built to the site boundaries with the exception of a narrow light-well on the rear (northern) boundary with the subject site.



333 – 357 High Street view north.



333 – 357 High Street northern frontage with light well and raised plinth.

331 High Street

The subject site adjoins 331 High Street to the east which is a multi-storey, strata commercial building built on a raised podium and occupied by commercial tenants. The building is built to the site

boundaries with the tower component on the southern portion of the site and a lower two storey podium to the rear.



331 High Street view to the north of the High Street frontage.



331 High Street view to the north-east of the High Street frontage.



331 High Street view to the south-east adjoining the eastern boundary.

18 Lawson Street

The adjoining site to the north is a commercial building also owned by the owners of the subject site.

76 Henry Street

The adjoining site to the north-east is occupied by a two storey commercial building which addresses Henry Street and has extensive at grade parking at the rear adjoining the subject site which is accessed from Lawson Lane.



76 Henry Street view south from Henry Street



76 Henry Street view north from Lawson Lane.



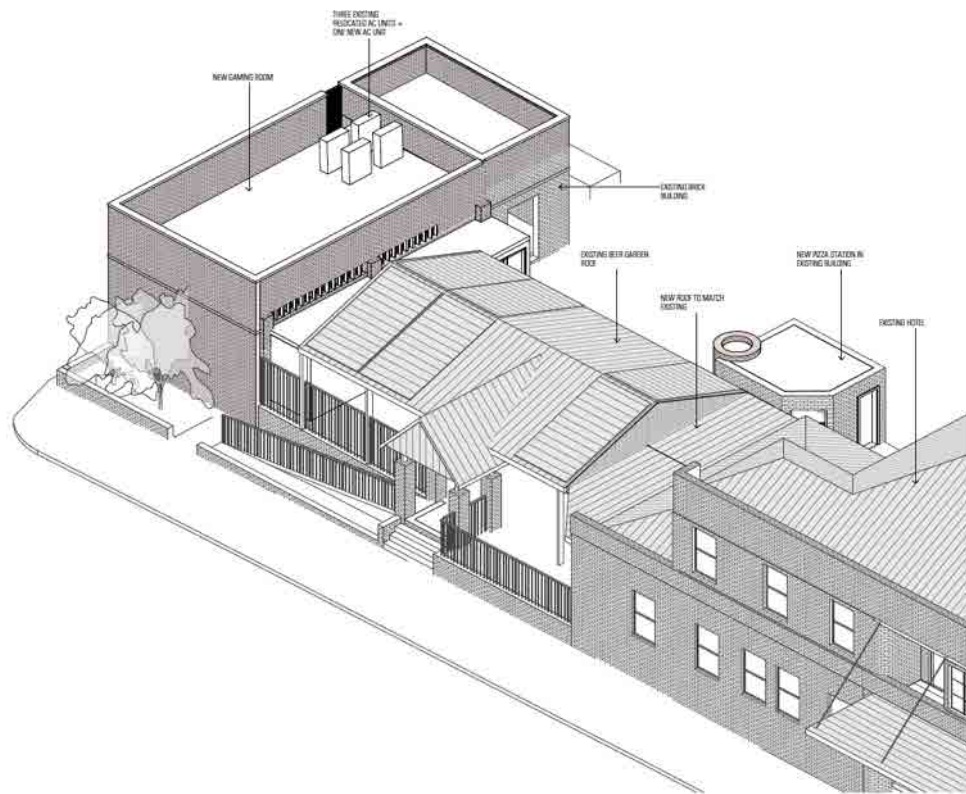
View south towards the subject site.

3.0 Proposed Development

This section should be read in conjunction with the architectural plans prepared by NRA-Co-Lab Architecture.

In summary the development proposes:

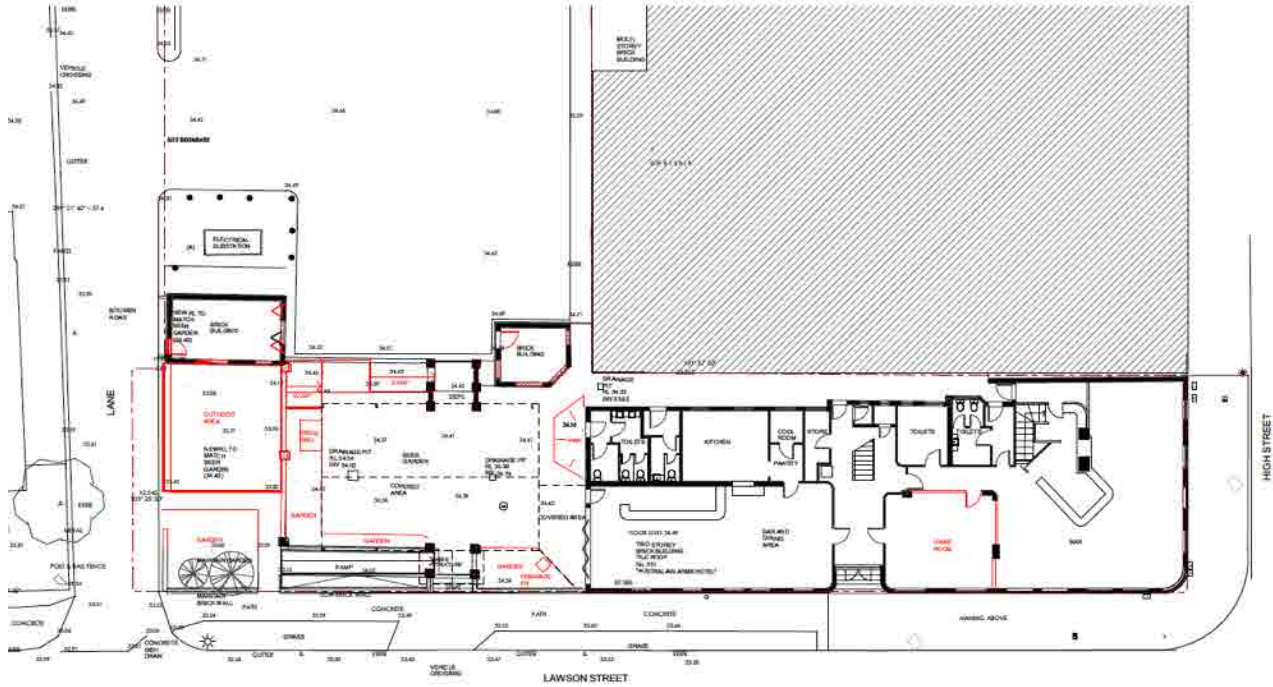
- Alterations and additions to the existing brick store on the north-west of the site for use as a COVID compliant gaming room;
- The removal of the current gaming room on the ground floor of the Hotel.



