



PENRITH DEVELOPMENT CONTROL PLAN ASSESSMENT

PLANNING PROPOSAL FOR 569-595 HIGH STREET, PENRITH

Table 1 Penrith DCP 2014 Assessment

DCP Control	Proposal	Comment
Part C – City Wide Controls		
1.1.2. Key Areas with Scenic and Landscape Values <i>1) New proposals on land identified in the LEP Scenic and Landscape Values Map (including gateway sites) or on land zoned E1 National Parks and Nature Reserves or E2 Environmental Conservation, are to submit a visual impact assessment with their development application. This assessment involves describing, analysing and evaluating the visual impacts of the proposed development, and identifying measures to minimise the impacts and ensure the development is sympathetic to the scenic and landscape character of the area.</i>	The site is not on land identified in the LEP Scenic and Landscape Values Map. A Visual Impact Assessment may support any future detailed Development Applications.	Can comply.
1.2.1. Application of Certification System <i>a) Non-residential developments, including mixed-use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system, now part of the National Australian Built Environment Rating System (NABERS).</i>	Noted, and can be achieved as part of a future detailed development application. A Preliminary ESD Report has been provided alongside the Planning Proposal.	Can comply.
1.2.2. Built Form - Energy Efficiency and Conservation <i>a) The selection criteria for construction materials, including internal fit-out work, should include detailed documentation of their energy efficiency properties.</i> <i>b) Buildings should be designed on passive solar design principles...</i> <i>c) The future use and occupants of the building should be considered in the design and location of building services/equipment to ensure that...</i>	As above.	Can comply.

DCP Control	Proposal	Comment
<i>d) Common and service areas in the building should incorporate energy and water efficiency/conservation measures in their design and location.</i>		
1.2.3. Building Form - Height, Bulk and Scale <i>a) Context: An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use.</i> <i>b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site.</i> <i>c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale.</i> <i>d) Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces where there would be a significant reduction in amenity for users of those buildings/spaces.</i> <i>e) Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings to:</i> <i>(i) Maintain consistency with the street context and streetscape character, especially street/front setbacks;</i> <i>(ii) Maximise visual and acoustic privacy, especially for sensitive land uses;</i> <i>(iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;</i> <i>(iv) Maximise permeable surface areas for stormwater management; and</i> <i>(v) Minimise overshadowing.</i> <i>f) Building Façade Treatment: The aim is to ensure that any built form will:</i> <i>(i) promote a high architectural quality commensurate with the type of building and land use;</i> <i>(ii) adopt façade treatments which define, activate and enhance the public domain and street character;</i>	As part of this Planning Proposal, the applicant is preparing a Context Analysis which will assesses the proposal in the context of adjoining current and proposed built form. While this PP seeks to increase permissible height and FSR for the site, future detailed DAs will still need to be assessed in regard to the surrounding character. This PP has considered potential impacts resulting from overshadowing, and proposes building envelopes that ensure compliance with the relevant LEP and DCP provisions. Setbacks proposed under this PP are consistent with the current and future envisaged character for the area. In some cases, improved setbacks have been incorporated to enhance the public domain. Detailed design elements such as façade and roof materials will be dealt with as part of future detailed DAs.	Can comply.

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(iii) ensure that building elements are integrated into the overall building form and façade design; (iv) compose façades with an appropriate scale, rhythm and proportion that responds to the building's desired contextual character; (v) design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls; (vi) express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material or colour, roof expression or building height, and (vii) co-ordinate and integrate building services to improve the visual presentation. g) Roof Design: The roof is an important architectural element of any building and: (i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and (ii) should consider opportunities for incorporating 'green roofs'		
1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design) The design of buildings and public spaces has an impact on perceptions of safety and security, as well as actual opportunities for crime. When development is appropriately designed, it can reduce the likelihood of crimes being committed. There are four main principles of CPTED– natural surveillance, access control, territorial reinforcement and space management. Applicants should use this section as a tool in the design of developments	The outcomes sought under this PP will not prohibit CPTED principles being suitably incorporated into future detailed DAs for the site.	Can comply.
Part C2 – Vegetation Management		
General Approval Requirements a) A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan without an appropriate approval.	Noted.	Can comply.
Part C3 – Water Management		
3.2. Catchment Management and Water Quality	The outcomes sought under this PP will not prohibit future detailed	Can comply.

