



# STATEMENT OF ENVIRONMENTAL EFFECTS

634-638 HIGH STREET AND  
87-91 UNION ROAD, PENRITH

15 MARCH 2018  
SA7220  
PREPARED FOR TOGA PENRITH DEVELOPMENTS PTY LTD



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# EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared by Urbis Pty Ltd on behalf of Toga Penrith Developments Pty Ltd (**the applicant**) in relation to a development application for a mixed-use development at 634-638 High Street and 87-91 Union Road, Penrith (**the site**).

## Proposed Development

The applicant proposes demolition of existing structures, excavation, remediation, construction and operation of a mixed-use development generally comprising:

- One storey basement carpark;
- Three storey podium comprising ground level retail premises, vehicular access, loading, and two levels of upper level car parking;
- Two residential buildings (with a total rise including podium of 12 and 15 storeys) comprising 187 apartments;
- Removal of trees, augmentation of services, and landscape works; and
- Creation of a new laneway and public domain works to be dedicated to the Council.

Determination of the application will be by the Sydney Western City Planning Panel as the Capital Investment Value of the project exceeds \$30 million.

## Background

The site is the subject of a planning proposal referred to by the Department of Planning and Environment as Amendment No. 14. The planning proposal is pending final resolution and is with the Department for assessment and gazettal.

The planning proposal removes the application of clause 4.3, clause 4.4, and clause 8.4(5) of *Penrith Local Environmental Plan 2010 (PLEP 2010)* from the site and allows for the approval of a development with a Floor Space Ratio (**FSR**) of 6:1 where that development has been the subject of an Architectural Design Competition, and provides an agreed public benefit. The development seeking consent in the DA does not propose to utilise the draft FSR control of 6:1, however does propose a building height that is compatible with the desired future character of the locality.

An additional challenge for development on the site is the Penrith Development Control Plan 2014 requirement for the delivery of a new road through the site. The alignment of this road reduces the developable area of the site by approximately 25%. As such, a clause 4.6 variation has been prepared to support a variation to the existing height of building control (clause 4.3) as:

- Compliance with the existing development standard is unreasonable in the circumstances of the case as requiring compliance with the height of building standard unnecessarily sterilises the site and is a hindrance to the development and growth of the Penrith CBD;
- There are sufficient environmental planning grounds to justify contravening the standard; and
- Notwithstanding the variation to the standard, the proposed development is in the public interest.

## Planning Assessment

The proposal has been assessed against the applicable State and local planning policies. The proposal is consistent with the objectives for redevelopment in Penrith CBD and specifically the vision for the site illustrated within the Architectural Design Competition completed for the development on the site and the winning competitive design by SJB and Architect Prineas.

The assessment concludes that the proposal represents a design, quality and form that is consistent with the objectives of the applicable State and local planning policies and will have an acceptable environmental impact.





# 1. INTRODUCTION

## 1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd on behalf of Toga Penrith Developments Pty Ltd (**the applicant**). This SEE accompanies the Development Application (**DA**) submitted to Penrith City Council (**Council**) for a mixed-use development at 634-638 High Street and 87-91 Union Road, Penrith (**the site**). The site is located on the southern side of High Street and is immediately east of John Tipping Grove.

The applicant proposes demolition of existing structures, excavation, remediation, construction and operation of a mixed-use development generally comprising:

- One storey basement carpark;
- Three storey podium comprising ground level retail premises, vehicular access, loading, and two levels of upper level car parking;
- Two residential buildings (with a total rise including podium of 12 and 15 storeys) comprising 187 apartments;
- Removal of trees, augmentation of services, and landscape works; and
- Creation of a new laneway and public domain works to be dedicated to the Council.

The proposal is not a concept or staged development application under Part 4, Division 4.4 of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**), but the works proposed are envisaged to be complemented by a separate DA to be lodged for the site on the western side of John Tipping Grove, which is also controlled by the applicant. The proposed development for which consent is currently sought however is illustrated within **Figure 1** below.

