

## DCP Compliance Assessment

### Penrith Development Control Plan 2014

TABLE 1- PART C- CITY WIDE CONTROLS

CONTROL	COMPLIANCE/COMMENT
<b>C1 Site Planning and Design Principles</b>	
1.1 Site Planning	COMPLIES- Refer to Architectural Plans at <b>Appendix A</b> .
1.2 Design Principles	COMPLIES- Refer to Architectural Plans at <b>Appendix A</b> , section <b>4.1</b> of the SEE, and the Architect's Statement at <b>Appendix B</b> .
<b>C2 Vegetation Management</b>	
2.1 Preservation of Trees and Vegetation	COMPLIES- Refer to Arborist Report at <b>Appendix F</b> .
2.2 Biodiversity Corridors ...Non-Urban Areas	Not applicable.
2.3 Bushfire Management	Not applicable.
<b>C3 Water Management</b>	
3.1 The Water Cycle/Water Conservation	Not applicable.
3.2 Catchment Management and Water Quality	Not applicable.
3.3 Watercourses, Wetlands and Riparian Corridors	Not applicable.
3.4 Groundwater	COMPLIES- The basement is above the permanent water table. Refer to the Geotechnical Report at <b>Appendix H</b> .
3.5 Flood Planning	Not applicable.
3.6. Stormwater Management and Drainage	COMPLIES- Refer to Stormwater Report at <b>Appendix K</b> .
3.8. Rainwater/Storage Tanks	COMPLIES - A 15,000L central water tank will be installed to capture stormwater which will be reused for irrigation purposes.
<b>C4 Land Management</b>	
4.1 Site Stability and	Not applicable.

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<i>Earthworks</i>	
4.2 <i>Landfill</i>	Not applicable.
4.3 <i>Erosion &amp; Sedimentation</i>	COMPLIES- Refer to Erosion and Sediment Control Plans within the Civil Plans at <b>Appendix J</b> .
4.4 <i>Contaminated Lands</i>	COMPLIES- Refer to Phase 1 Contamination Report at <b>Appendix G</b> .
4.5 <i>Salinity</i>	Not applicable.
<b>C5 Waste Management</b>	
5.1 <i>Waste Management Plans</i>	COMPLIES- Refer to Waste Management Plan at <b>Appendix I</b> .
5.2 <i>General Controls</i>	COMPLIES- Refer to Waste Management Plan at <b>Appendix I</b> .
5.3 <i>Development Specific Controls</i>	COMPLIES- Refer to Waste Management Plan at <b>Appendix I</b> .
5.4 <i>Hazardous Waste Management</i>	Not applicable.
5.5 <i>On-site Sewage Management</i>	Not applicable.
<b>C6 Landscape Design</b>	
6.1 <i>Controls</i>	COMPLIES- Refer to Landscape Plans and Report at <b>Appendix C</b> .
<b>C7 Culture and Heritage</b>	
7.1 <i>European Heritage</i>	Not applicable.
7.2 <i>Aboriginal Culture and Heritage</i>	Not applicable.
7.3 <i>Significant Trees and Gardens</i>	Not applicable.
<b>C8 Public Domain</b>	
8.1 <i>Pedestrian Amenity</i>	COMPLIES- The proposed commercial tenancy will be located on ground floor, at the corner of Somerset and Hargrave Streets, and will incorporate glazing on the Somerset frontage to maximise activation at the street level. Glazed entry into the residential lobby and commercial space will occupy less than 50% of the Somerset Street frontage. Further ground floor apartments facing onto Somerset Street will have direct private entries. This will appropriately address active street

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	frontages and address, by promoting an interesting and safe pedestrian environment. Planter boxes and new street trees along Somerset Street will also be provided, enhancing the public domain.
8.2 <i>Street Furniture</i>	Not applicable.
8.3 <i>Lighting</i>	COMPLIES- appropriate lighting will be provided at the entrance to the building, ensuring the residential entrance and commercial tenancy entrance is well-lit and visible from the public domain.
8.4 <i>Outdoor Dining and Trading Areas</i>	Not applicable.
8.5 <i>Public Art</i>	Not applicable.
<b>C9 Advertising and Signage</b>	
9.1 <i>General Requirements for Signs</i>	COMPLIES- This development application identifies potential signage zones for the commercial tenancy on the western and southern elevations. Both locations satisfy the DCP in broad terms. A Development Application or Complying Development Certificate for signage will be required for the incoming tenant.  Refer to the allocated signage zones in the Architectural Plans at <b>Appendix A.</b>
9.4 <i>Commercial, Mixed Use and Industrial Zones</i>	COMPLIES- as per response 9.1 above.
<b>C10 Transport, Access and Parking</b>	
10.1 <i>Transport and Land Use</i>	COMPLIES- Refer to Traffic Impact Assessment at <b>Appendix O.</b>
10.2 <i>Traffic Management and Safety</i>	COMPLIES- Refer to Traffic Impact Assessment at <b>Appendix O.</b>
10.3 <i>Key Transport Corridors</i>	Not applicable.
10.4 <i>Roads</i>	Not applicable.
10.5 <i>Parking, Access and Driveways</i>	COMPLIES- Refer to Traffic Impact Assessment at <b>Appendix O.</b>
10.6 <i>Pedestrian Connections</i>	COMPLIES- Refer to Accessibility Report at <b>Appendix M.</b>
10.7 <i>Bicycle Facilities</i>	COMPLIES- Refer to Traffic Impact Assessment at <b>Appendix O.</b>
<b>C11 Subdivision</b>	Not applicable.

