



Statement of Environmental Effects

614-632 HIGH STREET
PENRITH

JUNE 2022



QUALITY ASSURANCE

Project:	Statement of Environmental Effects
Address:	614-632 High Street, Penrith
Lot /DP:	Lot 10 in DP1162271
Council:	Penrith City Council
Author:	Think Planners Pty Ltd

<i>Date</i>	<i>Purpose of Issue</i>	<i>Rev</i>	<i>Reviewed</i>	<i>Authorised</i>
18 November 2019	Draft issue for Client	Draft	LK/SR	SF
29 th November 2019	DA Submission	Final	LK/SF	SF
30 March 2020	Revised	Final	LK/SF	SF
June 2022	Hearing	Draft	AB	AB

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	Yes
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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EXECUTIVE SUMMARY

Description

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application for the construction of a 45-storey mixed use development including 254 residential units, 40 serviced apartments, commercial and retail suites, and basement at No. 614-632 High Street, Penrith.

The SEE has been amended from that originally submitted. The amended SEE arises from the proposal being amended to respond to matters raised in the assessment of the application and that are now to be determined as part of proceedings in the Land and Environment Court.

The site can be best described as an irregular shaped allotment with a frontage to High Street and Union Lane and a total site area of approximately 4,715m². Presently the subject land parcel is vacant and clear of significant vegetation.

Residing within the Penrith City Centre, the immediate locality is characterised by a mix of built forms and land uses including both commercial and residential land uses of varying ages as well as architectural styles. The subject site is also within close proximity to Nepean Hospital and the Western Sydney University (Kingswood campus) which are regional institutions.

Design Excellence

The development site is zoned B4 Mixed Use under the Penrith Local Environmental Plan 2010. Subclause 8.4(3)(a) under the Penrith LEP 2010 stipulates that development within the Penrith City Centre that proposes a building greater than 6 storey needs to undertake an architectural design competition. As such, a design excellence competition was held for the subject site in July 2018 which was unanimously won by DKO based on the maximum floor space ratio at the time which was 3:1. In December 2018, the Key Sites LEP was published, which revised the maximum floor space ratio to 6:1. Retention of design excellence has been undertaken via a Design Integrity process, involving representatives of Penrith Council, Government Architect of NSW, and the proponents appointed design/jury representative. The formation of the Design Integrity Panel waived the need for an entire new design competition as per the provisions of Clause 8.4(3)(a) (4). This Clause stipulates that Subclause 3 will not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.

The Design Integrity Panel met on three occasions and has agreed to award the scheme as exhibiting Design Excellence. A letter from the NSW Government

Architects Office is provided with this submission to confirm along with the detailed minutes of each of these meetings.

Overall, the design includes references from built form within the immediate locality and is consistent with the intention for key sites to display high quality design in a high density form and emerging CBD environment. The proposal provides an attractive mixed use building that responds to existing elements and so too an evolving built form pattern with Penrith City Centre

The development has not only been designed to comply with key planning requirements but will play a positive role in the growth and development of the Penrith Town Centre.

The proposal is to deliver a high-quality development that will make a positive contribution to the emerging city skyline within the Penrith City Centre.

Recommendation

Having regard to the benefits of the proposal, its contribution to the Penrith CBD, considering the absence of adverse environmental, social or economic impacts, and noting that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND LOCALITY

LEGAL DESCRIPTION

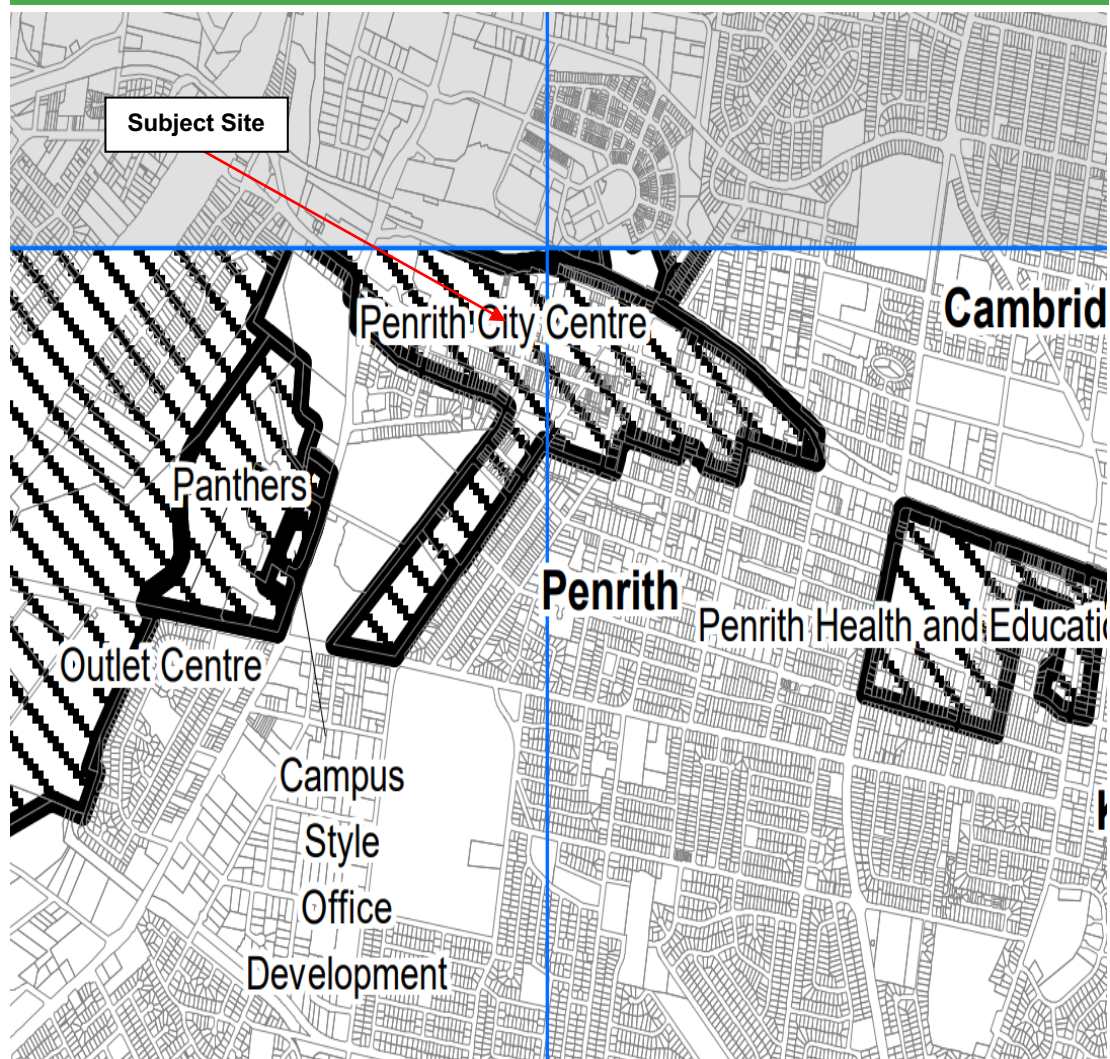
The subject site is legally defined as Lot 10 DP 1162271 though more commonly known as 614-632 High Street, Penrith.

SUBJECT SITE

Residing within the Penrith City Centre, the subject site can be best described as an irregular shaped allotment with a frontage to both High Street and Union Lane and a total site area of approximately 4,715m².

The Penrith Local Environmental Plan 2010 has identified the site as being located within the Penrith City Centre as per the Clause Application Map below.

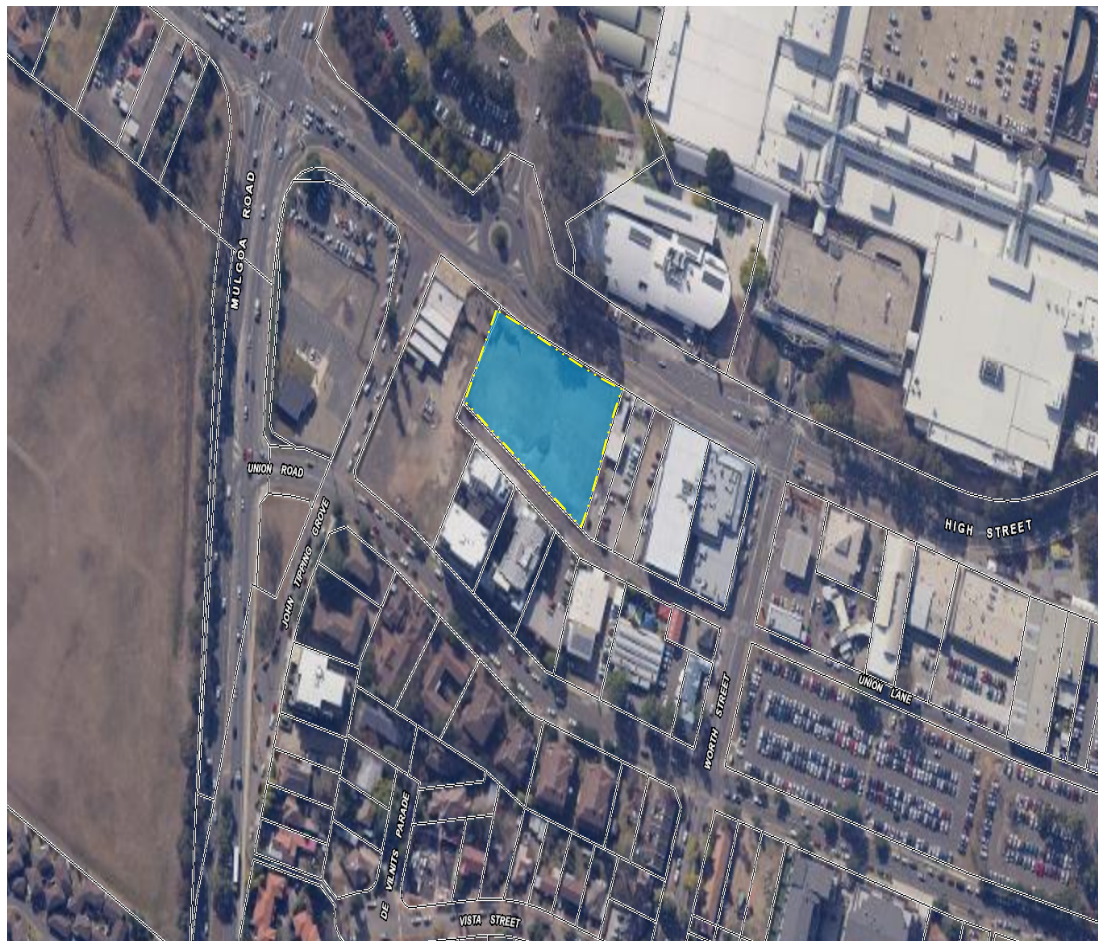
Figure 1: Clause Application Map Sheet CAP_002 (Source: Penrith LEP 2010)



SUBJECT AREA ANALYSIS

Presently, the subject land parcel is vacant and clear of any significant vegetation, see Figure 2 below.