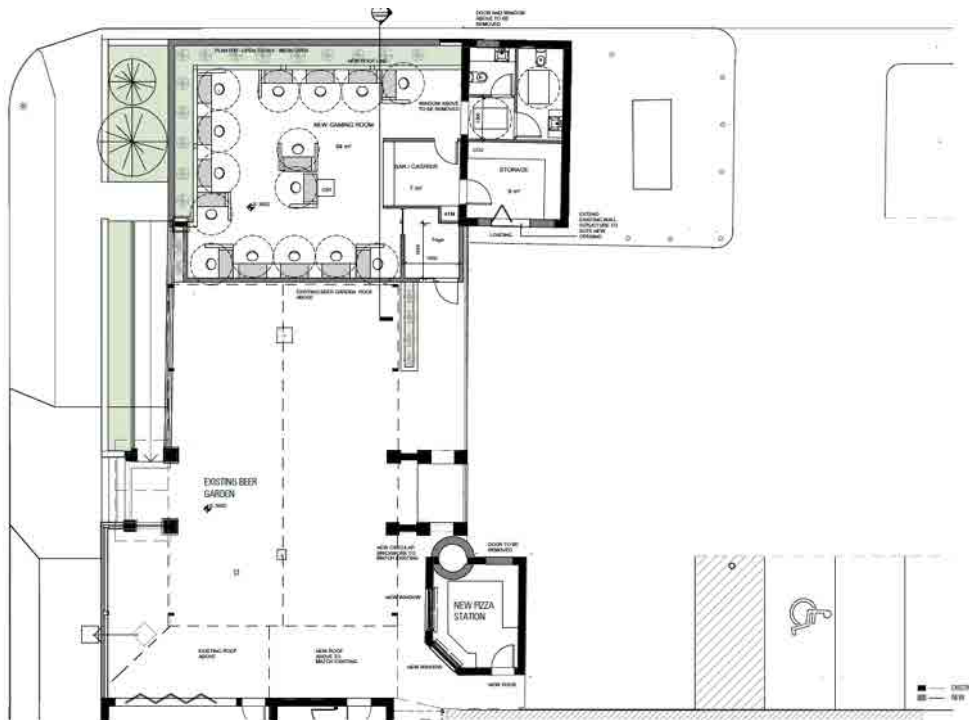
Render view looking from the south-west

3.1 Detailed Proposal

Existing Hotel Ground Floor Level and Demolition Plan

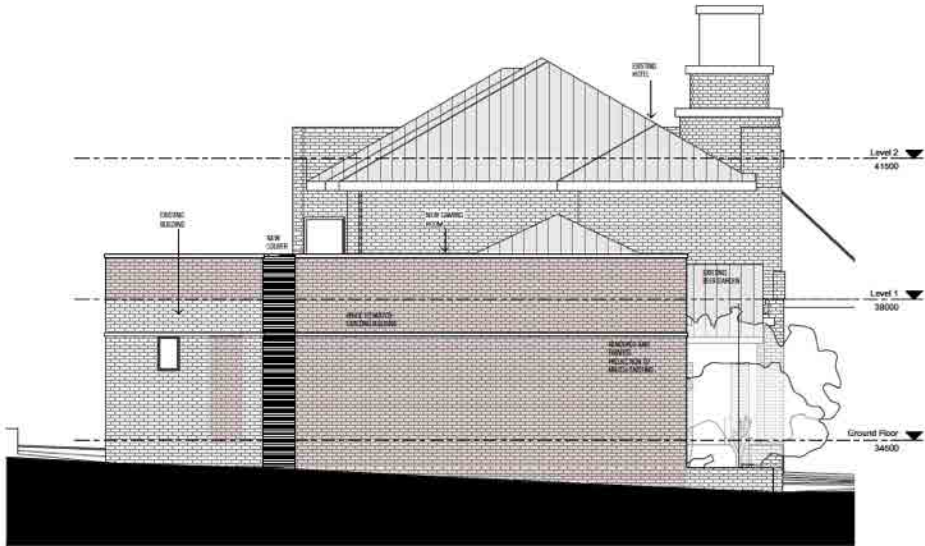


Proposed Hotel Gaming Room Ground Floor Level

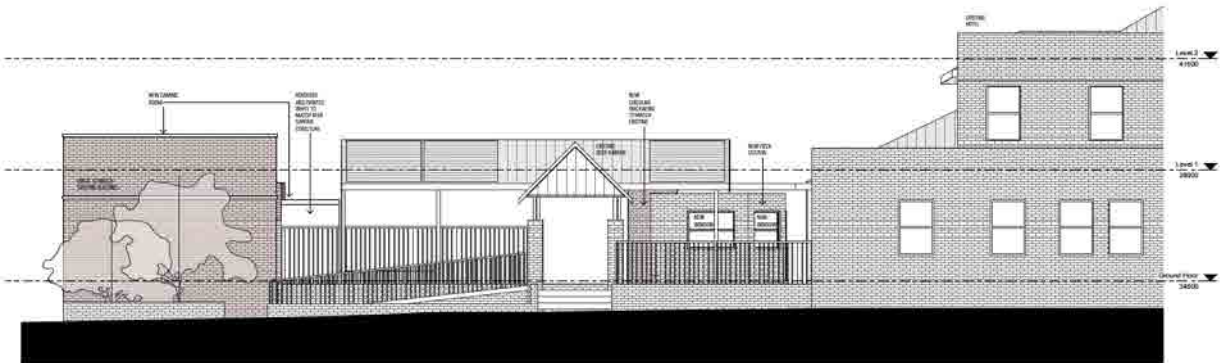


Proposed Hotel Ground Floor Level

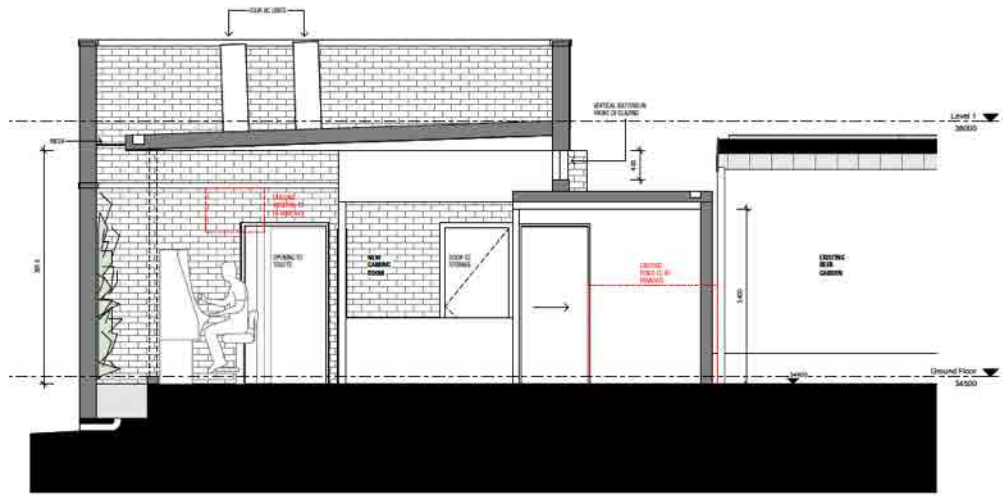
- RL 34.500
- Demolition;
 - Existing gaming room,
 - Redundant ramping and garden features in internal beer garden;
 - Outdoor area slab;
- Extend existing brick store to create gaming room;
 - New store;
 - New Accessible toilet;
 - New Unisex toilet;
 - 64m² gaming room;
 - New external planting;



