



STATEMENT OF ENVIRONMENTAL EFFECTS

REDEVELOPMENT OF THE LOG CABIN AND ASSOCIATED CAR PARKING

20 & 712 MEMORIAL AVE, PENRITH

APRIL 2020

FDC CONSTRUCTION (NSW) PTY LTD

STATEMENT OF ENVIRONMENTAL EFFECTS

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Client and Land Details

Client: FDC Construction (NSW) Pty Ltd
Subject Site: Lot 21 DP 1236215, 20 Memorial Drive, Penrith
Lot 22, DP1236215, 712 Memorial Drive, Penrith
Proposal: Redevelopment of the Log Cabin and Associated Car Parking



Warwick Stimson RPIA
Director



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1 INTRODUCTION

1.1 PROJECT OVERVIEW

Stimson & Baker Planning has been engaged by FDC Construction (NSW) Pty Ltd to prepare a Statement of Environmental Effects in relation to the proposed redevelopment of the Log Cabin Hotel site on the properties known as 20 and 712 Memorial Ave, Penrith.

The proposed development aims to reactivate the former Log Cabin Hotel which occupied the site from 1939, until 2012 when the Hotel was destroyed by fire. Prior to this however, the site had been occupied by a hotel and used as a rest spot for travellers since the 1820's. The proposed development aims to reinstate the Hotel use. The site has since been reconfigured to accommodate the new Nepean River pedestrian bridge, 'Yandhai'.

The proposal includes the construction of a new Log Cabin building that will comprise a pub and food and drink premises, as well as a new at grade car park. Part of the site, immediately to the south of the pedestrian bridge, will remain undeveloped at this time.

The site is zoned *SP3 Tourist* under *Penrith Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the Act. The Act stipulates that the development must not be carried out on the subject site until consent has been obtained. The proposal is also considered to be 'integrated development' with approval being required from the NSW Office of Water prior to the determination of the application. This requirement is triggered by the development's proximity to the riverbank.

It is noted that 712 Memorial Avenue is mapped as being bushfire prone land, however this lot is proposed to accommodate the car park. No structures are proposed to be built, so no trigger for a RFS referral arises.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 4.15 of the Act.

1.2 REPORT STRUCTURE

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.

- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 HISTORY OF THE APPLICATION

1.3.1 Urban Design Review Panel Meeting

The proposal was discussed at a UDRP meeting held with the relevant officers at Penrith Council on 21 February 2020

Key Issue	Consideration
<p>The overall massing and height of the development should be informed by a visual impact analysis from various locations around the site and locations with views of the site. Of key interest is retained views of the pedestrian bridge and Victoria Bridge to ensure suitable way finding is maintained from the public domain. It is recommended that the proposed built form be superimposed as seen from both the eastern and western sides of the Nepean River, from a number of locations on the approach to Victoria Bridge and from Memorial Avenue. The intention is to ensure that the development does not impede significant views and identification of key visual markers (such as the newly constructed ted pedestrian bridge). This should also include some views from the pedestrian bridge itself.</p>	<p>The architectural response to those issues appears in the accompanying plans. From a planning perspective, it is considered that the architectural response is more than appropriate.</p>
<p>Clarification was sought on the intended long term use of Lot 20 and 22. If there is no immediate intention to develop Lot 22, then the provision of a car parking area must be suitably embellished with landscaping to minimise the hard stand presentation and lessen heat generation through canopy tree planting throughout the car park. The current parking concept is inadequate to achieve a suitable landscape design outcome. The Penrith DCP generally requires landscape beds for every 10 parking spaces and the landscape beds should be suitably sized for canopy tree and understory planting. A minimum 4.0m setback to property boundaries and the road reserve is also typically required by the Penrith DCP. The nil boundary setbacks to High Street are not supportable and the setback to memorial avenue is inadequate.</p>	<p>The amended car parking layout generally responds to the issues referred to above. The amended Landscape Plan accompanying this application reflects the amendments embodied in the car parking layout and is considered an appropriate response to the issues referred to above.</p>
<p>Opportunities should be explored through Council’s Traffic Management Department, with respect to the surface treatment and function of Memorial Avenue in this location. Given the road terminates prior to High Street (with exit for emergency services /evacuation only), a more pedestrian friendly environment is recommended (such as a shared zone etc). This would allow vehicle movements within the space but would focus the design, form and function of the road as the pedestrian connection between the development and the car park.</p>	<p>Reference to the car parking and Landscape plans identifies the opportunities for “shared zone” use of Memorial Avenue precinct.</p>
<p>The proposed driveway access into the car parking area is of concern as it is located at a conflict point with an indicated pedestrian crossing. Relocation of the driveway away from the development pedestrian entry is recommended, such as the south eastern corner of Lot 22.</p>	<p>This issue has been addressed in amended car parking layout accompanying this report, referred to above.</p>

Key Issue	Consideration
<p>The historic imagery relied upon to inform the architectural design and form of the development is supported by the Panel, with a clear design intention at the southern end of the development expressed representative of the previous site history. That design intention however is not being carried through to the northern end of the development. Opportunity exist to further refine the architecture of the building to simplify the roof forms and materiality.</p>	<p>The architectural plans provided have addressed that issue and it is considered to be an appropriate response.</p>
<p>The setback and separation of the built form with respect to the pedestrian bridge was raised as a concern and it needs to be demonstrated that there is sufficient separation to negate access between structures as well as providing sufficient space for landscaping and canopy spread both from within the pedestrian bridge setback zone and within the subject site.</p>	<p>The architectural and landscape plans provided have addressed these issues and the response is considered appropriate.</p>
<p>While it was noted that no embellished landscaped works are proposed to the embankment, the embankment is understood to be weed infested and some maintenance works should be included as part of the application. This is to assist in the condition of the bank as well as enhancing visual outlook from within the development and from the River.</p>	<p>Accepted.</p>
<p>The site is significantly affected by easements and while building mass cannot be constructed within this space, opportunities for embellished landscaping features should be pursued / investigated. Given the visual prominence of the corner identified for beer garden, the landscape design will be a key consideration also noting the heritage significance of the site.</p>	<p>It is considered that the landscape plans accompanying the application more than adequately address this concern.</p>
<p>The provision of water elements within the external landscape design was encouraged as a connection back to the River.</p>	<p>This is a difficult issue to specifically address due to the constraints of the site.</p>
<p>Heritage Advisor Commentary</p>	
<p>The proposal was discussed with Council’s Heritage Advisor given the heritage listing of the site. The following comments have been provided for consideration and address in the progression of the proposal: -</p> <p>The site is iconic being in a landmark position that is surrounded by historic sites and is within significant historic visas.</p> <p>The design and arrangement of the development should consider and respond to its historic setting and be considered / treated in the round. The building form, architectural design and landscape design should be cohesive and responsive to the outstanding position / setting of the site. A heritage impact assessment should assist to inform the design of the development and the landscape arrangements.</p> <p>The design of the development should follow the Burra Charter guidelines where the significance of the place is established. The works proposed should reflect and respond to that significance.</p> <p>The intended use and treatment of the historic pump house must be addressed within the application and influence / inform the overall design of the development.</p>	<p>These issues have been addressed appropriately in both the heritage impact assessment report and the architectural plans. These plans have been prepared particularly with reference to the heritage values of the site. From a planning perspective, it is considered that the issues and responses are both sensitive and relevant to the uniqueness of the site.</p>

1.3.2 Pre-Lodgement Meeting

The proposal was discussed at a pre-lodgement meeting held with the relevant officers at Penrith Council on 28 January 2020 where the following issues were discussed.

Key Issue	Comment
PLANNING:	
<p>Architectural and Urban Design</p> <p>The proposal will be reviewed by Council's Urban Design Review Panel (UDRP) on 21 February. The UDRP will provide architectural and urban design advice with regard to the planning and development controls applicable to the site. Some key issues for consideration as discussed at the pre-lodgement meeting include:</p> <ul style="list-style-type: none"> • Site interfaces with the river, pedestrian bridge (Yandhai Nepean Crossing), Victoria Bridge and Great Western Highway. • Design response to key view corridors to and from the site. • Shading from the westerly sun. • Siting and external building treatment of gaming, back-of-house and loading. 	<p>The architectural plans accompanying this report have addressed these issues.</p>
<p>Visual Impacts</p> <p>A visual impact assessment will be required given the site is in a riverine scenic area. This assessment should describe, analyse and evaluate the visual impacts of the proposed development, and identify measures to minimise visual impacts and ensure the development is sympathetic to the riverine scenic character of the area.</p>	<p>This application seeks to replace an historic hotel which had been in place for over a 100 years and was a significant social institution in the overall life of the City. Likewise, it is an institution which is keenly supported and anticipated as the proposal nears reality. It is considered that the proposed Hotel will contain sufficient elements of the previous Hotel to establish its credentials with its constituency and become an integral social and visual component of the future life of the City.</p> <p>The accompanying plans include a sheet dedicated to an assessment of potential visual impacts when viewed from the surrounding public domain. That assessment confirms views to the Yandhai pedestrian bridge are largely maintained and complemented from multiple angles including traffic on High Street.</p>
<p>Heritage</p> <p>A heritage impact statement will be required in relation to the local heritage item situated on the site (former pumping station). The site is also in proximity to Victoria Bridge which is a state heritage item. The proposed car park adjoins the Explorers Memorial which is a local heritage item. It is noted that an on-site meeting has been arranged with Council's Heritage Advisor on 26 February to discuss the proposed development and its relationship to these heritage items.</p>	<p>The Heritage Impact Statement accompanying this application has more than adequately addressed the issue referred to.</p>
<p>Car Parking</p> <p>Plans of the proposed car parking area on the eastern side of Memorial Avenue were not provided at the pre-lodgement meeting. This aspect of the proposal should be clearly detailed as part of the plans for the Urban Design Review Panel meeting. A key consideration will be pedestrian connectivity and safety between the car park and the proposed building as well as landscape treatment to the car park area.</p> <p>The Penrith City Centre DCP controls require that a maximum of 60% of the total number of commercial parking spaces required by a development be provided on site. The balance of the total required number of car spaces not provided on site are then subject to a car parking contribution under the Penrith City Centre Civic Improvement Plan. In view of the location of the subject site at the far edge of the city centre, in addition to the nature of the proposed development, consideration will be given to varying this requirement.</p>	<p>The car parking layout provided has been refined from the plan tabled at the Design Review Panel meeting (21 February) to reflect the concerns of the Panel.</p> <p>From a planning perspective it is considered that the layout more than satisfies any concerns re capacity and landscaping elements.</p> <p>Proposed laybacks and crossovers roughly match where Council requested the car park entry to be positioned.</p>

