



LANDMARK

P L A N N I N G

7 September 2018

General Manager
Penrith City Council
P O Box 60
PENRITH NSW 2751

Attn: Peter Wood – Development and Environmental Health Manager

Dear Peter,

Re: Peer Review – Development Application No. 16/1083 – Construction of an eight (8) storey serviced apartments building containing 58 serviced apartments, related facilities, 3 ground floor commercial tenancies and 2 levels of basement car parking - 21 - 25 Woodriff Street, Penrith

I refer to the above development application which was lodged by Morson Group Pty Ltd for the construction of an eight (8) storey serviced apartment building, with ground floor retail and commercial tenancies on the subject site. The land is owned by Penrith City Council. The proposal also includes combined use of an existing right of carriageway which currently services the adjoining Judges Car Parking facility and the location of a round-a-bout on Woodriff Street allowing for access onto the subject site.

The site is located within Penrith City Centre, on the corner of Woodriff Street and Union Lane and accommodates a right of carriageway from Woodriff Street providing vehicular access to the Council owned Judges Place carpark. Located directly opposite the site is an identified item of local significance being 'Memory Park'.

I note that this site and resulting application has been the subject of an exhaustive acquisition and urban design process over the past 4 years, including numerous Pre-Lodgement and Urban Design Review Panel Meetings. This development represents one of the first significant redevelopments for this part of the Penrith city centre.

I have reviewed the development application documentation and the draft Council Report prepared by your Senior Environmental Planner Paul Anzellotti. I concur with the findings and recommendations of the draft Council Report.

The provisions of SEPP 55, SEPP 64, SREP 20, LEP 2010 and DCP 2014 relevant to the development have been suitably addressed. It is noted that SEPP 65 and the associated Apartment Design Guide does not apply to serviced apartments and as such correctly has not been considered in the assessment report.

I note that the site is zoned B4 Mixed Use under LEP 2010. The proposed development is permissible, with the consent of Council as a "serviced apartment". The proposal is compatible with the zone objectives and proposes a bulk and scale in keeping with the desired built form for the Penrith City centre and will provide opportunity for a range of employment options through the serviced apartments development and the ancillary commercial and retail spaces proposed at ground floor.

The applicant has sought variations under Clause 4.6 of the LEP to the height provisions by 15% and floor space ratio provisions by 11%. I have reviewed the detailed submission and the commentary within the assessment report, which indicates the variations as follows:

- An assessment of the provided architectural plans in relation to overall height has identified that the application is provided with a flat roof for part of top level (accommodating a conference room, gymnasium and associated uses) and a lift overrun which provide for a non compliance on the subject site of between 2.5m (overall height of 26.5m) and 2.7m (overall height of 26.7m) increasing due to a small fall in the existing site's gradient and 3.2m (overall height of 27.2m) respectively for each of these structures. In addition, a parapet feature wall is proposed to the exterior of the northern and western elevations providing for a non-compliant height ranging from 2m to 3.7m for this architectural feature. The proposed height will provide for an exceedance above the maximum permissible height by 15%.
- In relation to floor space ratio, an assessment of the architectural plans has identified that the proposed floor space ratio is provided at 3.31, which will provide for an exceedance above the maximum permissible floor space ratio by 11%.

I concur with the comments in the assessment report with respect to the variation to height and floor space ratio and that the exceedances will not result in privacy or amenity impacts, the built form and design are appropriate with respect to the adjacent heritage listed Memory Park and that the bulk and scale is compatible with surrounding and future developments. The corner location and high-quality urban design will provide an outstanding development and the additional height or floor space will not be clearly identifiable or discernible from the public domain. Further, there are no associated traffic impacts from the additional floor space. It is considered that strict compliance with the development standards is unreasonable or unnecessary in the circumstances of the case and there are sufficient planning grounds to allow the minor variations in this instance.