Lawson Lane North Elevation



Lawson Street West Elevation



Section AA

4.0

Planning Controls

The proposed development has been assessed against the relevant requirements and guidelines set by City of Penrith Council. These are contained within the:

- SEPP 55 - Remediation Of Land
- SEPP Infrastructure
- Penrith Local Environmental Plan (LEP) 2012
- Penrith Development Control Plan (DCP) 2014

4.1 SEPP 55 - Remediation Of Land

Clause 7 (1) (A) of SEPP 55 requires Council to consider whether the land is contaminated. The long term use of the site as a hotel with a sealed car park with the proposed use to continue as hotel use is considered to make the prospect of contamination unlikely.

4.2 SEPP Infrastructure

101 Development with frontage to classified road

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

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*

-
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development has its frontage to Lawson Street, which is not a classified road and has access from Lawson Lane.

104 Traffic-generating development

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves—*
 - (a) new premises of the relevant size or capacity, or*
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) In this clause, **relevant size or capacity** means—*
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has—*
 - (a) given written notice of the intention to carry out the development to RMS in relation to the development, and*
 - (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.*

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- (3) *Before determining a development application for development to which this clause applies, the consent authority must—*
- (a) *give written notice of the application to RMS within 7 days after the application is made, and*
- (b) *take into consideration—*
- (i) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
- (ii) *the accessibility of the site concerned, including—*
- (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
- (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.*

The proposed development provides for a total of 68 parking spaces and is considered to be satisfactory.

4.3 Penrith Local Environmental Plan 2012

The subject site is Zoned B3 –Commercial Core. The specific objectives of the zone are:

Zone B3 Commercial Core

1 Objectives of zone

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of Penrith City Centre as the business, retail and cultural centre of the region.*

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; 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; Helipads; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Bed and breakfast accommodation; Farm stay accommodation; Pond-based aquaculture; Any other development not specified in item 2 or 3

The proposed development defined as hotel accommodation is permissible in the zone.

The proposed development complies with the objectives of the zone by providing a suitable land use that serve the needs of the local and wider community and encourages appropriate employment opportunities in a highly accessible location. The proposal is sited to maximise public transport patronage and encourage walking and cycling and to strengthen the role of Penrith City Centre as the business, retail and cultural centre of the region.

The proposal is assessed under the relevant clauses of this LEP in the table below.

TABLE 1: Compliance with Penrith LEP 2012

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.

12 m & 24m

The proposal has a height of 5.4m, which complies with the 24m control.

The heritage item has a height of 11.2m, which complies with the 12m control.

4.4 Floor space ratio

The objectives of this clause are as follows—

- to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- to minimise the adverse impact of development on heritage conservation areas and heritage items,
- to regulate density of development and generation of vehicular and pedestrian traffic,
- to provide sufficient floor space for high quality development.

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.

3.5:1 351 & 359 High Street

The proposal is compliant with the 3.5:1 FSR control.

5.6 Architectural roof features

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

(a) to ensure that architectural roof features to which this clause applies are decorative elements only,

(b) to ensure that the majority of the roof features are contained within the prescribed building heights.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that—

(a) the architectural roof feature—

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

(iv) will cause minimal overshadowing, and

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

The proposal does not rely upon any architectural roof features.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5.

Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of Penrith,

(b) to conserve the heritage significance of heritage items and

heritage conservation areas, including associated fabric, settings

and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

-
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The subject site is identified as being a heritage item. As such a Conservation Management Plan has been prepared which has informed the development of the site and a Heritage Impact Statement has been prepared and is submitted with the application addressing the provisions of this clause.

7.1 Earthworks

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

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without separate development consent.

(2) Development consent is required for earthworks unless—

(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or

(b) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.

Note 1.

The *National Parks and Wildlife Act 1974*, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Note 2.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) requires development consent for the “Filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where filling exceeds 1 metre in depth, or an area of 100 square

metres”.

No significant excavation is proposed.

7.2 Flood planning

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

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to:

- (a) land identified as “Flood planning area” on the Flood Planning Map, and
- (b) other land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise

defined in this clause.

(5) In this clause:

land at or below the flood planning level means land at or below the level of a 1:100 ARI (average recurrent interval) flood event plus 0.3 metre freeboard.

The site is not noted as flood affected, the site is neither affected by overland flow nor mainstream flooding for all storm events up to and including the 100 ARI storm. In light of the above flood information and the minimal direct impacts of flooding on the site, it would not be necessary to evacuate the site during any flood event on the Nepean River. Therefore, there is no requirement for the site to have a flood evacuation plan for such an event nor does its integration with regional flood evacuation planning need to be considered.

7.4 Sustainable development

In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following—

- (a) conserving energy and reducing carbon dioxide emissions,
- (b) embodied energy in materials and building processes,
- (c) building design and orientation,
- (d) passive solar design and day lighting,
- (e) natural ventilation,
- (f) energy efficiency and conservation,
- (g) water conservation and water reuse,
- (h) waste minimisation and recycling,
- (i) reduction of vehicle dependence,
- (j) potential for adaptive reuse.

Material selection prioritises low-maintenance, reused or reusable products or materials where possible. A robust external skin requires minimal maintenance, makes use of a reusable building product and allows the building to sit better in its context from the outset.

Passive measures to combat heat absorption through passive cooling strategies are employed. The main roof selection has a low solar absorption rate, resulting in limited heat absorption through reflection of solar heat. Insulation throughout the building will additionally reduce heat absorption. Both of these strategies reduce energy demand for active cooling.

The building has a clear structural and services logic, with services easily accessible for future upgrade and stacked structure to avoid over-sizing beams to manage structural transfers. This minimising carbon footprint of concrete mass in the building as well as allowing for a longer potential life span of the building.

7.8 Active street frontages

(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre, Zone B3 Commercial Core and Zone B4 Mixed Use.

(2) This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map.

(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicular access.

(5) In this clause, a building has an *active street frontage* if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

The Hotel and existing pub uses provide active frontages consistent with these provisions.

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.

The proposal does not result in overshadowing of public open space and is consistent with this provision.

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.

The subject site meets the minimum street frontage width.

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.

No applicable.

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,

is not less than that provided for in a development control plan made by the Council.

The proposal is compliant with these provisions.

It can be seen from the table that the proposal either complies with the relevant provisions of the LEP or the objectives of those provisions, where relevant.

4.5 Penrith Development Control Plan 2014

The proposed development is assessed under the relevant controls of DCP 2014 as follows:

PENRITH DCP 2014

1.2. Design Principles

1.2.1. Application of Certification System

- a) Non-residential developments, including mixed-use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system, now part of the National Australian Built Environment Rating System (NABERS).