Key Issue	Comment
Accessibility	
<p>Council's Access Committee was briefed by the project team for the proposal on 12 February. The following preliminary comments were provided by the Committee in relation to the proposal</p> <ul style="list-style-type: none"> • Consideration should be given to providing a drop off point nearby the main entrance to the venue. • Reference should be made to the Australian Human Rights Commission "Advisory Note on Mobility Scooters in Registered Clubs" to assist with making the venue more scooter friendly. • Accessible toilet facilities should be conveniently located throughout the venue. 	<p>Memorial Avenue will be a share zone and it is considered that a drop-off point will work safety in that zone.</p> <p>Mobility scooters and accessible toilet facilities have been addressed in the architectural plans.</p>
Development Contributions	
<p>Development contributions will apply to the proposed development in accordance with the Penrith City Centre Civic Improvement Plan.</p>	<p>Noted. This matter is discussed later in this report. The proposed development essentially replaces the previous hotel, the site lying dormant for a number of years. We submit that this 'like for like' development does not generate any additional demand on City infrastructure that would have arisen were the Hotel to have not burnt down.</p>
ENVIRONMENTAL MANAGEMENT:	
Noise Impacts	
<p>An acoustic assessment is required to be submitted as a part of the application to demonstrate that the proposed development will not have any impact on nearby sensitive receivers. This report is to be prepared by a suitably qualified acoustic consultant, and is to consider the following for both the building and car park lots:</p> <ul style="list-style-type: none"> • The 'NSW Noise Policy for Industry' in terms of assessing the noise impacts associated with the development, including noise from the indoor and outdoor communal spaces, garbage removal, the car parking spaces, service delivery vehicles as well as any mechanical plant associated with the development (including air conditioning and mechanical ventilation); and • The Interim Construction Noise Guideline in assessing the impacts associated with the construction phase of the development. <p>Should mitigation measures be necessary, recommendations should be included to this effect. Recommendations and mitigation measures must be shown on all architectural plans.</p>	<p>The Acoustic Report accompanying the application has adequately addressed these issues.</p>
Contamination (SEPP 55)	
<p>The application is to address all relevant requirements under State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), specifically Clause 7. Council cannot consent to any development unless these requirements have been satisfied. The application is to demonstrate that the land is suitable for the proposed purpose either by the submission of a statement as part of any Statement of Environmental Effects, Phase 1 Preliminary Site Investigation or Phase 2 Detailed Site Investigation. Any reports need to be completed by an appropriately qualified person(s) or company and be prepared in accordance with relevant NSW EPA guidelines and NEPM 2013. An appropriately qualified person(s) is defined as "a person who, in the opinion of the Council, has a demonstrated experience or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies". In addition, the person(s) or company will be required to have appropriate professional indemnity and public liability insurance.</p>	<p>Refer to Preliminary Site Investigation Report provided with this application.</p>

Key Issue	Comment
<i>Water Quality</i>	
Any areas provided for waste/bin storage and washing are to be connected to sewer with provision of hot and cold water as well as drained to a floor waste.	Accepted.
<i>Food Handling and Storage</i>	
General fit out plans are required for any new food and/or bar areas. Fit out plans should refer to AS 4674 and Food Safety Standard 3.2.3.	Accepted.
<i>Smoke Free Environment Act 2000</i>	
Plans/details should be provided that outline designated smoking areas and compliance with the Smoke Free Environment Act 2000 and the Regulations made thereunder.	Accepted.
<i>Waste Management</i>	
A Waste Management Plan is to be provided addressing waste produced during the construction and operational phases of the development. It should address waste quantities, storage locations and removal. Vehicular access for collection also needs to be addressed.	Accepted. Refer to the Waste Management Plan accompanying this application.
<i>General Environmental Health Impacts</i>	
The environmental impacts associated with the operational phases of the development will also need to be addressed, such as water quality, noise, dust, air quality and sediment and erosion control. This can be included in the Statement of Environmental Effects.	Accepted.
<i>Vegetation Management</i>	
<p>Generally, trees greater than 3m in height are protected under Chapter C2 Vegetation Management of Penrith Development Control Plan 2014. If development of a site is proposed, then any existing trees are required to be assessed under the context of this chapter and in accordance with AS 4970-2009 Protection of Trees on Development Sites. It was raised at the pre-lodgement meeting that some trees may be potentially affected to cater for the development. In this regard, an inventory of individual trees proposed to be removed will be required to be assessed in accordance with AS 4970-2009 Protection of Trees on Development Sites. This will require an Arboricultural Impact Statement to be provided for the proposed works. The statement shall be written by an appropriately qualified AQF (Australian Qualification Framework) Level 5 Arborist and must not contradict any environmental assessment undertaken for the site.</p> <p>Additionally, any work in the vegetation corridor along the river will need to be identified and details provided how this area will be protected during construction and operational phases of the development.</p>	Accepted and noted.
ENGINEERING:	
<i>General</i>	
<ul style="list-style-type: none"> Council's engineering requirements for subdivisions and developments, including policies and specifications listed herein, can be located on Council's website 	Noted.
<ul style="list-style-type: none"> All engineering works must be designed and constructed in accordance with Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works. 	Noted.

Stormwater

- Stormwater drainage for the site must be in accordance with the following:
 - Council's Development Control Plan,
 - Stormwater Drainage Specification for Building Developments Policy, and
 - Water Sensitive Urban Design Policy and Technical Guidelines.
 - A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application.
 - The application shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development. This may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity.
 - If any on-site detention system is required, it must be within common property and accessible from the street.
 - A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity and operation and maintenance.
 - MUSIC modelling shall be submitted with the application demonstrating that the development complies with Council's Water Sensitive Urban Design Policy and Technical Guidelines.
- Refer to Stormwater Plan and Report accompanying this application.

Mainstream Flooding

- The site is affected by mainstream flooding from the Nepean River. To be completed.
- Information currently held by Council indicates that the 1% AEP flood level affecting the site is estimated to be 26.4m AHD (please note that this level is subject to change should further modelling be undertaken).
- All habitable floor levels shall be a minimum of RL 26.9m AHD (1% AEP flood level + 0.5m freeboard).
- All plans for the site shall have levels and details to AHD.
- In accordance with the NSW Floodplain Development Manual, the site has been identified as a low flood island. Evacuation routes are cut off in a 1% AEP flood with larger floods inundating the site. The State Emergency Service (SES) has advised of evacuation constraints associated with this low flood island. The application shall include the preparation of an evacuation management plan for review by Council. It is understood that the development does not include any on site accommodation.
- The application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's Local Environmental Plan and Development Control Plan requirements for flood liable land. A table is to be provided demonstrating compliance with the LEP and DCP controls.

Traffic

- The application will be referred to the Roads and Maritime Services (RMS) for comment. Refer to the accompanying Traffic and Parking Assessment Report provided.
- The application shall be supported by a traffic report prepared by a suitably qualified person addressing, but not limited to, traffic generation, access, car parking and manoeuvring. The traffic report shall address intersection capacity at Ladbury Avenue / Memorial Avenue and the Great Western Highway
- It is understood that car parking for the development site will be provided on a separate lot, being Lot 22 DP 1236215 (712 High Street). A mechanism is to be proposed by way of lot

consolidation and/or a restriction on title to ensure car parking for the development is provided on Lot 22 for the life of the development on Lot 21.

- An accessible path of travel shall be provided from the accessible car spaces and the development site. The accessible path of travel shall include pedestrian facilities to enable the safe crossing of Memorial Avenue.
- The application must demonstrate that access, car parking and manoeuvring details comply with AS 2890, Parts 1, 2 and 6 and Council's Development Control Plan.
- The application shall be supported by turning paths for the loading dock, in accordance with AS 2890 clearly demonstrating satisfactory manoeuvring on site and forward entry and exit to and from adjoining public roads.
- All land required for car parking and manoeuvring shall be sealed.