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<i>1) Approval to Discharge Contaminants</i> <i>Water discharge from any development must not contain contaminants, unless necessary licences and/or approvals are obtained from relevant government authorities. All liquids (including water) produced and/or discharged from the site shall not contain pollutants above acceptable levels. Acceptable levels will be determined at the time of consideration of individual proposals by Council, the Office of Environment and Heritage and, if required, Sydney Water.</i> <i>2) Addressing Potential Catchment Impacts</i> <i>All applications to Council, where there is the potential to impact upon a water system, are required to identify in the application the relevant water systems in the catchment area of the site that may be affected and address how any potential impacts will be mitigated/avoided.</i> <i>3) Water Quality for all Land Uses</i> <i>Council's Water Sensitive Urban Design (WSUD) Policy (2013) has been prepared to improve water conservation, quality and quantity in both new development and some redevelopments. The policy seeks to clarify which developments need to achieve the targets for water conservation, quality and quantity. Where any development could result in water quality impacts in nearby surface water systems, the water quality at that system is to be monitored for pollutants prior to the commencement of works, and at regular intervals during construction and/or operation. Water quality entering natural areas shall either maintain or improve on pre-development levels.</i> <i>4) Council Approval Requirements for WSUD Systems</i> <i>Development types required to meet water conservation and stormwater quality and quantity targets are defined in Table C3.1. The performance criteria required to be met are listed below under subsection '5) WSUD Development Controls'. Affected developments must submit a WSUD Strategy (report dealing with measures to be implemented as part of the development) with a Development Application.</i> <i>A WSUD Strategy is a written report detailing potable water savings and stormwater quality and quantity control measures to be implemented as part of a development. The required content of the Strategy is outlined in Council's WSUD Technical Guidelines. The WSUD Technical Guidelines must be considered when undertaking certain developments within the City</i>	DA's being able to comply with catchment management and water quality targets prescribed in the DCP. Should improved outcomes be available during future detailed investigations, these can be discussed with the Council at the appropriate time.	

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3.4. Groundwater 2) <i>Protecting Groundwater</i> a) <i>Applicants are required to consider the impact of the proposed development on underlying and surrounding groundwater resources and adopt appropriate measures to avoid these impacts.</i>	Future detailed DAs will need to consider the impact of works below natural ground level.	Can comply.
3.5 Flood Planning 1) <i>Submission Requirements</i> a) <i>Where relevant, a comprehensive flood study...</i> b) <i>The applicant shall be required to demonstrate to the satisfaction of Council (on the basis of a qualified consultant report) that:</i> <i>(i) The development will not increase the flood hazard or risk to other properties;</i> <i>(ii) The structure of the proposed building works shall be adequate to deal with flooding situations;</i> <i>(iii) The proposed building materials are suitable;</i> <i>(iv) The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation.</i> <i>(v) The proposed redevelopment will not expose any resident to unacceptable levels of risk or any property to unreasonable damage; and</i> <i>(vi) Compliance of any existing buildings with the Standard - Construction of Buildings in Flood Hazard Area and the accompanying handbook developed by the Australian Building Codes Board (2012).</i>	Future detailed DAs will need to provide comprehensive flood studies.	Can comply.
7) Industrial/Commercial - Extensions and Infill Development a) <i>Where the application is for an extension to an existing building on land at or below the flood planning level or for new development that can be classed as infill development, Council may approve of the development with floor levels below the 1% AEP (100 year ARI) flood if it can be demonstrated by the applicant that all practical measures will be taken to prevent or minimise the impact of flooding.</i>	As above.	Can comply.

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15) Rezoning of Land <i>a) Council will not support the rezoning of any land located in a floodway or high hazard area.</i> <i>b) Council will generally not support the rezoning of rural land situated below the 1% AEP (100 year ARI) flood where the development of that land may require or permit the erection of buildings or works even if the surface of the land can be raised to a level above the 1% AEP (100 year ARI) flood by means of filling.</i> <i>c) Where land below the flood planning level is currently zoned to permit urban development, Council will generally not support the rezoning of land to permit a higher economic use or an increase in the density of development.</i>	The site is not located in rural zoned land, nor a floodway or high hazard area.	Can comply.
3.6. Stormwater Management and Drainage <i>2) Drainage</i> <i>a) Council's Stormwater Drainage Specification for Building Developments provides details on drainage requirements including on-site detention, new drainage systems and the like.</i>	Noted. Future DAs will consider the most appropriate way for stormwater to be managed on the site.	Can comply.
On-Site Stormwater Detention (OSD) <i>a) Council's Stormwater Drainage Specification for Building Developments provides details on drainage requirements for on-site detention.</i> <i>b) Adequate stormwater systems shall be designed and constructed to ensure that, for all rainwater events up to and including the 1:100 Average Recurrence Interval (ARI) event, new developments and redevelopments do not increase stormwater peak flows in any downstream areas.</i> <i>c) On-site stormwater detention systems must release water after any rainfall event to maximise future capacity and, therefore, cannot include rainwater tanks, water retention basins or dams.</i> <i>d) Detention storage is to be located at a level that is above the 1:5 ARI flood level.</i> <i>e) On-site detention systems are to be designed using a catchment wide approach. Advice should be sought from Council's Development Engineering Unit in this regard.</i> <i>f) On-site stormwater detention mechanisms should have a maintenance program in place.</i>	As above.	Can comply.