Material selection prioritises low-maintenance, reused or reusable products or materials where possible. A robust external skin requires minimal maintenance, makes use of a reusable building product and allows the building to sit better in its context from the outset.

Passive measures to combat heat absorption through passive cooling strategies are employed. The main roof selection has a low solar absorption rate, resulting in limited heat absorption through reflection of solar heat. Insulation throughout the building will additionally reduce heat absorption. Both of these strategies reduce energy demand for active cooling.

The building has a clear structural and services logic, with services easily accessible for future upgrade and stacked structure to avoid over-sizing beams to manage structural transfers. This minimising carbon footprint of concrete mass in the building as well as allowing for a longer potential life span of the building.

1.2.2. Built Form - Energy Efficiency and Conservation

a) The selection criteria for construction materials, including internal fit-out work, should include detailed documentation of their energy efficiency properties.

b) Buildings should be designed on passive solar design principles which:

i) Respond to orientation to maximise the northerly aspect and solar access in the cooler periods;

ii) Reduce overheating in summer and promote solar gain in winter; and

iii) Ensure there is adequate crossflow of air by utilizing natural ventilation, resulting in a reduction in the use of mechanical ventilation and/or air-conditioning systems.

c) The future use and occupants of the building should be considered in the design and location of building services/equipment to ensure that:

i) The thermal comfort of occupants is optimized through zoning sections of the floor area;

ii) of building services is provided enable individual control of heating and cooling;

iii) Lighting systems and fittings have reduced energy consumption that are also appropriate for the use/activity located in that part of the building;

iv) The equipment or service will be used and its future use will not affect other elements of sustainability; and

v) Sub-metering to individual tenancies within the development to enable individual monitoring of consumption performance.

d) Common and service areas in the building should incorporate energy and water efficiency/conservation measures in their design and location.

The following measures will be taken to meet section J requirements

- Performance glazing;
- light coloured façade;
- energy efficient light fixtures and appliances;
- water efficient plumbing fixtures.

1.2.3. Building Form - Height, Bulk and Scale

a) Context: An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use.

b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site.

c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale.

d) Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces where there would be a significant reduction in amenity for users of those buildings/spaces.

e) Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings to:

i) Maintain consistency with the street context and streetscape

character, especially street/front setbacks;

ii) Maximise visual and acoustic privacy, especially for sensitive land uses;

iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;

iv) Maximise permeable surface areas for storm water management; and

v) Minimise overshadowing.

f) Building Façade Treatment :The aim is to ensure that any built form will:

i) promote a high architectural quality commensurate with the type of building and land use;

ii) adopt façade treatments which define, activate and enhance the public domain and street character;

iii) ensure that building elements are integrated into the overall building form and façade design;

iv) compose façades with an appropriate scale, rhythm and proportion that responds to the building's desired contextual character;

v) design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls;

vi) express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material

or colour, roof expression or building height, and

vii) coordinate and integrate building services to improve the visual presentation.

g) Roof Design: The roof is an important architectural element of any building and:

i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and

ii) should consider opportunities for incorporating 'green roofs'.

Building services are contained within the building, with rooftop plant contained within a screened enclosure.

1.2.4. Responding to the Site's Topography and Landform

a) Applicants must demonstrate how the development responds to the natural topography and landform of the site based on analysis drawings.

b) Any built form should be located, oriented and designed to minimise excavation, cut and fill in accordance with the requirements of the Land Management Section of this Plan.

c) The built form should respond to the natural topography by:

i) Avoiding steep slopes for buildings;

ii) Aligning the built form with the contours; and

iii) Utilising split level design on gentler slopes.

d) Where relevant, buildings should be placed so there is a backdrop of a hill, slope or rise behind the building. In this way, the ridgeline of any building is lower than the highest level of any hill, slope or rise on which the building is placed to avoid being visible above that hill, slope or rise.

The following diagrams illustrate how building design can best

respond to a site's natural topography, minimising excavation and potential visual impacts, and in turn, reducing construction costs.

The proposal does not alter the existing landform and responds to the site context.

1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)

C. Principles

Principle 1: Natural Surveillance

Principle 2: Access Control

Principle 3: Territorial Reinforcement

Principle 4: Space Management

The proposed hotel is secure yet provides a sense of welcome, the building acts as the boundary to the site with the entries secure and monitored. Two public addresses of the heritage hotel emphasize local community engagement scaled to the human form.

Passive surveillance provided by visual connection within the hotel and active frontages allows for safety without the need for intrusive active monitoring. Primary activity in the hotel occurs on the ground plane allowing for privacy while maintaining a sense of connection to the public domain.

The proposal is considered to meet the provisions of this principal.

1.2.6 Maximising Access and Adaptability

B. Principles

There are a number of principles of universal design which, when considered in the planning and design stage, add very little to the cost of the development but make a great deal of difference to the overall useability of the development. These principles can be applicable to both external and internal areas. (The principles go beyond the

requirements of the Australian Standard for Adaptable Housing (AS 4299-1995)).

Principle 1 – Equitable use: The design is useful and marketable to people with diverse abilities.

Principle 2 – Flexibility in use: The design accommodates a wide range of individual preferences and abilities.

Principle 3 – Simple and intuitive use: Use of the design is easy to understand regardless of the individual's experience, knowledge, language skills or current concentration levels.

Principle 4 – Perceptible information: The design communicates useable information effectively to the user regardless of ambient conditions or the user's sensory abilities.

Principle 5 – Tolerance for error: The design minimises hazards and the adverse consequences of accidental or unintended actions.

Principle 6 –

Low physical effort: The design can be used effectively and comfortably with a minimum of fatigue.

Principle 7 – Size and space for approach and use: Appropriate size is provided for approach, manipulation and use regardless of users body size, posture or mobility.

The proposal demonstrates compliance with these provisions.

3.5 Flood Planning

A. Background

Impact of Flooding

The Hawkesbury/Nepean River system has one of the most dramatic flood behaviours in the world. The geography and topography of the area mean that flood waters are contained in the Nepean Gorge until they reach the floodplains at Penrith, resulting in unusually rapid rises in water levels. These floods continue to modify the physical environment of the valley as well as causing social and economic challenges to the valley's

inhabitants.

The site is not noted as flood affected, the site is neither affected by overland flow nor mainstream flooding for all storm events up to and including the 100 ARI storm. In light of the above flood information and the minimal direct impacts of flooding on the site, it would not be necessary to evacuate the site during any flood event on the Nepean River. Therefore, there is no requirement for the site to have a flood evacuation plan for such an event nor does its integration with regional flood evacuation planning need to be considered.

3.6. Stormwater Management and Drainage

2) Drainage

Council's Stormwater Drainage Specification for Building Developments provides details on drainage requirements including on-site detention, new drainage systems and the like.