Figure 2: Aerial Map Extract of Subject Site (Six Maps)

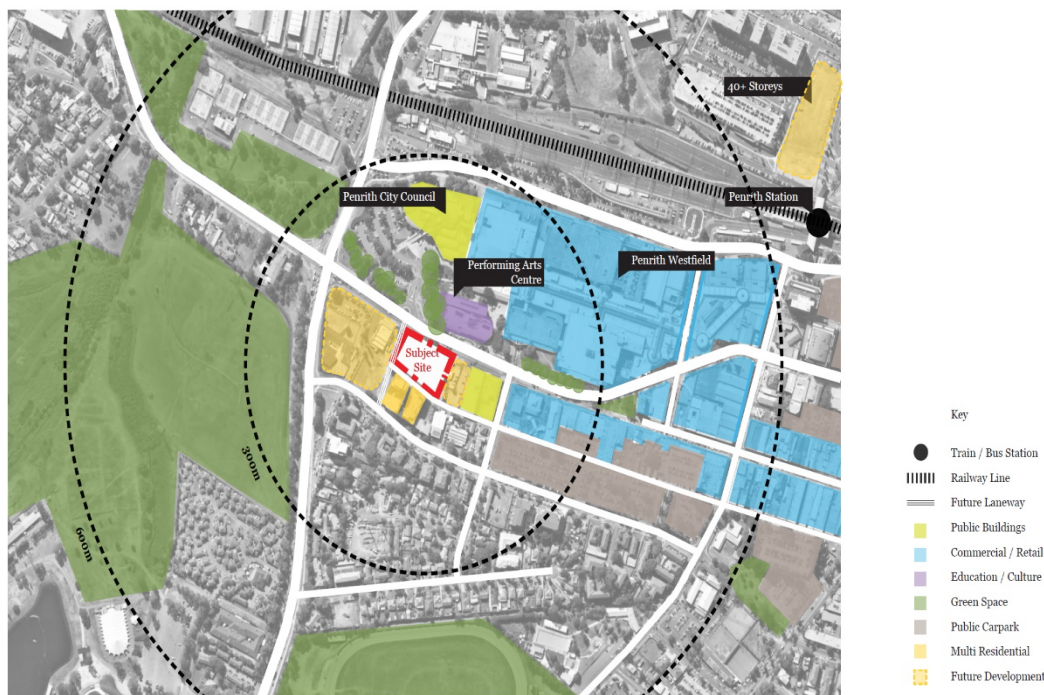


 Subject Site

The site is located within Penrith City Centre meaning a mix of land uses are within proximity of the site including both commercial and residential land uses of varying ages and architectural styles.

Figure 3 overleaf, illustrates the site and surrounding context.

Figure 3: Surrounding context (Extract from DKO Plans)



BROADER LOCALITY ANALYSIS

The subject land is located 800m from Penrith train station and a short walk from local recreational activities, cultural and entertainment facilities, educational establishments, community services and employment opportunities as demonstrated below.

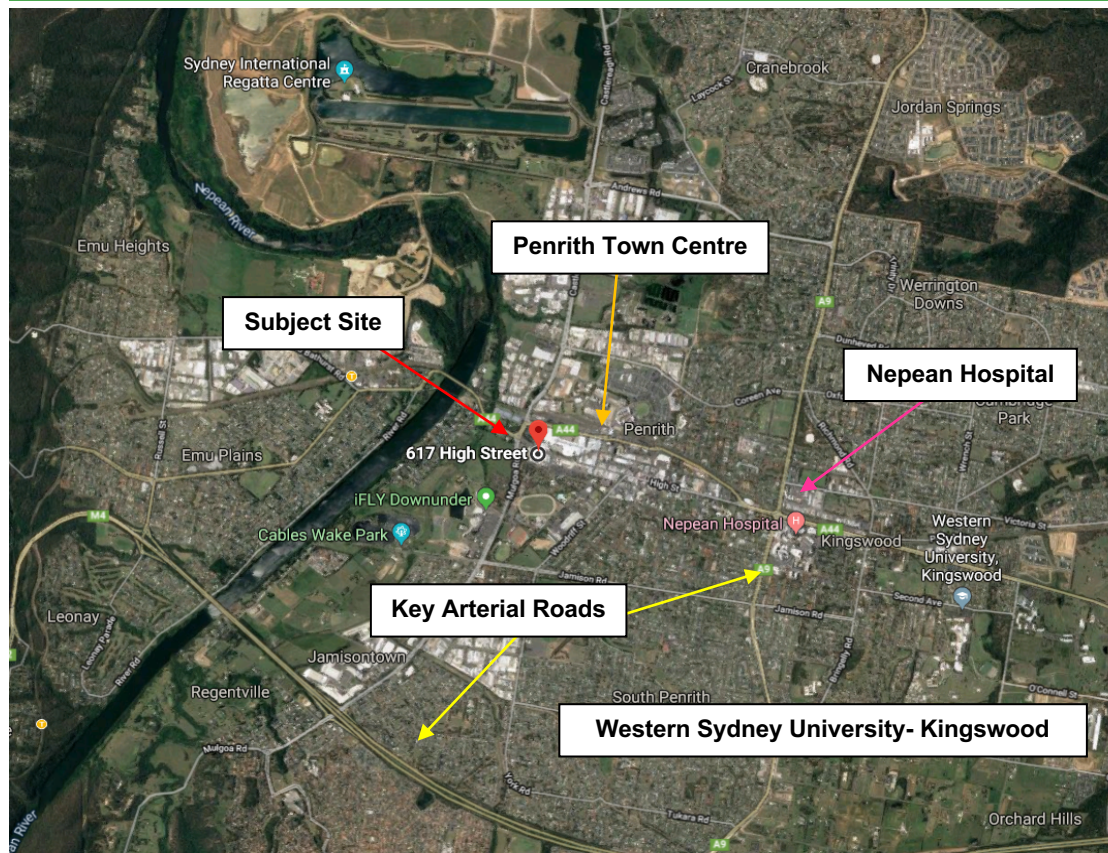
- Commercial premises (along High Street and Henry Street)
- Westfield Penrith
- Penrith Railway Station and Bus Interchange
- Nepean Hospital.

Furthermore, the Penrith Town Centre has a variety of health, education and emergency services.

In a broader context the subject site is proximate to Nepean Hospital and Western Sydney University (Kingswood campus) which are regional institutions.

This is illustrated in the Figure 4 aerial map extract of the broader locality.

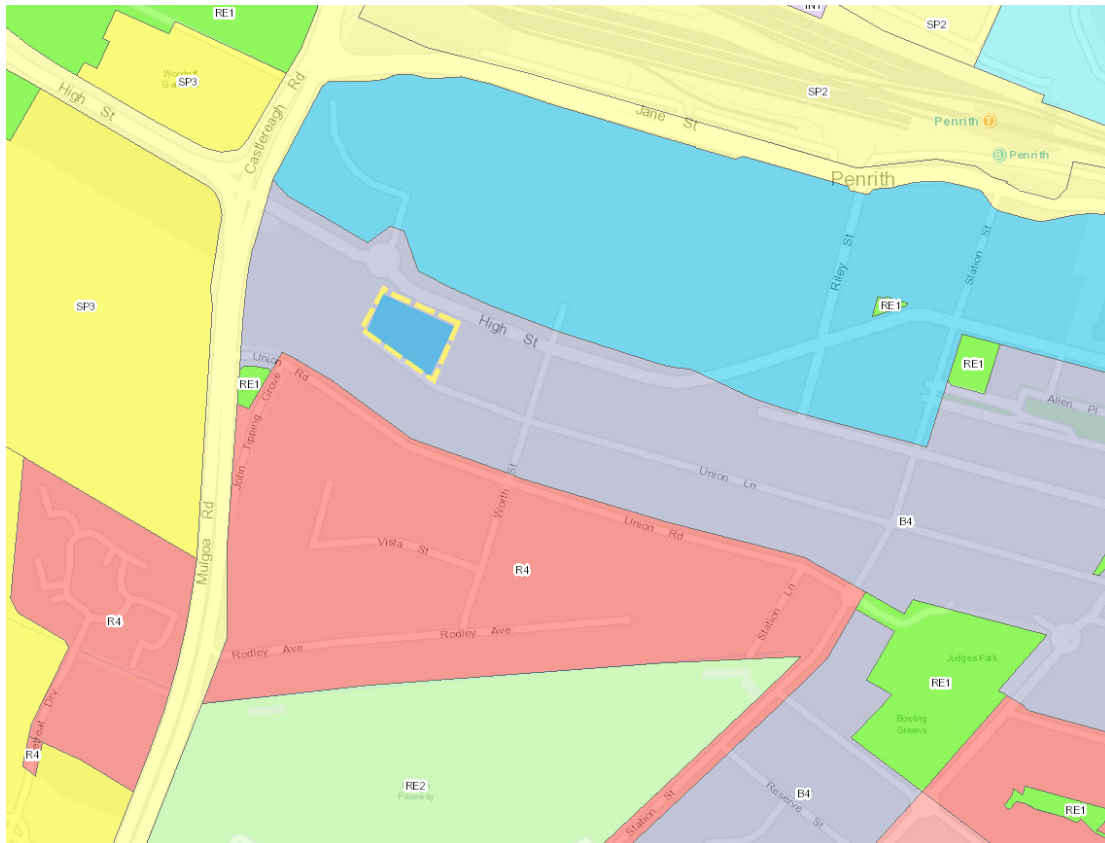
Figure 4: Aerial Map Extract of the Broader Locality (Google Maps)



ZONING CONTROL

As illustrated by Council's zoning map extract the development site is zoned B4 Mixed Use under the provisions of the Penrith Local Environmental Plan 2010.

Figure 5: Zoning Map Extract (Source: Penrith LEP 2010)



 Subject Site

The development seeks to utilise the land in accordance with the zoning, noting 'Residential Accommodation', 'Serviced Apartments' and 'Commercial Premises' are permissible with consent within the B4 Mixed Use zone and the proposal is consistent with the definition contained within the LEP:

Residential Accommodation:

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,

- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Serviced apartments

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Commercial Premises

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Photographs of the subject land parcel and the relationship with adjoining properties are provided overleaf.