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g) Onsite stormwater detention mechanisms should be placed on the title of the relevant allotment/property to ensure their retention and maintenance.		
Industrial, Commercial and Mixed-Use Waste Management Guidelines		
Waste management practices of all proposed developments need to consider tenant, public amenity and safety at all stages of the waste management process, including storage, transport and collection. 1.1 WASTE MANAGEMENT CONSIDERATIONS It is essential that new Commercial and Industrial developments select and provide a waste management system that is responsive to the development's need. To ensure new developments are able to access a waste service in an efficient and effective manner, the following must be taken into consideration in the assessment of development applications: - Site planning of the development accommodates on-site waste collection and allows the waste collection vehicle to enter/exit, manoeuvre within the site and access the nominated collection point in a safe and efficient manner. - Site planning of the development ensures amenity and safety of all users (tenants, caretakers, cleaners and waste collection staff) at all stages of the waste management process. - Waste management system selection ensures that it is safe and convenient for tenant use; and - Adequate waste storage area(s) are provided within the development to store all required waste bins.	The Planning Proposal does not propose any changes to the location and form of existing vehicular access points to Westfield. The redevelopment would be accommodated via the existing vehicular access located on High Street, Jane Street and Riley Street. Detailed consideration on waste servicing arrangements will be the subject of future details DAs for the site.	Can comply.
Part C6 – Landscape Design		
6.1.1. Development Process 1) Development Categories Category 3: - All developments that are above \$2 million in value - Any development that is on a site with significant environmental considerations as determined by Council. - Any development that will have a significant public domain impact as determined by Council.	Conceptual public domain design has been considered as part of this PP. Detailed landscaping will be further refined and considered as part of a future detailed DA, and likely the subject of the VPA for the site.	Can comply.

DCP Control	Proposal	Comment
Any development that involves the alteration or addition to a heritage item or a property in a heritage conservation area. 2) Submission Requirements Depending on the type of development proposed, different types of vegetation and landscaping information will be required as part of the development application. Table C6.3 below lists the type of information to be submitted for the various categories of development.		
Part C7 – Culture and Heritage		
7.1.1. Determining the Impact on Heritage Significance a) Where a proposed development could affect the heritage significance of a heritage item or heritage conservation area, the applicant is required to lodge a Heritage Impact Statement or Conservation Management Plan (as required). ... d) A Heritage Impact Statement or Conservation Management Plan must be prepared by a qualified Heritage Consultant. e) A Heritage Impact Statement must address the issues set out in this section of the DCP and the Submission Requirements for applications in Appendix F3 of this DCP.	The site is not listed as a heritage item in its entirety, however the Red Cow Hotel located in the north-eastern corner of the site is listed as an item of local heritage significance under the Penrith Local Environmental Plan 2010 (Item no. 690). The site is also located in close proximity to the Penrith Railway Station (Item no. 187 & 188) to the north, the Penrith Council Chambers (former) to the east (Item no. 189) and Prospect Electricity building (former) to the south (Item no. 701). The proposal has been assessed to have an acceptable impact on the heritage items and conservation areas in the broader locality of the site for reasons outlined in the Heritage Impact Assessment which supports this PP.	Complies / can comply.

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	It is noted however that future detailed DAs will be required to prepare detailed heritage assessments to ensure they present an acceptable level of heritage impact.	
7.1.6. Archaeological Sites <i>1) Any application which proposes the disturbance or development of an 'archaeological site' listed in Schedule 5 – Environmental Heritage of Penrith LEP 2010 is to undertake an archaeological assessment and to submit that assessment as part of the Heritage Impact Statement or Conservation Management Plan.</i>	The site is not listed as an archaeological site.	Complies.
Part C8 – Public Domain		
Design Principles <i>Public access (either physically or visually) to the public domain is to be maximised by incorporating one or a combination of the following design elements:</i> <i>1) The location of building entrances and glazing should provide natural surveillance to the public domain without compromising passive solar design principles;</i> <i>2) The built form should provide, where it is appropriate, a visual transition to the public space by avoiding continuous lengths of blank walls and high fences at the interface between the public and private space;</i> <i>3) Views into and from the public domain are to be protected as they increase opportunities for natural surveillance. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces; and</i> <i>4) Accessibility should be provided for all members of the community, particularly those with a disability, and should occur across all areas of the public domain. This includes designing for durability, adaptability, maintenance and replacement.</i>	The development of the site provides an opportunity to improve areas of public domain and connect precincts across Penrith through consistent design and high public amenity. The two buildings considered under this PP seek to unify Penrith City Centre with continuous bands of quality public domain and provide new retail, dining and work destinations. The refinement of this will be the subject of future detailed DAs.	Complies / can comply