The development of any lot should take into account the existing drainage patterns of the area, including any localised ponding, and whether the proposed development is likely to affect:

- i) Access to the site;
 - ii) Drainage on adjoining properties;
 - iii) Localised nuisance flooding on adjoining properties; and
 - iv) Natural overland flow or drainage paths.
- c) In areas where there are no defined drainage patterns, Council may require the applicant to liaise with the adjoining owners regarding the construction of a drain or channel to an existing watercourse. This may include the provision of drainage easements.
- d) Depending on the scale of the proposed development, the applicant may be required to address the following matters in their

application:

The drainage capacity available for the site (e.g. if the site is connected to a centralised stormwater system, the existing drainage network capacity);

i) Where capacity may be limited, appropriate drainage measures, including possible on-site detention (determined by liaising with Council's Development Engineering Unit and receiving detailed advice from a qualified engineering consultant);

ii) If the site is affected by drainage constraints, the current stormwater discharge and likely future discharge. In this regard, a report prepared by a qualified engineer will be required and should demonstrate that the development will not overload trunk drains during peak storm events or cause localised flooding;

iii) If the proposed development will result in additional pollutant loading (and the appropriate licences have been obtained from the relevant government authorities), details demonstrating that the drainage systems have adequate capacity for those pollutants and runoff will comply with the water quality requirements referred to in this Plan; and

iv) Any required easements across neighbouring properties. Where easements are required, Council requires the submission of the adjoining owner's consent with the development application.

e) If the site does not have access to Council's stormwater drainage system, all drainage should be designed to ensure that the intensity, quantity and quality of surface runoff is not detrimental to downstream properties and watercourses. A legal point of discharge will be required.

f) If the site has access to Council's storm water drainage system, all roof and surface water that is not recycled for use on the site must be discharged into Council's stormwater drainage system. No surface drainage will be permitted to discharge across Council's

footways or reserves or enter adjoining land.

g) The applicant should demonstrate how existing soil type and associated constraints (e.g. salinity and poor percolation) have been considered in the drainage design).

On-Site Stormwater Detention (OSD)

a) Council's Stormwater Drainage Specification for Building Developments provides details on drainage requirements for on-site detention.

b) Adequate stormwater systems shall be designed and constructed to ensure that, for all rainwater events up to and including the 1:100 Average Recurrence Interval (ARI) event, new developments and redevelopments do not increase stormwater peak flows in any downstream areas.

c) On-site stormwater detention systems must release water after any rainfall event to maximise future capacity and, therefore, cannot include rainwater tanks, water retention basins or dams.

d) Detention storage is to be located at a level that is above the 1:5 ARI flood level.

e) On-site detention systems are to be designed using a catchment wide approach. Advice should be sought from Council's Development Engineering Unit in this regard.

f) On site storm water detention mechanisms should have a maintenance program in place.

g) Onsite stormwater detention mechanisms should be placed on the title of the relevant allotment/property to ensure their retention and maintenance.

The existing stormwater facilities are maintained and integrated into the

proposal.

4.4. Contaminated Lands

B. Controls

1. 1) Development applications for new or for expanding existing developments may be required to include information on the potential for the activity to contaminate.
2. 2) Environmental impact assessments are required to address the potential and likelihood of contamination.
3. 3) In assessing development applications for activities which could be potential sources of contamination, Council will ensure it is satisfied that the proposed technical and management controls will be adequate to prevent contamination. Conditions of consent may be imposed by Council to ensure adequate controls are applied to an activity or development.
4. 4) Periodic environmental audits of activities may be required as a condition of consent by Council

The subject site is not considered to be affected by this clause.

C5 Waste Management

5.2.4. Non-Residential Development Controls

- 1) These controls will apply to commercial, industrial and any other non-residential development.
- 2) For any building comprising three or more storeys and not containing dwellings, a suitable system for the interim storage and transportation of waste and recyclables from each storey to the waste storage/collection area is to be integrated within the building's design.
- 3) Waste storage and collection areas should be:
 - a) Flexible in their design so as to allow for future changes in the operation, tenancies and uses;

b) Located away from primary street frontages, where applicable;

c) Suitably screened from public areas so as to reduce the impacts of noise, odour and visual amenity; and

d) Designed and located to consider possible traffic hazards (pedestrian/vehicular) likely to be caused by the storage and collection of waste.

4) The following features will need to be considered in the design of waste storage and collection areas:

a) Dry recyclables including containers, paper, cardboard and toners for printers and photocopiers should be separated from other waste, for recycling;

b) Food scraps should be placed in specialised containment bins and collected on a regular basis (particularly where large volumes of perishable wastes are generated);

c) Refrigerated garbage rooms should be provided where there are large quantities of perishable wastes and infrequent collections; and

d) Clinical or hazardous and liquid waste should be placed in specialised containment bins and collected by specialised services.

5) Grease traps must be provided where there is a likelihood of liquid waste entering the drainage systems (contact Sydney Water to obtain trade waste requirements).

6) Communal storage/collection facilities are recommended where:

a) The design makes it difficult for all tenants to have ready access to a collection point; or

b) The site characteristics restrict vehicle entry.

7) Where a communal facility exists, each tenant should have a designated area which is clearly signposted.

8) Should a collection vehicle be required to enter the property, the driveway and manoeuvring area must be suitable for a collection vehicle in terms of both its strength and design.

9) The system for waste management must be compatible with the collection service(s) to be used whether Council or private contractor.

10) Swept paths demonstrating adequate manoeuvring area are to be provided with the application.

Waste storage is provided on the ground floor adjoining the parking area. This is unchanged by the proposal.

C6

Landscape Design

6.1.3. Neighbourhood Amenity and Character

Landscape Character

Landscape design should reinforce the identified natural attributes of the site including, but not limited to, watercourses, landmark elements, landforms, views and vistas, significant trees, vegetation patterns and historic buildings.

Remnant native vegetation should be retained, managed and incorporated into landscape designs to conserve the natural biodiversity across the landscape.

Landscape design should enhance the amenity and visual quality of the site. Landscaping solutions are to be used to screen and enhance visually obtrusive land uses or building elements within their setting.

Integration of Design

All landscape and building designs should be complementary and aim to achieve similar design outcomes. The design of both buildings and landscaping should utilise the same site analysis drawings and concepts. In this way, the site will be developed with a building design and a landscape design that deliver the best possible development solution for the owners and the community.

Streetscape

All sites make a contribution to the streetscape by way of the design of any structures or vegetation. Therefore, any landscape submission must include an assessment of the streetscape.

Generally, Council requires that dominant positive streetscape elements are to be continued in the design of any landscaping works to ensure that the development integrates into and enhances the existing streetscape character. Features that contribute to the existing streetscape include:

- i) Street trees and vegetation;
- ii) Pavement materials/details;
- iii) Architectural character;
- iv) Setbacks of buildings and other structures;
- v) Existing uses, e.g. residential/retail/industrial;
- vi) Heritage items;
- vii) Traffic—vehicular and pedestrian;

The application provides for perimeter planting to addressing these provisions.

