



20 February 2018

General Manager
Penrith City Council
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NSW 2751

SECTION 96 (1A) APPLICATION - DA16/0357 - EXTENSION OF AWNING AND OTHER MINOR AMENDMENTS

1. INTRODUCTION

Urbis has prepared this Statement of Environmental Effects on behalf of St Hillier's to accompany a Section 96(1A) application to modify DA16/0357 as it relates to 15 Engineers Place, Penrith (Lot 3008 in DP1184498).

Consent was granted on 19 September 2016 for an 'eight (8) storey serviced apartment building containing 14 x 1 bedroom apartments & 47 x dual key apartments (61 apartments/108 keys), related ground floor facilities & ground and first floor car parking'.

The proposed modifications include:

- Extending the awning to wrap around the building and extend along the pedestrian through-site link located to the north of the site; and
- Enlargement of a window located in Unit 104b of the building so to comply with BCA natural light and ventilation requirements.

Refer to the Architectural Drawings prepared by DKO Architects at **Appendix A**.

This Statement includes the following:

- A description of the site,
- A description of the proposed modification,
- An assessment of the proposed modifications under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (the Act), and
- An assessment of the proposed modifications against the provisions of Section 79C of the Act.

2. SITE ANALYSIS

Table 1 – Site Analysis

Component	Description
Address	15 Engineers Place, Penrith
Legal description	Part of Lot 3008 in DP1184498
Area	2,744sqm
Current use	The site is currently under construction for the approved use as serviced apartments.
Site features	<p>The site is:</p> <ul style="list-style-type: none"> • Irregular in shape. • Bounded by Lord Sheffield Circuit and a rear access lane via Engineer’s Place.

Figure 1 – Site Location



Source: Near Maps

3. PROPOSED MODIFICATION

The proposed modifications include:

- Extending the awning to wrap around the building and extend along the pedestrian through-site link located to the north of the site; and
- Enlargement of a window located in Unit 104b of the building so to comply with BCA natural light and ventilation requirements.

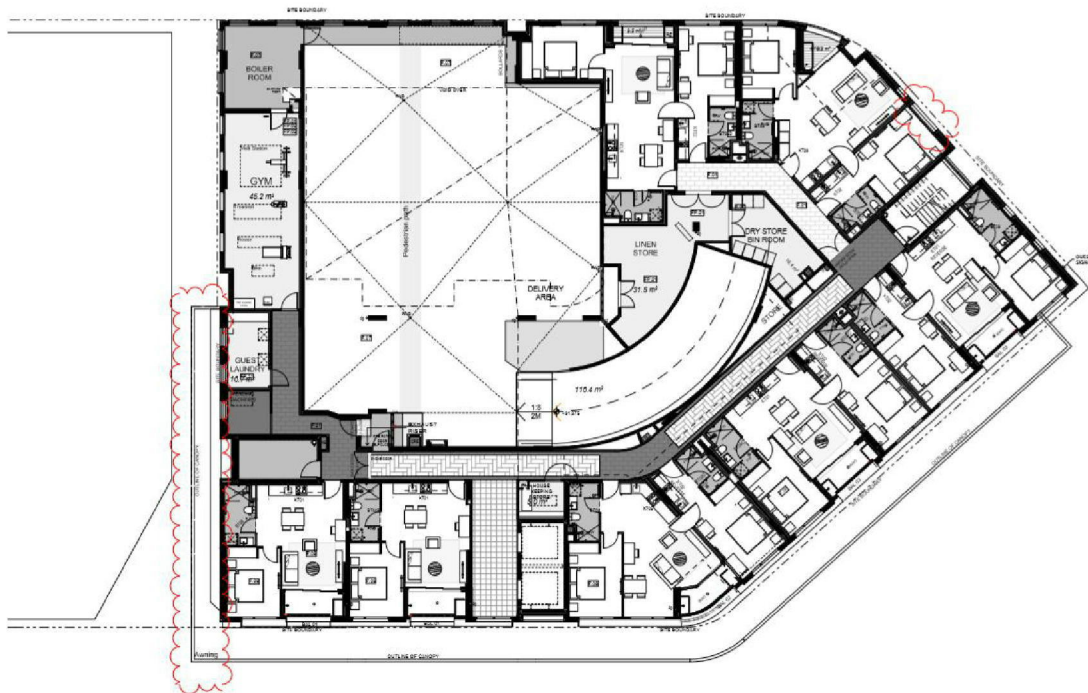
The following section provides further detail of the proposed modifications.

