

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1181
Proposed development:	Two Residential Flat Buildings - Four (4) Storey Building & Eight (8) Storey Building with Associated Basement Car Parking & Landscaping
Property address:	1196 Sydney Smith Drive, PENRITH NSW 2750
Property description:	Lot 1196 DP 1171491
Date received:	19 September 2014
Assessing officer	Clare Aslanis
Zoning:	ZONE B2 LOC CENTRE - PT 7 NTH PEN PCCLEP 2008
Class of building:	Class 2 , Class 7a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the subject development on the subject site and the proposal is a permissible land use with Council consent.

Site & Surrounds

The 40 hectare North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 Subregional Strategy.

The greater locality is characterised by a mixture of residential, industrial and recreational uses. Large industrial activity is located north on the opposite side of Coreen Avenue. New industrial development is located immediately to the west of the site suburb of Penrith located further to the east.

The land subject to this application is located on proposed Lot 3007 Lord Sheffield Circuit, Penrith. The site is an approximately 4514m² in size and orientated in a predominately south-east direction. The location of the site is within the Penrith concept plan, approved 9 November 2011. The site is clear of vegetation and does not contain any existing structures.



Proposal

The proposed development involves:

- The construction of an 8 storey residential flat building consisting of 64 units.
- The construction of a 4 storey residential flat building consisting of 19 units.
- Landscaping works around the edges of the site and internal courtyards.
- Excavation works and construction of basement car parking to accommodate the buildings proposed in this application and DA14/1182.

This application has been assessed simultaneously with DA14/1182 with shared basement car parking, communal spaces and landscaping.

The estimated cost of works is \$19,683,360.00 and therefore this application does not require determination by the Joint Regional Planning Panel.

Plans that apply

- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- North Penrith Design Guidelines
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy ensures the implementation of the BASIX scheme that encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants.

BASIX Certificate No. 573449M was submitted with the Development Application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal comfort.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) aims to improve the design quality of residential flat buildings of three or more storeys and containing four or more self-contained dwellings. SEPP 65 contains ten design quality principles which form the basis for achieving good design and provide a guide for evaluating the merits of development proposals.

The proposed development is consistent with the aims and objectives of SEPP 65. The accompanying SEPP 65 regulations require the involvement of a qualified designer throughout the design, approval and construction stages. In this regard, the application has been accompanied by a design verification statement from a suitably qualified designer.

An assessment has been undertaken of the proposed development in relation to the ten design quality principles. Details of this assessment are provided below.

<i>Principles</i>	<i>Requirements</i>	<i>Comments</i>
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<p><i>1. Context</i></p>	<p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>§ The site is located in the Thornton estate, north of the Penrith city centre where residences, shops, offices and other related uses co-exist.</p> <p>§ The site is located in close proximity to public transport, including bus and train services.</p> <p>§ The proposal will transform a vacant site into a modern high-density residential flat development. The buildings will make a significant contribution to the streetscape of this part of the Thornton development and will contribute to the quality and identity of the evolving area.</p> <p>§ The proposed development will therefore complement the desired and anticipated future character of the locality.</p>
<p><i>2. Scale</i></p>	<p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>§ The proposed larger building responds to the large open spaces while the smaller building has been designed to respond to the central street.</p> <p>§ The building materials that are proposed break up the visual bulk of the building and provide spaces for community interaction at street level.</p> <p>§ The proposed bulk and height of the building is responsive to the desired and anticipated future character of the locality, as determined by Penrith LEP 2008 and Draft Penrith LEP 2010 (Stage 2).</p>
<p><i>3. Built Form</i></p>	<p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>§ Proposed building design elements include a mixture of balconies, other facade relief elements, and articulated walls and windows which fit into an appropriate proportional dimension for the building. These elements reinforce and complement the desired and anticipated streetscape character.</p> <p>§ The proposed built form is therefore appropriate for the site and its purpose.</p>

<p>4. <i>Density</i></p>	<p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>§ High-density development on the subject site is desirable given its location near transport nodes and service facilities.</p> <p>§ The proposed density is responsive to the desired and anticipated future character of the locality, as determined by Penrith LEP 2008 and the North Penrith Design Guidelines. The proposal will establish a high standard benchmark for other future similar developments in the North Penrith subdivision.</p>
<p>5. <i>Resource, Energy and Water Efficiency</i></p>	<p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>§ Energy and water reduction measures for the proposed development have been detailed in the submitted BASIX Certificate. The proposal has satisfactorily incorporated the commitments nominated in the BASIX Certificate for the Development Application stage of the proposal, including the provision of a large rainwater tank; low water use vegetation; 4-5 star taps, dishwashers and washing machines; white goods with high energy ratings; and outdoor clothes drying spaces.</p>
<p>6. <i>Landscape</i></p>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>§ The application has been accompanied by a landscape plan which generally provides for the high-quality embellishment of the site by suitable ground covers, shrubs and trees which, at maturity, will complement the height, scale, design and function of the proposed development.</p> <p>§ The proposed development provides green spaces that allow passive recreation and a calming perspective for residents.</p>

<p><i>7. Amenity</i></p>	<p>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>§ The room dimensions and shapes in the proposed apartments are considered to be appropriate to the desired room functions.</p> <p>§ Solar access and natural cross-ventilation is satisfactory, with single aspect apartments serviced by ventilation ducts.</p> <p>§ Adequate provision has been made for storage areas, common open space and building servicing areas.</p> <p>§ The proposed buildings incorporate six adaptable apartments for people with disabilities, including one apartment on each of the third, fourth, fifth, sixth, seventh and eighth floor levels. A number of design features have been incorporated into each apartment and other features will be capable of being retrofitted depending on the ultimate user's requirements. A lift is proposed which will provide access to all levels of the buildings.</p>
<p><i>8. Safety and Security</i></p>	<p>Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>§ Subject to several conditions as discussed later in this report, the proposed development is considered to be of a safe and satisfactory design which promotes crime prevention in its existing environment.</p>
<p><i>9. Social Dimensions and Housing Affordability</i></p>	<p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p>	<p>§ It is considered that the proposed mix of 1, 2 and 3 bedroom apartments will sufficiently cater for differing household budgets and the general housing needs of the community.</p> <p>§ The proposed housing mix is responsive to the desired and anticipated future character of the locality, as determined by Penrith LEP 2008 and Draft Penrith LEP 2010 (Stage 2).</p>

<p>10. Aesthetics</p>	<p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>§ The design of the proposed buildings responds to the multiple street frontages of the site and provides an appropriate address to the public domain.</p> <p>§ The proposed external elevations provide elements of depth and articulation and the proposed colour scheme for the buildings complements surrounding development.</p>
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Residential Flat Design Code

The *Residential Flat Design Code* provides additional detail for applying the design quality principles contained in SEPP 65. An assessment has been undertaken of the proposed development in relation to the *Residential Flat Design Code*. Details of this assessment are provided below.