C7

Culture and Heritage

7.1.2. Heritage Items

C. Controls

1) Development Application

a) Any Heritage Impact Statement for development that may impact on a heritage item must address the following (at a minimum):

- a) The heritage significance of the item as part of the environmental heritage of Penrith;
- b) The impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features;
- c) The measures proposed to conserve the heritage significance of the item and its setting;
- d) Whether any archaeological site would be adversely affected by the proposed development;
- e) The extent to which the carrying out of the proposed development would affect the form of any significant subdivision pattern; and
- f) The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.

2. Development of a heritage item must:

- a) Be consistent with an appropriate Heritage Impact Statement or Conservation Management Plan;
- b) Be consistent with the information on the State Heritage Inventory for that heritage item;
- c) Protect the setting of the heritage item;

d) Retain significant internal and external fabric and building elements;

e) Retain significant internal and external spaces;

f) Remove unsympathetic alterations and additions;

g) Reinstate missing details and building elements; and

h) Use materials, finishes and colours that are appropriate to the significant periods of development or architectural character of the item.

c) Alterations to the room layout of heritage items are to ensure that the original room configuration remains discernible and can be interpreted.

d) If there is any likelihood of an impact on any significant archaeological relics from a period prior to the current building, development must ensure that the impact is managed according to the assessed level of significance of those relics.

The subject site is identified as being a heritage item. As such a Conservation Management Plan has been prepared which has informed the development of the site and a Heritage Impact Statement has been prepared and is submitted with the application addressing the provisions of this clause.

C8 Public Domain

8.1. Pedestrian Amenity

C. Controls

1) Permeability

‘Through site links’ provide access connections between the long sides of street blocks for pedestrian and vehicular access at street level, resulting in a more permeable pedestrian environment along laneways, shared zones, arcades and pedestrian paths.

a) Through site links for pedestrians are to be designed with accessible paths of travel that are:

i) A minimum width of 4m for the full length and clear of any obstruction, including columns, stairs etc.;

ii) Direct and fully publicly accessible thoroughfares for pedestrians; and

iii) Open-air for the full length, with active street frontages or a street address at all ends.

b) Arcades are to be an accessible path of travel that:

a. i) Have a minimum width of 4m for the full length, clear of any obstruction, including

i. columns, stairs etc.;

b. ii) Are direct and publicly accessible thoroughfares for pedestrians during business/trading hours;

c. iii) Have active frontages on either side for the full length;

d. iv) Where practicable, have access to natural light for at least 30% of the length;

e. v) Where enclosed, have clear glazed entry doors to at least 50% of the entrance; and

f. vi) Where security gates are in operation, designed to be visually permeable.

c) Lanes are to be designated pedestrian routes that:

i) Are accessible paths of travel, with a minimum width of 6m for the full length and clear of any obstruction; and

ii) Appropriately lit and sign-posted to indicate the street(s) to which the lane connects.

d) Opportunities to increase a site's permeability, particularly in the

form described above, should be provided:

1. for sites comprising 5 hectares or more in area; or
2. at locations identified in particular Key Precincts under this DCP.

e) The principles of Crime Prevention through Environmental Design (CPTED) (as identified in Site Planning and Design Principles Section of this Plan) should be incorporated into a site's permeability to create a safe and secure environment and encourage activity along these areas.

The boundary between public and private is clearly defined by the design of the hotel on the three edges that are exposed to the public.

Proposed vegetation within the landscaped space has been carefully selected by the landscape architects, who have selected species that are suitable for the locality. The proposed landscape contributes to a visually inviting environment. All species have been selected for their low water use and low maintenance qualities.

The interface between the hotel and the public domain has been carefully considered, providing activity to promote safety and surveillance.

2) Active Street Frontage and Address

Active street frontages promote an interesting and safe pedestrian environment, while buildings that address the street contribute positively to the streetscape.

a) Active street frontages are to be located on the ground/street level of all buildings, being one or a combination of the following:

- i) A shop front or entrance to a retail premises or public

building with the entrance visible from the street;

ii) A café or restaurant, if accompanied by an entry from the street;

iii) Active office uses, such as a reception area, if visible from the street; or

iv) Activation of the secondary frontage of a corner site; e.g. continuing glazing around the corner.

b) Glazed entries to commercial or residential lobbies are to occupy less than 50% of the street frontage and have a maximum frontage of 12m. The remainder of the street frontage is to be active.

c) Active street frontages are to be at the same level as the adjoining footpath and directly accessible from the street.

d) 'Street address' is defined as:

Entries, lobbies and habitable rooms that have clear glazing to the street not more

than 1.2m above the street level, not including car parking areas; and

That are located on the ground level of buildings; and

Have direct 'front door' access into the building.

e) Opportunities to establish active street frontages and/or street address may be specifically identified in a number of locations in key precincts within the City (refer to Part E of this DCP).

The proposal activate all three frontages of the site with the hotel and pub uses. The proposal promotes an interesting and safe pedestrian environment, with the buildings addressing the street contributing

positively to the streetscape.

3) Awnings

Awnings increase the useability and amenity of footpaths, including the pedestrian linkages within the public domain, by providing weather protection to pedestrians. As a feature, awnings provide an interface between the public domain and buildings in the same way as entrances into buildings.

- a) Awnings should be an integral component of new developments (including alterations and additions) and where appropriate, stepped to accommodate sloping streets.
- b) Awning dimensions should generally be:
 - i) Setback from the face of the kerb to allow for clearance of street furniture including street trees;
 - ii) A minimum depth of 2.8m where street trees are not required, otherwise a minimum depth of 2.4m; and
 - iii) A minimum soffit height of 3.2m and maximum 4m.
- c) For corner sites, awnings are to wrap around the building up to 6m along the secondary street frontage.
- d) Awnings are to be provided at specific locations identified within key precincts in the City (refer to Part E – Key Precincts of this DCP).
- e) The provision of under awning lighting should be recessed into the soffit of the awning or mounted to the building façade to facilitate pedestrian movement at night and improve public safety.
- f) Where the awning is to encroach over the road reserve, including the footpath, a separate approval to erect the awning over the road reserve is to be obtained under the Roads Act 1993 and the Local Government Act 1993.

The proposal retains the existing awning consistent with these

provisions.

4) Landscape in the Public Domain and Street Tree Planting

Landscaping plays an integral role in streetscape character and contributes significantly to the amenity of an area. Street tree planting can improve legibility in the urban environment by reinforcing the hierarchy of streets and enhancing a sense of place. The placement of trees and landscaping generally affects light and shadow, colour and views, and contributes to the quality of the pedestrian experience.

The controls in this section apply to all industrial and commercial zones, and to the RU5 Village zone.