Photograph 1: Illustrates the subject site as viewed via Union Lane



Photograph 2: Illustrates the subject site as viewed from the northern side of High St



Photograph 3: Illustrates the neighbouring commercial building from High St



Photograph 4: Illustrates proximate built form within Penrith Town Centre




HERITAGE

The subject site is currently vacant and is not a heritage listed site nor in a conservation area as can be seen from the heritage map extract provided below.

As such, there are no heritage restrictions on site and further investigation is considered unnecessary.

Figure 6: Heritage Map Extract (Source: Penrith LEP 2010)



 Subject Site

DESIGN EXCELLENCE

ORIGINAL DESIGN EXCELLENCE SCHEME

Pursuant to the Penrith Local Environmental Plan 2010, Subclause 8.4(3)(a) stipulates that development within the Penrith City Centre that proposes a building greater than 6 storey needs to undertake an architectural design competition.

Responding to this provision in July 2018 an architectural design excellence competition was held. This related to a scheme for the then relevant planning controls that included a maximum floor space ratio for the subject site of 3:1.

This design competition was unanimously won by DKO.

CHANGE IN THE PLANNING CONTROLS

On 20 December 2018 the Key Site LEP amendment was published which then permitted a maximum floor space ratio on the subject site up to 6:1. The subject site is known as Key Site 10 within the Penrith LEP 2010.

Given the successful conclusion of the Design Excellence Competition and having regard to the demonstrated abilities of DKO and its understanding of the site and its context, Urban Apartments approached Council in January 2019 and put forward the recommendation of creating a Design Integrity Panel in preference to another design excellence competition.

The Design Integrity Panel was established as a way forward to build upon the work already completed by DKO and to ensure the proposal can satisfy Clause 8.4(3)(a)(4) of the Penrith LEP 2010.

This Clause stipulates that Subclause 3 will not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required.

The Council supported the opportunity for a design competition waiver, but this was conditional upon the waiver being issued for the design competition and the creation of the Design Integrity Panel.

DESIGN INTEGRITY PANEL

The Design Integrity Panel was formed, and three meetings were held (17 May, 20 June and 22 August 2019) as detailed in the meeting minutes provided with this submission. At each Design Integrity Panel, a presentation was prepared and presented by DKO. A copy of these presentations is enclosed with this application to show how the design has evolved to eventually be awarded Design Excellence.

The Design Integrity Panel was made up of a 3 design experts representing Penrith City Council, Government Architect NSW and the landowner respectively.

A letter from the NSW Government Architects Office was provided with the original DA submission, but for the purposes of the Land and Environment Court proceedings, further correspondence has been obtained in this regard.

A number of important design directions occurred through the three design integrity panel meetings. Direction included, but was not limited to, key matters such as:

- The preference for a tall slender tower located to the east of the subject site, rather than two towers or a wider and shorter tower.
- Substantial amenities throughout the project in the form of both informal and formal communal spaces, and significant landscape treatment.
- The provision of a new pedestrian public through site link within the site along the eastern boundary that connects land to the south of the site to the CBD.

The Design Integrity Panel concluded at the time that the application exhibits Design Excellence for the purpose of Clause 8.4 of the Penrith LEP 2010. The Panel recommended a number of modest design development conditions that are stipulated in the Jury Endorsement Letter provided with this submission and discussed further below.

Correspondence from the GA NSW dated 28 April 2022, to Penrith City Council, confirms that Abbie Galvin in her role as Government Architect, as delegate of the Secretary, certifies that an architectural design competition is not required for the development under clause 8.4(4) of Penrith LEP 2010.

DESIGN DEVELOPMENT AND CONDITIONS

The Design Integrity Panel accepted the modified DKO scheme as the winning design, and recommended that the following aspects be further explored as design development occurred prior to DA lodgement with Council.

DKO has ensured all the aspects were addressed in the submission as summarised in the table below.

Aspect	Response
Activation of communal spaces	<p>Additional refinement of the communal spaces has been included ensuring that all the communal facilities accessible for casual surveillance with balconies; living rooms and walkways that look onto these areas.</p> <p>Each of the communal rooms/spaces is also themed to provide a unique and functional quality to the space to</p>

	<p>encourage a sense of community and functionality for each space.</p> <p>Creation of good quality and flexible spaces has underpinned the design of the proposed communal spaces.</p>
Façade building form	
<p>Opportunity to finesse and articular the slab edges and façade panels to create more depth in the podium façade.</p> <p>The indigenous artwork and storytelling could be represented in the architecture, for tower façade down to the ground floor and through the site link.</p> <p>The glazing of lower apartments can be experimented with to provide privacy rather than relying on solely physical blades and barriers.</p>	<p>The slab edges and façade panels have been articulated to create the additional depth in the podium façade. This can be seen in the CGIs submitted with this application.</p> <p>Further details are provided in the art strategy are to be developed in consultation with Council.</p> <p>Please refer to the CGIs provided with this submission with details of the treatment of glazing to the lower apartments.</p>
Ground floor	
<p>Noted that an awning will allow for greater differentiation at the podium and would add character and improve pedestrian amenity at the ground floor.</p> <p>Potential for lobby and ground floor to have mezzanine levels to create more amenity at the street level. It is noted that fine tuning of the ground floor plan could provide greater amenity to retail tenants.</p> <p>Blank wall of neighbouring property bounding through site link could provide opportunity for art integration.</p>	<p>An awning is provided along High Street.</p> <p>There has been refinement to the ground floor to provide amenity for future retail tenants and the provision of double height ground floor retail spaces to create an improved sense of space and strong presentation to the street and pedestrian through link.</p> <p>Noted and to be incorporated into the development.</p>
Landscape/Communal Space	
<p>Potential for the podium communal space levels to have more apertures to allow more visual connections, vertical circulation and sunlight to the lower communal spaces.</p> <p>Central planter on level 4 to be larger and more organically shaped to stimulate activity and provide more greenery</p>	<p>The communal spaces have been refined to allow more visual connections and circulation with sunlight penetrating to the lower communal spaces.</p> <p>The planter size has been maximised as far as possible and shaped to stimulate activities in this space.</p>

Integration of water into the landscape can provide areas of respite for residents.

Position of the gardens should be considered.

Noted.

Outdoor Dining spaces should be moved away from corridors and areas of circulation.

Incorporated into the scheme included in this submission.

There is potential for the communal spaces surrounding children's rooms to be designed with play in mind. This can be carried down to the street level.

The large communal spaces, and in particular level 4, provide opportunity for child play.

It is acknowledged the development application will be sent to the Design Integrity Panel to ensure design excellence is upheld.

PRE-DA MEETING

A Pre DA meeting was held with Council staff members at the Penrith City council chambers on the 11 February 2020. A Pre DA advice letter was issued on 4 March 2020.

The Pre DA advice letter highlights that the proposal is the proposal in its current form is not supported. During the meeting several matters fundamental to the proposal were raised by Council which largely relate to the scale and density of the development in the location.

The relevant reference is PL20/0003. Relevant issues highlighted in the PL letter are addressed in the table below.

Pre DA Item	Comment
1. Planning	
(a) Community infrastructure – Clause 8.7 of PLEP	Separate detailed discussion on this matter is provided further in this report.
(b) Podium design and overall height	Additional details are provided in this submission to address the overall building height and how this is appropriate for this development. A separately commissioned report by Roberts Day also assists in providing a separate peer review of the design and the proposed building height.
(c) DCP Requirements	All relevant requirements of the DCP are addressed in the SEE.
(d) Ground floor retail and service areas – too shallow	<p>The proposed café which is fronting along the pedestrian laneway and Union Lane has been enlarged. This is the proposed tenancy where a café is to be located. The other tenancies are provided with a variety of size and shapes to cater for a dynamic range of future uses. Double height void spaces are included in the ground floor retailing spaces to contribute further to the sense of space and positive engagement with the street and pedestrian movement spaces.</p> <p>Oversized and deep retail units are not suitable in this location as smaller and narrower retail units are aimed at providing the supplementary retail that is likely to occupy the subject premises in future. Large format retail that is deeper in design would be better suited to the Westfield centre on the opposite side of High Street.</p>
(e) Amenities and facilities for staff and retail/café to be provided.	Amenities are provided as shown at the ground level for the proposed retail units.
(f) General access and manoeuvring matters	The servicing and access arrangements have been fully revised to take account of the issues raised by Council and are addressed in

	the revised ground floor plan. Further details are also provided in the supporting traffic and parking statement.
g) Public domain and roadway Plans required. 3.5m wide pedestrian verge required.	Further details are provided in the plans submitted with this development application.
(h) Public art	The proposed development incorporates ample opportunities to provide for public art.
(i) Drainage and engineering	Noted. Further details are provided in the traffic and parking assessment provided with this application.
(j) SEPP 65 & the Apartment Design Guide (ADG)	Details are provided in the Design Verification Statement and this Statement of Environmental Effects.
(k) Serviced apartments	Please refer to revised architectural plans address the comments raised by Council.
(l) Landscape	Please see enclosed Landscape plans provided by Turf Design Studio.
2. Engineering	
(a) Key engineering matters	Stormwater details are provided in accordance with the Penrith DCP 2010 as required.
(b) Roadworks	Details are provided in the engineering plans provided with this application.
(c) General engineering matters	Details are provided in the engineering plans provided with this application.
(d) Stormwater	Details are provided in the engineering plans provided with this application.
(e) Mainstream Flooding	A flood impact report is provided with this application.
(f) Local overland flows	A flood impact report is provided with this application.
(g) Earthworks	Details are provided in the engineering plans provided with this application.
3. Traffic	
(a) Pedestrian safety	Please refer to the revised traffic and parking assessment provided with this application.
(b) Access from Union Lane	Please refer to the revised traffic and parking assessment provided with this application.
4. Environmental Management	
(a) Noise impacts	An acoustic assessment is provided with this development application.
(b) State Environmental Planning Policy No. 55 – Remediation of land (SEPP 55)	A Remediation Action Plan is submitted with this development application.

(c) Public health – Pool	Further details of the proposed pool are provided with this submission.
(d) Food handling and storage	The fit out of the café will be the subject of a separate DA.
(e) Waste management	A waste management plan is provided with this application.
(f) Water quality	See the waste management plan provided with this application.
(g) General environmental health impacts	Further details are provided in this statement of environmental effects.
5. Building	
(a) Building Code of Australia	An access report is provided with this submission.
6. Waste	
(a) Multi-use loading bay	See submitted and revised architectural plans provided with this application.
(b) Residential collection requirements – swept paths and manoeuvring	See submitted and revised architectural plans provided with this application.
(c) Residential waste rates	See submitted and revised architectural plans provided with this application.
(d) Loading bay management plan	See submitted and revised architectural plans provided with this application.