Figure 1 – Proposed Development



Source: SJB Architects

## 1.2. CONSENT AUTHORITY

The DA will be lodged with the Council under Part 4 of the EP&A Act. The estimated cost of development is \$63,504,821 (Excl. GST). A QS Report is attached at **Appendix R**. As the estimated cost of works is above \$30 million, the Sydney Western City Planning Panel will be the relevant consent authority for the DA.

## 1.3. REPORT STRUCTURE

This SEE identifies the site and surrounding locality, describes the proposed development and provides an assessment against the relevant matters for consideration, pursuant to Section 4.15 of the EP&A Act.

This SEE is structured, as outlined below:

- **Section 1:** Introduction
- **Section 2:** Site and surrounding context
- **Section 3:** Background
- **Section 4:** Proposed Development
- **Section 5:** Strategic Planning Framework
- **Section 6:** Statutory Planning Framework
- **Section 7:** Section 4.15 Assessment
- **Section 8:** Conclusion

## 1.4. PROJECT TEAM

This SEE should be read in conjunction with the following architectural plans and specialist reports:

Table 1 – Supporting Documentation

Document title	Consultant	Appendix
Architectural Plans and Design Report	SJB	<b>Appendix A - Volume of Plans</b>
Survey Plan	Veris Australia Pty Ltd	<b>Appendix A - Volume of Plans</b>
Landscape and Public Domain Plan	Arcadia	<b>Appendix A - Volume of Plans</b>
SEPP 65 Assessment	SJB	<b>Appendix B</b>
Clause 4.6 Variation	Urbis	<b>Appendix C</b>
Stormwater and Civil Engineering Report	Robert Bird Group	<b>Appendix D</b>
BASIX Certificate	EMF Griffiths	<b>Appendix E</b>
Transport Management and Accessibility Plan	Parking and Traffic Consultants	<b>Appendix F</b>
Acoustic Assessment	Acoustic Logic	<b>Appendix G</b>
Geotechnical Assessment	Douglas Partners	<b>Appendix H</b>
Contamination Assessment	Douglas Partners	<b>Appendix I</b>

<b>Document title</b>	<b>Consultant</b>	<b>Appendix</b>
Aboriginal Cultural Heritage Archaeological Survey	Comber Consultants	<b>Appendix J</b>
Infrastructure Services Report	JHA Consulting Engineers	<b>Appendix K</b>
Wind Impact Assessment	Cermak Peterka Petersen Pty. Ltd.	<b>Appendix L</b>
BCA Assessment	McKenzie Group	<b>Appendix M</b>
DDA Assessment	Accessible Building Solutions	<b>Appendix N</b>
Fire Engineering Assessment	Olsson Fire and Risk Consulting Engineers	<b>Appendix O</b>
Waste Management Plan	Elephants Foot Waste Compactors Pty Ltd	<b>Appendix P</b>
Aboricultural Assessment	Redgum Horticultural	<b>Appendix Q</b>
Quantity Surveyor	Osborne and Song	<b>Appendix R</b>
Endorsement of Design Excellence	Design Excellence Jury	<b>Appendix S</b>