DCP Control	Proposal	Comment
8.1. Pedestrian Amenity <i>1) Active Street Frontage and Address</i> <i>Active street frontages promote an interesting and safe pedestrian environment, while buildings that address the street contribute positively to the streetscape.</i> <i>a) Active street frontages are to be located on the ground/street level of all buildings, being one or a combination of the following:</i> <i>(i) A shop front or entrance to a retail premises or public building with the entrance visible from the street;</i> <i>(ii) A café or restaurant, if accompanied by an entry from the street;</i> <i>(iii) Active office uses, such as a reception area, if visible from the street; or</i> <i>(iv) Activation of the secondary frontage of a corner site; e.g. continuing glazing around the corner.</i> <i>b) Glazed entries to commercial or residential lobbies are to occupy less than 50% of the street frontage and have a maximum frontage of 12m. The remainder of the street frontage is to be active.</i> <i>c) Active street frontages are to be at the same level as the adjoining footpath and directly accessible from the street.</i> <i>d) 'Street address' is defined as:</i> <i>(i) Entries, lobbies and habitable rooms that have clear glazing to the street not more than 1.2m above the street level, not including car parking areas; and</i> <i>(ii) That are located on the ground level of buildings; and</i> <i>(iii) Have direct 'front door' access into the building.</i> <i>e) Opportunities to establish active street frontages and/or street address may be specifically identified in a number of locations in key precincts within the City (refer to Part E of this DCP).</i>	Activated ground floor commercial uses have been anticipated within both buildings considered under this PP. Future detailed DAs will still be required to deliver this activation, however this PP does not prohibit the ability for this to occur.	Complies
3) Awnings	Awnings will form part of future detailed DAs. There is no element of this PP which would prohibit this being able to occur, noting this PP	Complies / can comply.

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<i>Awnings increase the useability and amenity of footpaths, including the pedestrian linkages within the public domain, by providing weather protection to pedestrians. As a feature, awnings provide an interface between the public domain and buildings in the same way as entrances into buildings.</i> <i>a) Awnings should be an integral component of new developments (including alterations and additions) and where appropriate, stepped to accommodate sloping streets.</i> <i>b) Awning dimensions should generally be:</i> <i>(i) Set back from the face of the kerb to allow for clearance of street furniture including street trees;</i> <i>(ii) A minimum depth of 2.8m where street trees are not required, otherwise a minimum depth of 2.4m; and</i> <i>(iii) A minimum soffit height of 3.2m and maximum 4m.</i> <i>c) For corner sites, awnings are to wrap around the building up to 6m along the secondary street frontage.</i> <i>d) Awnings are to be provided at specific locations identified within key precincts in the City (refer to Part E – Key Precincts of this DCP).</i> <i>e) The provision of under awning lighting should be recessed into the soffit of the awning or mounted to the building façade to facilitate pedestrian movement at night and improve public safety.</i> <i>f) Where the awning is to encroach over the road reserve, including the footpath, a separate approval to erect the awning over the road reserve is to be obtained under the Roads Act 1993 and the Local Government Act 1993.</i>	only seeks to amend the permissible building height and FSR for the site.	
8.2. Street Furniture <i>Furniture should provide a good level of amenity and useability without causing clutter. Where other elements such as built form, street trees, lighting or public art define the character of the street, furniture should take second place.</i>	The specific details of public domain improvements included in the letter of offer which supports this PP are yet to be finalised, and likely the subject of ongoing discussions with Council. The applicant intends to deliver these improvements to the benefit of the Penrith CBD and community.	Can comply.

