




PENRITH DEVELOPMENT CONTROL PLAN 2010 (PDCP 2010) ASSESSMENT

Control	Objective / provision	Proposal	Complies
E11 – Penrith City Centre			
11.2.2 Building to Street Alignment and Street Setbacks	Street building alignment and street setbacks: 2.0m-3.0m average front setback	The closest tenancy (Tenancy R9) to the street frontage (High Street) is set back 8.6m from High Street.	Yes
11.2.3 Street frontage heights	Buildings must comply with the relevant street frontage heights as shown in Figure E11.4 and illustrated in Figures E11.5 to E11.10. 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.	No change to street frontage heights. As demonstrated in the accompanying shadow diagrams submitted at Appendix C , there is no overshadowing to Allen Place, Memory Park and Judges Park.	Yes
11.2.5 Boundary Setbacks and Building Separation	Up to a height of 20m: 0m.	No change to boundary setbacks or separation from adjoining buildings.	Yes
11.2.8 Landscape Design	Recycled water should be used to irrigate landscaped areas.	Noted. Water Sensitive Urban Design (WSUD) principals have been realised into the landscape design in a way that celebrates a sustainable water cycle. Where possible storm water runoff will be directed to the lawn and garden beds. All soft landscape zones on structure will be detailed to have subsurface drainage.	Yes
	Commercial and retail developments are to incorporate planting into accessible outdoor spaces.	The majority of landscaping features are not subject to this DA. These matters will be discussed through post-lodgement VPA negotiations. There are some landscape works proposed within the outdoor spaces (located within the subject site) which will improve the visual amenity of the area when viewed from the commercial and retail tenancies. These include planting, soft landscaping and enhanced under storey planting. Further details are provided in the landscape plan submitted at Appendix I .	Yes
	A long-term landscape concept plan must be provided for all landscaped areas in accordance with the Landscape Design Section of this DCP.	The landscape plan submitted at Appendix I outlines how the landscaped areas will be regularly maintained.	Yes

Control	Objective / provision	Proposal	Complies
	The plan must outline how landscaped areas are to be maintained for the life of the development.		
11.2.9 Planting on Structures	<p>Recycled water should be used to irrigate in areas with planting on structures.</p> <p>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.</p>	The landscape plan submitted at Appendix I outlines how the landscaped areas will be maintained and the Water Sensitive Urban Design (WSUD) principals that have been integrated into the landscape design.	Yes
11.3.1 Permeability	<p>Through site links are to be provided as shown below:</p> 	<p>The proposal does not impact on existing pedestrian through site links however is considered to enhance pedestrian connections between Westfield Penrith, Penrith City Centre and High Street by upgrading the pavement adjacent to the proposed food and beverage tenancy which connects pedestrians from High Street to the food court entry under cover.</p> <p>The proposal considers further improvements to the Mondo Precinct plaza (subject to VPA negotiations) which will play a key role in creating a pedestrian spine that links the Council Chambers with the shopping centre, the John Sutherland Performing Arts Centre and Penrith Library whilst also providing a passive meeting space for visitors and locals to socialise and play.</p>	Yes

Control	Objective / provision	Proposal	Complies
	<p>Through site links for pedestrians are to be provided as shown with accessible paths of travel that are:</p> <p>a) a minimum width of 4m for its full length and clear of all obstructions including columns, stairs, etc.;</p> <p>b) direct and publicly accessible thoroughfares for pedestrians;</p> <p>c) Open-air for its full length and have active frontages or a street address.</p>		
1.3.2 Active Street Frontages and Address	Active street fronts are to be located at the ground level of all buildings located in those areas as shown in the Active Street Frontages map of Penrith LEP 2010.	While the majority of the proposal does not directly front the street, active frontages are provided at ground level in the form of cafes, restaurants and retail, many of which will have openable shopfronts or glazed facades overlooking the Mondo Precinct and toward High Street. This is considered a significant improvement on the existing scenario.	Yes
11.3.6 Building Exteriors	<p>Articulate façades so that they address the street and add visual interest.</p> <p>External walls should be constructed of high quality and durable materials.</p> <p>Maximise glazing for retail uses but break glazing into sections to avoid large expanses of glass.</p> <p>A materials sample board and schedule is required to be submitted with applications for development over \$1 million.</p>	External walls are constructed of high quality and durable materials including masonry walls, concrete columns/beams, metal framing and detailing, metal balustrades, clear glazing, climbing plants and draping plants. A materials schedule is submitted at Appendix C .	Yes
	Street trees are to be shown on the landscape plan and should include details of the species and be appropriate to the streetscape.	Existing street trees are shown on the landscape plan.	