## 2. SITE AND SURROUNDING LOCALITY

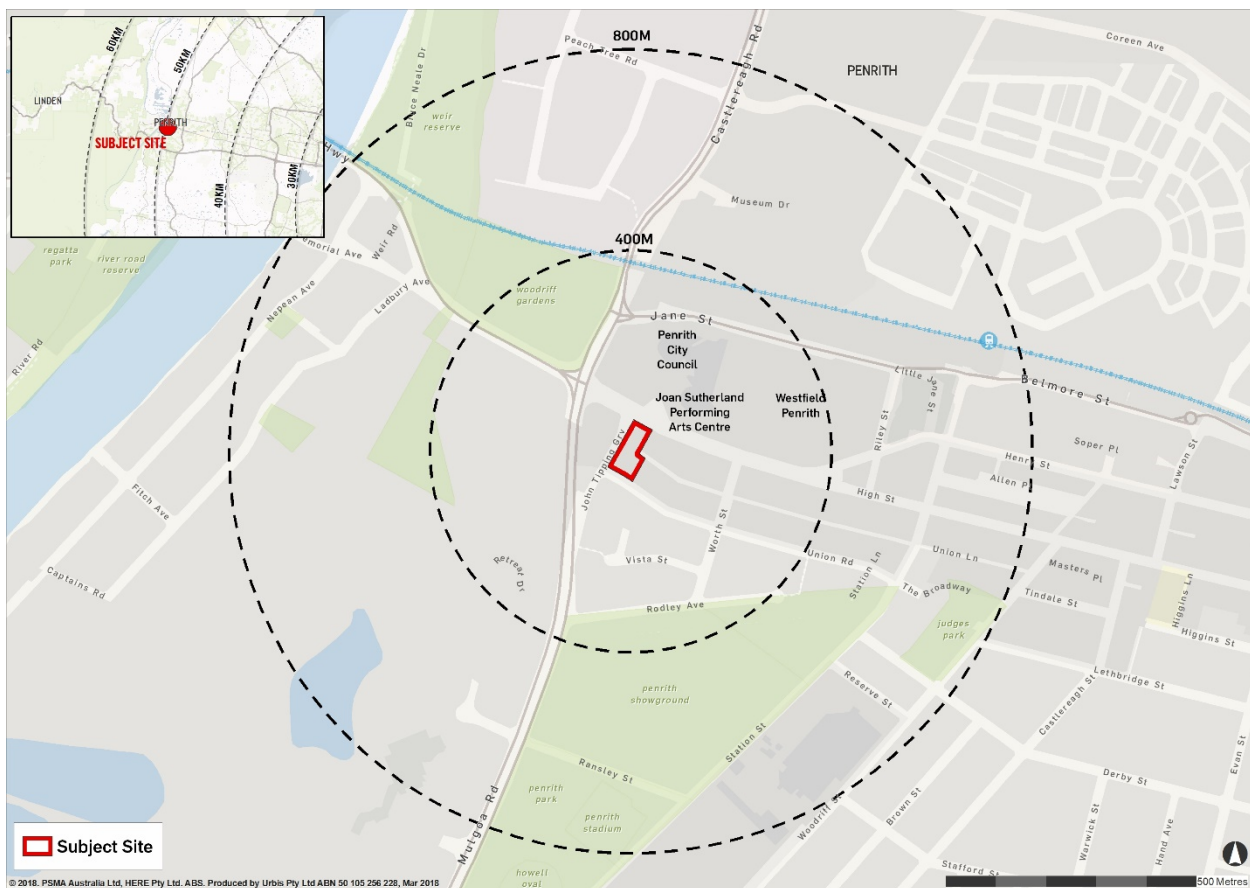
### 2.1. LOCALITY

The site is located within the Penrith Central Business District (**CBD**) in the Penrith Local Government Area (**LGA**). Penrith is located approximately 32 km west of Parramatta CBD, and approximately 54 km west of Sydney CBD.

In the broader regional context, Penrith is geographically well-positioned as one of Sydney's major strategic centres, with proximity to the Blue Mountains to the west, the Hawkesbury to the north and the Western Sydney Airport growth catchment to the south. Penrith's evolution as a major regional hub brings an opportunity to become Sydney's 'third city', through the increased investment, urban amenity and high value social capital in the region.

The location of the site within its broader CBD context is shown in **Figure 2** below. The site is located within the Culture and Civic precinct at the western edge of the CBD and immediately south of the Penrith Civic Centre.

Figure 2 - Site location map in Penrith CBD context, site detailed in 'red'.



Source: Urbis



## 2.2. SUBJECT SITE

### 2.2.1. Site Description

The site includes the land described as 634-638 High Street and 87-91 Union Road, Penrith. The site comprises three allotments, legally described as Lot 1 in Deposited Plan (DP) 544302, and Lots 1 and 2 in DP 1202310.