PART 01 - LOCAL CONTEXT		
Controls	Requirements	Comments
<i>Building Height</i>	<p>§ Ensure future development responds to the desired scale and character of the street.</p> <p>§ Allow reasonable daylight access to all developments and the public domain.</p>	Complies.
<i>Building Depth</i>	<p>§ Apartment depths of 10-18m to provide for adequate amenity.</p> <p>§ Provide for dual aspect apartments.</p>	Complies (maximum building depth 17m).
<i>Building Separation</i>	<p>§ Ensure new development has appropriate massing and spaces between buildings.</p> <p>§ Provide visual and acoustic privacy.</p> <p>§ Control overshadowing.</p> <p>§ Provide for open space and deep soil zones.</p> <p>§ 4 storeys/12m: 12m between habitable rooms/balconies.</p> <p>§ 5-8 storeys/25m: 18m between habitable rooms/balconies.</p> <p>§ 9 storeys plus: 24m between habitable rooms/balconies.</p>	<p>Complies.</p> <p>15.3m between habitable rooms/balconies.</p> <p>19.4m between habitable rooms/balconies.</p>

<i>Street Setbacks</i>	<p>§ Establish desired spatial proportions of the street and define street edge.</p> <p>§ Provide a transition between public and private space.</p> <p>§ Achieve visual privacy to apartments.</p> <p>§ Create quality entries to dwellings.</p> <p>§ Provide an outlook to the street.</p> <p>§ Allow for street landscape character.</p>	Complies.
<i>Side Setbacks</i>	<p>§ Minimise impacts on neighbouring sites including light, air, sun, privacy, views and outlook.</p> <p>§ Retain or create a pattern of development that defines the streetscape.</p>	Complies.
<i>Rear Setbacks</i>	<p>§ Maintain deep soil zone.</p> <p>§ Retain and reinforce mature vegetation.</p> <p>§ Optimise use of land at the rear.</p> <p>§ Maximise building separation for visual and acoustic privacy.</p>	Complies.
<i>Floor Space Ratio</i>	<p>§ Ensure development is in keeping with the optimum site capacity and local area.</p> <p>§ Provide opportunities for modulation and depth of external walls.</p> <p>§ Promote thin cross section buildings.</p> <p>§ Allow for generous habitable balconies.</p>	Complies.
PART 02 - SITE DESIGN		
Controls	Requirements	Comments
<i>Deep Soil Zones</i>	<p>§ Assist with management of the water table and water quality.</p> <p>§ Improve amenity of developments through retention and planting of trees.</p> <p>§ A minimum of 25% of the open space area of a site should be a deep soil zone; more is desirable.</p>	Complies.

<i>Fences and Walls</i>	<p>§ Define boundaries.</p> <p>§ Provide privacy and security.</p> <p>§ Contribute to the public domain.</p>	Complies.
<i>Landscape Design</i>	<p>§ Add value to residents' quality of life.</p> <p>§ Provide habitat for native flora and fauna.</p> <p>§ Improve stormwater quality.</p> <p>§ Improve microclimate.</p> <p>§ Improve urban air quality.</p> <p>§ Contribute to biodiversity.</p>	Complies.
<i>Open Space</i>	<p>§ Provide residents with recreational opportunities.</p> <p>§ Enable soft landscaping and deep soil planting.</p> <p>§ Provide 25%-30% of site area as communal open space; 30% for larger sites.</p> <p>§ Ensure communal open space is usable.</p> <p>§ Provide a pleasant outlook.</p> <p>§ Ground floor private open space: min. 25m² and 4 m in one direction.</p>	Complies.
<i>Orientation</i>	<p>§ Optimise solar access to units (north-facing wall within 30° E and 20° W of N; living and private open space to face north).</p> <p>§ Contribute to streetscape.</p> <p>§ Support landscaped area.</p> <p>§ Protect amenity of existing development.</p> <p>§ Improve thermal efficiency of buildings.</p>	Complies.
<i>Planting on Structures</i>	<p>§ Contribute to the quality and amenity of communal open space.</p> <p>§ Encourage the establishment of trees.</p>	Complies.
<i>Stormwater Management</i>	<p>§ Minimise impacts on waterways.</p> <p>§ Preserve existing topographic and natural features.</p> <p>§ Minimise discharge of sediments and pollutants.</p>	Complies.

<i>Safety</i>	<p>§ Ensure developments are safe and secure.</p> <p>§ Contribute to safety of the public domain.</p>	Complies.
<i>Visual Privacy</i>	<p>§ Provide reasonable levels of visual privacy.</p> <p>§ Maximise outlook and views without compromising visual privacy.</p>	Complies.
<i>Building Entry</i>	<p>§ Create entrances which provide a desirable identity for the development.</p> <p>§ Orient the visitor.</p> <p>§ Contribute to the streetscape and facade.</p>	Complies.
<i>Parking</i>	<p>§ Minimise car dependency.</p> <p>§ Implications on deep soil zone, water table, topography and size and shape of the lot.</p> <p>§ Provide adequate parking.</p> <p>§ Integrate design of car parking with the site and building.</p> <p>§ Issues of underground parking – deep soil zone, ventilation, safety and security and upper floor width.</p>	Complies.
<i>Pedestrian Access</i>	<p>§ Well connected to the street and contributes to the public domain.</p> <p>§ Ease of access for all users, including wheelchair access.</p>	Complies.
<i>Vehicle Access</i>	<p>§ Integrate vehicle and service access to minimise impact on streetscape, landscape or pedestrian amenity and safety.</p> <p>§ Active street frontage.</p>	Complies.
PART 03 - BUILDING DESIGN		
<i>Controls</i>	<i>Requirements</i>	<i>Comments</i>
<i>Apartment Layout</i>	<p>§ Ensure the spatial arrangement of apartments is functional and well organised.</p> <p>§ Provide high standard of amenity.</p> <p>§ Maximise apartment environmental performance.</p> <p>§ Accommodate occupant needs.</p>	Complies.