DESCRIPTION OF PROPOSAL

This Development Application is for the construction of a 45-storey Mixed-Use development including residential units, serviced apartments, commercial and retail suites at No. 614-632 High Street, Penrith.

The key aspects of the proposal are as follows:

RESIDENTIAL MIX

A total of 294 residential units with the following mix:

- **Serviced Apartments:**
 - 33 x 2 bedroom dual key units
 - 7 x 3 bedroom dual key units.
 - TOTAL = 40
- **Residential Apartments:**
 - 83 x 1 bedroom units
 - 134 x 2 bedroom units
 - 37 x 3 bedroom units.
 - TOTAL = 254

COMMERCIAL/RETAIL

A total of 2,287m² of net lettable commercial/retail floor space as part of the proposal which comprises:

- 976m² ground floor retail
- 1,311m² commercial (437m² on levels 1, 2 & 3)

PARKING

The proposal provides 305 car parking spaces over 4 levels with the following breakdown:

- **Basement Level Carpark:** The mezzanine level car parking are for:
 - Retail – 19 spaces + 1 DDA (20)
 - Commercial – 8 spaces + 1 DDA (9)
 - Serv Apt – 37 spaces + 4 DDA (41)

- Visitor / Services Bay – (3)
- Visitor – 29 spaces + 1 DDA + 3 carwash (33)
- Residential – 1 DDA space (1)
- Car Share – (2)
- TOTAL = 109
- **Ground:** The ground floor is solely used for separate car park entry and ramps and separate loading movement area.
- **Mezzanine Level Carpark:**
 - Residential – 34 spaces + 10 DDA (44)
 - Serviced Apartments – (13)
 - TOTAL = 57
- **Podium Level 1 Carpark:**
 - Residential – 46 spaces + 7 DDA (53)
- **Podium Level 2 Carpark:**
 - Residential – 46 spaces + 7 DDA (53)
- **Podium Level 3 Carpark:**
 - Residential – 31 spaces + 2 DDA (33)

The relevant architectural plans for the proposal have been prepared by DKO. The design of the proposed development incorporates a design excellence standard of contemporary architectural aesthetics that references some existing materials and finishes, and importantly contributes to the emerging character of the Penrith Town Centre.

Consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

The proposal complies with key planning requirements as discussed further within this statement.

PLANNING CONTROLS

STATUTORY CONTROLS

There are numerous statutory controls applicable to this application. For the purposes of this SEE, the primary Statutory Planning Controls to discuss include:

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010.

POLICY CONTROLS

The applicable policy control documents are:

- Penrith Development Control Plan 2014
- The Apartment Design Guide.

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and their compliance.

STATE ENVIRONMENTAL PLANNING POLICY BASIX

A BASIX Certificate is provided with this development application which demonstrates the proposal complies with the water and energy savings targets for new residential developments.

Please refer to this Certificate for further details demonstrating that energy efficient and environmentally sustainable development practices have been incorporated into the design of the proposed development to ensure that energy efficient solutions have been utilised.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

1. A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

This application is submitted with a Geotechnical Investigation Report, Additional Ground Water Assessment and Remediation Action Plan which confirms the Environmental Consultant considers that the potential for significant contamination of soil and ground water within the site to be low.

If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable for the proposed development is considered in the following table.

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	Y	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	Y	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated land database?		X
Is the site subject to EPA clean-up order or other EPA restrictions?		X
Has the site been the subject of known pollution incidents or illegal dumping?		X
Does the site adjoin any contaminated land/previously contaminated land?		X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	Y	

Based on previous investigations the site has been used for commercial purposes and 2 underground storage tanks were present on the site dating back to 1958. These tanks were removed in 1996. As such a remediation action plan is provided with this submission which provides a set of contingency measures that will deal with expected finds, should they be encountered during the proposed redevelopment.

Formal remediation of the site is not deemed necessary however a remediation action plan is provided in case there are finds during the development process. The report finds that the site will remain suitable for the proposed mixed use commercial and residential development, assuming the provisions outlined in the remediation action plan are adhered to during the excavation and construction programme.

SEPP NO. 65 DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT AND THE APARTMENT DESIGN GUIDE

The development application is accompanied by a design verification statement prepared by DKO, verifying they have directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development controls such as setbacks, building depth, separation, height, etc. is provided in the local planning controls discussion and tables below.

The table below provides a detailed discussion against the relevant provisions of the Apartment Design Guide, noting that a number of these provisions are embodied within the Penrith Local Environmental Plan 2010 and supporting Penrith Development Control Plan 2014.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
<i>Part 3 – Siting the Development</i>			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposal has been designed to address its frontages with direct pedestrian access to the subject building provided from multiple frontages. Passive surveillance opportunities are provided from primary living areas and balconies that overlook all streets.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Not applicable	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Adjoining properties do not contain solar collectors	N/A
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate.	No ground floor units are provided noting several retail shops are located at grade.	Yes
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Appropriate location of mail boxes is provided. Complies.	Yes
	Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	The waste collection room is enclosed and incorporated into the overall building and not visible from the street level. Furthermore, the substation is provided along one of the site's frontages (Union Lane), it will have minimal impact on the streetscape.	Yes

3D Communal and Public Open Space	<u>Design Criteria:</u>		
	Communal open space has a minimum area equal to 25% of the site	The development provides >25% of communal open space within the proposal. As the site is 4,715m ² in area, there is a requirement for 1,179m ² of communal space. The proposal provides a laudable 3,376m ² .	Yes
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	The communal open spaces on levels 4 and 38 (2,368m ²) provide a high level of solar access given their northern orientation, achieving a high level of amenity. The communal open space has been designed to maximise solar access.	Yes
3E Deep Soil Zones	<u>Design Criteria:</u>		
	A deep soil zone equivalent to 7% of the site area must be provided	The ADG calculation is 330m ² of deep soil. The proposal is on land zoned Business, within the CBD and in the circumstances it is appropriate that no deep soil is provided.	Yes
	If over 1500m ² then min dimensions of 6m	As set out in Section 3E of the ADG this is a circumstance where the design criteria is not achieved due to the "location and building typology" within a CBD.	
	<u>Design Guidelines:</u>		
	On some sites, it may be possible to provide larger deep soil zones:		
	<ul style="list-style-type: none"> • 10% of the site as deep soil on sites with an area of 650m²- 1,500m² • 15% of the site as deep soil on sites greater than 1,500m² 		
3F Visual Privacy	<u>Design Criteria:</u>		
Building Separation			N/A

Up to 4 storeys (up to 12m)	12m between habitable rooms (6m)	<p>The subject land parcels reside within its own island and as a result does not bound any residential land parcels, therefore the building separation controls do not apply, noting the boundary to the road networks will provide separation in excess of the minimum requirements.</p> <p>The design scheme of both buildings ensures that all units either are oriented to take advantage of the site's frontages to road networks with predominantly blank walls combined with appropriate treatments to relevant balconies to mitigate potential internal privacy impacts to neighboring properties</p>	
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas	The building provides clearly distinguishable entry points from various site frontages.	Yes
3H Vehicle Access	Car park access should be integrated with the building's overall façade	The vehicular access point and has been designed to be integrated with the overall design of the building.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	Vehicle access is provided from Union Lane.	Yes
3J Carparking	<p><u>Design Criteria:</u> Carparking for sites within 800m of a railway station or light rail stop (Guide to Traffic Generating Development) can provide parking at the rate of:</p> <p>0.4 spaces per 1 bedroom unit</p> <p>0.7 spaces per 2 bedroom unit</p>	<p>The development site is within 800m of a railway station.</p> <p>A Traffic Impact Assessment prepared by Varga Traffic Planning Pty Ltd is provided with this application.</p> <p>Guide to Traffic Generating Development Rates: Residential - 83 x 1 bedroom units = 33.2 134 x 2 bedroom units = 93.8 37 x 3 bedroom units = 44.4</p>	N/A

	1.2 spaces per 3 bedroom unit	Visitor = 36.3 TOTAL = 208	
	1 space per 7 units (visitor parking)	Further discussion of parking is included in the DCP analysis in this report.	
	<u>Design Guidelines:</u> Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	The proposal provides appropriate undercover and secure residential bicycle parking spaces.	Yes
Part 4 – Designing the Building			
4A Solar Access	<u>Design Criteria:</u>		
	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	76.9% of the 295 residential and serviced apartments achieve 2 hours of solar access at mid-winter.	Yes
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	Complies as there are zero apartments that receive no solar access.	Yes
4B Natural Ventilation	<u>Design Criteria:</u>		
	60% of Units are cross ventilated in a building up to 9 storeys	80% of units are cross ventilated.	Yes
	Overall width of a cross over or cross through apartment is < 18m	All cross over apartments are less than 18m.	Yes
	<u>Design Guidelines:</u> The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	Development has a mix of dual aspect apartments, single aspect and corner apartments. See attached architectural plans for detail.	Yes
	<u>Design Criteria:</u>		
	2.7m for habitable 2.4m for non-habitable	Complies	Yes

3.3m			
4D Unit Sizes			
<u>Design Criteria:</u>			
Studio	35m ²	All residential units comply with many units exceeding. Where additional bathrooms have been provided unit sizes have been increased by at least 5m ²	Yes
1 bed	50m ²		
2 bed	70m ²		
3 bed	90m ²		
+ 5m ² for each unit with more than 1 bathroom.			
Habitable Room Depths			
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
<u>Design Guidelines:</u>			
	Limited to 2.5m x Ceiling Height	N/A as open plan layouts provided	N/A
Bedroom sizes			
	Master bedroom sizes all comply.		
Master	10m ²	Comply	Yes
Other	9m ²	Comply	Yes
Living rooms/dining areas have a minimum width of:			
3.6m	Studio/1 bedroom	Comply	Yes
4m	2bedroom/ 3bedroom	Comply	Yes
Open Plan Layouts that include a living, dining room and kitchen.			
	8m to a window	Complies given unit depths and design layouts.	Yes
4E Private Open Space			
<u>Design Criteria:</u>			
Balcony Sizes			
1 bed	8m ² & 2m depth	Complies	Yes
2 bed	10m ² & 2m depth	Complies	Yes
3 bed	12m ² & 2.4m depth	Complies	Yes
Ground level/ podium apartments			
	15m ² & 3m depth	Complies	Yes