The site has a total area of 5,402sqm and has the following frontages to the surrounding public roads:

- 43m frontage to High Street;
- 105m frontage to John Tipping Grove;
- 56m frontage to Union Road; and
- 23m frontage to Union Lane.

The site is generally flat with a very slight slope to the west and is situated at an elevation of approximately 27m – 28m AHD.

The site has minimal vegetation featuring only four trees on site with low to medium significance and a group of Cocos palms and Hackberries. Immediately west of the site are two Dawn Redwoods located within the John Tipping Grove road reserve, and immediately south east of the site is a Queensland Brush Box located within the Union Road reserve. The site is illustrated in **Figure 3** below.

Figure 3 – Site Aerial





### 2.2.2. Existing Development

The site is largely vacant with the exception of one single story building located at the northern portion of the site and a commuter carpark to the south of the site.

A review of land titles and aerial photographs referenced at **Appendix I** has identified that the site was used for residential purposes up until 1961 when the site was redeveloped as a car yard. An old fuel pump (bowser) is located at the northern portion of the site.

Photographs of the existing development on the site are included within the figures below.

Figure 4 – Photos of Existing Development on Site



Picture 1 – Existing hard stand area on site, looking south

Source: Urbis



Picture 2 – Existing hard stand area on site, looking east

Source: Urbis



Picture 3 – Existing one storey building on site with old petrol station pump in foreground

Source: Urbis



Picture 4 – Existing development on site, looking south west

Source: Urbis

## 2.3. SURROUNDING CONTEXT

The site's main frontage is to High Street which acts as a central pedestrian and commuter spine through the CBD. The urban context of the site is predominately low-medium density residential and commercial tenancies. The site is in proximity of tourist attractions, community facilities, public spaces, and employment generating development. The site's immediately surrounding context is further described as below.

### North

Directly north of the site is High Street whilst acts as the central east-west spine through the Penrith CBD. The site is immediately south of the existing Penrith City Council complex including the Penrith City Library, Penrith City Council building, Penrith Civic Centre, and Penrith Tourism Centre. To the north east of the site is the Joan Sutherland Performing Arts Centre and Westfield Penrith. Westfield Penrith has over 300 speciality stores, plus several large anchor tenants including supermarkets, a cinema complex, and discount department stores. The food and beverage offering at Westfield Penrith functions as a centre of dining, entertainment, and leisure for the Penrith CBD.

### East

Directly to the east of the site, north of Union Lane, is a future development site located at 85-101 High Street, Penrith. As outlined within **Section 3** of this SEE, the applicant has held pre-lodgement consultation with the owners of this adjacent development site. To the east of the site south of Union Lane is a recently completed eight storey residential flat buildings with ground floor commercial premises.

### South

Directly to the south of the site is Union Road and a three-storey residential flat building and low scale (1-2 storey) villa-style housing. Further south of these properties is a recently completed six storey residential flat building.

### West

Immediately west of the site is John Tipping Grove, a local road owned by the Council which is identified within the planning controls to be closed to traffic in the future, and an existing car sales yard which is under the control of the applicant and will form part of a future development site (not the subject of this DA). Further to the west of the site is Mulgoa Road.

Images of the development surrounding the site are provided within **Figure 4**.

Figure 5 – Photographs of the Surrounding Area



Picture 5 – Adjacent 8 storey residential development at 81 Union Road, looking east

Source: Urbis



Picture 6 – John Tipping Grove west of the site, looking south

Source: Urbis





Picture 7 – High Street west of the site, looking west

Source: Urbis



Picture 8 – Roundabout north of the site at interface with High Street and Joan Sutherland Performing Arts Centre, looking north east

Source: Urbis



Picture 9 – Existing residential development south of Union Street, looking south east

Source: Google Maps, 2018



Picture 10 – Existing car and vehicle sales centre west of the site, looking west

Source: Urbis

## 2.4. TRANSPORT NETWORK

The site is primarily serviced by Mulgoa Road, which is a State Road and High Street, which is classified as a Local Road and forms the northern boundary of the site. Access to the site is also available via Union Road and Union Lane.