- a) The landscape design for the development should incorporate the public domain, including those areas of the site not physically accessed but visible from the street and other locations.
- b) Street trees should not compromise water and energy conservation measures or the accessibility, safety and security of the development and public domain.
- c) Street trees are to be shown on the landscape plan and should include details of the species and be appropriate to the streetscape. Required street trees for the public domain must be at an advanced growth stage, minimum 25 to 45 litre pot size and generally a minimum of 1.5m in height.
- d) Landscape plans accompanying the development application will be required for certain types of development.

Not applicable.

C10 Transport, Access and Parking

10.5. Parking, Access and Driveways

10.5.1. Parking

C. Controls

1) Provision of Parking Spaces

-
- a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.
- b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.
- c) Within rural zones, the range of possible uses of land is very broad. Car parking is to be provided in accordance with Table C10.2: Car Parking Rates. If parking rates for the use is not listed, it will be the applicant's responsibility to demonstrate that adequate parking is provided.
- d) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection. The following associated facilities are to be provided:
- i) Change and shower for cyclists and are to be conveniently located close to the bicycle storage areas.
 - ii) Where the building is to be strata-titled, the bicycle storage facilities and shower/ change facilities are to be made available to all occupants of the building.
- e) For existing developments, a new use must not commence or the floor area increased until the required car park spaces have been provided on the site, corresponding to the land use outlined in Table C10.2.
- f) In the absence of specific requirements relevant to particular developments, the parking requirements in the RTA's "Guide to Traffic Generating Developments" (as updated) and Australian Standard AS 2890.1 and 2 - 2004 should be referred to as a guide. In the absence of all data, the applicant should revert to the use of first principles.
- g) Where relevant, development shall provide on-site loading

facilities to accommodate the anticipated heavy vehicle demand for the site.

h) Stacked parking will not be permitted for visitor spaces for any development.

i) Stacked parking in commercial or industrial development may be permitted for employee spaces only, provided the number of stacked spaces does not account for more than 10% of the total required parking spaces.

j) Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it may be adapted to another use in the future.

k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.

l) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:

- i) integrated into the overall façade and landscape design of the development;
- ii) located away from the primary street façade; and
- iii) oriented away from windows of habitable rooms and private open space areas.

m) Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application.

n) For all residential development at least one car parking space for each dwelling shall be covered the second space may be "stacked" or "tandem" or located on a driveway.

The existing parking is unchanged.

C10.2: Car Parking Rates

Hotel or motel accommodation

1 space per unit plus 1 space per manager plus 1 space per 6 employees

Accessible car spaces should be in accordance with the Access to Premises Standards, Building Code of Australia and AS2890.

Bicycle parking in accordance with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling' (NSW Government 2004). Bicycle parking spaces should comply with AS2890.3:1993 Bicycle Parking Facilities.

The existing parking is unchanged.

10.5.2. Access and Driveways

1) General Requirements

- a) The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings).
- b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.
- c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.
- d) Driveways should be:
 - i) Provided from lanes and secondary streets rather than the primary street, wherever practical;

ii) Located taking into account any services located within the road reserve, such as power poles, drainage inlet pits and existing street trees;

iii) Setback a minimum of 6m from the perpendicular of any intersection of any two roads; and

iv) Located to minimise noise and amenity impacts on adjacent residential development.

e) The driveway crossing and access roads shall be designed in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.

f) Driveway widths must comply with the relevant Australian Standards.

g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS2890.1).

h) Access to basement parking shall have an entry threshold a minimum of 300mm above the top of the kerb. The threshold shall be increased within areas of flooding or local overland flows to a minimum of 300mm above the flood level. The design of the development shall ensure that floodwater cannot enter the car park in a 1% Annual Exceedance Probability (AEP) flood event.

i) The required threshold should be set within the property to prevent cross fall greater than 4% within the footway area.

j) No direct access will be permitted to the M4 Western Motorway.

2) Design

a) For rural subdivisions, the width of sealed surface shall be determined at the time of subdivision taking into consideration the intensity of use, landscaping proposals, servicing requirements and

drainage design. Roads should be designed to enhance the rural character and long stretches of straight road should be avoided.

b) All driveways (including in rural and environmental zones) are to be sealed from the point of the public road up to and including the hard-stand parking areas.

c) The design of rural driveways shall ensure that stormwater is not impounded, concentrated or redirected onto adjoining properties.

3) Construction Standards

a) Roads shall be constructed to Council's standards in consultation with Council's Engineering Services Unit and Council's 'Guidelines for Engineering Works - Development and Subdivision'.

b) Design drawings should be accompanied by details of the erosion and sediment control measures that are to be implemented during construction.

The existing parking is unchanged.

10.7 Bicycle Facilities

2. Provision of Bicycle Parking Spaces

a) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection, in accordance with AS2890.3:1993 Bicycle Parking Facilities.

b) The following associated facilities are to be provided:

i) Change and shower facilities for cyclists are to be conveniently located close to the bicycle storage areas; and

ii) Where the building is to be strata-titled, the bicycle storage facilities and shower/change facilities are to be made available to all occupants of the building.

b) Applicants should comply with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling' (NSW Government 2004).

c) Bicycle parking spaces must:

i) Be provided in accordance with AS2890.3:1993 Bicycle Parking Facilities;

ii) Be located to provide convenient access from surrounding bicycle routes and main building entrances;

iii) Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure;

iv) Not cause a hazard; and

v) Be adequately lit during periods of use.

4. Bicycle Rails, Storage and Signage

a) A bicycle rail must:

i) Be securely fixed to a wall or to the floor or ground;

ii) Be in a highly visible location for bicycle security (when not in a compound);

iii) Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels; and iv) Be located to allow easy access to park, lock and remove the bicycle.

b) A bicycle compound or a bicycle locker must:

i) Be located to provide convenient access to other bicycle facilities including showers and change rooms;

ii) Be fully enclosed;

iii) Be able to be locked; and

iv) If outside, provide weather protection for the bicycle.

The existing parking is unchanged.

C12 Noise and Vibration

12.4. Industrial and Commercial Development

1) General

a) Council will not grant consent to any noise generating industrial development, commercial development or licensed premises unless it can be demonstrated that:

- i) The development complies with the relevant State Government authority or agency standards and guidelines for noise, as well as any relevant Australian Standards;
- ii) The development is not intrusive (as defined in the EPA's Industrial Noise Policy);
- iii) Road traffic noise generated by the development complies with the provisions of Section 12.1 Road Traffic Noise of this Section;
- iv) The development complies with rail noise and vibration criteria (refer Section 12.2 Rail Traffic Noise and Vibration of this Section); and
- v) The development does not adversely impact on the amenity of the area or cause sleep disturbance.

The gaming room is located to the rear on a lane servicing commercial properties and is considered to address these provisions.

D3

Commercial and Retail Development

3.1 BULKY GOODS RETAILING

3.2 SEX SERVICES PREMISES

3.3 RESTRICTED PREMISES

This clause is not applicable to this proposal.