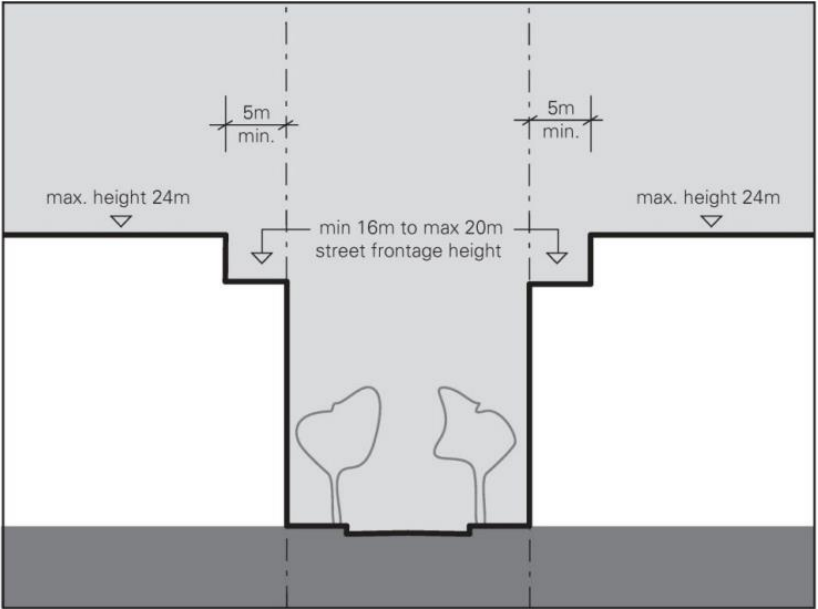
DCP Control	Proposal	Comment
8.4. Outdoor Dining and Trading Areas <i>Distance from Street Furniture and Surrounding Uses</i> a) <i>The arrangement and location of the outdoor dining or trading area should consider the location of an existing street furniture and services, including the circulation path that will be required between the outdoor area and associated premises/buildings. A location map, drawn to scale, is to be submitted with the development application showing the location of:</i> <i>(i) The proposed outdoor dining or trading area;</i> <i>(ii) All existing street furniture and services, such as seating, bins, service pits, telegraph poles, bus stops (including associated seating) and the like; and</i> <i>(iii) The main entrance to the premises associated with the outdoor dining or trading area.</i> b) <i>Minimum distances must be provided to street furniture or services that have been provided by authorities other than Council. The setback between the street furniture and the outdoor dining or trading area is to allow sufficient access and clearance for pedestrians and to the street furniture/services. The minimum distances are provided in Table 1.</i> c) <i>The outdoor dining or trading area must not:</i> <i>(i) Intrude into the frontage of another premises without approval from adjoining landowners;</i> <i>(ii) Encroach or obstruct access to another premises; or</i> <i>(iii) Interfere with the circulation of pedestrians around the frontage of the adjacent premises.</i> d) <i>Any existing Council-provided street furniture may be relocated at the applicant's expense. Any request to relocate furniture should be detailed in the development application.</i>	This level of detail will need to be considered as part of future detailed DAs. Outcomes sought under this PP do not prohibit this occurring.	Can comply.
Part C - 10 Transport, Access and Parking		
10.1. Transport and Land Use	A Traffic and Transport report supports this PP, and finds the impacts resulting from the proposal to be acceptable. Further detailed	Can comply.

DCP Control	Proposal	Comment
1) A Transport Management and Accessibility Plan (TMAP) is to be prepared for all significant developments (see Appendix F3 – Submission Requirements for further details). The TMAP is to address the objectives and controls in this section. 2) New development that will have potential significant public transport patronage (especially residential, commercial and employment generating uses) is to be located close to existing or proposed transport nodes or networks. 3) A range of uses are to be provided or integrated in mixed-use areas to provide a range of services in a single location and minimise the need for additional travel. 4) Public transport use is to be enhanced by providing good pedestrian connections from places of residence or employment to transport networks or nodes.	assessment will need to be considered as part of any future detailed DA for the site.	
10.2 Traffic Management and Safety 1) Traffic Studies Traffic studies may be required for some developments. Check with Council about whether a traffic report is required to support your proposal. a) Development applications for major development proposals should be accompanied by an appropriate Traffic Report (see Appendix F3 – Submission Requirements for further details). The Traffic Report should detail the assessed impact of projected pedestrian and vehicular traffic associated with the proposal, with recommendations on the extent and nature of the traffic facilities necessary to preserve or improve the safety and efficiency of the adjacent road system. b) A Traffic Report must be provided for applications required to be referred to the Roads and Maritime Services (RMS) under Column 2 and a Traffic Impact Statement for Column 3 of SEPP (Infrastructure) 2007. c) Depending on the scale, type and nature of the use proposed, Council may determine that a Traffic Report or Traffic Impact Statement is required for certain development which is not listed under Column 2 or 3 of SEPP (Infrastructure) 2007. ...	As above.	Can comply.