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<b>C12 Noise and Vibration</b>	
12.1 Road Traffic Noise	COMPLIES- Refer to Acoustic Report at <b>Appendix N.</b>
12.2 Rail Traffic Noise and Vibration	Not applicable.
12.3 Aircraft Noise	Not applicable.
12.4 Industrial and Commercial Development	COMPLIES – While the commercial tenant has not been defined, it will not be a significant noise generating use due to the proximity of residents. Nevertheless, appropriate acoustically rated materials will be selected during construction in accordance with the recommendations of the Acoustic Report at <b>Appendix N.</b>
12.5 Rural Development	Not applicable.
12.6 Open Air Entertainment	Not applicable.
12.7 Vibration and Blasting	Not applicable.
<b>C13 Infrastructure and Services</b>	
13.1 Location of Easements for Infrastructure	Not applicable.
13.2 Utilities and Service Provision	COMPLIES- the existing services and utilities available to the site have capacity to address the required demand of the proposed development. Refer to the Services and Utilities Report included at <b>Appendix J.</b>
13.3 On Site Sewage Management	Not applicable.
13.4 Engineering Works and Construction Standards	COMPLIES- Refer to Stormwater Management Report at <b>Appendix K.</b>
13.5 Development Adjacent to ... Warragamba Pipelines	Not applicable.

TABLE 2- PART D- LAND USE CONTROLS

CONTROL	COMPLIANCE/COMMENT
<b>D2 Residential Development- 2.5 Residential Flat Buildings</b>	
2.5.1 Residential Character	COMPLIES- The proposed development has been designed to consider the established residential and mixed use precinct of Kingswood.

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2.5.2 Preferred Configuration for Residential Flat Buildings	COMPLIES- The proposed building entrance is located along Somerset Street, along with a number of ground floor apartments also having direct private street access. This configuration is entirely appropriate within its context, creating a clear entrance and orienting the building towards Somerset Street.
2.5.3 The Development Site	Not applicable
2.5.4 Urban Form	Not applicable – controls not appropriate for B4 zone
2.5.5 Landscaped Area	COMPLIES- Refer to Landscape Plan and Report at <b>Appendix C</b> .
2.5.6 Front and Rear Setbacks	Not applicable - front setback controls applying to the site are in E12 Penrith Health and Education Precinct, Part A- Hospital Precinct controls. Rear / side setbacks are as per Apartment Design Guide.
2.5.7 Side Setbacks	Not applicable- Rear / side setbacks are as per Apartment Design Guide.
2.5.8 Visual and Acoustic Privacy and Outlook	COMPLIES- A number of privacy measures are in place to ensure that the amenity of residents and adjacent sites are not compromised. This includes the use of landscaping to provide privacy to living areas to ground level apartments, and using buffer zones and dense planting within planter boxes. Further will be implemented where necessary, and deep balconies are provided to apartments orientated towards common boundaries.
2.5.9 Solar Planning	Not applicable- direct sunlight and solar access have been provided in accordance with the Apartment Design Guide.
2.5.10 Significant Townscapes and Landscapes	Not applicable.
2.5.11 Corner Sites and Park Frontages	COMPLIES- The south west corner of the building and the secondary frontage (Hargrave Street) has been carefully designed, detailed and landscaped to reflect the prominence of this particular location. The driveway entry to the basement is located on Hargrave Street, away from the corner and the basement ramp is to be screened.
2.5.12 Building Design	COMPLIES- Varying setbacks to the street and side elevations, in combination with varying contemporary material pallet have been used to break down the massing of the building design, expressing different languages for ground and level 1 balconies, which are setback at higher levels. This effectively splits the massing into 2, creating a built form at lower levels that connects with the public domain, and pedestrian walkway along Somerset Street. This ensures that the apparent scale and bulk of the building is minimised.
2.5.13 Energy Efficiency	COMPLIES- Two light corridors bring in additional natural light to common areas