<i>Apartment Mix</i>	<p>§ Provide a diversity of apartment types.</p> <p>§ Maintain equitable access by cultural and socio-economic groups.</p>	Complies.
<i>Balconies</i>	<p>§ Provide all apartments with private open space (min. 1 primary balcony).</p> <p>§ Ensure balconies are functional (min. depth 2m, adjacent to living area, responsive to local climate and context, privacy).</p> <p>§ Ensure balconies are integrated into building design.</p> <p>§ Contribute to safety and liveliness of the street.</p>	Complies.
<i>Ceiling Heights</i>	<p>§ 2.7m to habitable rooms.</p> <p>§ 2.4m to non-habitable rooms.</p> <p>§ Increase sense of space.</p> <p>§ Promote daylight penetration.</p> <p>§ Contribute to flexibility of use.</p> <p>§ Achieve quality interiors.</p>	Complies.
<i>Flexibility</i>	<p>§ Encourage housing designs which meet broad needs.</p> <p>§ Accommodate whole or partial use changes.</p> <p>§ Encourage adaptive re-use.</p>	Complies.
<i>Ground Floor Apartments</i>	<p>§ Contribute to the streetscape (individual entry to promote pedestrian activities, stepping up 1.2m from footpath for privacy).</p> <p>§ Increase housing choice (private gardens accessible from main living space, maximise accessible ground floor units).</p>	Complies.
<i>Internal Circulation</i>	<p>§ Create safe and pleasant spaces for circulation (maximum 8 units per single corridor).</p> <p>§ Facilitate quality apartment layouts.</p> <p>§ Contribute to the form and articulation of building façade.</p> <p>§ Encourage interaction and recognition between residents.</p>	Complies.

<i>Mixed Use</i>	<p>§ Support integration of appropriate retail/commercial uses with residential.</p> <p>§ Create lively street.</p> <p>§ Maintain residential amenity.</p>	N/A.
<i>Storage</i>	<p>§ Provide adequate storage for everyday household needs (6m³ for studio/1b, 8m³ for 2b, 10m³ for 3+b).</p> <p>§ Provide storage for sporting and other equipment.</p>	Complies.
<i>Acoustic Privacy</i>	<p>§ Ensure a high level of amenity by protecting privacy of residents.</p>	Complies.
<i>Daylight Access</i>	<p>§ Ensure daylight access is provided to all habitable rooms.</p> <p>§ Provide adequate ambient lighting.</p> <p>§ Provide the ability to adjust light quantity.</p>	Complies.
<i>Natural Ventilation</i>	<p>§ Provide all habitable rooms with direct access to fresh air (max. 10m-18m building depth, 60% of all units and 25% of all kitchens with crossventilation).</p> <p>§ Provide natural ventilation in nonhabitable rooms where possible.</p> <p>§ Reduce energy consumption.</p>	Complies.
<i>Awnings and Signage</i>	<p>§ Provide shelter for public streets.</p> <p>§ Ensure signage is in keeping with streetscape character.</p>	Complies.
<i>Facades</i>	<p>§ Promote high architectural quality.</p> <p>§ Ensure facades define and enhance the streetscape.</p> <p>§ Ensure building elements are integrated in the form and facade.</p>	Complies.
<i>Roof Design</i>	<p>§ Roof design contributes to overall design and performance of the building.</p> <p>§ Roof integrated into the facade, composition and contextual response.</p> <p>§ Increase longevity of the building.</p>	Complies.

<i>Energy Efficiency</i>	§ Reduce necessarily for mechanical heating and cooling. § Reduce reliance on fossil fuels. § Minimise greenhouse gas emissions. § Support renewable energy.	Complies.
<i>Maintenance</i>	§ Ensure long life and ease of maintenance.	Complies.
<i>Waste Management</i>	§ Avoid generation of waste. § Plan for waste management during construction. § Ensure efficient storage and collection of waste.	Complies.
<i>Water Conservation</i>	§ Reduce mains consumption of water. § Reduce quantity of stormwater runoff.	Complies.

Urban Design Review Panel Comments

Preliminary design plans for the proposal were considered by Council's Urban Design Review Panel (UDRP). A review of the proposed development in relation to SEPP 65 and the *Residential Flat Design Code* was undertaken by the UDRP and were generally supportive of the development.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Penrith Local Environmental Plan 2008 (City Centre)

Provision	Compliance
Clause 2 - Aims of the Plan	Complies
Clause 12 - Zoning of land to which this plan applies	N/A
Clause 13 - Zone objectives	N/A
Clause 15 - Additional permitted uses for particular land	N/A
Clause 16 - Subdivision consent requirements	N/A
Clause 17 - Temporary use of land	N/A
Clause 21 - Height of buildings	N/A
Clause 22 - Architectural roof features	N/A
Clause 23 - Sun Access	N/A
Clause 24 - Floor space ratio	N/A
Clause 25 - Minimum building street frontage	N/A
Clause 26 - Design Excellence	N/A
Clause 27 - Car parking	N/A
Clause 28 - Ground floor development within B3 and B4	N/A

