

Appendix IV)



Mr John Mullane,
Director
Mullane Planning Consultants
12 Mount Street,
GLENBROOK, NSW 2773

Dear John,

**344 HIGH STREET, PENRITH
REQUEST FOR WAIVER OF A DESIGN EXCELLENCE COMPETITION**

I am writing to you in response to your request for waiver of a design excellence competition for a proposed mixed use development on the above site.

In considering this matter I have reviewed the Director Generals Design Excellence Guidelines, the DA issue drawings (dated 09/10/15) and SEPP 65 report prepared by Integrated Design Group, and supporting documentation provided by you including the Penrith City Council (PCC) Pre-lodgement Advice letter of 24th September, 2015 and Urban Design Review Panel Meeting notes of 27th march, 2015.

I note that the proposed design has been reviewed and the design approach endorsed by the Penrith Urban Design Review Panel (PUDRP), subject to conditions. The proposed building is seven stories and 24.75m high, which is only marginally above the six storey / 24m design competition trigger. Whilst there are a number of significant SEPP 65 non-compliances in the current documents, the proposal overall indicates a positive response to the site in terms of urban design and the sensitive integration of new construction with the adjacent heritage building, taking into account streetscape and heritage curtilage.

In light of the above I consider it suitable to waive the design competition requirement in this instance. In granting this exemption, and in acknowledgement of precedent and the sensitivity of the heritage setting, I require the following alternative process to be established:

1. A Design Review Panel must be established to review the project throughout its design and construction to ensure design excellence is achieved. Review and endorsement of design documents must take place as follows:
 - prior to lodging the development application,
 - prior to Construction Certificate application,
 - at any other time nominated by the DRP.
2. Design verification, issued by a registered architect is to be provided with the application for an Occupation Certificate verifying that the development achieves the design quality of

the development as shown on the plans and specifications in respect of which the construction certificate was issued, in particular in regards to finishes and detailing.

3. The original design architects must remain directly involved in the project, including design documentation, contract documentation and construction stages.

The design review panel will consist of three design experts nominated by Penrith City Council and / or the current PCC UDRP. This alternative process is consistent with the approach taken for other similar requests across NSW. All costs of the above process are to be covered by the proponent.

Yours sincerely,



Olivia Hyde
Director of Design Excellence

Date: 30th November, 2015

MULLANE PLANNING CONSULTANTS

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Innovation in Urban Planning & Development

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Ms Olivia Hyde
Director of Design Excellence
NSW Government Architects' Office
Level 19 McKell Building
2-24 Rawson Place
Sydney NSW 2000

Dear Ms Hyde

**Re: Proposed Mixed Use (Residential / Commercial) Development
344 High Street, Penrith
Design Excellence Requirements**

Appended to this correspondence is a submission with respect to a Development Application, which seeks approval to the erection of a Mixed Use (Residential/Commercial) development at 344 High Street Penrith.

Both Council's Urban Design Review Panel and the Pre-Lodgement Panel have considered the Application. Their respective responses are included as appendices in the attached submission.

Of particular note are two design features which of themselves trigger the provisions of Clause 8.4 (3) of LEP 2010. Those features relate to the height of the proposed development (24.75m) and the number of storeys (7).

Clause 8.4 (3) provides as follows:

- (3) Development consent must not be granted for any of the following development on land to which this Part applies unless an architectural design competition has been held in relation to the development:*
- a. Development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,*
 - b. Development that has a capital value of more than \$1,000,000 on a key site identified on the Key Sites Map,*
 - c. Development for which the applicant has chosen to have an architectural design competition.*

The Pre-Lodgement Panel identified that the floor space ratio had been exceeded, however the site area is proposed to be 1610.83 m² and the gross floor area is proposed to be 4832 m² which will result in a fsr of 3:1 and accordingly is considered appropriate.

Sub-clause (4) of the LEP provides as follows:

(4) Subclause (3) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.

Based on the response from the Urban Design Review Panel, Council's Pre-Lodgement Panel and the standard of the plans accompanying the DA, it is considered appropriate to request the Director-General's certification that an architectural design competition is not required, in this instance.

Please feel free to contact me should you require clarification of any issue relative to your consideration of this request.

Sincerely

A handwritten signature in black ink, appearing to read 'John Mullane', with a stylized flourish extending to the right.

John Mullane

Director

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**DEVELOPMENT APPLICATION, WHICH SEEKS APPROVAL
TO A MIXED USE BUILDING ACROSS TWO BUILDINGS,
ONE COMPRISING TWO COMMERCIAL LEVELS
and FIVE RESIDENTIAL LEVELS
CONTAINING FIFTEEN DWELLINGS.**

**THE SECOND BUILDING COMPRISING ONE GROUND
FLOOR
OF CAR PARKING and SIX RESIDENTIAL LEVELS
(24 DWELLINGS)**

**REQUEST FOR DIRECTOR GENERAL'S CERTIFICATION
THAT ARCHITECTURAL DESIGN COMPETITION
PROVISIONS**

(CLAUSE 8.4 (4) – LEP 2010 PENRITH)

DO NOT APPLY IN THIS INSTANCE

1.0 INTRODUCTION

The Development Application seeks approval to two mixed-use buildings constructively connected in such a way as to achieve significant architectural outcomes.

In the view of the Urban Design Review Panel the plans “provide a foundation for architectural design which would be appropriate in terms of scale relationship to the heritage item”.

Those plans appear as Appendix i) and are accompanied by a Section 65 Report which appears as Appendix ii). That Sec 65 Report is extremely comprehensive and fully justifies the two departures from the height and number of storeys provision.

The comments of Council's Urban Design Review Panel have been included and appear as Appendix iii). As stated elsewhere, they provide a strong measure of support for the overall design principles embodied in the plans at Appendix i).

Council's Pre-Lodgement Panel's comments are contained in the documents making up Appendix iv) and will be addressed, once the proponent understands what the Director-General's decision will be with respect to the Design Excellence Competition requirements of Clause 8.4 (4).