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	<p>and ventilation to apartments.</p> <p>The proposed development has been designed in accordance with ESD principles outlined in the Apartment Design Guide, with 74% of apartments receiving cross ventilation and 70% of apartments receiving 3 hours of direct sunlight between 9am and 3pm mid-winter.</p> <p>Finally, the site meets BASIX targets through design, layout, provision of a rainwater tank and choice of heating, cooling and appliances.</p>
<p><i>2.5.14 Design of Dwellings and Private Courtyards</i></p>	<p>PARTIAL COMPLIANCE - Common circulation areas have been designed to appropriately facilitate equal access in accordance with the BCA.</p> <p>Some apartments do not meet Council's requirement for minimum private open space of 20m<sup>2</sup> for ground floor apartments and 10m<sup>2</sup> for upper level balconies. However, private open space areas for all apartments has been provided at a rate equal to or in excess of minimum areas established in the Apartment Design Guide.</p>
<p><i>2.5.15 Garages</i></p>	<p>COMPLIES- The basement and driveway have been appropriately designed in accordance with Council's requirements. Refer to Traffic Impact Assessment at <b>Appendix O</b>.</p>
<p><i>2.5.16 Garden Design</i></p>	<p>COMPLIES- A communal open space area, landscaped side boundaries and side pathways are proposed in accordance with Councils requirements. Refer to the Landscape Plan provided at <b>Appendix C</b>.</p>
<p><i>2.5.17 Paving Design</i></p>	<p>COMPLIES- The proposed driveway has been designed as an attractive and functional component of the development, providing effective management for stormwater run-off.</p>
<p><i>2.5.18 Fences and Retaining Walls</i></p>	<p>COMPLIES- 1.8 metre high fences will be provided</p>
<p><i>2.5.19 Safety and Security</i></p>	<p>COMPLIES- Refer <b>Section 6.14</b> of the SEE.</p>
<p><i>2.5.20 Accessibility and Adaptability</i></p>	<p>COMPLIES- Refer to Accessibility Report at <b>Appendix M</b>.</p>
<p><i>2.5.21 Storage and Services</i></p>	<p>COMPLIES- All storage spaces provide will be in accordance with the requirements of the Apartment Design Guide. In addition letter boxes will be provided in accordance with Australia Post specifications.</p>

TABLE 3 – PART E- KEY PRECINCTS

CONTROL	COMPLIANCE/ COMMENT
<b>E12 Penrith Health and Education Precinct</b>	
<b>Part A- Hospital Precinct</b>	
12.1.3 General Objectives	COMPLIES- The proposal is a mixed use development which facilitates the revitalisation of Kingswood through redevelopment of aged dwellings. It demonstrated architectural excellence and environmental sustainability. It will enrich the public domain and contribute to the creation of an attractive and vibrant precinct.
12.1.4 Character Area: Medical Mixed Use	COMPLIES- The development is a high density development of 6 storeys which incorporates a ground floor non-residential use. It will provide a high quality entrance to the Hospital Precinct, with high quality design and a consistent landscape theme both in planters and in street tree planting.
12.2.1 Mixed Use Development Controls	<p>PARTIALLY COMPLIES-</p> <ul style="list-style-type: none"> <li>▪ The DCP calls for commercial development on the ground and first floors in large swathes of the Hospital Precinct. During pre-lodgement discussions, the applicant demonstrated that there is insufficient market depth to support such a large amount of commercial floor space outside certain core areas. It was then agreed in principle with Council officers that the provision of single ground floor commercial tenancy at the corner of Somerset and Hargrave Streets was a “reasonable response” to the DCP objectives.</li> <li>▪ As such, the proposed development includes a commercial tenancy at ground floor, which will be able to accommodate a range of uses (subject to future consents being in place. The commercial frontage has been appropriately located on Somerset Street, are per Council’s requirement.</li> <li>▪ The proposed floor to ceiling heights of ground and first floor do not comply with Council’s requirements. Note that ADG ceiling heights prevail over the DCP, pursuant to SEPP 65, which calls for 3.3m for ground floor in mixed use zones. The proposed floor to ceiling heights of 3.1m on the ground floor reflect the fact that most of the ground floor is residential and that 3.1m is adequate for the proposed commercial tenancy.</li> <li>▪ Residential entries to ground floor apartments along Somerset Street, and the residential lobby entry to Somerset Street will be clearly marked, providing direct access to the street. Vehicular access is to be located at Hargrave Street, at the south-eastern corner of the site.</li> <li>▪ The commercial and residential uses will have clearly separate entries, and security access passes will be provided to all entrances into private areas,</li> </ul>