Clause 29 - Building separation	N/A
Clause 30 - Ecologically sustainable development	N/A
Clause 31 - Serviced apartments	N/A
Clause 32 - Exceptions to development standards	N/A
Clause 33 - Land acquisition within certain zones	N/A
Clause 34 - Development on proposed classified roads	N/A
Clause 35 - Classification and reclassification of public land	N/A
Clause 36 - Community use of educational establishments	N/A
Clause 37 - Classified roads	N/A
Clause 38 - Development in proximity to a rail corridor	N/A
Clause 39 - Preservation of trees or vegetation	N/A
Clause 40 - Heritage conservation	N/A
Clause 41 - Bush fire hazard reduction	N/A
Clause 42 - Development for group homes	N/A
Clause 43 - Crown development and public utilities	N/A
Clause 44 - Location of sex services premises and restricted premises	N/A
Schedule 1 - Additional permitted uses	N/A
Clause 45 - Application of Part	Complies
Clause 46 - Interpretation	N/A
Clause 48 - Suspension of covenants, agreements and instruments	N/A
Clause 49 - Land use zones	Complies
Clause 50 - zone objectives and land use table	Complies
Clause 51 - Height of buildings	Complies - See discussion
Clause 52 - Development near zone boundaries	N/A
Clause 53 - Architectural roof features	N/A
Clause 54 - Heritage Conservation	N/A
Clause 55 - Earthworks	Complies
Clause 56 - Savings provision relating to pending applications	N/A
Clause 47 - Certain planning instruments cease to apply to the land	N/A

Part 7 North Penrith site

50 Zone objectives and land use table

The site is zoned B2 Local Centre and residential flat buildings are permitted with Council consent.

51 Height of buildings

The maximum building height indicated in Map HOB 001 is 30m. The height of the proposed development is 28.2m and is therefore compliant.

55 Earthworks

A Geotechnical Report has been submitted as part of this application. The existing soil condition is appropriate for the excavation works proposed.

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

The following draft Environmental Planning Instruments (EPI's) apply to the site:

Penrith Planning Proposal

The Stage 2 Penrith Planning Proposal was placed on public exhibition on 13 May 2014. The relevant sections of the Planning Proposal have been reviewed and there are no proposed changes to the controls relating to development within North Penrith.

SEPP 65

Amendments to SEPP 65 are currently in draft form. These amendments relate to car parking and have been considered as part of this application, as discussed within this report.

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

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	Complies
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	N/A
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	N/A
Chapter 4.8 - Construction works	Complies

North Penrith Design Guidelines

Provision	Compliance
North Penrith Design Guidelines	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 79C(1)(a)(iv) The provisions of the regulations

Fire safety

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed buildings is necessary.

The application has been referred to Council's Building Surveyors for assessment with the following comments being provided:

Subject to the imposition of several conditions, there is no objection to the proposal regarding fire safety considerations.

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

Context and Setting

The proposal is consistent within the desired and anticipated future character of the locality.

The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area.

The proposal will have no significant impacts on the natural environment.

Site Design and Internal Design

The site is located with the Thornton/North Penrith subdivision, where demand for residential development is high and is compatible with the adjoining land uses.

Solar Access

The "rule of thumb" under the *Residential Flat Design Code* is that 70% of apartments (i.e. living rooms and private open space) in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm. A total of 77.5% of apartments will receive at least 3 hours of sunlight between 9am and 3pm, which complies with this requirement. In addition, it should be noted that the proposal will not result in excessive overshadowing of adjoining properties.

Accessibility

The proposed building incorporates six adaptable apartments for people with disabilities. A number of design features have been incorporated into each apartment and other features will be capable of being retrofitted depending on the ultimate user's requirements. A lift is proposed which will provide access to all levels of the buildings.

The application has been accompanied by an Access and Adaptability Report prepared by BCA Logic, which provides a review of the proposed development with regard to relevant accessibility requirements and standards.

Access, Parking and Traffic

The proposed vehicle access arrangements and car parking on the site will be adequate for the proposal.

The proposal will have no adverse traffic generation impacts on the local road system.

Council's Traffic Engineer has reviewed the proposal with regard to access, parking and traffic considerations and has provided the following comments:

Parking

The applicant proposes two parking options for the developments (DA1 & DA2). The tables showing the two parking options is on page 18 of Appendix E and the following comments are provided based on the

figures provided in that table. I have not checked the basement plans to check that they correspond with these car parking numbers.

The report refers to parking rates in the North Penrith Design Guidelines (NPDG) and DCP 2010, however, the parking rate for RFBs in DCP 2010 is the same as the NPDG and does not provide an additional 0.5 space for two bedroom units. Notwithstanding this, the applicant seeks to offer more parking spaces in a second level of basement for the development(s) for marketing purposes.

The first table shows that provision strictly as per the parking rate under NPDG complies for both DAs and as combined, the two developments provide **137** spaces, being 20 spaces less than the maximum required of 157 spaces.

By providing an additional 0.5 space for the two bedroom apartments, DA02 exceeds the maximum by 13 spaces (not complying). However combined, the two developments provide **191** spaces, being 6 less than the maximum required of 197 spaces, therefore complying overall.

The difference in parking provision between the two scenarios is 54 car spaces.

The sites benefit from close proximity to Penrith Interchange and Penrith City Centre. Transport for NSW and Roads and Maritime Services seek to encourage lower parking rates and reduced car use at city centres close to transport nodes and the NPDG adopt these principles in its parking rates. (See draft SEPP 65 and draft Apartment Design Guide)

The objectives of parking and access in the NPDG are:

- (1) To provide an appropriate level of on-site parking consistent with the principles of transit oriented development.
- (2) To support the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.
- (3) To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).
- (4) To reduce the impact of vehicular access on the public domain.

The use of the term “maximum” in the parking rates aims to limit and/or reduce vehicle use and infrastructure for car parking.

It is considered that an increase of 54 car spaces does not promote use of public transport, cycling and walking and would not reduce the impact of vehicular access in the public domain.

As early RFB developments for the precinct, concerns are raised that should additional parking be accepted, an unnecessary precedent will be set for further developments and the intent and the opportunity of reduced parking and traffic generation in the locality will be lost.

It is recommended that one level of basement car parking be approved (137 car spaces for DA01 & DA02, 151 units).

The NPDG require a maximum of 1 space for car washing for every 50 units, up to a maximum 4 spaces per building, being at least 1 wash space for DA01 (89 units) and 1 wash space for DA02 (68 units). The applicant has indicated that by providing no car wash bays, this complies with the maximum required.

The DAs may strictly comply, being less than the maximum, however, the intent is to provide car washing facilities for higher density residential premises, and **at least one car wash space should be provided for each DA.**

In addition, whilst bicycle parking is not required in residential buildings under the NPDG, one of the objectives regarding access and parking is “To support the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.” The applicant is proposing

to offer residents a “welcome pack” highlighting sustainable transport measures. In line with these points, it is requested that the applicant **consider providing secure bike parking at suitable locations within the (4) buildings** for use by residents and their visitors.