4F Common Circulation and Spaces	<u>Design Criteria:</u>		
Common Circulation Units per Plate	8 unit per plate	The development provides a maximum of 8 units per plate to a lift core.	Yes
4G Storage		The proposal provides:	
	1 bed 6m ³ 2 bed 8m ³ 3 bed 10m ³	1 bed: >6m ³ 2 bed: >8m ³ 3 bed: >10m ³	Yes
	Min 50% of required storage is within the apartment	This is provided within the ground floor and mezzanine car park and within the units themselves, with a minimum of 50% of storage to be provided within each individual unit. The proposed development is considered to offer storage space that aligns with the provisions of the ADG.	
4H Acoustic Privacy	Adequate building separation is provided within the development and from neighboring buildings/adjacent uses	Existing road network provides adequate separation from neighbour buildings/properties.	Yes
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	Yes
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.	Yes
4K Apartment Mix	A variety of apartment types is provided	A diversity of apartments is proposed as follows: - 83 x 1 bedroom: 33% - 134 x 2 bedroom: 53% - 37 x 3 bedroom: 14%	Yes

		<p>The proposed unit mix will offer a variety of housing choice.</p> <p>The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	
4M Facades	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	<p>The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements.</p> <p>Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern RFB within the wider Penrith LGA.</p>	Yes
4O Landscape Design	1 large tree or 2 medium trees per 80m ² of DSZ	Consistent as per landscaping, noting where appropriate existing trees are to be retained.	Yes
4Q Universal Design			
20% of the total apartments	Achieve Liveable House Guidelines silver level universal design features	Meets Penrith DCP of 10% adaptable housing requirement.	Yes
4S Mixed Use	<p><u>Design Guidelines:</u></p> <p>Mixed use development positively contribute to the public domain. Design solution may include:</p> <ul style="list-style-type: none"> development addresses the street 	The development proposes a mixed use development that has been designed to adequately address its dual frontages whilst providing a variety of land uses to activate the streetscape.	Yes

	<ul style="list-style-type: none"> • active frontage is provided • diverse activities and uses • avoiding blank walls at the ground level 	The proposal is to be articulated with various opening to avoid blank wall at the ground floor.	
	Residential circulation areas should be clearly defined.	The primary residential entry is clearly separated from commercial entries with both access points having direct accessible from High Street and Union Lane.	Yes
	Landscaped communal open space should be provided at podium or roof level	A variety of communal open space is spread throughout the building.	Yes
4U Energy Efficiency		The application is accompanied by a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4V Water Management and Conservation	Reduce mains consumption, and reduce the quantity of storm water runoff.	The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	Supply WMP	Provided	Yes
	Allocate storage area	Appropriate waste storage areas are provided.	Yes
4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes

**SYDNEY REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 HAWKESBURY
NEPEAN RIVER**

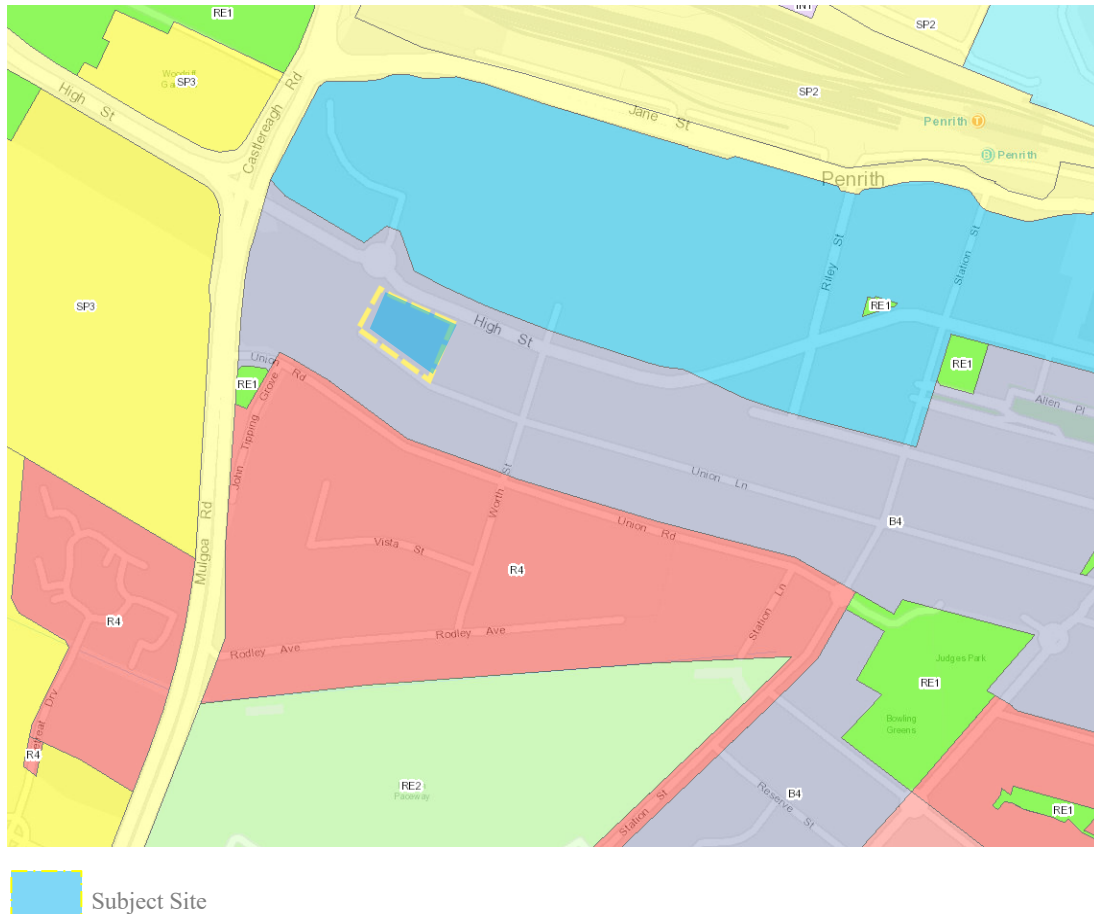
The development proposal incorporates a drainage concept that demonstrates that stormwater can be adequately conveyed to the existing street network.

Appropriate erosion and sediment controls can be implemented throughout construction and it is anticipated that conditions of consent will reinforce this. It is noted that the proposal meets the recently adopted WSUD measures required to achieve appropriate water quality for stormwater discharge.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The development site is zoned B4 Mixed Use under the provisions of the Penrith Local Environmental Plan 2010, as shown on the zoning map extract below.

Figure 7: Zoning Map Extract (Source: Penrith LEP 2010)



A 'Mixed Use' development is permissible with consent within B4 Mixed Use zone and the proposal is consistent with the definitions for each individual land use contained within the LEP:

mixed use development means a building or place comprising 2 or more different land uses.

residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

AND

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

AND

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

AND

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) (Repealed)
 - (b) cellar door premises,
 - (c) food and drink premises,
 - (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) shops,
 - (la) specialised retail premises,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

The development proposal is also consistent with the prescribed zone objectives which are stipulated as:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To create opportunities to improve public amenity.
- To provide a wide range of retail, business, office, residential, community and other suitable land uses.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010 - Compliance Table				
Clause	Control	Comment		Complies
Zoning	B4 Mixed Use	Residential Flat Building, Serviced Apartments, Commercial and Retail development, are permissible with consent within B4 Mixed Use zone		Yes
Part 2 Permitted or Prohibited Development				
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the B4 zone and will provide additional housing in the catchment of public transport and services whilst contributing to range of housing types to suit the needs of residents, including affordable housing. The proposal will appropriately fulfil the site's zoning potential, provide an attractive built form that will address the public domain and increase housing stock within the locality.		Yes
2.6	Subdivision – Consent Requirements	No subdivision is proposed. Not applicable.		N/A
2.7	Demolition Requires Consent	No demolition of buildings are proposed as part of this application, noting the site is vacant.		N/A
Part 4 Principal Development Standards				
4.3	Height of Buildings- 24m	Penrith Local Environmental Plan states that the maximum building height within the subject site is 24m. Noting the provisions of Part 8 of the LEP apply.		N/A – see Part 8

4.4	Floor Space Ratio 3:1	<p>Penrith Local Environmental Plan states that the maximum FSR on site is 3:1. It is evident the subject land parcel is identified as Key Site no. 10 in the Penrith LEP. as such, a maximum FSR of 6:1 is applicable to the subject land parcel.</p> <p>The proposal does not exceed 6:1.</p>	Yes
4.5	Calculation of floor space ratio and site area	<p>The floor space ratio has been calculated based on the definition of gross floor area of all buildings within the site area.</p> <p>In this case, the car parking area is excluded from the gross floor area as the parking is provided to meet the requirements of Penrith City Council – note the definition also excludes the access to the parking. As such the ground floor parking/movement area, mezzanine parking and podium parking areas are excluded from the calculation of gross floor area.</p>	
Part 5 Miscellaneous Provisions			
5.10	Heritage	<p>The site is not heritage listed or located within heritage conservation area.</p> <p>The site is not located in proximity to any listed heritage items.</p> <p>Given this the proposal will not impact the curtilage of any listed heritage items in the wider vicinity of the site.</p>	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with</p>	Yes

		<p>its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
7.2	Flood planning	The site is not identified as being flood prone by Council's flood planning land map sheet FLD_006.	N/A
7.3	Development on Natural Resources Sensitivity Land	The site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p><i>(a) conserving energy and reducing carbon dioxide emissions,</i></p> <p><i>(b) embodied energy in materials and building processes,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy efficiency.</p> <p><i>(c) building design and orientation,</i></p> <p><i>(d) passive solar design and day lighting,</i></p> <p><i>(e) natural ventilation,</i></p> <p>The majority of units receive good solar access and natural ventilation.</p> <p><i>(f) energy efficiency and conservation,</i></p> <p><i>(g) water conservation and water reuse,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy/water efficiency.</p> <p><i>(h) waste minimisation and recycling,</i></p> <p>Waste management and recycling is addressed through the attached waste management plan.</p> <p><i>(i) reduction of vehicle dependence,</i></p> <p>Proposal is located within a walking distance to bus stops and Penrith Train Station that gives alternative means of transport.</p>	Yes

		<p>(j) <i>potential for adaptive reuse.</i></p> <p>Given the zoning of the site as B4 there is ample opportunity for adaptive re-use potential on the site.</p>	
7.5	Protection of Scenic Character and Landscape Values	The subject site is not identified as being on Land with Scenic and Landscape Values.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes
Part 8 Local Provision – Penrith City Centre			
8.1	Application of Part	Clause Application Map has identified that the development site is located within the Penrith City Centre.	Yes
8.2	Sun Access	The development is not located within the vicinity of Allen Place, Memory Park, Judges Park and to High Street between Station Street and Lawson Street and as such will not result in the overshadowing of identified protected public space.	Yes
8.3	Minimum Building Street Frontage	The development site is zoned B4 Mixed Use, however it is noted that the site does contain at least 1 frontage >20m.	N/A
8.4	Design Excellence	<p>The development site is identified as key site 10. As per Subclause 8.4(3)(a) an architectural design competition is required to be undertaken.</p> <p>As discussed previously in this report, an alternative design excellence pathway was agreed with the Office of the Government Architect, Penrith City and the applicant.</p> <p>The Design Excellence Panel convened for this project has confirmed that the proposal exhibits design excellence. Clause 8.4 is satisfied.</p>	Yes

8.5	Building Separation	The development site sits within its own island and as such will be sufficiently separated from neighboring buildings on adjacent lots.	Yes
8.7	Community Infrastructure on Certain Key Sites	See discussion immediately below this table.	Yes

Clause 8.7 Community infrastructure on certain key sites

(1) The objectives of this clause are—

(a) to allow higher density development on certain land in the City Centre where the development includes community infrastructure, and

(b) to ensure that the greater densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on those localities.