Roadworks

- | | |
|--|---------|
| <ul style="list-style-type: none"> • The development will require the following external road works: <ul style="list-style-type: none"> ○ Construction of a cul-de-sac at the end of Memorial Avenue. The cul-de-sac shall be designed to accommodate service vehicles. ○ Construction of kerb and gutter and associated pavement along the eastern side of Memorial Avenue for the length of the property frontage of Lot 22. | Agreed. |
|--|---------|

Earthworks

- | | |
|--|---------|
| <ul style="list-style-type: none"> • No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site. • Earthworks and retaining walls must comply with Council's Development Control Plan. • Proposed fill material must comply with Council's Development Control Plan. | Agreed. |
|--|---------|
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1.4 SUPPORTING DOCUMENTATION

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Survey	Freeburn Surveying
Architectural Drawings & Design Statement	Team2 Architects
Hydraulic Report/Stormwater Plans	EWFW
Erosion and Sediment Control Plan	EWFW
Landscape Plan	Site Image Landscape Architects
Traffic Impact Assessment	PTC
Acoustic Assessment	Acoustic Logic Consultancy Pty Ltd
Access Capability Statement & Access Design Assessment	Design Confidence (Sydney) Pty Ltd
Heritage Impact Statement	Urbis Pty Ltd
Sustainability Report	Northrop Consulting Engineers Pty Ltd
Section J Report	Northrop Consulting Engineers Pty Ltd
Waste Management Plan	Stimson & Baker Planning

Documentation	Prepared by
BCA Assessment Report	Blackett Maguire + Goldsmith
Plan of Management- Operations & Security	GJ Consulting

1.5 LEGISLATION, ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES TO BE CONSIDERED

- *Biodiversity Conservation Act 2016*
- *Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 64 – Advertising & Signage*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*
- *Penrith City Centre Civic Improvement Plan 2008*

1.6 CONSENT AUTHORITY

The consent authority for this application is Penrith City Council.

2 THE SITE AND SURROUNDS

The subject site and its surrounds have the following characteristics.

Site Address	20 and 712 Memorial Ave, Penrith.
Lot/DP	Lot 21 DP 1236215, Lot 22 DP1236215
Site Area	12,473 sqm
Local Government Area	Penrith City Council
Zoning	SP3 Tourist
Current Land Use	Vacant, but previously used as a pub.
Proposed Land Use	Replacement pub and formal car parking.
Surrounding Land Uses	Residential to the south, the Nepean River to the west, and open space/recreation uses to the north.
Topography	Lot 21 adjoins the Nepean River and is relatively flat but drops sharply (some 10.5m) to the western property boundary. Lot 22 rises some 1.8m (approx..) from the southern part of that Lot, to the northern boundary.
Terrestrial Biodiversity	Not mapped in LEP
Heritage	The site comprises a heritage item (Item 144) on the northern part of the site and is referred to as the 'Pumping Station'. A number of other State and Local Heritage listed items are located within the vicinity of the site and have been considered accordingly in the accompanying Heritage Impact Statement.
Flooding/Overland Flow	The site is affected by mainstream flooding and is identified as a low flood island.
Bushfire	Lot 22 is mapped as being bushfire prone, however no structures are proposed on this site.



Figure 1 Subject Site - Aerial



Figure 2 Subject Site - Cadastre



Figure 3 View north along Memorial Ave



Figure 4 View north towards Great Western Highway and rail line



Figure 5 View south within Lot 21 towards Memorial Ave



Figure 6 View east from Lot 21 towards pedestrian bridge

2.1 SURROUNDING CONTEXT

The subject site includes two lots on the western and eastern side of Memorial Avenue, in the western portion of the suburb of Penrith. For the purposes of this report, the two allotments have been identified as Lot 21 and Lot 22 as shown in the aerial at Figure 9. Lot 21 is located on the eastern side of the Nepean River, on the rise of the embankment. The Yandhai Bridge, built for pedestrian use, is located adjacent and to the south. Lot 21 is located on the western side of Memorial Avenue. The Penrith Valley Inn is located to the south-east of Lot 22. The Great Western Highway is located to the north and northeast of both lots. Lot 21 and Lot 22 are currently vacant.

2.2 TRANSPORT NETWORK

The Great Western Highway adjoins the site to the north, providing east-west access across the Nepean River. Nepean and Memorial Avenues are local roads.

There are three bus stops within a 400m walking distance from the site, providing services into Penrith and Emu Plains.

The closest train station is Emu Plains situated 1.2km from the development.

The subject site is also well serviced by many off road cycleways and walking paths.

2.3 EASEMENTS

Lots 21 and 22 are subject to two easements for overhead powerlines, one in favour of Endeavour Energy, and one in favour of Sydney Trains. These two easements are located in the northern corner of Lot 21 and both easements are adjacent to each other, while they both only affect the northern corner of Lot 22.

Both easements contain similar restrictions relating to landscaping and structures and generally are as follows:

- Trees - maximum height 3.0m
- Parking/trucks - maximum height 4.6m (with load)
- Barbecues - maximum height 2.5m (metal earthed)

The proposed Hotel building will be clear of the easement envelopes.

3 PROJECT DESCRIPTION

3.1 OVERVIEW

In 2012 the Log Cabin Hotel was completely destroyed by fire. At that time, the premises comprised of a pub, informal car parking, and a motel. This application seeks consent to redevelop the site for those same uses.

3.2 DETAILS OF THE PROPOSAL

3.2.1 Lot 21

Lot 21 is proposed to accommodate the new Log Cabin licensed venue. The building itself comprises the following.

Ground Floor

- Entry lobby from Memorial Ave, including a coffee cart and casual alfresco seating area.
- Restaurant of some 307sqm.
- Gaming area of some 113sqm, accommodating 18 gaming machines.
- General bar area of some 274sqm, including a cocktail bar, main bar, servery, pizza bar and a dual side feature fireplace.
- Toilets and parents amenities.
- Back of house including cold and dry storage, kitchen, and refuse room.
- Exterior seating along the northern elevation and western elevation overlooking the Nepean River.

First Floor

- Restaurant comprising some 194sqm and a private dining room of some 38sqm. A main 'vista' deck extends from this area overlooking the Nepean River.
- Multi-purpose function space, able to be separated into 3 spaces, totalling some 434sqm.
- Amenities and back of house including cold and dry storage, kitchen and plant room.
- Bar areas to service the floor.

Exterior

- Beer garden on the northern side of the proposed building.
- Interpretative strategy relating to the heritage pumphouse.
- Loading dock area on the north eastern corner of the building.

3.2.2 Lot 22

- At grade car park accommodating some 214 vehicles. The car park is accessed from the southern leg of Memorial Avenue.
- Associated landscaping.

Other works

- Landscaping is also proposed outside the site boundaries to contribute to the overall visual presentation of the development.

3.2.3 Lot 20

To be clear, no development is proposed on Lot 20 as part of this application.

3.3 BUILT FORM

The development is proposed over two levels and the architectural team were briefed to propose a design that would fit the brief of resuscitating the pub and restaurant function of the old Log Cabin within a contemporary scheme. The Design Statement from the project architect includes the following.

Because the site is surrounded by a rich array of history and culture those elements were used to determine the forms and materiality of the architectural treatments. A major influence includes the Victoria Bridge with its heavy stone base and steel beams and trusses. The original pitched roof and gable design were maintained and articulated to interact parallel to the Yandhai pedestrian bridge which in turn defines the main entrance and activates the space around both structures respective entrances.

3.4 VEHICULAR ELEMENTS

The development includes the provision of 214 at grade car parks and a loading bay accommodating Medium Rigid Vehicles.

3.5 LANDSCAPING AND OPEN SPACE

A Landscape Concept accompanies the application. The Plan focuses on the external beer garden on the northern part of the site. This area comprises a number of 'zones', including:

- The Deck
- The Lawn
- The Asado
- The Grove
- The Kitchen Garden
- The Arbor; and
- The Play Space.

The high quality materials and finishes proposed in these areas will create a unique landscape response on the site, complementing its setting alongside the Nepean River.

3.6 HOURS OF OPERATION AND EMPLOYEE NUMBERS

The following hours of operation are proposed as part of this application, reflecting the previous hours of operation that applied to the site:

Monday to Wednesday 5am-Midnight

Thursday to Saturday 5am to 2am

Sunday 10am to 10pm

The following exceptions apply:

Good Friday Midday to 10pm

Christmas Day Midday to 10pm

New Year's Eve Normal opening time until normal closing time, or 2am on New Year's Day, whichever is the later

It is expected that in excess of 150 construction related jobs will be created by the development, and that ongoing permanent and casual staff will be of a similar number.

3.7 SIGNAGE

No advertising signage is proposed for the development. A building identification sign is proposed naming the building 'Log Cabin'. Some small scaled way finding signs will be required to assist people walking between the car park and the Log Cabin, the details of which could be provided as part of any Construction Certificate.

3.8 STORMWATER DRAINAGE

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls.

Further information is appended to this report in regards to the stormwater management on the site, including a response to WSUD.

3.9 UTILITIES

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority.

3.10 WASTE MANAGEMENT STRATEGY

A dedicated waste storage room is proposed within proximity of the loading bay. Waste will be collected by commercial contractors as arranged. Arrangements relating to waste management and collection have been proposed as per the specific requirements of the venue. Waste collection will be managed with a commercial contractor.

3.11 CONTAMINATION

Minor traces of contamination have been identified in localised areas of the site, which will be dealt with in accordance with applicable standards and a Remediation Action Plan (RAP) as required. SEPP 55 is addressed later in this report.

3.12 NATIONAL CONSTRUCTION CODE COMPLIANCE

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.

4 STATUTORY CONSIDERATIONS

The applicable statutory planning instruments and relevant guidelines have been considered below.

4.1 BIODIVERSITY CONSERVATION ACT 2016

The NSW *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017. The Act applies to all of NSW.

The Biodiversity Offsets Scheme (BOS) applies to local developments assessed under Part 4 of the EPA Act that trigger the BOS threshold or is likely to have a significant effect on threatened species based on the 'test of significance' at s7.3 of the BC Act.