Access and circulation

If the above parking provision is accepted (137 spaces), one level of basement will be provided. DA01 and DA02 are required to be constructed together, as DA02 has no independent vehicular access, nor does it have independent garbage/moving truck access.

A bay for garbage and moving trucks is provided with DA01 between the basement entrance and the car parking street. It is unclear how the trucks travel from the lane to the parking street. Some plans show this as landscaped area? Is the lane intended as a one way public road? If trucks are able to access the parking street, will this create an accessway/short cut for car traffic? If the one way (?) lane is intended as a public lane, a garbage truck or moving truck would block access in practical terms (2.62m spare with perfect parking).

It is recommended that the width of the truck bay is increased so that it does not impede on the lane. The truck access and use of the lane requires clarification.

Traffic Generation

The RMS traffic generation rates (August 2013) indicate that in metropolitan regional centres for a high density RFB (20 or more units >5 levels), the peak hour vehicle trips is 0.19 per unit. This equates to 29 peak hour trips for the 151 units (DA01 & DA02) which is low.

The number of units proposed does not exceed the number assessed for Stage 3A of the precinct. The trip numbers are within the limits previously assessed for the precinct.

If additional parking was accepted, the traffic generation would also be within the limits for the precinct. However, it is considered that a precedent may result in incremental traffic increases to a point where later developments cannot comply with the assumed rates.

It is anticipated that the local road network has adequate spare capacity to cater for this traffic generation. In summary, Council’s Traffic Engineer is satisfied with the proposed access, parking and traffic related aspects of the proposal, subject to several conditions. It should be noted that the applicant no longer wishes to pursue two basement levels of parking.

Social and Economic Impacts

The proposal poses no potential adverse social or economic impacts.

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

The site attributes are conducive to the development proposal. The proposal has been designed in a manner consistent with the desired and anticipated future character of the locality.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Chapter 2.7 of the Penrith Development Control Plan for the City of Penrith 2006, the proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. A total of 1 property owner was notified in the surrounding area as the other adjoining properties are under the ownership of Urban Growth NSW.

The public exhibition period for the proposal was from 17 October to 31 October 2014. There was one public submission received by Council received in relation to the proposal.

The issue raised was in relation to crime prevention through urban design and this has been addressed through conditions of consent.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions

Section 79C(1)(e)The public interest

The site is suitable for the proposed development. The proposed development is permissible under the site's zoning and the proposal meets the aims and objectives of the relevant environmental planning instruments. The proposed development will improve the overall appearance of the site.

The properties in the immediate vicinity of the site are either owned by Urban Growth NSW or were notified of the proposal. It is unlikely that the proposed development will adversely impact on adjoining properties, subject to recommended conditions of consent.

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - District Open Space Facilities (Multi Unit)

The following Section 94 calculations apply to the proposed development.

Calculation for Multi Unit					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
<u>83</u>	x	\$1,757.00	-	0	\$145,831.00

Conclusion

The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of Council's support.

Recommendation

1. That DA14/1181 for Two Residential Flat Buildings - Four (4) Storey Building & Eight (8) Storey Building with Associated Basement Car Parking & Landscaping at Proposed Lot 3007 Lord Sheffield Circuit, Penrith be approved subject to the attached conditions.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the plans tabled below and stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Architectural Plans

Plan	Numbered	Issue	Drawn By	Dated
Site Analysis	DA01-1000	A	dKO Architecture	17 September 2014
Site Plan	DA01-1100	A	dKO Architecture	17 September 2014
Ground Floor Plan	DA01-2100	A	dKO Architecture	17 September 2014
First Floor Plan	DA01-2101	A	dKO Architecture	17 September 2014
Second Floor Plan	DA01-2102	A	dKO Architecture	17 September 2014
Third Floor Plan	DA01-2103	A	dKO Architecture	17 September 2014
Fourth Floor Plan	DA01-2104	A	dKO Architecture	17 September 2014
Fifth Floor Plan	DA01-2105	A	dKO Architecture	17 September 2014
Sixth Floor Plan	DA01-2106	A	dKO Architecture	17 September 2014
Seventh Floor Plan	DA01-2107	A	dKO Architecture	17 September 2014
Eighth Floor Plan	DA01-2108	A	dKO Architecture	17 September 2014
Roof Plan	DA01-2109	A	dKO Architecture	17 September 2014
Basement 1 Floor Plan	DA01-2110	A	dKO Architecture	17 September 2014
Elevations 1 Plan	DA01-3000	A	dKO Architecture	17 September 2014
Elevations 2 Plan	DA01-3001	A	dKO Architecture	17 September 2014
Elevations 3 Plan	DA01-3002	A	dKO Architecture	17 September 2014
Sections Plan	DA01-3100	A	dKO Architecture	17 September 2014
Perspectives Plan	DA01-5000	A	dKO Architecture	17 September 2014
Perspectives Plan	DA01-5001	A	dKO Architecture	17 September 2014
Perspectives Plan	DA01-5002	A	dKO Architecture	17 September 2014
External Finishes Schedule	DA01-5003	A	dKO Architecture	17 September 2014
External Finishes Schedule 2	DA01-5004	A	dKO Architecture	17 September 2014
Site Plan	DA01-NP01	A	dKO Architecture	17 September 2014
Elevations 1 Plan	DA01-NP02	A	dKO Architecture	17 September 2014
Elevations 2 Plan	DA01-NP03	A	dKO Architecture	17 September 2014

Landscape Plans

Plan	Numbered	Issue	Drawn By	Dated
Master Plan	4 of 16	A	Urbis	15 September 2014
Design Statement	6-8 of 16	A	Urbis	15 September 2014
Site Analysis Plan	9 of 16	A	Urbis	15 September 2014
Landscape Plan	10 of 16	A	Urbis	15 September 2014
Typical Landscape Sections	11 of 16	A	Urbis	15 September 2014
Indicative Planting Strategy	12 of 16	A	Urbis	15 September 2014
Indicative Planting Palette	13 of 16	A	Urbis	15 September 2014
Indicative Planting Palette	14-15 of 16	A	Urbis	15 September 2014
Materials Strategy	16 of 16	A	Urbis	15 September 2014