Comment:

The proposal is consistent with the objectives as it proposes higher density on identified land, includes defined “community infrastructure”, is consistent with the intended character of the locality which is informed by the key sites provisions, exhibits design excellence, and is designed to address adverse impacts on the locality.

(2) This clause applies to land identified as a key site on the Key Sites Map.

Comment:

The subject land parcel is identified as a key site within Penrith LEP. The site is identified as “10” on the PLEP 2010 Key Sites Map Sheet 6 (see extract below).



(3) Despite clauses 4.3, 4.4 and 8.4 (5), the consent authority may consent to development on land to which this clause applies (including the erection of a new building or external alteration to an existing building) that exceeds the maximum height shown for the land on the Height of Buildings Map or the floor space ratio for the land shown on the Floor Space Ratio Map, or both, if the proposed development includes community infrastructure.

Comment:

The application proposes the “erection of a new building” which exceeds the maximum height and the floor space ratio shown on the respective PLEP 2010 maps. The application includes community infrastructure, as defined by the clause.

(4) The consent authority must not consent to the erection of a building on land to which this clause applies if the floor space ratio for the building exceeds the following floor space ratio—

(a) in relation to development on land identified as “Key Site 1”, “Key Site 2”, “Key Site 8” or “Key Site 9”—5.5:1,

(b) in relation to development on land identified as “Key Site 3” or “Key Site 10”—6:1,

(c) in relation to development on land identified as “Key Site 4”, “Key Site 7” or “Key Site 11”—5:1,

(d) in relation to development on land identified as “Key Site 5”—2:1,

(e) in relation to development on land identified as “Key Site 6”—2.5:1,

(f) in relation to development on land identified as “Key Site 12”—6:1.

Comment:

Consistent with (4)(b) the proposal is identified as Key Site 10 and does not exceed the FSR of 6:1.

(5) In deciding whether to grant development consent under this clause, the consent authority must have regard to the following—

(a) the objectives of this clause,

(b) whether the development exhibits design excellence,

(c) the nature and value of the community infrastructure to the City Centre.

Comment:

The proposal is consistent with the objectives as it proposes higher density on identified land, includes defined “community infrastructure”, is consistent with the intended character of the locality which is informed by the key sites provisions, exhibits design excellence, and is designed to address adverse impacts on the locality.

Clause 8.7 is to allow higher density on “key sites” which informs what is the desired character of the key sites within the Penrith CBD locality. In relation to height and density the DCP describes the City West (Mixed Use) intended character as follows –

This area should be redeveloped, primarily as a high density residential precinct that will complement and bring additional activity to the adjoining civic and cultural precinct. It is envisaged that this area develop a live-work environment, which is promoted through the design and layout of residential buildings, and the location of compatible commercial and retail uses at the street level of such buildings.

This precinct currently enjoys unobstructed views of the Blue Mountains escarpment. It is acknowledged that redevelopment will result in loss of such views however, where view corridors can be reasonably maintained from High Street, then the views should be retained.

The proposal is consistent with the desired character of higher density development as facilitated by clause 8.7 and articulated in the relevant DCP.

Additionally, the proposal has been the subject of a design integrity process that concluded that the scheme retained its status of “design excellence”. The application has been prepared cognisant of the design excellence criteria set out in Clause 8.4 of the PLEP 2010. Having regard to the matters in Clause 8.4 the proposal exhibits design excellence.

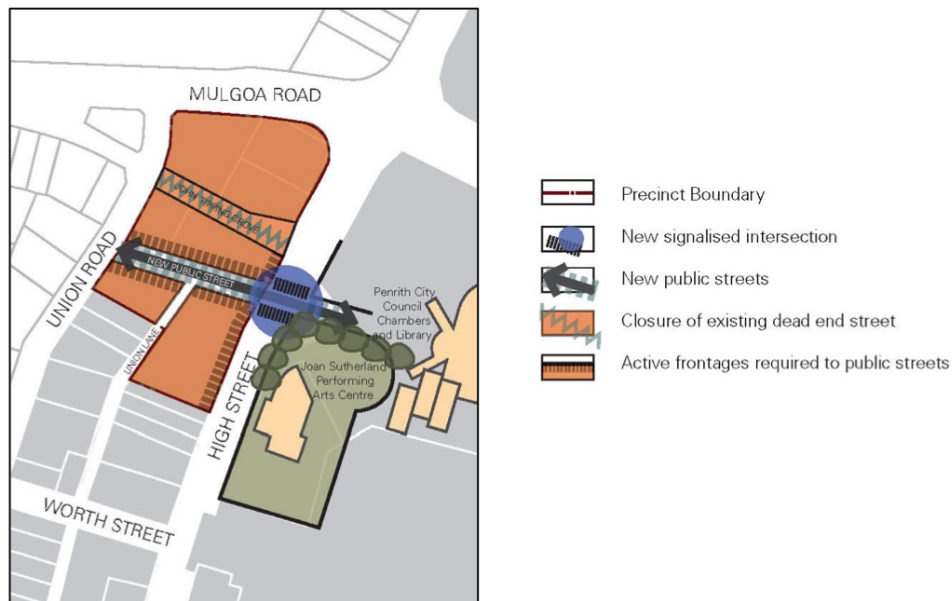
Finally, the application includes “community infrastructure” in the form of public road. The “nature” of the community infrastructure is entirely consistent with the definition (see (6) below) as it is for a public road.

Taking the term “nature and value” as a whole, the land dedication is of significant and demonstrable value as it directly contributes to the delivery of the north-south road which is specifically identified in the relevant DCP as a “desired new lane”. Section 11.7.1.1 and Figure 11.26 (extract below) of the DCP articulate the Councils requirement for a “new public street providing direct connections between High Street and Union Road”.

The proposal contributes to the accomplishment of Councils desired outcome of a new public street between High Street and Union Road which is of intrinsic value to Precinct 1, as described in the DCP E11.



Figure E11.26: Precinct 1 Design Principles



(6) In this clause, community infrastructure means development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), recreation facilities (major), public car parks or public roads.

Comment:

The application proposes community infrastructure in the form of “public roads”. It is noted that the definition of “community infrastructure” does not include the opportunity for monetary contribution.

PENRITH DEVELOPMENT CONTROL PLAN 2014

The relevant provisions are provided in the table below

Penrith Development Control Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<u>1.1.1 Site Analysis</u> A Site Analysis has been prepared and is attached as part of this application.	Yes
		The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal. <u>1.1.2 Key Areas with Scenic and Landscape Values</u> The subject site is not identified as being on Land with Scenic and Landscape Values.	N/A
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u> The proposed development maximises solar access to units and is designed in a manner that achieves natural light and ventilation, noting compliance to solar access and natural ventilation provision under the ADG. A BASIX certificate is submitted.	Yes
		<u>1.2.3 Building Form – Height, Bulk and Scale</u> It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site.	Yes
		<u>1.2.4 Responding to the Site's Topography and Landform</u> The subject site topography and landform is appropriate and will not impact on the site's ability to accommodate the proposed developments.	Yes

		<p><u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u></p> <p>The proposal significantly improves the existing situation in relation to crime prevention for Union Road. The proposed development will significantly increase the activity and presence of people in Union Road and be a deterrent to crime. The proposal incorporates active façades that will permit casual surveillance to all frontages as well as the common areas of the proposal.</p> <p>The proposal incorporates open space, pedestrian movement areas, and well designed and maintained landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing are appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><u>1.2.6 Maximizing Access and Adaptability</u></p> <p>Proposal has been designed to provide access to and from the site for people with mobility issues.</p>	Yes
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	<p>The site is not identified as being located within the Natural Resources Sensitive Map under Penrith LEP 2010.</p> <p>The proposed extensive landscape treatment seeks to soften the built form and integrate with the development and the site's context within mixed commercial context.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal.</p>	Yes

		Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.	
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	The subject site is not identified as being within a Bushfire Prone Land under Penrith LEP 2010. Not applicable.	N/A
C3 Water Management			
3.1	Water Conservation	The development application is accompanied by a complying BASIX certificate that outlines how water usage will be minimised.	Yes
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the catchments natural water systems.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	The subject site is not located within proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	<p>The proposed development application is for the construction of a Mixed-Use building.</p> <p>It is not considered that the proposal will impede existing ground water flows. It is considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.</p> <p>The Groundwater Investigation undertaken by EI Australia (dated 21 April 2021) for this site at 614 High Street Penrith confirms the groundwater was observed at approximately 5.5 below ground level (BGL).</p> <p>There is a current development application before the Council for</p>	N/A

		<p>development at Soper Place Penrith, reference DA20/0858. This land is within the area nominated within the DCP as being between Belmore Street and Henry Street where above ground parking can be accepted due to the high water table.</p> <p>This proposal has been supported by a Geotechnical Investigation and Monitoring Report by Alliance Geotechnical (Dated 17.12.19). The document can be found on the Penrith DA tracker under ECM_9423258_v1_Watertable Report for DA20/0858 for multi-storey public car park with mixed-use community and office development at Soper Place Car Park 5-17 Lawson Street PENRITH NSW.</p> <p>This report confirms that the ground water depth in this location is between 7.8m and 8.1m which sits at a greater depth below ground than the ground water on the site at 614 High Street Penrith.</p>	
3.5	Flood Planning	The subject site is not identified as being flood prone. Not applicable.	N/A
3.6	Stormwater Management and Drainage	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
C4 Land Management			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p>	Yes

		<p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
4.3	Erosion and Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the submitted plans.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
4.4	Contaminated Lands	<p>The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.</p> <p>If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.</p>	N/A
4.5	Salinity	<p>Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.</p>	N/A
C5 Waste Management			
		<p>A Waste Management Plan is submitted as part of this application.</p>	Yes