Amongst other changes, the Act introduced new mandatory requirements for biodiversity assessment and reporting and requires proponents to offset biodiversity impacts by retiring biodiversity credits through the BOS. This is a significant change to the previous legislation where non-significant impacts did not require offsets.

As part of the biodiversity reforms, the State Government established the Biodiversity Assessment Method (BAM) which replaces previous assessment methodologies such as the BioBanking Assessment Methodology. The BAM is an evolution of these previous methodologies and determines the number and type of credits required at a development site, and the number and type of credits created at a Biodiversity Stewardship Site (offset site).

The key principle of BAM is 'no net loss', where impacts of development are offset by improving the condition of vegetation or habitat at a Biodiversity Stewardship Site. Importantly, developments cannot proceed simply by securing the required offsets, they are required to firstly demonstrate avoidance, minimisation and mitigation of impacts through reasonable measures prior to offsets being used.

For Local Development (i.e. Part 4 Development Applications under the EP&A Act) the BC Act and BAM apply. There are three ways in which detailed assessment through BAM and the Biodiversity Offset Scheme are triggered:

1. Proposed clearing for your project exceeds the thresholds for minimum lot size in the relevant Local Environmental Plan (LEP)
2. Sensitive Biodiversity Values have been mapped within your project area (as mapped by the State Government); or
3. Impacts on threatened species, populations or communities are likely to be 'significant' as determined through the new 'five part test'

For this proposal, no clearing is proposed, and the site is not mapped on the NSW Sensitive Biodiversity Values map. Given there is no significant vegetation on the development area of the site, it is highly unlikely that any impact on any threatened species will occur.

Accordingly, we submit that no further consideration of this Act is required.

4.2 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use. Moreover, the proposed development would result in significant stormwater infrastructure improvements that would benefit the wider locality, further protecting the health of the River.

4.3 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated. A Preliminary Contamination Assessment accompanies the application that concludes the following:

The findings of this PCA of the soil are summarised as follows:

1. During the site inspection on 28 and 29 November 2019, a number of site features were identified as shown in the attached Drawing No. 14578/1-AA1.
2. The excavated test pits are indicated in Drawing No. 14578/1-AA1. Reference should be made to the attached Table 1 - Test Pit Logs for descriptions of the soils encountered during sampling.
3. Fill comprising silty clay or crushed sandstone was encountered at most of the test pits across the site at depths ranging from approximately 0.1 metre (m) to about 2.2m.
Inclusions (tile, terracotta pipe pieces, brick, concrete, and / or bitumen fragments, coal slag, and / or fibro-cement pieces) were noted in some test pits.
4. The laboratory analytical results are presented in the attached Tables A to L.
5. In summary, most of the test results satisfied the criteria for stating that the analytes selected are either not present (i.e. concentrations less than laboratory limits of reporting), or present in the soils at concentrations that do not pose a risk of harm to human health or the environment, under a "commercial / industrial" use.
However, the laboratory tests identified soil contaminated with friable asbestos and bounded asbestos containing material (ACM) at locations, as tabulated and indicated on the attached Drawing No 14578/1-AA2.
6. Remediation and validation of the site are required.

As noted above, the assessment concludes that there would be no risk to human health or the environment under the proposed use, but that remediation and validation would be required. Given the site is considered suitable for the proposed use based on the work undertaken so far, it would seem reasonable to allow the remediation and validation to be documented prior to the issue of a Construction Certificate as part of any condition of consent.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Due to the size of the car park proposed as part of this development, the application will be referred to Roads and Maritime Services for comment.

Subdivision 2 of the SEPP will also require Council to refer the application to the relevant electricity supply authority.

4.5 STATE ENVIRONMENTAL PLANNING POLICY NO 64 – ADVERTISING AND SIGNAGE

This SEPP applies to signage that can be displayed with or without development consent and is visible from any public place or public reserve, except as provided for by the SEPP.

The signage for which consent is required includes the ‘Log Cabin’ signage located on the entry elevation and north-eastern elevation. Under the SEPP that signage is considered to be defined as follows:

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services

The signage is not considered to be *advertising* as defined in the SEPP.

Clause 8 of the SEPP provides:

8 Granting of consent to signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and**
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.**

The objectives of the SEPP include the following:

- (a) to ensure that signage (including advertising):**
 - (i) is compatible with the desired amenity and visual character of an area, and**
 - (ii) provides effective communication in suitable locations, and**
 - (iii) is of high quality design and finish, and**
- (b) to regulate signage (but not content) under Part 4 of the Act, and**
- (c) to provide time-limited consents for the display of certain advertisements, and**
- (d) to regulate the display of advertisements in transport corridors, and**
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors**

The proposed signage satisfies the objectives in that it:

- Provides visual cues for the proposed building;
- Integrates into the design of the building;
- Is constructed of high-quality finishes and materials;
- Is not excessively sized given its proximity to the adjoining road corridor; and
- Is broadly consistent with the building identification signage that was on the site when the previous Log Cabin Hotel was present.

An assessment of the proposed signage against the assessment criteria in Schedule 1 follows.

Schedule 1 Assessment criteria

1 Character of the area

<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	The proposed signage is not considered to be offensive, or of a scale that is unacceptable.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The signage has been designed to be integrated into the building design, consistent with its architectural theme.

2 Special areas

<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The signage is not offensive or of a scale that is unacceptable. It is subtle in its appearance, but functional, providing the necessary visual cues for visitors to the site.
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3 Views and vistas

<i>Does the proposal obscure or compromise important views?</i>	No.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Not applicable.

4 Streetscape, setting or landscape

<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes – the signage is integrated into the elevations of the building and will not present as an overbearing visual element.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Yes – the signage provides the necessary function of identifying the building.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Yes – the signage is simple and functional and will not present as an overbearing element.
<i>Does the proposal screen unsightliness?</i>	Not applicable.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	No.
<i>Does the proposal require ongoing vegetation management?</i>	No.

5 Site and building

<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	Yes – the signage integrates into the building elevation design.
<i>Does the proposal respect important features of the site or building, or both?</i>	Yes – the signage does not present as an overbearing visual element but provides the necessary function for its purpose.
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Not applicable.

6 Associated devices and logos with advertisements and advertising structures

<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	No. Not applicable.
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7 Illumination

<i>Would illumination result in unacceptable glare?</i>	No.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	No.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No.

<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Yes, if necessary.
<i>Is the illumination subject to a curfew?</i>	No, but it is intended to operate at night during opening hours.

8 Safety

<i>Would the proposal reduce the safety for any public road?</i>	No.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	No.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No.

In addition to the proposed building identification signage, there is an existing (in disrepair) illuminated sign adjacent to High Street. The accompanying plans show this sign as being refurbished as part of this application. It is submitted that the proposed signage satisfies the provisions of the SEPP.

4.6 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The Penrith LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

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

It is submitted that the proposed development is not inconsistent with these objectives.

The subject site is zoned *SP3 Tourist* with the following zone objectives applying to that zone.

- To provide for a variety of tourist-oriented development and related uses.
- To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith.
- To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.

The proposed development is consistent with the objectives of the zone in that:

- The proposed use is tourist oriented, that will activate the locality and riverfront.
- The aesthetic values of the site have been embellished and, through this proposal, public access to this area will be enhanced.
- The development had been designed sympathetically for its setting and in the context of the heritage characteristics of the site.
- The site is situated, and development designed as such to minimise potential impacts on nearby and adjoining land uses.

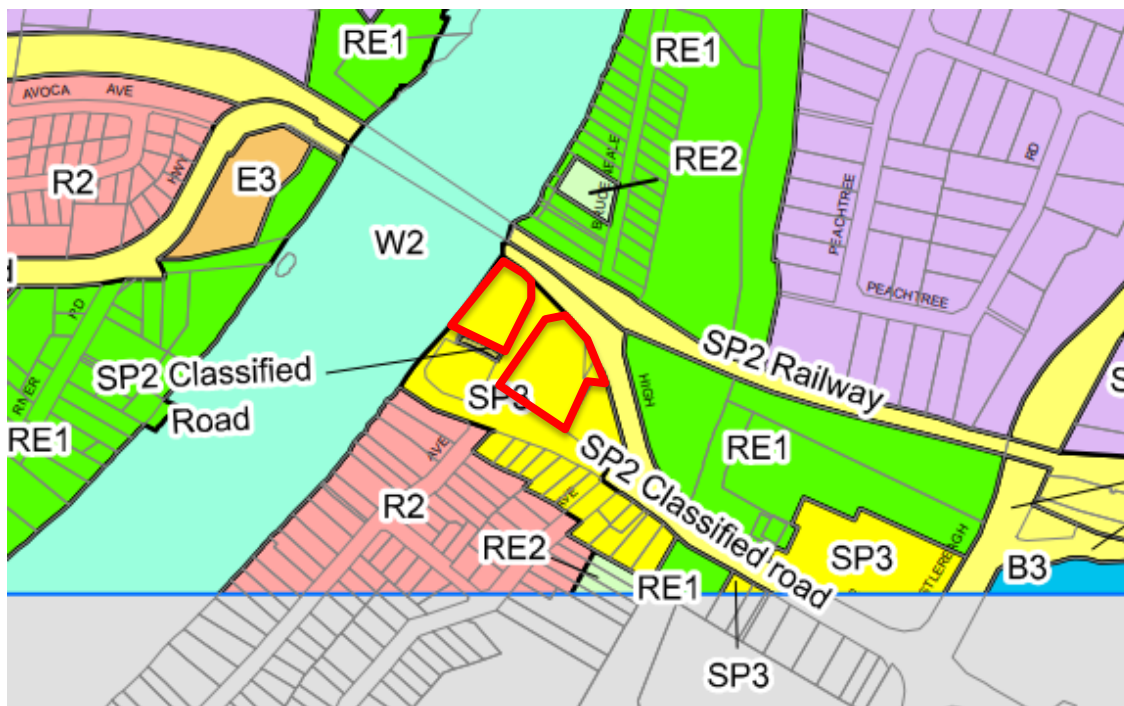


Figure 7 Land use zoning map

The Land Use Table of the LEP nominates *food and drink premises* as a permissible form of development in the zone, given the notation on the zoning. The Dictionary definition of *food and drink premises* is:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,

- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

A *pub* is defined as follows:


Pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:

Standard	Permitted	Proposed	Comment
4.3 Height of Buildings:	12m	<12m	Complies.
4.4 Floor Space Ratio	1.6:1	0.26:1	Complies

Part 5 Miscellaneous Provisions

Provision	Comment
5.1 Relevant acquisition authority	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.10 Heritage conservation	A Heritage Impact Assessment accompanies the application, addressing the potential impacts of the proposed development on the adjoining and nearby State and Locally listed heritage items. No unacceptable impacts are expected to arise as a result of the proposed development on the adjoining 'Pump House' heritage item.
	