BASIX Commitment Plans

Plan	Numbered	Issue	Drawn By	Dated
Ground Floor Plan	SK01-2100	C	dKO Architecture	12 September 2014
Level 1 Plan	SK01-2101	C	dKO Architecture	12 September 2014
Level 2 Plan	SK01-2102	C	dKO Architecture	12 September 2014
Level 3 Plan	SK01-2103	C	dKO Architecture	12 September 2014

Level 4 Plan	SK01-2104	C	dKO Architecture	12 September 2014
Level 5 Plan	SK01-2105	C	dKO Architecture	12 September 2014
Level 6 Plan	SK01-2106	C	dKO Architecture	12 September 2014
Level 7 Plan	SK01-2107	C	dKO Architecture	12 September 2014
Level 8 Plan	SK01-2108	C	dKO Architecture	12 September 2014
Roof Plan	SK01-2109	C	dKO Architecture	12 September 2014
Basement 1	SK01-2110	C	dKO Architecture	12 September 2014
Elevations Plan	SK01-3000	C	dKO Architecture	12 September 2014
Elevations Plan	SK01-3001	C	dKO Architecture	12 September 2014
Perspectives Plan	SK02-5000	C	dKO Architecture	12 September 2014
Perspectives Plan	SK02-5001	C	dKO Architecture	12 September 2014
Perspectives Plan	SK02-5002	C	dKO Architecture	12 September 2014
External Finishes Schedule	SK02-5003	C	dKO Architecture	12 September 2014
External Finishes Schedule	SK02-5004	C	dKO Architecture	12 September 2014

Stormwater Management Plans

Plan	Numbered	Issue	Drawn By	Dated
Drainage Ground Floor Plan	DA-STW-04	B	LP Consulting	18 September 2014
Drainage Basement 1 Plan	DA-STW-05	B	LP Consulting	18 September 2014

2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

3 [A046 - Obtain Construction Certificate before commencement of works](#)

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

4 **A CPTED Lighting**

Prior to the issue of an Occupation Certificate, the following Crime Prevention Through Environmental Design matters shall be satisfied:

(i). Lighting

(a) All internal and external areas of the development must be lit in accordance with Australian Standard 1158. This includes internal foyers, corridors, basement car parks and building entry points. All pedestrian paths and any other areas throughout the development that are intended to be used at night shall be lit to allow appropriate levels of visibility.

(b) Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas.

(c) Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site being traversed.

(d) All lighting within the external areas of the development in particular must be vandal resistant.

(e) Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.

(ii). Fencing

(a) Fence design should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide.

(b) Front fences should preferably be no higher than 1.2 metres. Where a higher fence is proposed, it shall be constructed of open materials (e.g. spaced pickets, wrought iron etc).

(iii). Basement Car Parking

(a) All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.

(b) Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.

(c) All surfaces in the car park should be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.

(iv). Entrapment Spots & Blind Corners

(a) Pathways should be direct. All barriers along pathways should be permeable including landscaping and fencing.

(v). Communal/Public Areas

(a) All common areas, in particular the internal courtyard located in the middle of the development, should be easily seen and well lit, and free of any obstructions including landscaping that may impede an onlooker's view of the space from adjacent apartments.

(vi). Entrances

(a) Entrances to the apartment blocks as well as the communal spaces need to be clearly visible and legible to users through design features and signage.

(b) Each building entry should clearly state the unit numbers accessed from that entry.

(c) Signage must be clearly displayed at the entry to the development to define the development as private property.

(vii). Building Security & Access Control

(a) Access to all pedestrian, vehicle entry points and common areas designed to only be used by residents must be managed by a security system (swipe card, sensors, etc) to minimise opportunities for unauthorised access.

(b) Australian Standard compliant door and window locks should be installed in all dwellings, including doors onto balconies.

(c) Viewers should be installed on entry doors to apartments to allow residents to see who is at the door before it is opened.

(viii). Graffiti/Vandalism

(a) Graffiti resistant coatings must be used to external surfaces where possible, including signage, fencing, rendered surfaces at lower levels, furniture, retaining walls, etc.

(b) Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

5 **A Special (BLANK)**

Prior to the issue of a Construction Certificate, the land to which the development consent relates shall be registered at the Land and Property Information division of the Department of Lands.

Following registration of the subdivision the applicant is to demonstrate compliance with any restrictions on the use of the land arising from the 88B instrument that impact on the approved plans. The documentation shall be submitted to the Principal Certifying Authority for consideration and approval prior to the issue of a Construction Certificate.

- 6 [A Special \(BLANK\)](#)
Prior to the issue of a Construction Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- 7 [A Special \(BLANK\)](#)
Prior to the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- 8 [A Special \(BLANK\)](#)
The basement car park associated with DA14/1181 and DA14/1182 shall be built concurrently and completed prior to the issue of an Occupation Certificate for either development.
- 9 [A Special \(BLANK\)](#)
Each 2 and 3 bedroom unit shall be allocated a minimum of 1 car parking space.
- 10 [A Special \(BLANK\)](#)
All relevant works in DA14/1182 required to facilitate the approved development shall be satisfactorily completed prior to the issue of an Occupation Certificate.

Environmental Matters

- 11 [D001 - Implement approved sediment& erosion control measures](#)
Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 12 [D009 - Covering of waste storage area](#)
All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 13 [D010 – Appropriate disposal of excavated or other waste](#)
All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

14 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

15 **D Special BLANK**

The Construction Certificate plans shall demonstrate compliance with the following waste management requirements:

- (a) The bin collection bay located on the ground floor shall be large enough to accommodate 77 x 240 litre bins.
- (b) The development shall provide a bulky waste storage area of 23m².
- (c) The recycling chute shall achieve adequate fire safety measures.

BCA Issues

16 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

17 [E009 - Annual fire safety-essential fire safety \(Class 2-9 buildings\)](#)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

18 [E01A - BCA compliance for Class 2-9](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Utility Services

19 [G002 - Section 73 \(not for](#)

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

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

20 [G004 - Integral Energy](#)

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

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

Construction

21 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

22 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

23 H025 - Construction of garbage rooms

Garbage rooms within the buildings shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.