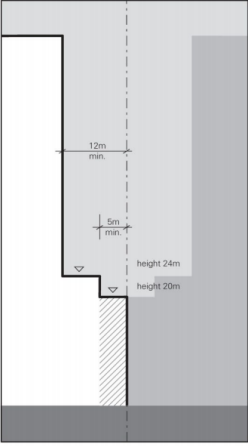
DCP Control	Proposal	Comment
10.5. Parking, Access and Driveways 1) <i>Provision of Parking Spaces</i> a) <i>Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.</i> b) <i>For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.</i> ... d) <i>For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection. The following associated facilities are to be provided:</i> (i) <i>Change and shower for cyclists and are to be conveniently located close to the bicycle storage areas.</i> (ii) <i>Where the building is to be strata-titled, the bicycle storage facilities and shower/change facilities are to be made available to all occupants of the building.</i> ... m) <i>Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application.</i> n) <i>For all residential development at least one car parking space for each dwelling shall be covered the second space may be "stacked" or "tandem" or located on a driveway.</i>	As above. It is noted that this PP does not seek to amend the current ingress/egress locations to the site. Future detailed DAs will need to consider end of trip facilities.	Can comply.
10.5.2. Access and Driveways 1) <i>General Requirements</i> a) <i>The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings).</i> ...	As above. Internal circulation will be considered as part of future detailed DAs.	Can comply.

DCP Control	Proposal	Comment
c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.		
10.7 Bicycle Facilities a) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection, in accordance with AS2890.3:1993 Bicycle Parking Facilities. b) The following associated facilities are to be provided: (i) Change and shower facilities for cyclists are to be conveniently located close to the bicycle storage areas; and (ii) Where the building is to be strata-titled, the bicycle storage facilities and shower/change facilities are to be made available to all occupants of the building. c) Applicants should comply with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling' (NSW Government 2004).	Bicycle parking and end of trip facilities will be considered as part of future detailed DAs for the site.	Can comply.
Part C12 – Noise and Vibration		
Noise Impact Statements - specific requirements a) All development applications where the above controls are relevant are required to provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with the requirements set out in the DA Submission Requirements Appendix of this DCP. b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with relevant noise criteria, as well as relevant Australian Standards. NOTE: Council considers all forms of recreation facilities, as commercial development. Any applications for these land uses would be subject to the above provisions.	Acoustic considerations will form part of future detailed assessment to support detailed DAs for the site.	Can comply.
Part E11 – Penrith City Centre		

DCP Control	Proposal	Comment
2. Commercial Core <i>This area is the 'gateway' to Penrith on arrival by rail, and given this status, needs to be a focus for the highest quality developments. The Commercial Core precinct is dominated by the Westfield Penrith (Penrith Plaza) shopping centre. The interface of the shopping centre with the city and the 'street life' activity along High and Station Streets needs to be strengthened.</i> <i>The eastern side of Station Street contains a mixture of commercial uses with some fringe retail and car parking. Council has significant land assets in this area. The TAFE College brings student life and activity into the area, and its presence should be strengthened. The government office development consolidates State Government activities in one building, opposite the station. This area, close to the station, has the potential to significantly intensify as a location for high quality commercial development, supported by some ground level retail.</i> <i>This precinct will form the northern boundary of the new City Square and City Park. Both public spaces will be located in what is currently the Allen Place parking area, and are intended to be a haven for workers and residents in the City Centre. It is envisaged that the City Square and City Park will become the focus of City activities.</i>	Noted.	N/A
11.2.2 Building to Street Alignment and Street Setbacks <i>1) Street building alignment and street setbacks are specified in Figure E11.3. (Built to street alignment)</i> <i>2) Balconies may project up to 600mm into front building setbacks, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level.</i> <i>3) Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.</i> <i>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 to the side boundary must comply with the minimum street frontage height requirement.</i>	Noted. Nothing in this PP will prohibit the ability to comply with this requirement. Notwithstanding this, should a future detailed assessment determine a more appropriate outcome for proposed street frontage heights, this can be discussed at the time.	Can comply.