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	including the car park and communal open space.
<p><i>12.3.1 Street Alignment, Building Height and Setbacks</i></p>	<p>COMPLIES- On Somerset Street, the building is predominantly setback 4m as per the DCP. Terraces and balconies of the ground and first floors project into the setback zone, which is a deliberate design element which was supported by the UDRP. Notwithstanding the reduced setbacks, generous landscaping is incorporated in ground floor level planter boxes.</p> <p>The podium height ranges from 2-4 storeys in height, with a predominant 2 storey height projecting towards the Somerset Street elevation, and 4 storey height along the Hargrave Street elevation, rear elevation and northern elevation, with additional upper levels recessed appropriately.</p>
<p><i>12.3.2 Building Depth and Bulk</i></p>	<p>COMPLIES-</p> <ul style="list-style-type: none"> <li>▪ The overall built form (FSR) proposed is well below the maximum FSR applying to the site, by some 20%.</li> <li>▪ The bulk of the building has been broken up through the use of a light corridor, which also acts as the lobby/entry space at ground floor. This will bring additional natural light into the common area and cross ventilation to apartments.</li> <li>▪ The design of the building breaks up large expanses of building mass, using finer grain articulation features, and differing materials along all facades. This includes horizontal balustrade features, and vertical fenestrations to all levels.</li> </ul>
<p><i>12.3.3 Boundary Setbacks and Building Separation</i></p>	<p>Not applicable –SEPP 65 and the Apartment Design Guide override the DCP in relation to side boundary setbacks and building separation. Refer to Section 6.2.1 of the SEE and the Apartment Design Guide Compliance Assessment provided at <b>Appendix B</b>, providing specific commentary in relation to the proposed boundary and setbacks and separation distances.</p>
<p><i>12.3.4 Site Coverage and Deep Soil Zones</i></p>	<p>COMPLIES- 10.27% of the site will comprise deep soil zone.</p>
<p><i>12.3.5 Building Exteriors</i></p>	<p>COMPLIES- The proposed development has been designed to consider adjoining buildings and their future redevelopments. This includes appropriate selection of materials and finishes, and breaking up large expanses of the facades using horizontal and vertical elements. This creates and adds visual interest when viewed from the street. Glazing is utilised for the Somerset façade of the commercial tenancy space at ground level.</p> <p>A digital material sample board and schedule is been provided within the architectural set at <b>Appendix A</b>.</p>



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12.3.6 <i>Landscape Design</i>	COMPLIES- A Landscape Plan has been prepared in accordance with Council's requirements and is attached at <b>Appendix C</b> .
12.3.7 <i>Planting on Structures</i>	COMPLIES- The proposed planting structures have been designed for optimum conditions for plant growth, designed to support appropriate soil depth and plant selection, and minimum soil depths are increased as can be seen in the Landscape Plan attached at <b>Appendix C</b> .
12.4.1 <i>Public Domain</i>	Not applicable.
12.4.2.1 <i>Permeability</i>	Not applicable.
12.4.2.2 <i>Active Street Frontages and Address</i>	COMPLIES- The proposed development has been designed to maximise active frontages at ground level on to Somerset Street, which is designated as an active street frontage. The apartments have a clear street address to Somerset Street, and ground floor apartments located along Somerset Street each have their own entries which are clear glazing to the street. The commercial tenancy along Somerset Street also has its own separate entry.
12.4.2.3 <i>Safety and Security</i>	COMPLIES- Refer <b>Section 6.14</b> of the SEE.
12.4.2.4 <i>Awnings</i>	Does not comply- The DCP identifies awnings along the full eastern frontage of Somerset Street. While covered entries are provided for residents and commercial tenants, the proposed development does not provide awnings along Somerset Street. Awnings are not considered appropriate given the largely residential activities on-site, However, the proposal meets Council's objectives of contributing to a visually integrated, high quality streetscape within the Hospital Precinct.
12.4.2.5 <i>Vehicle Footpath Crossings</i>	COMPLIES- refer to Traffic Impact Assessment Report at <b>Appendix O</b> .
12.4.3 <i>Car Parking</i>	COMPLIES- refer to Traffic Impact Assessment at <b>Appendix O</b> and the Geotechnical Report at <b>Appendix H</b> .
12.4.4 <i>Site Facilities and Services</i>	COMPLIES- site facilities and services have been provided in accordance with Council's requirements.