24 H033 – Clothes line

Clothes drying facilities are to be positioned and screened from public view.

25 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

26 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tanks) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

27 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tanks supply must not be connected to drinking and bathing water tap outlets.

28 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The rainwater tanks pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

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

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

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Engineering

30 [K027 - Car Parking](#)

A total of 141 off-street parking spaces for DA14/1181 and DA14/1182 are to be provided, linemarked and maintained for the development. The parking space dimensions and manoeuvring areas are to comply with AS 2890.1, AS 2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 141 spaces, 14 parking spaces for persons with disabilities are to be provided in accordance with AS 1428.1 and are to be located close to all pedestrian accessways to the buildings.

31 [K041 - Bond \(Authur unknown\) - Not adopted by Council](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

32 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

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

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

33 [K221 - Access, Car Parking and Manoeuvring – General](#)

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

34 **K501- Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with the Section 138 Roads Act approval have been inspected and signed off by Penrith City Council.

35 **K Special (BLANK)**

At least one car wash bay is to be provided. Details are to be provided as part of the Construction Certificate application.

36 **K Special (BLANK)**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

37 **K Special (BLANK)**

Secure bicycle parking in convenient location shall be provided in accordance with Australian Standard AS2890.3:1993 *Bicycle Parking Facilities*.

38 **K Special (BLANK)**

Subleasing of car parking spaces is not permitted by this consent.

39 **K Special (BLANK)**

A loading bay for garbage and servicing trucks is to be provided between the basement entrance and the parking street road. The width of the truck bay shall be increased so that a garbage truck or service truck does not impede on the laneway.

40 **K Special (BLANK)**

Prior to the issue of a Construction Certificate, plans shall be submitted to and approved by Council clarifying the rear laneway treatment (between the basement entrance and the car parking street). These plans shall indicate how trucks will travel from the lane to the parking street and include details of any required cross over line marking and/or signage.

41 **K Special (BLANK)**

The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by LP Consulting, reference number DA - STW01 to STW06, issue B, dated 18 June 2014.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

42 **K Special (BLANK)**

A detailed Management Strategy is to be submitted at the Construction Certificate stage that details how the wetland and central water feature will be protected during the flat building construction stages.

Prior to commencement of works, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

43 **K Special (BLANK)**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

a) Stormwater management systems

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

44 **K Special (BLANK)**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B - 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference 9470Rpt1B, dated 17 October 2012.

Details on the location and sizing of rainwater tanks for the proposed development, including harvested rainwater reuse information, is to be submitted to Council prior to the issue of a Construction Certificate in line with the requirements of Council's Water Sensitive Urban Design Policy 2013.

Landscaping

45 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

46 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category [3] landscape works.

47 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (3) landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (3) landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

iv 3 Year Landscaping Report (category 3 developments) 3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

- (a) The landscaping on site has matured and is in accordance with the original landscape approval.
- (b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

48 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

49 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

50 L Special Plant schedule

Eucalypts and Acacias are not approved as street trees or trees within carparking areas. A minimum of 75L pot size is required to be planted for all trees.

Development Contributions

51 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$145,831.00 is to be paid to Council by Urban Growth NSW prior to a Construction Certificate being issued for DA14/1181 (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

52 P001 - Costs

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

53 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

54 [Q006 - Occupation Certificate \(Class 2 - 9\)](#)

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

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

55 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

North Penrith Design Guidelines

3.11 Specific Provisions - Residential Flat Buildings

Clause	Control	Compliance	Comment
3.11.1	Minimum Lots Size 650m ² Maximum Building height 6 Storey except for Block C3 which is 3 storeys	Complies. Does not comply.	Approximately 4515m ² The application proposes an eight storey building. The 2 storey non-compliance still complies with the 30m maximum building height under the Penrith City Centre Local Environmental Plan 2008. The exceedance of the 6 storey maximum is considered to satisfy the intent of this control as
	Max car parking rates: Studio 0.5/ dwelling 1-2 bed 1/ dwelling 3+ bed 2/ dwelling (Visitor parking on street)	Complies.	The basement car park proposed is to cater for DA14/1181 and DA14/1182. Two parking options have been provided: Option 1: a single level of basement car parking to comply with this maximum rate (72 spaces for DA14/1181). Option 2: two level of basement car parking with a higher parking rate (90 Spaces for DA14/1181). The pursuance of either option will be dependant on the market and what is required by the future residents. A condition of consent will be included to address this.
	Car parking location and design At grade or within basement levels. At grade / undercroft parking is to be visually attractive, accessible to the dwelling entry and incorporate passive surveillance	Complies.	Underground car parking will incorporate methods of surveillance and easily accessible dwelling entry.
	Min 10% to be in accordance with the Landcom Universal Housing Guidelines	Complies.	
	Maximum site cover 100% - for Blocks A1, A2 and T1 - T5 50% - for Block C3	Complies.	Block T5.
	Minimum deep soil zone 0% for Blocks A1, A2 and T1 - T5 15% for Block C3	Complies	Block T5.
	Minimum communal open space 0% for Blocks A1, A2 and T1 - T5, 20% for Block C3	Complies.	Block T5.

3.11.2 Blocks T3-T5
T5: Complies. See Section 4.0 The Village Centre.

Residential uses at ground floor should be designed as 'live/ work' spaces.

The residential component is to be consistent with relevant controls in Section 4.0.

4.0 The Village Centre

Clause	Control	Compliance	Comment
4.1.1	The location of preferred land uses within the Village Centre is to be generally consistent with the Figure 18.	Complies.	The site is identified as "high density" in Figure 18.
4.1.2	Building heights within the Village Centre are to be a minimum of 2 storeys, excluding the supermarket, and a maximum of 6 storeys.	Does not comply.	As discussed above.
4.1.3	The ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential.	NA	Residential only.
4.1.4	Building setbacks / build-to lines within the Village Centre are to be consistent with Figure 19. Buildings are generally to be built to the street / square alignment. No upper level setbacks are required.	Complies.	Figure 19 indicates the setback control for this site as built to boundary for commercial or mixed use development and 2-3m for residential development. A 2.836m setback to the main body of wall has been provided.