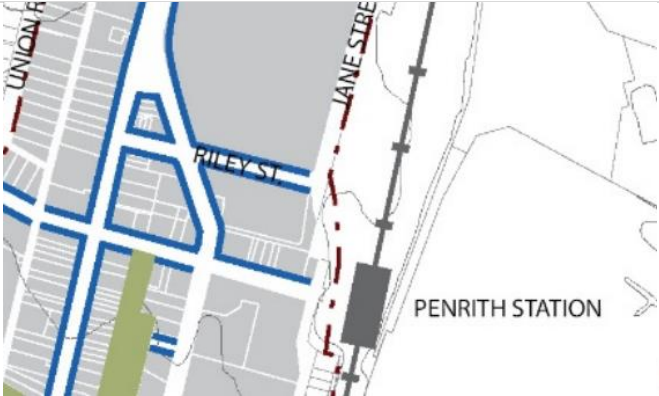
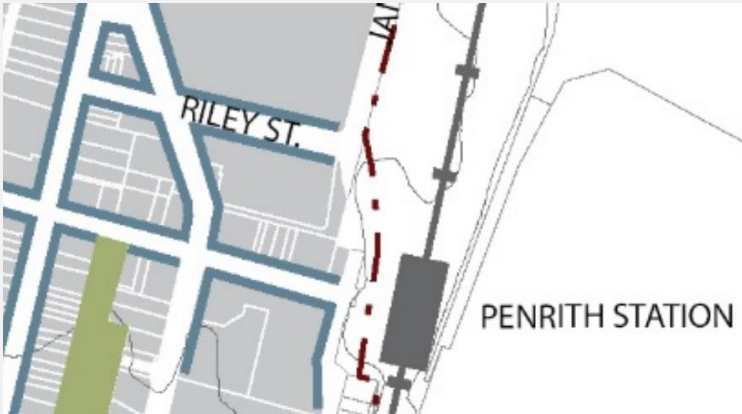
DCP Control	Proposal	Comment
5) Buildings along High Street must demonstrate that views to the Blue Mountains escarpment are maintained through the provision of perspectives.		
11.2.3 Street Frontage Heights 1) Buildings must comply with the relevant street frontage heights as shown in Figure E11.4 and illustrated in Figures E11.5 to E11.10. (Street frontage height A applies). ...  STREET FRONTAGE HEIGHT TYPE A	As above.	Can comply.
11.2.4. Building Depth and Bulk	Borec House (Floor Plates) Level 6 (Commercial 4): 1,545 sqm GFA.	Refer to Section 9 of the Urban

DCP Control	Proposal	Comment										
1) The maximum floorplate sizes and depth of buildings are specified in the table below (also refer to Figure E11.11). 2) Notwithstanding the above, no building above 24m in height is to have a building length in excess of 50m. 3) All points of an office floor should be no 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. 4) Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack effect ventilation. (Refer to figures E11.12 and E11.13) The controls for building depth and height are outlined in Table E11.1. Table E11.1: Controls for building depth and height <table><tr><th>Land Use</th><th>Building Use</th><th>Condition</th><th>Maximum Floorplate</th><th>Maximum Building Depth (excludes balconies)</th></tr><tr><td>Commercial Core</td><td>All</td><td>Above 24m height</td><td>1,200m²</td><td>25m</td></tr></table>	Land Use	Building Use	Condition	Maximum Floorplate	Maximum Building Depth (excludes balconies)	Commercial Core	All	Above 24m height	1,200m ²	25m	- Level 7 (Commercial 5): 1,381 sqm GFA - Level 8 (Commercial 6): 1,266 sqm GFA The Hub (Floor Plates) - Level 1 – 3 (Retail) 1,542, 2,295, 1,852 sqm GFA. - Level 4 (Commercial) 1,673 sqm GFA) - Level 5 – 11 (Commercial) 1,519 sqm GFA. - Level 12 & 13 Plant and Sky Lobby 1,521 and 1,483 sqm GFA.	Design Report prepared by Scott Carver.
Land Use	Building Use	Condition	Maximum Floorplate	Maximum Building Depth (excludes balconies)								
Commercial Core	All	Above 24m height	1,200m ²	25m								
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. 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. 3) Where 0m side and rear boundary setbacks are permissible, and where it can be demonstrated that 0m setbacks cannot be achieved, Council may consider buildings that are setback from the boundary providing they are setback at least 5m to provide amenity in terms of day light access, useable outdoor space and landscaping. (Refer to figures E11.14 or E11.15)	Borec House 0m front and side setbacks. Front setback to Henry Street tapers back as building increases in height. The Hub 0m front and side setbacks up to 20m street wall. 5m front (Jane Street) and side setback from 20m street wall.	Refer to Section 9 of the Urban Design Report prepared by Scott Carver										

DCP Control	Proposal	Comment										
4) If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means. Table E11.2: Minimum side and rear setback distance from property boundary <table data-bbox="152 363 1384 655"> <tr> <th>Zone</th><th>Building Height and Use</th><th>Minimum Setback</th></tr> <tr> <td rowspan="3">Commercial Core</td><td>Up to a height of 20m</td><td>0m</td></tr> <tr> <td>Above 20m</td><td>5m</td></tr> <tr> <td>Above 24m</td><td>12m</td></tr> </table> Figure E11.14: Minimum side and rear setbacks in the Commercial Core. Generally prefer lower levels to be built to the boundary or set back at least 5m. 	Zone	Building Height and Use	Minimum Setback	Commercial Core	Up to a height of 20m	0m	Above 20m	5m	Above 24m	12m		
Zone	Building Height and Use	Minimum Setback										
Commercial Core	Up to a height of 20m	0m										
	Above 20m	5m										
	Above 24m	12m										
11.2.6 Mixed Use Buildings 1) Provide 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.	Noted. The proposal can/does comply with these requirements; however, this control will need to be further assessed as part of future detailed DAs.	Can comply.										