The LEP requires active frontages and a review of the architectural plans has identified that a retail and commercial tenancies are proposed. The assessment report confirms that the application has been accompanied by a 'Design Excellence Competition Request for Waiver' under Clause 8.4(4) of the PLEP. As a condition of this waiver, it is noted that the Penrith City Urban Design Review Panel was required to provide for a continual review of the application and any design modifications. From a review of the application, it is evident that stringent review has occurred by the Urban Design Review Panel prior to lodgement and also numerous times throughout the assessment. It was concluded by the Panel that the final design demonstrates a degree of design excellence which exceeds quality of the original concept and meets the requirements of the waiver.

The report confirms that the subject site is affected by overland flows during the 1% Annual Exceedance Probability (AEP) storm event and in this regard was accompanied by an Overflow Assessment Report, which satisfactorily addresses flooding under the LEP.

The site is currently utilised as car parking and the remaining limited vegetation will be removed, however a detailed landscape design has been undertaken, including street planting to ensure a

satisfactory public domain and also to screen the adjoining public car park when viewed from within the development. The high-quality built form combined with the proposed landscaping results assists in revitalising the city centre and an area which has previously been dominated by car parking.

The assessment report includes a thorough review of amenity impacts including solar access, overshadowing and overlooking, as well as the overall context of the development and its visual impact.

The application was accompanied by a contamination assessment and Remedial Action Plan referencing and summarising the findings of a Preliminary Contamination Assessment previously undertaken, which satisfies the requirements of SEPP 55.

The common outdoor seating area proposed to the podium level along the western side of the subject site incorporates a terrace area and landscape features, as well as conference and recreation facilities on the upper level, which provides panoramic views.

The proposed car parking is in excess of the DCP requirements and temporary car parking is also proposed during the construction phase. The assessment report confirms this is acceptable to Council. I note the proposed access to the development via combined use of an existing right of carriageway which currently services the adjoining Judges Car Parking facility and conditions are recommended requiring signage to avoid confusion for users. I concur with the comment in the report that the proposed round-a-bout will assist with continued movement into and out of the development and Judges carpark. I also note the proposed temporary closure of the existing right of carriageway to the adjoining Judges Car Park which is expected to be up to a period of 12 months and that a temporary alternate access plan to Judges Car Park is proposed.

The proposed 24 hour operation of the serviced apartments is expected for this form of development, noting that hours of operation have been limited for key component of the development including use of recreation facilities and conference room.

The development has had regard to the Crime Prevention principles and incorporates casual surveillance, clear pathways and entries and CCTV in the basement.

Waste collection is proposed from Union Lane via a dedicated area and accessibility throughout the development has been provided, as well as adaptable apartments.

The environmental impacts of the development have been addressed by way of conditions of consent, including, but not limited to, conditions regarding hours of operation, future development applications for tenancies, limits of construction hours and incorporation of environmental measures prior to and during construction, provision of a temporary car park during construction, signage and civil works to Union Lane, a limit on the use of the building to not be for permanent residential use, crime prevention measures, acoustic treatment to the gymnasium, landscaping requirements, waste management and servicing.

I note that two submissions were received throughout the exhibition period, with one being resolved and withdrawn. The remaining submission relates primarily to the loss of car parking, disruptions during construction and issues with exiting Judges car park. The issues have been satisfactorily considered and addressed in the assessment report.

I consider that the proposal is well founded and provides for a development of high architectural quality, suitable for the city centre location and appropriate in terms of amenity impacts and safe

access and has had regard to the constraints of the site and ensures the development is adequately serviced and drained.

I agree that in accordance with Section 2.12 and 2.15 (previously Section 23G) of the Environmental Planning and Assessment Act, 1979 the Sydney Western City Planning Panel (SWCPP) is the determination authority as the Penrith City Council is the owner of the subject site and the proposal is provided with a capital investment value of more than \$5 million.

It is concluded that the proposed works are permissible and is in keeping with the zone and objectives and that the assessment has suitably considered the key considerations of Section 4.15 (formally Section 79C) of the Environmental Planning & Assessment Act, 1979. The recommendation and proposed conditions are considered to be appropriate.

Yours faithfully,



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