3.1. EXTENSION OF THE AWNING

This modification includes the extension of an approved awning to wrap around the front of the building and extend along the pedestrian link located to the north of the building. The extension to the awning will be constructed using the same materials as the originally approved awning. The roof will be made from metal sheeting and the extended awning will sit flush with the building.

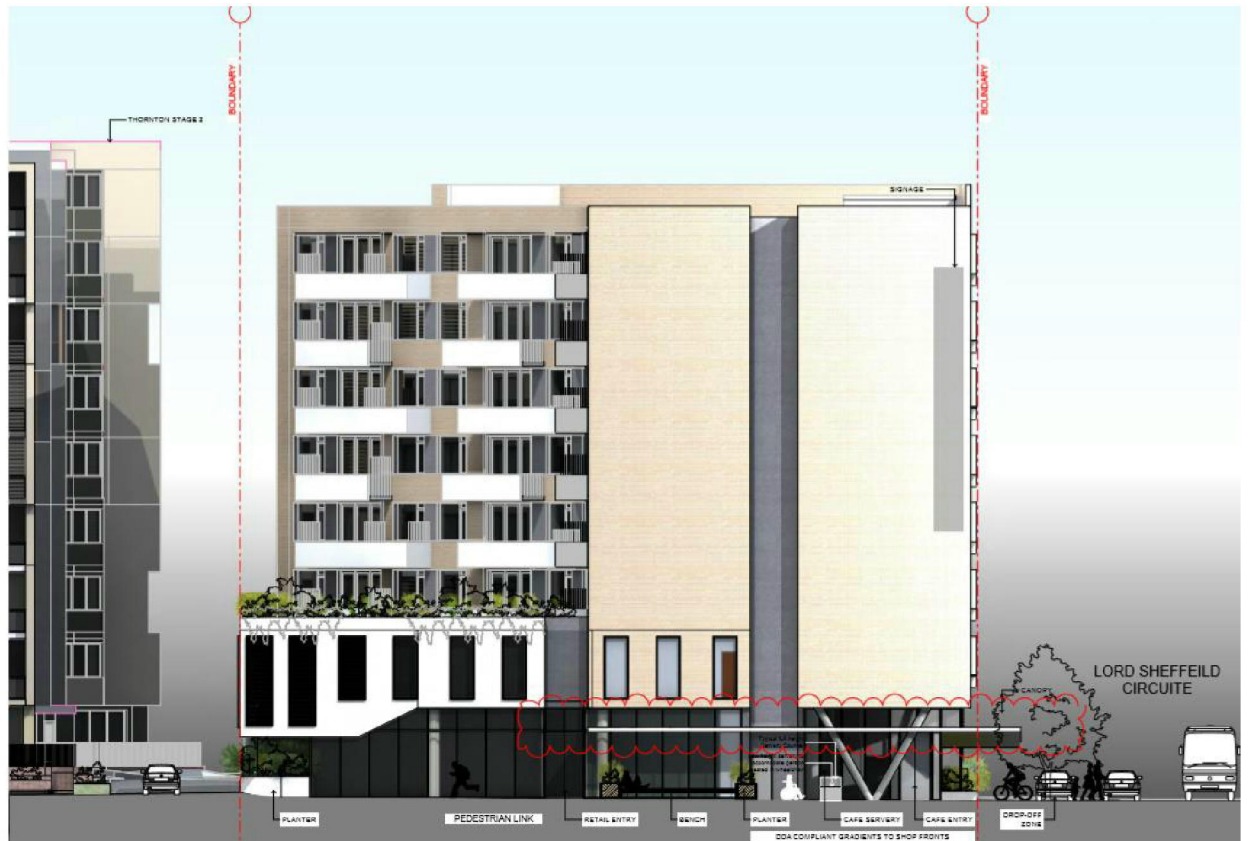
The following plans show the location and design of the proposed extension to the awning.