5.11 Bush fire hazard reduction	N/A

5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.14	Siding Spring Observatory—maintaining dark sky	N/A
5.15	Defence communications facility	N/A
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	N/A
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18	Intensive livestock agriculture	N/A
5.19	Pond-based, tank-based and oyster aquaculture	N/A

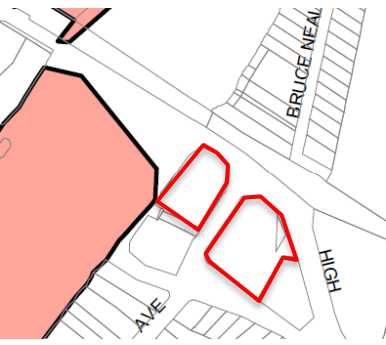
Part 7 Additional Local Provisions

Provision	Comment
7.1	<p>Earthworks</p> <p>Some minor earthworks will be required to prepare the site for construction.</p>
7.2	<p>Flood planning</p> <p>Levels</p> <p>The existing site levels across the building platform, generally average 27.30 which more than satisfies the 1% flood level of 26.4 AHD. The future floor level will be higher again.</p> <p>Evacuation</p> <p>The State Emergency Service of NSW (SES) is responsible for providing flood updates which can be received by local, radio and television news and SMS messaging. The timing for evacuation of persons is to be established in consultation with SES.</p> <p>Future flood-readiness for the staff and operators of the Hotel will be developed in consultation with SES so as to develop an Emergency Business Continuity Plan. The owners of the site will prepare, regularly review and update an Emergency Business Continuity Plan.</p> <p>A copy of the Emergency Business Continuity Plan will be accessible to staff, and staff will be made aware of its existence and regularly trained in the appropriate response(s) to emergency situations.</p> <p>In this regard the site lies within the boundaries and prescriptive requirements of the Penrith City Council Local Flood Plan – a Sub Plan of the Penrith Local Disaster Plan (DISPLAN) and Hawkesbury Nepean Flood Emergency Response Plan – A Sub Plan of the State Emergency Management Plan (EMPLAN).</p> <p>The development of the Emergency Business Continuity Plan including the Flood Management Plan (FMP) will consider the operation of the facility. In this regard the facility has the ability to cease operations and subsequently restrict or deny access to the facility. The trigger to close the facility to the public will be determined in consultation with the SES and Penrith City Council and be a consequence of issued flood warnings.</p> <p>In the event that the 1% AEP flood event is expected to be exceeded, strategies will be adopted in accordance with NSW Government operational guidelines and SE Emergency Evacuation operational guidelines.</p> <p>The FMP will be prepared having due regard to traffic consideration and evacuation routes. The anticipated evacuation route is detailed on the figure following.</p>



Figure 8 Proposed Evacuation Route

<p>7.3 Development on natural resources sensitive land</p>	<p>There are no impacts expected to arise as a result of the development on any ecological, hydrological or riparian land. We note the site is not mapped in the LEP under this clause.</p>
<p>7.4 Sustainable development</p>	<p>Northrop were engaged to provide a Sustainability Report on the proposed development, considering the features that should be included. The inclusion of their initiatives alongside others outlined within this report will ensure that the Log Cabin Pub project delivers a development that not only meets the needs of its occupants but also those of the surrounding environment and more broadly Penrith City Council and the local government areas of Penrith.</p> <p>The proposed development will present significantly improved sustainability outcomes for its occupants when compared to traditional developments of this type through the additional energy efficiency and incorporation of sustainability initiatives embedded into the building design to achieve sound environmental performance. The consideration given to the environment within the development is highlighted through the following;</p> <ul style="list-style-type: none"> • Minimised production of greenhouse gas emissions and optimised energy efficiency; • Minimised mains potable water use; • Minimised waste going to landfill and improved waste collection efficiency; and • Minimised effects of urban heat island effect • On-site renewable energy generation <p>As such the Log Cabin Pub's commitment to targeting significant sustainability outcomes and strict energy, water and storm-water management measures work to address the council requirements for these considerations as well as improving the overall social, economic and environmental welfare of Penrith's local government areas.</p>

7.5	Protection of scenic character and landscape values	The subject site is not mapped under this LEP clause (see map extract below). Notwithstanding, an assessment of potential visual impacts has been undertaken as part of the architectural plans and is discussed later in this report.
		
7.6	Salinity	N/A
7.7	Servicing	The site is appropriately serviced to accommodate the development.
7.8	Active street frontages	N/A
7.9	Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11	Penrith Health and Education Precinct	N/A
7.12	Maximum gross floor area of commercial premises	N/A
7.13	Exhibition homes limited to 2 years	N/A
7.14	Cherrywood Village	N/A
7.15	Claremont Meadows	N/A
7.16	Glenmore Park Stage 2	N/A
7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
7.18	Mulgoa Valley	N/A
7.19	Villages of Mulgoa and Wallacia	N/A
7.20	Orchard Hills	N/A
7.21	Twin Creeks	N/A
7.22	Waterside	N/A
7.23	Location of sex services premises and restricted premises	N/A
7.24	Sydney Science Park	N/A

7.25	Warehouses and distribution centres on land zoned B7 Business Park	N/A
7.26	Serviced apartments	N/A

It is submitted that the proposed development satisfies the provisions of the LEP.

4.7 PENRITH DEVELOPMENT CONTROL PLAN 2014

The following assessment has been made in respect of the relevant development controls within the DCP for this development.

Penrith Development Control Plan		
Section	Comment	
C2 Preservation of Trees and Vegetation		
There are no significant examples of vegetation on the site that are proposed to be removed.		
C3 Water Management		
3.1	Water Cycle/Conservation	
3.2	Catchment Management and Water Quality	These matters have been considered in the accompanying Concept Civil Engineering Design Report by EWWF.
3.3	Watercourses, Wetlands and Riparian Corridors	An assessment of these matters will be undertaken by the NSW Office of Water.
3.4	Groundwater	No impacts expected.
3.5	Flood Planning	
Objectives		
a)	To ensure floodplain risk management minimises the potential impact of development and other activity upon the aesthetic, recreational and ecological value of the waterway corridors;	The existing site levels across the building platform, generally average 27.30 which more than satisfies the 1% flood level of 26.4 AHD. The future floor level will be higher again. There will be no impact on the aesthetic, recreational and ecological value of the Nepean River as a result of this development.
b)	To maintain the existing flood regime and flow conveyance capacity and avoid significant adverse impacts on flood behaviour;	As above.
c)	To avoid significant adverse effects on the floodplain environment that would cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank/watercourse;	As above.
d)	To reduce the impact of flooding and flood liability on individual owners and occupiers;	As described above, floor levels of the proposed building will satisfy the levels provided by Council.
e)	To limit the potential risk to life and property resulting from flood events;	As above. Additionally, an appropriate Flood Evacuation Plan is proposed as per the commentary later in this report.
f)	To contain the potential for flood losses in all new developed areas by the application of effective planning and development controls;	The locality is an established area. The proposed development will satisfy the current flooding controls applicable to the site.
g)	To apply a "merit approach" to all development and building decisions, which takes account of social, economic and ecological factors as well as flooding considerations;	Noted.

- | | | |
|----|---|--|
| h) | To prevent the introduction of unsuitable land uses on land subject to the flood planning provisions of the LEP; and | The proposed use is essentially a redevelopment of the land use that was previously on the site. That land use can be managed appropriately in a flooding context. |
| i) | To deal equitably and consistently (where possible) with applications for development on land affected by potential floods, in accordance with the principles contained in the Floodplain Development Manual, issued by the NSW Government. | Noted. |

Controls

2) Flood Hazard Classifications

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|----|---|---|
| a) | Council will consider development on land subject to the flood planning provisions of the LEP but will not grant consent to new development in floodways or in high hazard areas.