D5 Other Land Uses

5.1 APPLICATION OF CERTIFICATION SYSTEM

5.2. CHILD CARE CENTRES

5.3 HEALTH CONSULTING ROOMS

5.4 EDUCATIONAL ESTABLISHMENTS

5.5 PARENT FRIENDLY AMENITIES

5.6. PLACES OF PUBLIC WORSHIP

5.7. VEHICLE REPAIR STATIONS

5.8 CEMETERIES, CREMATORIA AND FUNERAL HOMES

5.9 EXTRACTIVE INDUSTRIES

5.10 TELECOMMUNICATION FACILITIES 5.11 BOARDING HOUSES

This clause is not applicable to this proposal.

5.0 Environmental Planning Assessment

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended specifies the matters which a consent authority must consider when determining a development application.

5.1 s.4.15(1)(a)(i) the provision of any Environmental Planning Instrument (EPI)

Consideration of SEPP 55, SEPP (BASIX) 2004 and Local Environmental Plan 2012 are discussed under Section 4.

5.2 s.4.15(1)(a)(ii) the provision of any draft Environmental Planning Instruments

Not applicable to this application.

5.3 s.4.15(1)(a)(iii) any development control plan

Consideration of Development Control Plan 2014 is discussed under Section 4.

5.4 s.4.15(1)(a)(iv) any matters prescribed by the regulations

Not applicable to this application.

5.5 s.4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

- Context and Setting

The design is comprised of carefully proportioned and scaled elements, composed with consideration of their relationship to neighbouring developments, streets, lane-ways and open spaces. The proposal is a cohesive urban response supporting a sense of community within the inner-city.

The design is carefully considered in relation to the grain and fabric of its urban context. A human scale is provided by an articulated street form that relates to the podium height of the adjoining development.

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- Access, Transport and Traffic

This aspect of the proposal is unchanged.

- Public Domain

No public domain works are proposed.

- Utilities

The existing utilities are considered appropriate for the proposed development.

- Heritage

The subject site is identified as a heritage item. As such a Conservation Management Strategy has been prepared which has informed the development of the site and a Heritage Impact Statement has been prepared and is submitted with the application.

- Other Land Resources

Not applicable to this application.

- Water

The water requirements of the proposal are considered appropriate given the location and current access to services.

- Soils

Excavation is proposed and soil will be disposed in accordance with the relevant standards.

- Air and Microclimate

It is considered that the proposal will not give rise to any significant air or microclimate impacts.

- Flora and Fauna

There is no significant flora or fauna on the site which will be affected by the proposal.

- Waste

The garbage/recycling storage area is located adjoining the car park and will enable easy access to the collection point.

- Energy

The proposal includes a number of energy saving design features.

- Noise and Vibration

Construction will be conducted in a manner that will minimise the impact of noise and vibration. After construction the development is not expected to have any noise or vibration impacts.

- Natural Hazards

Not applicable to this application.

- Technological Hazards

Not applicable to this application.

- Safety, Security and Crime Prevention

Casual surveillance to the street is possible from habitable rooms and from active uses. Appropriate security devices will be installed throughout the building.

- Social Impact in the Locality

The proposal is not expected to have an adverse social impact on the locality, as the proposal will upgrade the existing dwelling.

- Economic Impact in the Locality

Employment opportunities will be provided during the construction phase to the benefit of the local building sector, and during the operation of the new hotel.

- Site Design and Internal Design

The proposal draws on guidelines set out in the planning instruments to reinforce positive elements of urban form. The proposal has been designed in keeping with the orientation of the site, and measures have

been taken in order to create the best possible outcome within the constraints of the site. Therefore it is considered that the proposal is an appropriate development solution to the use of the site.

- Construction

The building process will be managed to minimise disruption to the local community and the environment. However some noise is inevitable during the construction phase and this will be managed in accordance with Council's standards. The design of the development proposal has focused on durable renewable materials with low maintenance requirements.

- Cumulative Impacts

The subject allotment is generously sized, shaped and orientated to accommodate the proposed development. It is anticipated that the proposal will have negligible cumulative effects.

5.6 s.4.15(1)(c) suitability of the site for development

Having regard to the location of the proposal, the site will adequately accommodate the development.

5.7 s.4.15(1)(d) submissions made in accordance with the Act or the Regulations

The Consent authority will need to consider the submissions received in response to the public exhibition of the proposed development.

5.8 s.4.15(1)(e) the public interest

There are no known Federal and/or state Government policy statements and/or strategies other than those discussed in this report that are of relevance to this particular case. We are not aware of any other circumstances that are relevant to the consideration of this development application.

6.0 Conclusion

The proposal comprises a development application for alterations and additions to the Heritage Item known as the Australian Arms Hotel to provide a COVID compliant Gaming Room at 351 & 359 High Street, Penrith (Lot 9 DP 28199 and Lot 2 DP 513015).

The Australian Arms Hotel currently has a gaming room located within the ground floor of the heritage listed building which doesn't comply with areas or separation to comply with the COVID provisions.

It is proposed to alter the existing brick store at the rear of the building (adjoining Lawson Lane) within an area which is currently open space adjoining the beer garden to meet the COVID provisions.

The proposed alterations and additions are temporary to provide a compliant facility while the current development application for a new hotel is being assessed and will in time be demolished when the new hotel is constructed on the site.

The site accommodates a number of buildings and structures of various ages and styles which are used for hotel related purposes. On site parking is available in an existing at grade parking area on the northern portion of the site which also provides some limited servicing from Lawson Lane. The buildings on the south-west of the site comprise a local heritage item which is the Australian Arms Hotel while the north-western corner of the site accommodates a covered beer garden and open area.

The proposal has been designed in accordance with Council's policies and planning instruments and will make a positive contribution to the neighbourhood locality in a building which is considered to exhibit design excellence.

The proposal also addresses the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979. It will deliver a suitable and appropriate development to Penrith and is worthy of approval.

Statement of Environmental Effects prepared by:

Name: Andrew Darroch of Mersonn Pty Ltd
Qualification: BA (Enviro. Sc.) Master City and Regional
Planning Grad. Dip Urban Estate
Management MPIA, MEPLA, MPCA
Address: 6/20 Wylde Street, Potts Point

In respect of the following Development Application:

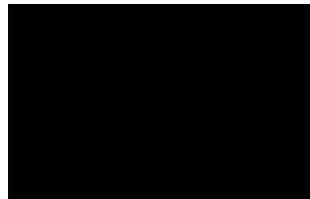
Land to be developed: 351 & 359 High Street, Penrith
Proposed development: Alterations and additions to provide a
COVID compliant Gaming Room

Declaration:

I declare that I have prepared this
Statement and to the best of my
knowledge:

1. The Statement has been prepared in accordance with clause 4.12 of the EP & A Act and Clause 50 of the EP & A Regulations.
2. The Statement contains all available information that is relevant to the environmental assessment of the development to which this Statement relates, and
3. That the information contained in the Statement is neither false nor misleading.

Signature:



Name: Andrew Darroch
Date: November 2020