Figure 2 – Level 1 floor plan showing the location of the proposed extension to the awning (see red bubble).



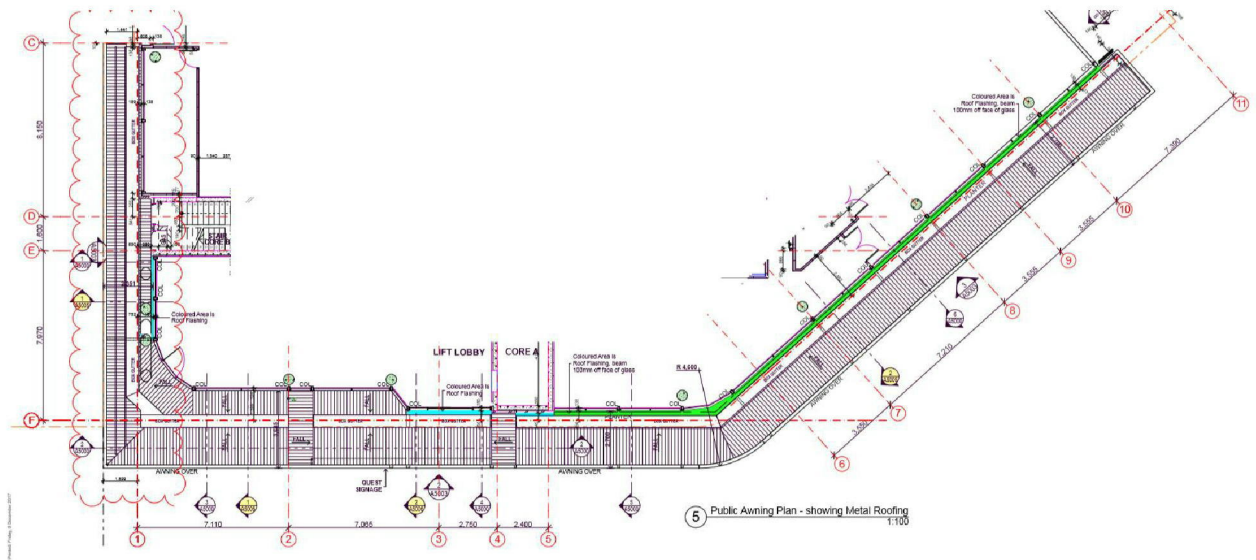
Source: DKO Architects

Figure 3 – North Elevation showing the location of the proposed extension to the awning (see red bubble).



Source: DKO Architects

Figure 4 – Public Awning Plan showing materials and finishes.



Source: DKO Architects

3.2. ENLARGEMENT OF WINDOW OF UNIT 104B

This modification also includes the enlargement of a window located in Unit 104b of the building so to comply with BCA natural light and ventilation requirements. The original window was reduced in size due to its location above the substation blast zone. The window is located on Level 1 eastern elevation.

Figure 5 – East Elevation Plan showing the location of the proposed amendment to the window.



Source: DKO Architects



3.3. AMENDMENTS TO DRAWING REFERENCES

The necessary amendments to the approved architectural drawing set are detailed in the table below. Additional plans for the proposed extension to the awning have also been included in the new architectural set.