		<p>Notwithstanding this it is noted that waste is to be appropriately managed during the construction stages of the development.</p> <p>A communal bin area is located within the ground floor level.</p> <p>A chute system is provided with waste area provided in every habitable level that allow the disposal of waste for both buildings. There is also a bulk waste storage room at the ground level.</p> <p>A loading bay has been designed to permit a truck to enter and exit the site in a forward direction.</p>	
C6 Landscape Design			
		<p>A landscape concept plan accompanies this development application.</p> <p>The concept plan details the landscape embellishment works proposed and these works will substantially improve the streetscape presentation of the site as well as softening the proposed built form.</p>	Yes
C7 Culture and Heritage			
7.1	European Heritage	<p>The site is not identified as a heritage item, it is not located within a heritage conservation area.</p> <p>As such, no future heritage studies is deemed necessary.</p>	N/A
7.3	Significant Trees and Gardens	<p>The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific or aesthetic significance. Not relevant.</p>	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points to the proposed building are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and for entering and exiting the site. The design proposes separated access for vehicles and trucks (waste) which reduces conflict potential.</p>	Yes

		<p>The proposed parking area and ancillary driveways will not contribute to the creation of traffic hazards.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p>	
10.3	Key Transport Corridors	The subject site is not located with a key transport corridor. Not relevant.	N/A
10.5	Parking, Access and Driveways	<p>A discussion against the car parking requirements is provided in the Traffic Impact Assessment prepared by Varga Traffic Planning Pty Ltd. A separate Peer Review of immediate traffic impacts of the proposal has been undertaken by McLaren Traffic Engineering.</p> <p>The Penrith DCP 2010 Parking Requirements would result in the parking provision of:</p> <p>Residential apartments</p> <ul style="list-style-type: none"> 1+2 Bedrooms (217) = 217 3 bedrooms (37) = 74 Visitors (1 per 5) = 50.8 <p>Retail (1 per 30m²)</p> <ul style="list-style-type: none"> 976/30 = 32.5 <p>Office (1 per 100m²)</p> <ul style="list-style-type: none"> 1311/100 = 13.11 <p>Serviced Apartments (no rate, therefore adopt 0.63 per apartment + 1 space per 4 staff)</p> <ul style="list-style-type: none"> 4-x0.63 = 25.2 Staff = 1 <p>TOTAL = 414</p> <p>The application proposes 305 car parking spaces as follows –</p> <p>Apartments = 184 Visitors = 33 Car share = 3 Retail = 20</p>	Yes

Commercial = 9
Serviced Apartments = 54
Carwash = 3
TOTAL = 305
(74% of DCP requirement)

Notwithstanding the above analysis, the subject site is also located within 800 metres of a railway station in the Sydney metropolitan area, and therefore the residential component of the development is also subject to the parking requirements specified in the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (Amendment No 3), 2015 in the following terms:

30 Standards that cannot be used to refuse development consent or modification of development consent

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide.

Reference is therefore made to the Apartment Design Guide 2015, Section 3J – Bicycle and Car Parking document which nominates the following car parking requirements:

Objective 3J-1: Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

For development in the following locations:

- *On sites that are within 800 metres of a railway station or light rail stop in the Sydney metropolitan area; or*

- On land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

The minimum car parking requirements for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

The relevant car parking rates outlined in the RMS Guidelines are reproduced below:

RMS Guidelines - High Density Residential Flat Buildings in Metropolitan Regional (CBD) Centres

- 0.4 spaces per 1-bedroom unit
- 0.7 spaces per 2-bedroom unit
- 1.2 spaces per 3-bedroom unit
- 1 space per 7 units for visitor parking

Accordingly, the minimum off-street car parking requirement applicable to the residential component of the development is 209 spaces, comprising 172 residential spaces and 37 visitor spaces.

[83 x 1 bedroom units = 33.2
134 x 2 bedroom units = 93.8
37 x 3 bedroom units = 44.4
Visitor = 36.3
TOTAL = 209]

The proposed development makes provision for a greater number of residential parking and visitor spaces (220) than the Guide permits.

It is therefore concluded that the proposed development will not have any unacceptable parking or loading implications.

10.5 (2)	Additional controls for developments within the commercial core and mixed use zones
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a) On-site parking is to be accommodated in basement parking except to the extent provided for below: The application proposes a single level basement and parking in three above ground levels that are appropriately sleeved and screened. **Yes**

i) Up to 25% of the required parking can be provided above ground, where: it is located at least 16 metres behind a building alignment that addresses a public street or public space and/or fronting a service lane with appropriate screening (refer to Figure C10.7 and C10.8). It is noted in 11.4.2 of the DCP that provision is made for an arrangement as proposed for a different part of the CBD (between Belmore and Henry Streets) due to the level of the groundwater table. The Groundwater Investigation undertaken by EI Australia (dated 21 April 2021) for this site at 614 High Street Penrith confirms the groundwater was observed at approximately 5.5 below ground level (BGL).

ii) Any additional parking provided above ground will count towards gross floor area for the purposes of calculating Floor Space Ratio. There is a current development application before the Council for development at Soper Place Penrith, reference DA20/0858. This land is within the area nominated within the DCP as being between Belmore Street and Henry Street where above ground parking can be accepted due to the high water table.

This proposal has been supported by a Geotechnical Investigation and Monitoring Report by Alliance Geotechnical (Dated 17.12.19). The document can be found on the Penrith DA tracker.

That report confirms that the ground water depth in that location is between 7.8m and 8.1m which sits at a greater depth below ground than the ground water on the site at 614 High Street Penrith.

As the DCP 2014 provides provisions in the CBD for above ground parking on land where there is a high water table, it follows that given the ground water at 614 High Street Penrith is 5.5 BGL which is much higher than the groundwater at the Soper Place site (7.8-8.1m) then the subject site is also impacted by a "high water table" and the proposal for a single level of basement and above ground parking is appropriate in the circumstances.

		It is noted that the proposal has been amended to provide greater sleeving and screening of the above ground parking, notwithstanding the previous expression being supported by the Jury.	
E11 Penrith – Part A Penrith City Centre			
11.1 Preliminary			
11.1.2	Objectives of this Section	The proposal has been designed in accordance with key objectives within Penrith LEP, as the proposal will result in revitalising Penrith City Centre by proposing an attractive mixed-use high rise development within the city centre with a mix of land uses including residential and non-residential (commercial & retail).	Yes
The general objectives of the preceding 11.2.1 Section are:			
	a) To facilitate the revitalisation of Penrith City Centre by promoting redevelopment and urban sustainability;	The proposal seeks to assist with the revitalisation of the city centre by delivering a redevelopment on land that is currently vacant. The proposal is for high density mixed use development that is accessible to the existing CBD and all the associated places of employment, education services and retail as well as business services.	Yes
	b) To promote high quality urban design and environmental sustainability in the planning, development and management of the City Centre;	The proposal encourages a diversity of uses locating in the centre to further activate the street, while the residential development aligning the southern edge of the street will engage pedestrian activities into the city centre.	Yes
	c) To provide for mixed use, commercial and residential development within the Town Centre which provides high levels of amenity for occupants;	The proposal has achieved design excellence and proven that a high level of amenity is achieved for the future occupants. The high level of amenity is achieved through compliance with the ADG and the provision of internal communal facilities such as the yoga room to deliver a superior standard of residential amenity.	Yes
	d) To provide high levels of accessibility within		

	the City Centre, connecting significant activity nodes, public open space and surrounding residential areas;	The proposal meets and exceeds all relevant accessibility standards.	Yes
e)	To encourage development within Penrith City Centre that gives primacy to the public domain and creates an attractive and vibrant centre;	The public domain areas and activation of this space has been achieved through fine grain urban design and the delivery of a variety of retail units at the ground floor. The through site link proposed at the eastern side boundary will enhance the permeability of the site and surrounds benefiting the wider Penrith community.	Yes
f)	To encourage integration of the residential and non-residential land uses and improved access to transport facilities;	The proposal delivers ground floor retail and commercial space also on the podium levels within the building. Provision of commercial space seeks to provide for employment in a location that is highly accessible to existing transport infrastructure.	Yes
g)	To achieve an attractive and sustainable Penrith City Centre; and	The proposal adopts energy efficiency practices in accordance with BASIX and will reduce on site water use and electricity consumption. The development also assists the city with the creation of a truly 30 minute city by locating high density development in a CBD location as aligned with the Metropolis of Three Cities and the Western City District Plan	Yes
h)	To ensure that development in the Penrith City Centre is consistent with the desired future character of each precinct as described in the following section.	The proposal is consistent with the emerging character within this precinct. The development is commensurate with the adjoining TOGA development that has recently been approved by the Planning Panel as well as other more contemporary CBD developments.	Yes
11.1.3 Penrith City Centre Precincts and Character areas			
5.	City West (Mixed Use) The site is located in the City West (Mixed Use) precinct and the DCP identifies the distinct characteristics and intended character of these precincts.	The subject site reflects the noted current characteristic of being “underdeveloped”. Consistent with the DCP the proposal is for the site to be “redeveloped” and will contribute to the “primarily as a high density residential precinct that will complement and bring additional activity	Yes

		<p>to the adjoining civic and cultural precinct.”</p> <p>The proposal will contribute to the vision for the precinct of “this area develop a live-work environment, which is promoted through the design and layout of residential buildings, and the location of compatible commercial and retail uses at the street level of such buildings.”</p> <p>The proposal will directly contribute to the desire for an “eat street environment with connections to the adjoining civic and cultural precinct”, through the design and orientation of retail spaces and the community infrastructure public road implicit to the application.</p>	
11.2 Building Form			
11.2.2	Building to Street Alignment and Street Setbacks	<p>1) The proposal has been designed in accordance with the front setback specified in Figure E11.3. As such, the proposal has been built to the street alignment.</p> <p>2) The proposed balconies do not project into front building setbacks.</p> <p>3) It is evident the proposal does not project into front building lines and setbacks for sun shading devices, entry awnings and cornices.</p> <p>4) Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure E11.3) it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built of the side boundary has been designed to comply with the minimum street frontage height requirement.</p> <p>5) The proposed building demonstrates that views to the Blue Mountains escarpment are maintained.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
11.2.3	Street Frontage Heights	<p>1) The proposal has been designed to generally comply with the relevant street frontage heights as shown in Figure E11.4 and illustrated in Figures E11.5.</p>	Yes