4.1.5	Building frontage types within the Village Centre are to be generally consistent with Figures 20 - 21 and the table below.	Does not comply.	<p>Figures 20-21 require "intermittent awning" on this site. No awnings are proposed as there are courtyards on the ground floor that are bordered by landscaping to enhance the privacy of these courtyards. As this requirement is intended to create a transition line between ground floor mixed uses and upper residential uses whilst providing shelter to pedestrian paths it is considered that these awnings are unnecessary. The proposed development does not have any commercial element and is purely residential, and adjoins public open spaces that would not require awnings over pedestrian footpaths.</p>
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4.1.6 Street frontages are required at ground level of buildings as shown at Figure 22 and the table below	Complies.	The street address frontage provides residential entries, habitable rooms with clear glazing and is not raised above 1.2m.
4.1.7 Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies.	High quality architectural features and awnings enhance visibility of entrances.
4.1.8 Mixed use buildings within the Village Centre are to: <ul style="list-style-type: none"> • <input type="checkbox"/> provide direct 'front door' access from ground floor residential units, • <input type="checkbox"/> provide clearly separate and distinguishable commercial and residential entries and vertical circulation, and • <input type="checkbox"/> provide multiple entrances for large developments including an entrance on each street frontage. 	Complies.	Ground floor apartments have direct front door access.
4.1.9 To facilitate the future conversion of ground floor residential uses to non-residential uses, the s88B instrument is to include a provision stating that the body corporate is not to unreasonably restrict or limit the ability for such a conversion to occur.	Condition.	
4.1.10 The design and provision of facilities for persons with a disability including car parking must comply with Australian Standard AS 1428 Pt 1 and 2 (or as amended) and the Commonwealth Disability Discrimination Act 1992 (as amended). A report from an accredited access consultant is to be submitted with a development application (where relevant), indicating the proposal's compliance.	Complies.	An access report was provided as part of this application.
4.1.11 The solid to void ratio is to be generally 60/40 for above ground levels. External materials and finishes: <ul style="list-style-type: none"> <input type="checkbox"/> should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass, <input type="checkbox"/> consider the views / appearance from the commuter car park and the railway line, <input type="checkbox"/> maximise glazing for retail uses at ground level, <input type="checkbox"/> avoid large expanses of blank walls, and <input type="checkbox"/> are not to include highly reflective finishes and curtain wall glazing above ground floor level. 	Complies.	
4.1.12 The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building, and in residential buildings may be screened by roof pergolas.	Complies.	

- 4.1.13 As part of the first major retail / commercial development within the Village Centre, a signage strategy is to be prepared and submitted for approval. The signage strategy is to:
- identify the preferred locations and quantum of all building identification and advertising signage,
 - include a palette of preferred materials, signage types and graphic style,
 - outline proposed illumination requirements so as to consider its impact on future, nearby residential uses,
 - promote a high quality, co-ordinated approach to signage within the Village Centre and minimise visual clutter, and
 - include details of any way finding signage.
- Proposed signage within future development is to be consistent with the approved signage strategy.
- 4.1.14 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 and 5 stars under the Australian Building Greenhouse Rating system. NA.
- 4.1.15 All dwellings, including those dwellings in a mixed-use building and serviced apartments which are intended to be or are capable of being strata titled, are to demonstrate compliance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. Complies. A BASIX Certificate was provided with the application. A rating of:
Water = 41
Thermal Comfort = Pass
Energy = 30
- 4.1.16 For commercial buildings that will be accommodating 'general office areas', the target internal noise level is to be 40 dB(A) LAeq. NA.
- 4.2.1 Maximum parking rates are to be in accordance with the table below. The preferred location of and access to car parking within the Village Centre is shown at Figure 23. Complies. As previously discussed.
- | Development Type | Maximum Car Parking Rate |
|---------------------|---|
| Commercial / Retail | 1 space / 50m ² GFA * |
| Supermarket | 1 space / 26m ² GFA |
| Residential | 0.5 space / dwelling |
| - Studio | 1 space / dwelling |
| - 1-2 Bedroom | 2 spaces / dwelling |
| - 3+ bedroom | On-street only |
| - Visitors | 1 space for car washing for every 50 units, up to a maximum 4 spaces per building |
| - Car wash bay | |
| Other uses | As per Section Part 2 2.11 of Penrith DCP 2006 |
- 4.2.2 At least 2% of the required non-residential parking spaces, or a minimum 1 space per development (whichever is greater), shall be designated for persons with a disability. The parking spaces are to be located, dimensioned and sign posted in accordance with AS 1428 and AS 2890. Complies. Car parking option 1: 4 accessible spaces
Car parking option 2: 5 accessible spaces.

4.2.3	<p>For commercial and retail 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:</p> <ul style="list-style-type: none"> <input type="checkbox"/> change and shower for cyclists and are to be conveniently located close to the bicycle storage areas, and <input type="checkbox"/> 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. 	NA.	
4.2.4	<p>Where above ground parking is proposed, the location of the parking area must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> be located on the side or rear of the site, and not be visible from the street and street frontage; <input type="checkbox"/> be landscaped or screened so that cars parked in the parking area are not visible from adjoining buildings or the street/street frontage; and <input type="checkbox"/> allow safe and direct access to the building's entry points. 	NA.	Below ground.
4.2.5	<p>Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> integrated into the overall façade and landscape design of the development, <input type="checkbox"/> located away from the primary street facade, and <input type="checkbox"/> oriented away from windows of habitable rooms and private open space areas. 	Complies.	Ventilation grills not noticeably visible from street.
4.2.6	<p>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.</p>	NA.	
4.2.7	<p>All parking provided on site is to meet AS 2890 and where, appropriate AS 1428.</p>	Complies.	
4.2.8	<p>All loading and unloading areas are to be:</p> <ul style="list-style-type: none"> <input type="checkbox"/> integrated into the design of developments, <input type="checkbox"/> separated from car parking and waste storage and collection areas, <input type="checkbox"/> located away from the circulation path of other vehicles, <input type="checkbox"/> provided separately for commercial/retail and residential uses, where part of a mixed use development, and <input type="checkbox"/> designed for commercial vehicle circulation and access complying with AS 2890.2. 	Complies.	A condition will be added to ensure that truck bay does not impede on vehicular access.
4.2.9	<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>	Complies.	