The site is geographically well-positioned to many transport options. The site is less than 1km from Penrith Rail Station and Penrith Bus Terminal, providing services to the Blue Mountains, Hawkesbury, inner-Sydney and surrounds. In addition, the site is positioned at the juncture of two arterial roads, High Street and Mulgoa/Castlereagh Road. These roads provide east-west and north-south connectivity throughout the Penrith CBD and surrounding suburbs.

## 3. BACKGROUND

### 3.1. INCENTIVES CLAUSE PLANNING PROPOSAL

The site is the subject of a planning proposal referred to by the Department of Planning and Environment (**the Department**) as *Penrith Local Environmental Plan 2010 (PLEP 2010)* Draft Amendment No. 14. The planning proposal is pending final resolution and is with the Department for assessment and gazettal. This section provides background to the planning proposal as it applies to the site.

Following the receipt of three separate site-specific planning proposals, to coordinate the growth of the Penrith CBD and ensure the delivery of material public benefits, the Council prepared a planning proposal to insert an incentives clause applying to certain 'key sites'. The site is identified within PLEP 2010 as being within key site 10.

On 14 April 2016, as delegate of the Greater Sydney Commission, the Department issued a Gateway Determination in respect of the planning proposal to enable additional FSR controls for development on 11 sites within the Penrith City Centre in return for public benefit.

The planning proposal was publicly exhibited for 28 days between 9 May to 6 June 2016. Following the exhibition, it was recommended that no changes be made to the planning proposal.

On 25 July 2016 the Council resolved to endorse the planning proposal as exhibited and to request the Minister for Planning to make the Plan in accordance with the requirements of *Environmental Planning and Assessment Act 1979 (the EP&A Act)*. The planning proposal was returned to the Department for assessment and legal drafting on 28 September 2016. The planning proposal is therefore a matter for consideration under clause 4.15(1)(a)(ii) of the EP&A Act.

Importantly the planning proposal recommended that clause 8.7 be inserted into PLEP 2010 to allow development with a FSR of up to 6:1 on key site 10, and key site 3 adjacent to the site, where the development is the subject of an Architectural Design Competition and delivers agreed public benefits. To attain a FSR of up to 6:1 on the site, the insertion of clause 8.7 removes the application of clause 4.3, clause 4.4, and clause 8.4(5) of PLEP 2010 from development on the site. Once the planning proposal is gazetted, development that is the subject to the requirements of clause 8.7 will have no relevant height control stipulated within PLEP 2010.

On 21 June 2017 the Department wrote to Penrith City Council advising that as a result of preliminary investigation into Penrith CBD flood evacuation, sites 1, 2, 3, 5, 9 and 10 have been deferred from the plan due to potential flood evacuation risks on these key sites. The letter states that to progress these sites it will be necessary for Council, in conjunction with the State Emergency Services, to adequately address the flood risk and evacuation. The letter clarifies that:

*"community consultation to progress these sites will not be required by the Department unless there are substantial changes to proposed planning controls as outlined in the Gateway Determination issued on 14 April 2016".*

On 23 June 2017 PLEP 2010 Amendment No 14 was gazetted inserting clause 8.7 into PLEP 2010, which provides an incentives clause to enable additional FSR controls for development on the other five sites within the Penrith City Centre in return for public benefit. The planning proposal as it applies to the site however is still with the Department for assessment and finalisation.

### 3.2. COMPETITIVE DESIGN PROCESS

In accordance with clause 8.4 of PLEP 2010 an Architectural Design Competition was completed to inform the proposed development. The Architectural Design Competition completed applied to the site and the adjacent development site (key site 3) at 640-652 High Street, Penrith.

The applicant invited three competitor teams to participate in the design competition over a period of six weeks. The three participating teams included:

- SJB with Architect Prineas
- Kann Finch with Urban Possible

- RotheLowman with Baber Studio

This design competition was undertaken in accordance with the Design Excellence Competition Brief dated September 2017.