Flood hazard (high) or high flood hazard occurs when there is possible danger to life and limb; evacuation by trucks is difficult; there is potential for structural damage; and social disruption and financial losses could be high. | Council has indicated the site is a low flood island and, in that context, has issued various levels that would need to be satisfied. The existing site levels across the building platform, generally average 27.30 which more than satisfies the 1% flood level of 26.4 AHD. The future floor level will be higher again. |
| b) | Consideration will be given to such matters as depth and nature of flood waters, whether the area forms flood storage, the nature and risk posed to the development by flood waters, the velocity of floodwaters and the speed of inundation, and whether the development lies in an area classed as a 'floodway', 'flood fringe area' or 'flood storage area'. | Noted but not applicable to the subject site. |

6) Industrial/Commercial - New Development

- | | | |
|----|--|---|
| a) | Floor levels shall be at least 0.5m above the 1% AEP (100 year ARI) flood or the buildings shall be flood-proofed to a least 0.5m above the 1% AEP (100 year ARI) flood. If floor levels are below the 1% AEP (100 year ARI) flood the matters listed in section 7 i) – vii) shall be addressed. | The existing site levels across the building platform, generally average 27.30 which more than satisfies the 1% flood level of 26.4 AHD. The future floor level will be higher again. |
|----|--|---|

- b) Flood safe access and emergency egress shall be provided to all new developments.

The State Emergency Service of NSW (SES) is responsible for providing flood updates which can be received by local, radio and television news and SMS messaging. The timing for evacuation of persons is to be established in consultation with SES.

Future flood-readiness for the staff and operators of the Hotel will be developed in consultation with SES so as to develop an Emergency Business Continuity Plan. The owners of the site will prepare, regularly review and update an Emergency Business Continuity Plan.

A copy of the Emergency Business Continuity Plan will be accessible to staff, and staff will be made aware of its existence and regularly trained in the appropriate response(s) to emergency situations.

In this regard the site lies within the boundaries and prescriptive requirements of the Penrith City Council Local Flood Plan – a Sub Plan of the Penrith Local Disaster Plan (DISPLAN) and Hawkesbury Nepean Flood Emergency Response Plan – A Sub Plan of the State Emergency Management Plan (EMPLAN).

The development of the Emergency Business Continuity Plan including the Flood Management Plan (FMP) will consider the operation of the facility. In this regard the facility has the ability to cease operations and subsequently restrict or deny access to the facility. The trigger to close the facility to the public will be determined in consultation with the SES and Penrith City Council and be a consequence of issued flood warnings.

In the event that the 1% AEP flood event is expected to be exceeded, strategies will be adopted in accordance with NSW Government operational guidelines and SE Emergency Evacuation operational guidelines.

The FMP will be prepared having due regard to traffic consideration and evacuation routes. The anticipated evacuation route is detailed on the figure following.



Figure 9 Proposed Evacuation Route

3.6	Stormwater Management and Drainage	Refer to accompanying Concept Civil Engineering Design Report by EFWF.
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3.7	Water Retention Basins/Dams	Not applicable.
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C4 Land Management

4.1	Site Stability and Earthworks	No significant earthworks are proposed on the site associated with this development.
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4.2	Landfill	No fill is proposed to be imported to the site.
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4.3	Erosion and Sedimentation	Appropriate measures can be installed on the site to address any erosion and sedimentation concerns.
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4.4	Contaminated Lands	Matters relating to potentially contaminated lands have been addressed elsewhere in this report.
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C5 Waste Management

An appropriate waste collection/loading dock area is proposed that responds to the site constraints and limitations of its frontages and access points. In the circumstances of this proposal, the waste collection area is in the most appropriate location, being positioned away from the main pedestrian and trafficable areas. The configuration of the waste collection area has been specifically configured to cater for the end users' requirements. Waste collection will be managed through a commercial contractor.

C6 Landscape Design

A Landscape Concept accompanies the application. The Plan focuses on the external beer garden on the northern part of the site. This area comprises a number of 'zones', including:

- The Deck
- The Lawn
- The Asado
- The Grove
- The Kitchen Garden
- The Arbor; and
- The Play Space.

The high-quality materials and finishes proposed in these areas will create a unique landscape response on the site, complementing its setting alongside the Nepean River.

C7 Cultural and Heritage

Matters relating to heritage have been addressed elsewhere in this report and within the accompanying Heritage Impact Assessment.

C8 Public Domain

Some minor landscaping work outside of the subject site have been discussed with Council officers during the preparation of this application.

C9 Advertising and Signage

The development proposed appropriate building identification signage, and this is discussed in detail earlier in this report. The proposed signage is minor in nature, inoffensive in its scale and context, and has been designed to sympathetically integrate into the design of the building.

C10 Transport, Access and Parking

Matters relating to transport, access and parking have been addressed in the accompanying Traffic Impact Assessment. The number of car parking spaces proposed with this development satisfies the DCP, and it has been demonstrated there are appropriate public transport options available.

The proposed car park will be a significant benefit to the locality, with formalised parking not having been provided in association with the previous Log Cabin to that extent. Access to the proposed car park is practical and utilises existing crossovers and laybacks. The shared zone proposed between the car park and the Hotel will ensure a safe and clear connection for visitors to the Hotel.

C12 Noise and Vibration

An Acoustic Impact Assessment accompanies the application and is referred to later in this report.

C13 Infrastructure and Services

13.1.	Location of Easements for Infrastructure	Refer to the accompanying survey and Section 2.3 of this report.
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13.2.	Utilities and Service Provision	The site is appropriately serviced to accommodate the proposed development.
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13.3.	On Site Sewage Management	Not applicable.
13.4	Engineering Works and Construction Standards	Engineering works that are required for the development will be undertaken as per Council's relevant specification.
13.5	Development Adjacent to the Sydney Catchment Authority Controlled Areas – the Warragamba Pipelines	Not applicable.

E11 – Part A – Penrith City Centre

The subject site is within the boundaries of the Penrith City Centre part of Council's DCP and within the 'Recreation/Tourist' precinct along its western edge. In this regard the following summary is provided for this precinct

The precinct between the Nepean River and the Commercial Core is critical to creating Penrith as a true river city. The sports facilities at Woodriff Gardens and the rowing club along the river provide recreation opportunities for the local residents and workers. The area has low scale development, with some tourist facilities already located along the river (such as a hotel and function centre).

Creating a recreational link between the city centre and the river is a priority in this area. The landscape extension of High Street to the riverfront will be the priority to reconnect the city with the river and to create attractive and legible pedestrian links.

There is a potential to improve pedestrian and cycle connections across the river in this area. Opportunities for outdoor restaurants and cafes along the river should be examined, with the riverfront being landscaped as links to the Great River Walk are established, and improved pedestrian/ cycle paths provide 'bridge to bridge' recreational opportunities.

The proposed development is clearly consistent with this vision, with specific references to the Hotel. The redevelopment of the site as proposed, coupled with the recently completed pedestrian bridge, will ensure this vision continues to be realised.

Table E11.1 of the DCP contains various controls for building depth and height. In the case of the proposed development, the outcome sought is quite site specific, and the design of the building has been led by the configuration of the site itself, and the opportunities presented in orientating the building towards the Nepean River and the heritage item to the north. Any variations are considered minor and can be supported on that basis.

Similarly, a similar approach has been taken to building setbacks. The proposed building provides a high level of articulation and presents with a high level of visual interest on all elevations. Building setbacks proposed are appropriate in the context of the site and its setting.

In terms of site cover and deep soil zones, the site would comply with the 70% and 10% figures, respectively. A high level of landscaping is proposed that is suitable for the proposed land use. Appropriate planting is also proposed within the car park. The design of the Hotel, the shared zone, and the car park ensures there is an appropriate level of wayfinding, public domain amenity and permeability through and around the relevant allotments.

Concerning the DCP requirements around traffic, parking, and sustainability, accompanying consultant reports provide appropriate responses.

In summary it is considered the proposed development satisfies the objects and broadly the controls within the DCP.

E13 – Part A – Riverlink Precinct

The subject site is also covered by the Riverlink Precinct portion of Council's DCP. The vision for this DCP section is as follows:

Riverlink Precinct Vision

The Riverlink Precinct will be a living and working hub providing residential and employment activities with a key focus on the Nepean River. The Precinct will comprise a mix of activity nodes, with a diverse range of land uses and services and a substantial entertainment and leisure-based focus. A range of entertainment activities will be provided which will attract visitors from an extensive catchment in addition to servicing the local community. Community and cultural needs, including additional cultural facilities will be provided at the Western Gateway to the Penrith CBD and provide a distinctive architectural focus.

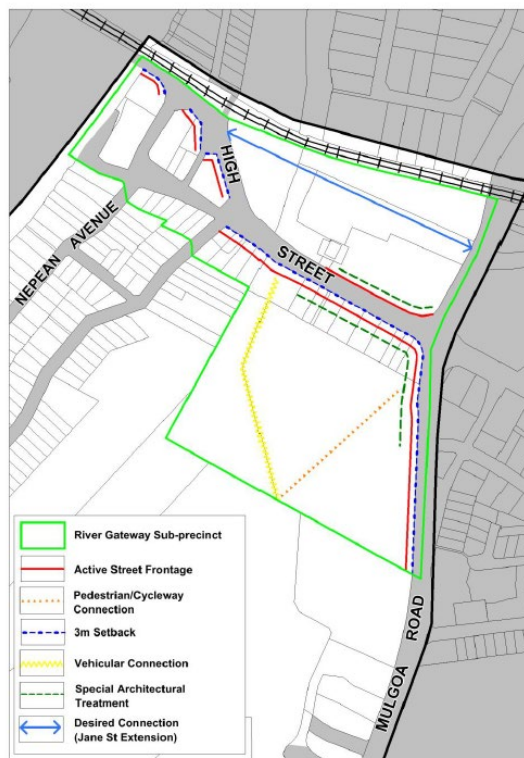
Built form development in the Precinct will be of a high quality, providing visual and landscape amenity for workers and residents befitting the site's proximity to the Penrith CBD. Development will incorporate best practice in terms of sustainability and urban design outcomes. The heritage significance of all heritage items and the natural landscape features in the Precinct will be recognised, reinforced and valued.