Table 2 – Modification to the Drawing References

Drawing Number	Description	Revision	Date
DA100	Site Plan	D	09/11/2016
		E	18/02/2018
DA200	Ground Floor Plan	D	09/11/2016
		E	18/02/2018
DA201	Level 1	D	09/11/2016
		E	18/02/2018
DA300	West/South Elevations	D	09/11/2016
		E	18/02/2018
DA302	North Elevation	D	09/11/2016
		E	18/02/2018
DA303	East Elevation	D	09/11/2016
		E	18/02/2018
A5000	Public Awning Sections 1	1	09/08/2017
		2	08/12/2017
A5003	Public Awning Plan and Elevations	2	05/12/2017
		3	08/12/2017
A5005	Public Awning Sections 2	1	09/08/2017
		2	08/12/2017

4. PLANNING ASSESSMENT

The following provides a detailed planning assessment and includes the matters of consideration pursuant to Section 96(1A) and Section 79C of the Environmental Planning and Assessment Act 1979 (the Act).

4.1. SECTION 96(1A) ASSESSMENT

The following provides a detailed planning assessment includes the matters of consideration pursuant to Section 96(1A) and Section 79C of the Act.

4.1.1. Minimal environmental impact

The proposed modification is considered to have a minimal environmental impact for the following reasons:

- The proposed modifications will result in very minor changes to the approved external elements of the serviced apartment building, which was considered to exhibit design excellence.
- The provision of an extended awning to the serviced apartment building will improve the public domain and environmental conditions of the site. The awning will provide passing pedestrians and users of the building with additional shading from the sun and protection from the rain.
- The extended awning will improve pedestrian amenity and also provide improved access to future users of the building.
- The provision of a larger window to Unit 104b will result in compliance with BCA natural light and ventilation requirements.

4.1.2. Substantially the same development

The proposed modification is considered to be substantially the same development for the following reasons:

- The proposed modified development does not propose any changes to the approved land uses on site.
- The function and form of the proposal remains unchanged and the modified development does not represent a significant departure from the approved plans.
- The proposal does not impact the streetscape appearance of the approved development.

It is in our opinion that the development as proposed to be modified will be substantially the same development for which consent was originally granted.

4.2. ENVIRONMENTAL PLANNING INSTRUMENTS

The Penrith Local Environmental Plan 2010 (the LEP) is the principal LEP applicable to the subject site.



The site is located within the B2 Local Centre zone, under which ‘tourist and visitor accommodation’ is permitted with consent. Serviced apartments are captured under the group term ‘tourist and visitor accommodation’.

The modified proposal makes no change to the approved land uses on site nor is there changes to the approved building height and gross floor area.

4.3. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments applicable to the site.

4.4. DEVELOPMENT CONTROL PLAN

The modified development remains consistent with the provisions of Penrith Development Control Plan 2014. The proposed extension to the awning complies with the controls set out in Section 8.1 of the DCP.

Table 3 – Penrith DCP 2014 Compliance Table

Section 8.1 Public Domain		
3) Awnings		
Control	Response	Complies
a) Awnings should be an integral component of new developments (including alterations and additions) and where appropriate, stepped to accommodate sloping streets.	Noted. The modification provides additional awning which is considered an integral component of the development.	Yes.
b) Awning dimensions should generally be:		
i) Setback from the face of the kerb to allow for clearance of street furniture including street trees;	Not applicable as the new extension to the awning will not extend over any street.	N/A
ii) A minimum depth of 2.8m where street trees are not required, otherwise a minimum depth of 2.4m; and	The proposed awning extension will have a minimum depth of 2.351 metres when measured from the building façade and will be 3 metres in height. Whilst there is a minor non-compliance with both the depth and height of the awning extension, this is considered acceptable given that the proposed extension does not front the streetscape and rather	No, but justified.
iii) A minimum soffit height of 3.2m and maximum 4m.		