DCP Control	Proposal	Comment						
2) Ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential. 3) The commercial and residential activities of the building are to have separate service provision, such as loading docks, from residential access, servicing needs and primary outlook. 4) Locate clearly demarcated residential entries directly from the public street. Clearly separate and distinguish commercial and residential entries and vertical circulation. 5) Provide security access controls to all entrances into private areas, including car parks and internal courtyards. 6) Provide safe pedestrian routes through the site. 7) Front buildings onto major streets with active uses. 8) Avoid the use of blank building walls at the ground level								
11.2.7 Site Cover and Deep Soil Zones Table E11.3: Maximum site cover & minimum deep soil for development <table> <tr> <th>Zone/Area</th><th>Maximum Site Cover</th><th>Minimum Deep Soil Area</th></tr> <tr> <td>Commercial Core</td><td>100%</td><td>0%</td></tr> </table>	Zone/Area	Maximum Site Cover	Minimum Deep Soil Area	Commercial Core	100%	0%	The outcomes sought under this PP are consistent with these requirements.	Complies.
Zone/Area	Maximum Site Cover	Minimum Deep Soil Area						
Commercial Core	100%	0%						
11.2.8 Landscape Design 1) Recycled water should be used to irrigate landscaped areas. 2) Commercial and retail developments are to incorporate planting into accessible outdoor spaces. 3) Remnant vegetation must be maintained throughout the site wherever practicable.	Future detailed DAs will need to consider landscape design in detail. Outcomes sought under this PP do not prohibit this occurring.	Can comply.						

DCP Control	Proposal	Comment
4) A long-term landscape concept plan must be provided for all landscaped areas including the deep soil landscape zone, in accordance with the Landscape Design Section of this DCP. The plan must outline how landscaped areas are to be maintained for the life of the development.		
11.3.1 Permeability C. Controls 1) Through site links are to be provided as shown in Figure E11.18. ... 	The portions of land to which this PP relates does not impact on the existing or future use of the through site link connecting Station and Riley Streets.	Complies.
11.3.3 Awnings 1) Continuous street frontage awnings are to be provided for all new developments as indicated in Figure E11.19. ...	Awnings will be considered as part of future details DAs for the site and are not prohibited by outcomes sought under this PP.	Can comply.

DCP Control	Proposal	Comment
 Continuous awnings required		
11.3.4 Vehicle Footpath Crossings 1) No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified as significant pedestrian circulation routes in Figure E11.21. ...  Additional vehicular entries not permitted	The Planning Proposal does not propose any changes to the location and form of existing vehicular access points to Westfield. The redevelopment would be accommodated via the existing vehicular access located on High Street, Jane Street and Riley Street.	Can comply.
11.5.1 Reflectivity	Consideration of building materials will be the subject of future detailed DAs. No outcomes sought under	Can comply.

DCP Control	Proposal	Comment
1) <i>New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</i> 2) <i>Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.</i> 3) <i>Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians and motorists may be required.</i>	this PP will prohibit a future DAs ability to comply with this requirement.	
11.5.2 Maximising Liveability and Longevity 1) <i>Demonstrate how the passive and active environmental design features of the building design and proposed construction achieves ESD criteria and the ‘whole of building’ approach. Elements include, but not limited to:</i> a) <i>Adaptability of buildings and floor levels within buildings to accommodate a range of uses over time;</i> b) <i>Occupant comfort and amenity;</i> c) <i>Fulfilling the Eco-specifier’s Assessment criteria; and</i> d) <i>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. A report, prepared by a suitably qualified environmental design expert, may be required with the development application and application for Construction Certificate.</i> 2) <i>Development proposals may require referral to the NSW Police for crime prevention and safety considerations, in accordance with the community safety protocol.</i>	An ESD Strategy has been prepared which provides an overview of the ESD initiatives considered for the project and to address the ESD requirements of the DCP. Further, more detailed consideration of ESD provisions will be the subject of future detailed DAs. No outcomes sought under this PP will prohibit a future DAs ability to comply with this requirement.	Can Comply - An ESD Strategy has been prepared by LCI Consultants and is submitted as Appendix 9 of the Planning Proposal.