There are no inconsistencies between the vision and the proposed development.

The site is part of the River Gateway Sub-precinct as shown below.

13.4.1 River Gateway

Figure E13.7: River Gateway sub-precinct



The objectives of this precinct include:

- To connect the Penrith City Centre with the River and Penrith Lakes
- To create multi-modal opportunities for people to engage with the River
- To optimise views of the Victoria Bridge, Nepean Valley and the Blue Mountains eastern escarpment
- To connect Penrith, Emu Plains and the Blue Mountains
- To respect the historic setting and place
- To provide an iconic bridge, dedicated to pedestrians and bicycle riders, over the Nepean River
- To ensure buildings and structures are iconic and regionally significant, and which distinguish Penrith from other places
- To integrate with a green network that connects the Penrith City Centre with the River and environs – the 'Riverlink' Penrith Development Control Plan 2014 E13 Riverlink Precinct E13-17

The proposed development satisfies these objectives in that:

- The development strengthens the link between the City and the River by re-establishing the Log Cabin use on the site.
- Public access to the important views nominated will be restored to the precinct.
- The heritage features of the site will be respected.
- The architectural design of the building is extremely high and will result in a positive visual impact on the locality.

The DCP contains a range of other controls (non-numeric) that are satisfied by the proposal in the following ways:

- The built form of the development responds to the site and is specific for the intended land use.
- Active edges are provided as a result of the development.
- The landmark location is identified by the high-quality design proposed.
- Substantial effort has gone into the materials proposed and the articulation built into the elevations.
- The building proposed is well proportioned for the site.
- The parking area proposed is functional and situated in the most practical and appropriate location.
- Appropriate environmental and sustainability measures have been incorporated into the design of the building.

It is submitted that the proposed development satisfies the Riverlink Precinct section of the DCP.

4.8 PENRITH CITY CENTRE CIVIC IMPROVEMENT PLAN 2008

The previous Log Cabin Hotel was destroyed by fire in 2012 and had occupied this portion of the subject site for at least 100 years. The footprint occupied by this proposal is essentially the same as that occupied by the original Hotel. Following the fire which destroyed the original Hotel, Council issued an Order requiring demolition of the remaining structures. This application simply seeks to replace the original Hotel, complete with architectural and building elements (textures, finishes, treatments) which were incorporated in the original design.

Accordingly, we submit the proposed development does not generate any demand for contributions pursuant to the applicable Contributions Plans.

5 KEY PLANNING ISSUES

The following impacts have been considered in the preparation of this development proposal.

5.1 COMPATIBILITY IN LOCALITY

This proposed seeks consent for the re-establishment of the Log Cabin Hotel, that was situated on the site until 2012 when it was destroyed by fire. Since that time, the site has been cleared and reconfigured to allow for the pedestrian bridge crossing the Nepean River. The wider precinct has also been the subject of a number of strategic considerations by Council, all of which aim to strengthen the link between the Penrith CBD and the River, as well as to increase activity along the River. The proposed development is consistent with this approach.

The built form is appropriate in the context of the site, adjoining properties, the proposed land use, and the adjoining heritage item. The supporting consultant reports confirm that in re-establishing the Hotel on the site (where it is now proposed) will not create any unacceptable impacts on the locality. To the contrary, the re-establishment of the Hotel will likely create significant public interest with the site continuing to be an iconic venue within Penrith as it once was.

In 2013, Council adopted the 'Our River' Nepean River Master Plan which aims to provide the community with a road map for the 'future stewardship of the City's river reach, connecting it with its CBD...'. Throughout the Master Plan, the Log Cabin is acknowledged as a future contributor to the River and more broadly the City.

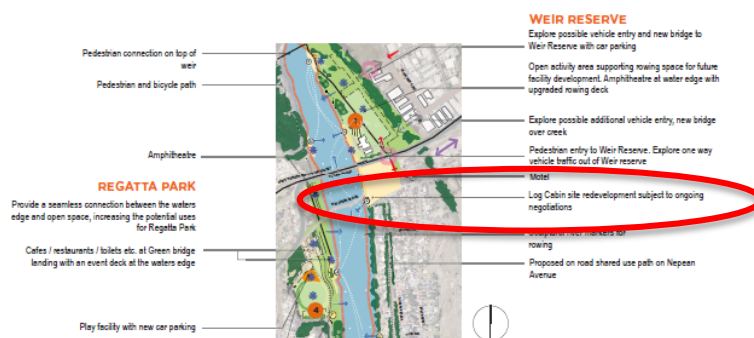


Figure 10 Extract from Nepean River Master Plan

The proposed development is consistent with the strategic visions of Council's relevant planning documents and studies and therefore it is considered to be compatible in the locality.

5.2 STORMWATER AND FLOODING

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard and is consistent with the discussions held at the pre-lodgement meeting.

5.3 EROSION AND SEDIMENT CONTROL

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.4 TRAFFIC GENERATION AND PARKING

The accompanying Traffic Impact Assessment concludes as follows:

The sites locality provides great accessibility through a range of transport modes. It is directly serviced by the state roads, High Street and the Great Western Highway providing access for private vehicles and the bus network. There are three main bus stops which service the site along with two train stations both within 1.6km walking or cycling distance. The 800m walking catchment encapsulates a large residential area south of the development while there are many off-road cycle paths available for people travelling from all directions.

The development proposes 214 parking spaces for on-site to allow visitors and staff to easily access the facility. A detailed parking analysis was undertaken to assess the validity of the carpark according to the Penrith Council DCP and AS2890 series. According to the DCP carpark requirements, 211 parking spots will be required due to rates based on bar or dining floor space. Therefore, the proposed development meets the requirements. The AS2890 series and a swept path analysis were used to assess site access, parking and service areas. The analysis resulted in all the requirement being compliant.

Regarding traffic generation, the existing High Street / Ladbury Avenue intersection is failing at a LoS F while the rest of the network is performing significantly well. The additional trip generation of the development will continue to cause failing performance at the High Street / Ladbury Avenue intersection. The proposal will have minimal effect on the rest of the network.

Based on past occupancy of the site being the same type of development where the intersection performed reasonably, it can be concluded that the intersection will continue to perform without failing. It should also be noted that the traffic generation rate taken from the RMS Guide to Traffic Generating Developments is based on a survey data from 1978 and behavioural changes since this date, such as the introduction of random breath testing, are likely to have reduced this generation rate.

Therefore, it is reasonable to assume that the intersection of High Street / Ladbury Avenue, should perform no worse than in the existing situation or similar to the performance of the intersection under the sites previous occupation.

Ultimately, the proposed development is unlikely to result in any impacts to existing local parking and traffic conditions, and that the car park design satisfies the relevant Australian Standards

As expected, the assessment identifies the ‘failure’ the High Street/Ladbury Avenue intersection in terms of traffic performance. Importantly though, the report acknowledges that the development is a re-establishment of what was an existing use. It is a sound planning argument to sustain that the intersection is unlikely to perform any worse than it did when the Hotel was previously operating. Indeed, the proposal will result in the formalisation of parking on site, ensuring parking can now be managed in an appropriate and practical way. It is submitted that the overarching benefits of the development proposal as a whole outweigh the performance of the High Street/Ladbury Avenue intersection.



Figure 11 Intersection survey locations

The loading dock arrangements for the proposal are also noted. To us, the loading dock appears to be in the most appropriate location, minimising interaction with pedestrians and visitors to the site. We don't consider any other location to be more appropriate.

5.5 NOISE IMPACTS

The accompanying acoustic assessment concludes as follows:

- The loading dock will not be used between the hours of 6:00pm and 7:00am.
- The carpark is to be sign posted with a speed limit of no more than 20km/hr
- Traffic noise emissions are expected to exceed the evening time (6pm – 10pm) criteria at the residential houses along Memorial Avenue if traffic movements in/out of the car park exceed 80 vehicles per hour. If the carpark entry were to be relocated to the western side of the car park, traffic noise emissions are calculated to be compliant at all times. Please note, although there is a slight non-conformance acoustically regarding the car park exit location, that this location was requested by Penrith Council

in order to increase the safety and amenity of Memorial Avenue (the main pedestrian thoroughfare to both the venue, and to the Yandhai pedestrian bridge).

- The level 1 deck area is to have a 1.5-meter high solid balustrade along the full length of the south-western end of the external deck.
- Windows within all entertainment areas along the southern façade of the building are to be installed with minimum 10.38mm Laminated glazing with minimum reduction index Rw34, all other areas should have minimum 6.38mm Laminated glazing with minimum reduction index Rw 31.
- Music (amplified) within external areas is to be played at background noise levels, (sound pressure of 70dB(A)L10).
- No live music is permitted in any of the external areas after 10:00pm.
- Music (amplified) is not permitted in all external areas after midnight.
- After midnight, patron numbers are to be limited within external areas:
 - Beer Garden: 80 Patrons
 - Ground Floor External Deck: 20 Patrons
 - Level 1 External Deck: 20 Patrons
- After midnight all entry doors are to be closed, with the exception of egress and ingress.

The management of acoustic issues is one that the proponent is very familiar with across their venue portfolio. Recommendations within the acoustic report, and the adoption of the accompanying Plan of Management, will ensure the site is managed in a way that is respectful and sympathetic of the surrounding land uses. The acoustic report outcomes have been reviewed by the proponent and are largely consistent with operational restrictions at other venues.