	protrudes over an established pedestrian link.	
c) For corner sites, awnings are to wrap around the building up to 6m along the secondary street frontage.	The site is not considered a corner site. However, the site does function as a corner site given the pedestrian link to the north of the site separates it from adjacent developments. As such the proposed awning extension wraps around the building to the north and extends 17.72 metres above the pedestrian through site link.	N/A
d) Awnings are to be provided at specific locations identified within key precincts in the City (refer to Part E – Key Precincts of this DCP).	The site is located within the North Penrith Key Precinct. However, no additional awning controls are applicable to the site.	N/A
e) The provision of under awning lighting should be recessed into the soffit of the awning or mounted to the building façade to facilitate pedestrian movement at night and improve public safety.	Noted. Lighting to be provided in accordance with control.	Noted.
f) Where the awning is to encroach over the road reserve, including the footpath, a separate approval to erect the awning over the road reserve is to be obtained under the Roads Act 1993 and the Local Government Act 1993.	The additional awning will not encroach over a road reserve. The additional awning wraps around the building and extends over the pedestrian link to the north of the site. The pedestrian link acts as an access easement and the footpath will not be dedicated back to Council. Therefore, these controls do not apply.	N/A

The proposed enlargement to the window of Unit 104b will result in compliance with natural lighting and ventilation requirements under the BCA.

4.5. PLANNING AGREEMENT

There is no planning agreement currently in place.

4.6. REGULATIONS

There are no matters prescribed by the regulations which relate to this proposal.

4.7. LIKELY IMPACTS OF THE DEVELOPMENT

The proposed modifications will result in the following impacts:

- The extension to the awning will improve pedestrian amenity for the site. It will increase the useability and amenity of the pedestrian link to the north of the site and improve the overall public domain.
- The extended awning will provide an interface between the building and the pedestrian link.
- The extended awning at street level will provide passing pedestrians and users of the building with additional sun shading and protection from the rain.
- The enlargement of the window to Unit 104b will result in improved natural lighting and ventilation to the unit.
- The proposed modifications will result in very minor changes to the approved external elements of the building. No detrimental environmental impacts are expected.

4.8. SUITABILITY OF THE SITE

The site is considered suitable for the proposed development for the following reasons:

- The site is specifically zoned B2 Local Centre in which serviced apartment development is permissible with consent. No land use change is proposed.

Therefore, the proposal is considered to be consistent with the public expectation for development in the locality.

4.9. SUBMISSIONS

It is understood the proposed modification will not be placed on public exhibition.

4.10. PUBLIC INTEREST

The proposal is in the public interest for the following reasons:

- The modified proposal remains largely consistent with the previously assessed and approved development.
- The provision of an extended awning to the serviced apartment building will improve the environmental conditions of the site. The awning will provide passing pedestrians and users of the building with additional shading from the sun and protection from the rain.

- The modified proposal achieves a high level of planning policy compliance.

5. CONCLUSION

This Section 96(1A) Statement supports an application to modify DA16/0357 as it relates to 15 Engineers Place, Penrith (Lot 3008 in DP1184498).

Consent was granted on 19 September 2016 for an 'eight (8) storey serviced apartment building containing 14 x 1 bedroom apartments & 47 x dual key apartments (61 apartments/108 keys), related ground floor facilities & ground and first floor car parking'.

The proposed modifications include:

- Extending the awning along the pedestrian through-site link located to the north of the site; and
- Enlargement of the window located in Unit 104b of the building so to comply with BCA natural light and ventilation requirements.

The compelling reasons why a positive assessment and determination of the project should prevail are summarised below:

- The modified proposal (which was found to exhibit design excellence) remains largely unchanged to that approved, in terms of built form and the function of the site.
- The modified proposal remains highly consistent with the applicable planning controls.
- The modified proposal is in the public interest and will improve environmental conditions, pedestrian amenity and access to the site.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that upholds the vision for the precinct. The proposal therefore is considered worthy of support.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "A. Harvey".

Andrew Harvey
Director



APPENDIX A: MODIFIED ARCHITECTURAL SET