		<p>The proposal does exceed the 24m maximum street front control at the north western corner of the site however, responding to the advice from the Design Integrity Panel and the vision for this site which preferred a large single tower with the bolder podium fronting the western part of the site. Refer to the Design Integrity Panel notes for further details.</p>	
		<p>2) The proposal demonstrates that it does not adversely overshadow the adjoining public places including Allen Place, Memory Park and Judges Park.</p>	Yes
11.2.4	Building Depth and Bulk	<p>1) The proposal provides a floorplate size which is larger than 750m² however, the design competition winning scheme has been carefully created so that it provides an angular turn in the floorplate which effectively visually creates a high degree of building articulation.</p> <p>Essentially, the DCP control relating to maximum floorplate is seeking to achieve a high level of amenity for the future residents. As can be clearly seen in the Design Verification Statement, the levels of solar access and cross ventilation are far superior to what is standard ADG requirements and as such the proposal can be supported.</p>	Variation
		<p>2) The proposed building is above 24m in height and has been designed to appear as 2 wings of a building which is broken in the centre by the foyer space and pockets of common area. The height is consistent with the vision for the precinct and the intention of the key sites controls in the LEP.</p> <p>Effectively the angled wings of the building ensure the overall built form will not appear to have a building length in excess of 50m.</p>	Variation
		<p>3) The proposed commercial components are not more than 10m from a source of daylight (e.g. window, atria, or light wells) in buildings less than 24m in height, and no more than 12.5m from a window in buildings over 24m in height.</p>	Yes

			4) The proposal has used courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation.	Yes
11.2.5	Boundary Setbacks and Building Separation	1) The minimum building setbacks from the side and rear property boundaries are specified in Table E11.2 and illustrated in figures E11.14 to E11.16.		Yes
		The proposal complies with setbacks and building separation as outlined in the ADG.		Yes
		2) Notwithstanding the setback controls, where development must be built to the street alignment (as identified in figure E11.3) it must also be built to the side boundaries (0m setback) in the vicinity of the street. The design, including setbacks, has been informed by the design integrity process that led to the tower proposal and its location.		Yes
		3) The proposal complies with key setback requirements in accordance with Penrith DCP. Noting the proposal has been awarded design excellence and the setbacks are provided to meet the vision established through the Design Integrity Panel process.		Yes
		4) The proposal is not for an existing building. As such, this control is considered irrelevant to the proposal.		N/A
11.2.6	Mixed Use Buildings	1) The proposal has provided flexible building layouts which allow greater adaptability of the floor area of, or tenancies on, the first floor of a building above the ground floor.		Yes
		2) The proposal provides the minimum floor to ceiling height of 4.8m at the ground floor in order to provide for flexibility of future use. Moreover, the above ground level, minimum floor to ceiling heights are 3.1-3.7m for commercial office and 3.1m for residential.		Yes

		3) It is evident the building has separate service provisions such as loading docks, from residential access, servicing needs and primary outlook for commercial and residential activities.	Yes
		4) The proposal has an entry point for the residential component from High Street and from the new pedestrian pathway which can be accessed from Union Lane and High Street. Moreover, separate entry points are provided for the commercial and residential components.	Yes
		5) The proposal has provided security access controls to all entrances into private areas, including car parks and internal courtyards.	Yes
		6) A new pedestrian path as been implemented in the proposal which can be accessed via High Street and Union Lane.	Yes
		7) The proposal fronts High Street, As such, active uses have been implemented to have an active façade.	Yes
		8) No blank walls are provided on the ground floor.	Yes
11.2.7	Site Cover and Deep Soil Zones	There is 410m ² of deep soil provided where there is 330m ² required. 16.1% is achieved. The ADG requires the provision of 7% deep soil and more than double this amount is provided. A high level of amenity is achieved.	Yes
11.2.8	Landscape Design	<p>The proposal has been designed so water reducing irrigation measures are implemented including WSDU, drip irrigation systems with automatic timers, redirection of stormwater runoff to lawn/garden beds and native species incorporated throughout the development.</p> <p>It is evident the proposal has incorporated planting into accessible outdoor spaces.</p> <p>Moreover, the site is predominately clear of vegetation meaning remnant vegetation will not maintained throughout the site and unpracticable.</p>	Yes

		<p>A landscape concept plan accompanies this development application. The concept plan details the landscape embellishment works proposed will substantially improve the streetscape presentation of the site as well as softening the proposed built form.</p> <p>It is highlighted that no significant vegetation is to be impacted as part of the proposal. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan.</p> <p>Refer to attached Landscape Plan for detail.</p>	
11.2.9	Planting on Structures	<p>The proposal has been designed to implement water reducing irrigation methods to be used in areas with planting on structures.</p> <p>The development has provided optimum planting by providing soil depth, soil volume and soil area appropriate to the size of the plants, appropriate irrigation and drainage methods.</p> <p>A landscape concept plan accompanies this development application. The concept plan details the landscape embellishment works proposed will substantially improve the streetscape presentation of the site as well as softening the proposed built form.</p>	Yes
11.3 Pedestrian Amenity			
11.3.1	Permeability	<p>It can be seen the subject proposal is consistent with the key objectives and controls noting the implementation of a pedestrian link will result in encouraging local residents of the community to become an integral part of the activation of the site and the broader precinct.</p> <p>The proposed pedestrian link has been designed in accordance with Figure E11.18.</p> <p>It is evident the proposal has used key documentation which apply to the city</p>	Yes

		centre including The Penrith City Centre Public Domain Masterplan referred to for further design details and to visualise Penrith City councils' vision.	
11.3.2	Active Street Frontages and Address	<p>The proposed use development positively contributes to the public domain by proposing an active street frontage which includes a cafe and 4 retail suites with access granted via a new pedestrian link which can be accessed via High street and Union Lane.</p> <p>As such, it can be seen the subject proposal addresses its frontage by providing an active frontage which includes a diverse range of activities and uses.</p>	Yes
11.3.3	Awnings	The proposal has provided appropriate awnings in accordance with Figure E11.19 and with the minimum awning dimensions prescribed within Penrith DCP.	Yes
11.3.4	Vehicle Footpath Crossings	<p>The proposal has provided appropriate vehicle access noting access is granted via Union Lane.</p> <p>The Penrith City Centre Public Domain Masterplan has been referred to for further design details.</p>	Yes
11.3.5	Pedestrian Overpasses and Underpasses	The proposal provides for the safe and efficient movement of pedestrians with the development being consistent with the key objectives and controls noting the proposal promotes pedestrian activation and circulation at grade.	Yes
11.3.6	Building Exteriors	<p>The development provides high quality finishes that exhibit design excellence.</p> <p>The proposal will incorporate appropriate finishes that will positively contribute to public domain areas and visual appreciation of the development, noting the use of facade and design to provide an attractive building into Penrith Town Centre. See plans for detail.</p>	Yes

		<p>The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes.</p> <p>Materials and finishes used are consistent with that existing in the area while being contemporary in character. The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>The proposed building and subsequent facades do not result in undue glare that will negatively impact upon the safety of pedestrians and drivers.</p>	
11.4 Access, Parking and Servicing			
11.4.1	Pedestrian Access and Mobility	The main building entry points are visible from both High Street and Union Lane as per the design excellence winning scheme.	Yes
11.4.2	On-Site Parking Options	<p>The key parking requirements outlined in the Transport, Access and Parking Section of this DCP.</p> <p>The proposal has provided above ground parking and is consistent with Figure E11.23: which is demonstrated below</p> <ul style="list-style-type: none"> - <i>Above ground parking may be located adjacent to a lane, as illustrated above, with appropriate screening to reduce the impact on the public domain.</i> <p>As such, the proposal is consistent with the vision prescribed within Penrith DCP and Penrith City centre.</p>	Yes
11.4.3	Site Facilities and Services	The proposal provides mailboxes, communication facilities/networks, service infrastructure, air conditioning units, service vents and other associated. Structures and Loading/Unloading Areas in accordance with Penrith DCP.	Yes
11.5 Sustainable Development			
11.5.1	Reflectivity	The proposed building and facades do not have glare that results in discomfort or threatens safety of pedestrians or drivers.	Yes

11.5.2	Maximising Liveability and Longevity	The proposal has been designed to maximise Liveability and Longevity through Environmental building Design with example elements from Penrith DCP including:	Yes
		<ul style="list-style-type: none"> - Adaptability of buildings and floor levels within buildings to accommodate a range of uses over time; - Occupant comfort and amenity; and - Incorporation of safety and crime prevention measures in the design of buildings and public domain as well as the siting of activities in the building. 	
11.5.3	Reduce Consumption	The proposal has been designed to reduce resource consumption through limiting high environmental/high impact materials.	Yes
11.6 Controls for Residential Development			
11.6.1	Housing Choice and Mix	<p>A diversity of apartments is proposed as follows:</p> <ul style="list-style-type: none"> - 1 bedroom: 83 units – 33% - 2 bedroom: 134 units – 53% - 3 bedroom: 37 units – 14% - 254 apartments 100% <p>The proposed unit mix will offer a variety of housing choice.</p> <p>The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes
11.7 Controls for Special Areas			
11.7.1	Precinct controls	The site is located within Precinct 1.	

Figure E11.26: Precinct 1 Design Principles



Development of the site must adhere to the following design principles:

1) Rationalise the existing pattern of land ownership.	The proposal seeks to rationalise the existing pattern of land ownership through the development of an entire key site.	Yes
2) DCP stipulates to provide north-south connectivity and active 'eat street' adjoining the Civic and Cultural Precinct. It is evident that the proposal has implemented a new pedestrian link between High Street and Union Lane to activate the 'eat street' precinct.	The proposal aligns with the creation of the north-south connection and aligns with the already approved adjoining TOGA development.	Yes
3) The proposal has been designed to provide a high quality and activity public domain interface with existing public streets.	Activation of High Street is to be delivered by the fine grain built form response to this street frontage and through delivery of active commercial/retail uses to complement the surrounding land uses.	Yes
The Development of the site should provide the following outcomes:		
1) Streets and pedestrian connections a)-d)	It is evident that the proposal has implemented a new pedestrian link between High Street and Union Lane to activate the 'eat street' precinct along with the New Road which adjoins the TOGA development site.	Yes
2) Land ownership:		
a) Consolidation of existing land ownership patterns to allow orderly development of land	The proposal seeks to rationalise the existing pattern of land ownership through the development of an entire key site.	Yes
3) Public domain interface. a) Active frontage/land uses along the new street and High Street.	The proposal provides an active frontage through providing various land uses along High Street.	Yes
4) Built form	The proposal will be built to the street alignment.	Yes

a) Building built to the street
alignment of the new street

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal, its contribution to the Penrith CBD, considering the absence of adverse environmental, social or economic impacts, and noting that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.