5.6 HERITAGE ISSUES

The accompanying Heritage Impact Assessment concludes as follows:

The proposed development aims to reactivate the former Log Cabin Hotel site which occupied the site between 1939-2012. Prior to this however, the site has been occupied by a hotel and used as a rest spot for travellers since the 1820s. The proposed development aims to reinstate this use. The only structure remaining on the subject site is a former pump house which is a remnant of the electrical pumping station that was constructed on the site in the 1920s. The structure's association with the water treatment plant and the former Log Cabin Hotel were demolished and cleared from the site in 2012, following a fire that destroyed the former Log Cabin building.

Overall, the proposed development will not have a detrimental impact on the heritage significance of the subject site, or the vicinity items. A summary is provided below:

- The proposed development retains and conserves the significance of the former pump house as part of the overall design. This includes provision of an appropriate setback of the new building to protect the pump house while also ensuring the structure is read as an independent element. Proposed

works to the pump house will include maintenance of the exterior, cleaning and making the structure secure and safe.

- The proposed development incorporates additional interpretation elements to ensure the history of the site is celebrated and understood by future visitors.
- The proposed development will revitalise the site which is currently unoccupied.
- The proposed development has considered the setting and surroundings of the new building through the choice of materials and finishes. The overall design is a contemporary interpretation of the former Log Cabin building, including gabled roof forms that reflect its character. In addition, the new development will be named the 'Log Cabin' to continue the former hotel that occupied the site.
- The proposed development will have no detrimental physical impact on the vicinity heritage items. This is due to the confinement of the proposed works to Lots 21 and 20 and the physical separation of the vicinity heritage items.
- The proposed development has considered the overall setting and views to and from the vicinity items through the design and form of the development from all facades. As the development will be highly visible, the facades have been treated to ensure the building has no "back of house". This has been achieved through the adopting the gabled roof forms and a mix of finishes and materials to articulate each elevation and the roof form.
- The proposed development will alter views from Emu Hall, Explorers Memorial and from the Rowing Course along the Nepean River. However, these views will only be altered as the development will be visible. Due to the moderate scale of the development and the physical separation of the vicinity items, these alterations to views from the heritage items will not have an adverse impact on the heritage significance or the general settings of the vicinity items.
- The curtilage of all vicinity items in proximity, (including Explorers Memorial and the two bridges to the north-west) have been respected. This has been achieved through appropriate setbacks and the use of new landscaping to create buffers between the new development and the vicinity items.

It is recommended that the treatment and protection of the former pump house be included in the construction management plan for the site. This will need to include a description of the structure's significance and detail how the pump house will be protected throughout construction.

It is considered appropriate for the recommendation to be adopted within any approval for the development.



Figure 12 Interior of the remnant Pump House

5.7 VISUAL IMPACT

While the site is not mapped in Council’s LEP as being scenically and visually sensitive, the location of the site is prominent and is considered a landmark within Penrith. The project architect has therefore provided within the architectural plans a view analysis incorporating montages into those views. The montages confirm the proposed building is of a scale and design that is befitting of the site and its location. Whilst being functional for the proposed use, the design is high in quality and will incorporate a range of finishes and materials. The formalisation of the proposed shared zone, the construction and landscaping of the carpark, and associated landscaping outside of the site, will ensure the development will create a positive visual impact when viewed from the public domain.



Figure 13 Visual analysis including montages

5.8 SERVICES

The site is appropriately serviced to allow for the proposed development.

5.9 SOCIAL AND ECONOMIC

The accompanying Social Impact Assessment concludes as follows:

Positive social impacts of the proposed redevelopment include the restoration of the historic use of the site, and aesthetically pleasing views of the site within the locality. In addition, there will be increased opportunity for social relations and gathering, due to the re-established availability of a local venue and the decreased need to travel outside the suburb in order to obtain this service. Penrith has a growing population and the increase of entertainment venues in the CBD is considered to have positive social interconnectedness and mental health outcomes.

It has been found that the likely negative social impacts of the proposal on the local and wider community will be minor given the historic use of the site has been for this type of establishment. The proposal does result in some minor negative impacts associated with entertainment venues and general consumption of alcohol, which can be mitigated by implementing late night noise attenuation methods and providing advertising around risky drinking behaviour and alcohol-fuelled violence. These advertisements should demonstrate local resources available to assist those at risk.

It is agreed that the development will result in positive economic and social benefits once constructed. The development is simply a reinstatement of the previous Hotel that has been located on the site for over 100 years. Potential negative impacts are minor and will be no worse than when the Hotel last operated. In the circumstances of this development, the net impacts will be positive.

5.10 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the *"Crime Prevention and Assessment of Development Application Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979"* published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all frontages allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active communal areas at the front and rear of the building are well positioned.
- Clear visual pathways within and around the development from public streets to private entrances.
- Areas of entrapment are limited due to multiple exit points from around the development.
- CCTV will be utilised on the site.

Access Control

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to the building can be effectively managed through lockable entry doors. With respect to fire escape points and building services rooms, the location of these access points, the use of lockable doors and other environmental cues will make it clear that these are not public entry points.

Overall access to the building will be managed by the on-site manager.

Territorial Reinforcement

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

Space Management

Space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems such as materials and fittings replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project. In this case, the on-site manager will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

Site cleanliness is also a factor that influences the perceived and actual level of care of an area. Cleanliness of the project will be managed by on-site management on a daily basis.

5.11 OPERATIONS

A Plan of Management accompanies this application, establishing the way in which the venue is to be managed. This extends to the management of patrons, security, maintenance, and noise and amenity. The Plan can be regularly reviewed if required.

6 SECTION 4.15 ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

6.1 SECTION 4.15(1)(A)(I) – ANY ENVIRONMENTAL PLANNING INSTRUMENTS

The relevant environmental planning instruments have been considered earlier in this report. These include the following:

- *Biodiversity Conservation Act 2016*
- *Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No 64 – Advertising & Signage*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.

6.2 SECTION 4.15(1)(A)(II) – ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION UNDER THIS ACT AND THAT HAS BEEN NOTIFIED TO THE CONSENT AUTHORITY

The exhibited Draft Environment SEPP, and Draft Remediation of Land SEPP have been considered in the context of the existing relevant instruments. In this regard there are no specific matters relating to the proposed development arising from these Draft SEPP's.

6.3 SECTION 4.15(1)(A)(III) – ANY DEVELOPMENT CONTROL PLAN

Compliance against the relevant DCP's has been considered earlier in this report.

6.4 SECTION 4.15(1)(A)(IIIA) – ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT ENTERED INTO UNDER SECTION 7.4

There are no known planning agreements that apply to the site or development.

6.5 SECTION 4.15(1)(A)(IV) – THE REGULATIONS

There are no sections of the regulations that are relevant to the proposal at this stage.

6.6 SECTION 4.15(1)(A)(V) – ANY COASTAL ZONE MANAGEMENT PLAN

Not relevant to the proposed development.

6.7 SECTION 4.15(1)(B) – THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

6.7.1 Natural Environment Impacts

There are unlikely to be any natural environment impacts. There is no vegetation on site of any significance, and the proposed works to the site are considered minor in the context of the surrounding locality. The Nepean River will not be negatively impacted on, and in this context, the proposed development will be referred to the NSW Office of Water for General Terms of Approval to be granted prior to consent being issued.

6.7.2 Social and Economic Impacts

The proposed development reinstates the Log Cabin Hotel on the site. The accompanying consultant reports confirm that there will be positive social and economic impacts arising from the development. There will be minor impacts that can be appropriately managed through the implementation of the accompanying Plan of Management, which is a document common across other venues owned by the proponent.

6.7.3 Built Environmental Impacts

The proposed building is of a scale and bulk that is well within the development controls applicable to the site. The building layout is not dissimilar to that of the original Log Cabin Hotel. With the addition of the pedestrian bridge, the reconstruction of the Log Cabin Hotel will further enhance this part of the Nepean River, consistent with and achieving the objectives of Council's strategic vision for the River.

6.8 SECTION 4.15(1)(C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed Hotel would not result in any unacceptable impact on any adjoining landowners or buildings.

The site is considered to be suitable for the development for the reasons outlined below:

- The proposal is permissible with consent in the zone.
- The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land uses, representing a re-establishment of the previous Log Cabin Hotel

The accompanying consultant reports identify the way in which the proposed development will be received within the locality and in this regard, it is considered to be acceptable.

6.9 SECTION 4.15(1)(D) – ANY SUBMISSION MADE

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to any submissions that may be received.

6.10 SECTION 4.15(1)(E) – THE PUBLIC INTEREST

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

We submit approval of the development is within the public interest given the way in which the strategic objectives of the relevant planning framework have been met.

7 CONCLUSION AND RECOMMENDATION

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable. Although there is a slight non-conformance acoustically regarding the carpark exit location, this location was requested by Penrith Council in order to increase the safety and amenity of Memorial Avenue (the main pedestrian thoroughfare to both the venue, and to the Yandhai pedestrian bridge).

The proposed re-establishment of the Log Cabin Hotel would not result in any unacceptable impact on the locality. The site continues to be considered quite suitable for a use of this nature and is consistent with nearby development and recently approved land uses along the Nepean River. The strategic objectives of Council's relevant planning framework are met by this proposal.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising. Any potential impacts can be addressed through conditions of consent.

Accordingly, it is recommended that the proposed development be approved.