Control	Objective / provision	Proposal	Complies
	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.		
11.4.1. Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced.	The main building entry points to the shopping centre are clearly visible from High Street. The primary entrance from the Mondo Precinct has been enhanced with awnings, landscaping and architectural features which improve clarity of the building address and contribute to visitor and occupant amenity.	Yes
	<p>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.</p> <p>The development must provide accessible internal access, linking to public streets and building entry points. A report from an accredited access consultant is to be submitted with development application, indicating the proposal's compliance with AS1428.</p>	An Access Report has been prepared and is submitted at Appendix M . The report concludes that accessibility requirements, pertaining to external site linkages, facilities and parking can be readily achieved.	Yes
11.4.3 Site Facilities and Services	<p>Loading/unloading areas are to be:</p> <ul style="list-style-type: none"> 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 	Minor changes are proposed to support servicing and loading arrangements for the new tenancies. Two car spaces within the level one car park (directly adjacent to tenancy R6) will be converted to a dedicated loading area to accommodate the prospective tenants desire for proximate van servicing that is available 24 hours a day.	Yes

Control	Objective / provision	Proposal	Complies
	<p>d) designed for commercial vehicle circulation and access complying with AS2890.2.</p> <p>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).</p>	Smaller deliveries, made by medium sized vans (equivalent to a B99 vehicle defined in Australian Standards AS2890) will service the tenancy via a new dedicated loading bay located on the first floor of the existing carpark, directly adjacent to the proposed restaurant/bar location.	
C8 – Public Domain			
8.1 Pedestrian Amenity	Active street frontages are to be located on the ground/street level of all buildings.	Active uses (i.e. cafes, restaurants) are located at ground level and positioned to ensure that activity within the lifestyle precinct is apparent from the street.	Yes
	Active street frontages are to be at the same level as the adjoining footpath and directly accessible from the street.	The active uses are located at ground level and directly accessible from High Street.	Yes
	<p>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.</p> <p>Street trees should not compromise water and energy conservation measures or the accessibility, safety and security of the development and public domain.</p>	The proposal has considered further improvements to the Mondo Precinct subject to a separate Offer of Public Benefit, intended to be executed post-approval through a VPA (if required). The Public Domain Design Report submitted at Appendix I provides details of the landscape and public domain works within the site that are the subject of this DA as well as relating to the public domain open space within both Westfield Penrith and Penrith City Council property boundaries (subject to the Offer of Public Benefit).	Yes
8.3. Lighting	Council's adopted Public Lighting Policy and the implementation of an energy efficient lighting system should be incorporated into any design. As a minimum, the requirements of AS 1158 Lighting	All external areas will be designed to meet relevant Australian Lighting Standards. Integrated landscape lighting is proposed to all the landscape elements.	Yes

Control	Objective / provision	Proposal	Complies
	for roads and public spaces should be used for street lighting.		
8.4. Outdoor Dining and Trading Areas	The outdoor dining area must operate in conjunction with a food and drink premises including hours of operation.	The outdoor dining will operate in conjunction with the proposed food and drink premises.	Yes
	Where alcohol is to be sold or served within the outdoor dining area, the liquor licence issued for the food and drink premises should include this area.	Noted.	Yes
	If the outdoor dining area is located wholly within the development site and: i. The floor area of the outdoor dining area exceeds 30m ² ; or ii. The furniture is fixed to the ground. The floor area occupied by the outdoor dining area will be included in the calculation for the total floor space of the food and drink premises. This will be used for the purposes of calculating car parking and amenities (including parenting facilities) only.	Outdoor dining areas that exceed 30sqm have been included in the calculation of GFA. Refer to GFA schedule submitted at Appendix C .	Yes
	The outdoor dining area must: - Be setback a minimum of 2m from the building. - Not be on land that is used for vehicular access, circulation or parking. - Not be immediately in front of an ingress/egress, including fire exit(s); - Be setback from street furniture; - A clear distance of at least 2 metres must be maintained adjacent to the seating area.	The proposed outdoor dining areas have been located away from vehicular access areas, fire exits and street furniture within the Mondo Precinct. Outdoor seating is proposed within 2m of the building facade however will be confined entirely within the tenancy. No outdoor dining is proposed outside the site boundary and therefore there will be no impact on pedestrian circulation within the Mondo Precinct.	Yes

Control	Objective / provision	Proposal	Complies
	<ul style="list-style-type: none"> - Where possible the preferred location for seating in an outdoor dining area is away from the building edge. - Present an open, inviting image and be easily accessible from the public way. 		
	<p>The outdoor dining area must:</p> <ul style="list-style-type: none"> i. Be defined by a barrier that is of sturdy construction and is a minimum of 60cm high with no sharp edges or protruding feet that may cause a trip hazard to pedestrians or patrons; and ii. Complimentary in colour to the seating; and iii. Have a current Outdoor Eating licence from Penrith Council, with a copy of the licence affixed in a prominent location visible from the outdoor dining area. iv. If the outdoor dining area is located on a classified road, the application will be referred to the RMS as part of the assessment process. v. The area must be kept clean at all times. vi. No food is to be prepared or stored outside. 	<p>Noted. There are no barriers proposed however there are existing bollards at both entry points to the Mondo Precinct. These are provided for pedestrian safety.</p> <p>The outdoor dining areas will be kept clean and tidy at all times by the respective café/restaurant manager. No food will be prepared or stored outside. Each individual tenancy will be required to apply for an Outdoor Eating license from Penrith Council.</p>	Yes

Control	Objective / provision	Proposal	Complies
<i>Furniture in Outdoor Dining Areas</i>	<p>Overhead structures for weather protection may be placed in the outdoor dining area so long as they:</p> <ul style="list-style-type: none"> - Are a minimum height of 2.1m and are appropriately anchored (if anchored on the ground and the outdoor dining area is located on Council land including the footpath, then this will require Council approval by lodging a Road Reserve Opening Permit); - Do not overhang the carriageway or obstruct pedestrians; and - Do not present potential trip hazards. 	No overhead structures are proposed as part of this DA.	N/A
	<p>The following furniture may be located in the outdoor dining area subject to Council approval:</p> <ul style="list-style-type: none"> - Heating appliance(s), either movable or affixed; and - Shade structure(s) which require anchoring on the ground. <p>In this regard, details of the:</p> <ul style="list-style-type: none"> i) Type, number and location of the heating appliance(s); ii) Dimensions, location and appearance, including materials, of the shade structure(s); and iii) Where any furniture is temporarily anchored to the ground, the anchoring system; are to be submitted with the development application. 	No heating appliances or shade structures are proposed as part of this DA.	N/A

Control	Objective / provision	Proposal	Complies
Design of Furniture	Applicants need to apply for a Road Reserve Opening Permit prior to any opening being made in the footpath surface. If the furniture is not affixed to ground, the furniture must be put away inside the premises when it is closed. No furniture is to be left outside when the food and drink premises is closed.	Proposed outdoor dining areas are located entirely within the subject site. No dining is proposed on publicly owned areas. If furniture is not affixed to the ground, it will be put away inside the premises when the food and drink premises are closed.	Yes
	<p>Furniture must be of sturdy construction and suitable for outdoor use. Furniture in general and seats should be of metal frame construction and so as not to move in strong winds. Domestic style plastic furniture will not be permitted.</p> <p>Applicants should select a colour scheme for outdoor furniture that complements the streetscape character.</p> <p>Outdoor furniture should make a positive contribution to the street environment. A furniture style that is durable, high quality and uniform appearance that integrates well within the surrounding streetscape is required.</p> <p>Outdoor furniture must be compatible with the existing urban character, heritage and street quality and function</p>	Details of outdoor dining furniture are yet to be finalised however they will be of a sturdy construction and suitable for outdoor use. Consideration will be given to the durability and quality of the furniture and its compatibility with the wider public domain.	Yes
Signage in Outdoor Dining Areas	<p>Signage may be permitted on umbrellas only.</p> <p>The name of the premises may be displayed on any boundary furniture that defines the outdoor dining area only.</p> <p>No incidental advertising including A-frame signs will be permitted.</p>	Signage will be the subject of separate applications.	N/A

Control	Objective / provision	Proposal	Complies
<i>Outdoor Dining or Trading Areas – Distance from Street Furniture and Surrounding Uses</i>	<p>The arrangement and location of the outdoor dining or trading area should consider the location of any existing street furniture and services.</p> <p>The outdoor dining or trading area must not:</p> <ul style="list-style-type: none"> • Intrude into the frontage of another premises; • Encroach or obstruct access to another premises; or • Interfere with the circulation of pedestrians around the frontage of the adjacent premises. • Any existing Council-provided street furniture may be relocated at the applicant's expense. Any request to relocate furniture should be detailed in the development application. 	The proposed arrangement and location of the outdoor dining and trade area has carefully considered the location of existing street furniture and services within the Mondo Precinct. The proposed outdoor dining will not interfere with the circulation of pedestrians around the frontage of the premises or within the Mondo Precinct.	Yes
<i>Outdoor Dining or Trading Areas – Owner's Consent to Occupy Land</i>	Owner's consent must be obtained to locate the outdoor dining or trading area on the land owned or managed by Council.	The outdoor dining proposed as part of this application is located entirely within the subject site.	Yes
C10 - Transport, Access and Parking			
10.5. Parking, Access and Driveways	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.	<p>Refer to Traffic and Parking Assessment submitted at Appendix K.</p> <p>For the purposes of this assessment, the post-development parking demand has been estimated using an 85th percentile design event approach consistent with that used for evaluating traffic generation.</p>	Yes

Control	Objective / provision	Proposal	Complies
	<i>Retail Premises</i> - Penrith City Centre and St Marys Town Centre – 1 space per 30m ² GFA	<p>The proposed redevelopment will not significantly alter the current parking supply, but it will convert four existing car spaces in order to facilitate van parking and a waste storage area proximate to the restaurant/bar tenancy.</p> <p>Parking demand observations indicate that the existing parking supply of 3,521 spaces was exceeded by 45 spaces (1.2%) on one day during the seven month observation period. It is noted that this particular occurrence was on Wednesday 20 December in the lead up to Christmas.</p> <p>The incremental demand for parking associated with the proposed Mondo Precinct redevelopment is 66 spaces which is accommodated within the post-development supply of 3,517 spaces during the 85th percentile Saturday.</p>	
	Penrith City Centre – A maximum 60% of the total number of commercial parking spaces required by a development, other than for service vehicles, car washing bays and parking spaces allocated to people with a disability, are to be provided on-site	The existing Westfield Shopping Centre car park provides the required accessible car parking provisions.	Yes