Based on detailed consideration of each of the three schemes, the appointed Jury concluded that the SJB and Architect Prineas proposal was the most capable of achieving design excellence.

Several key design elements were identified as contributing to the success of the winning scheme. These elements included:

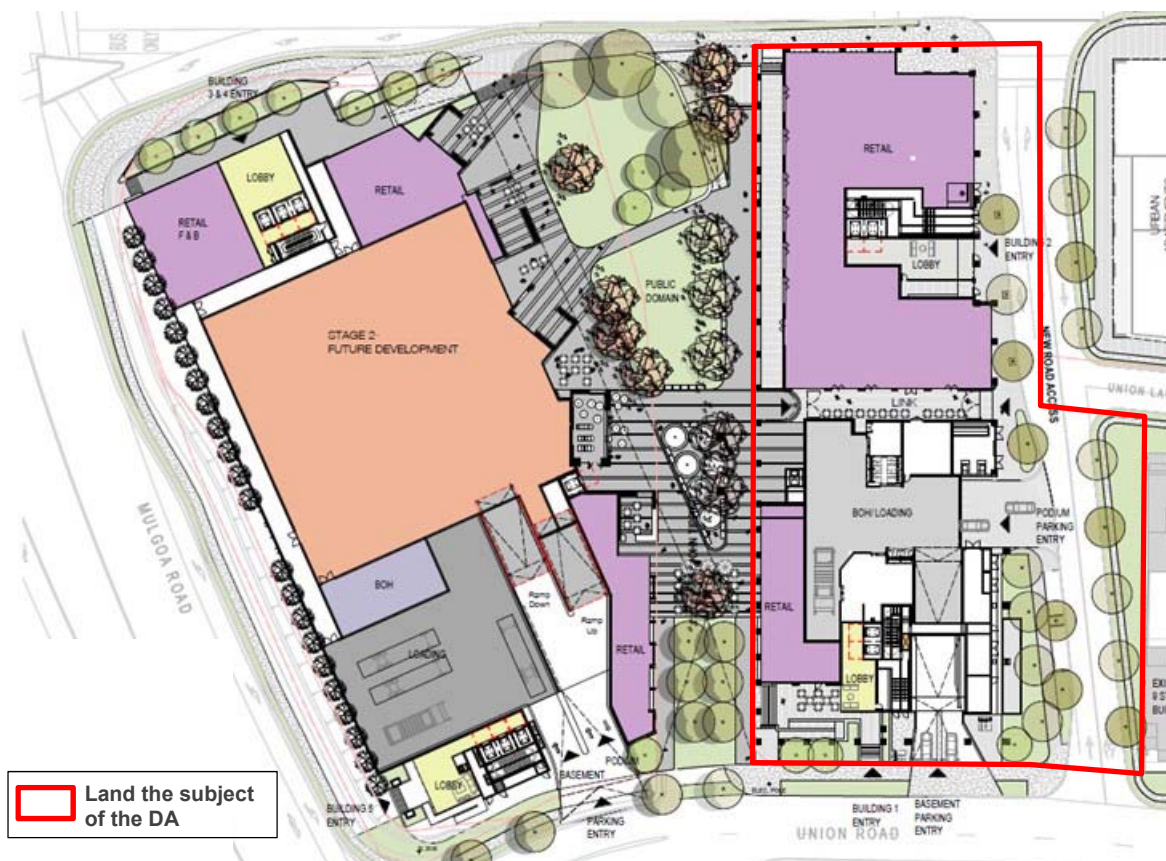
- The number of tower elements were reduced and setback from the podium to “open” the public domain space in the centre of the site.
- The podium edge to the central public space was articulated to mimic the effects of erosion taken from the Blue Mountains with the material from this represented at ground level
- The towers at the western edge could be staged and then linked to produce a single built form element.
- The facade detailing particularly to the western (Mulgoa Road frontage) presented a well-considered quality elevation (relevant for site 3).
- The massing represented the best outcome for the site context.

Following pre-lodgement advice from Council necessitating design changes, and the preparation of two separate DAs for the site and site 3 respectively, changes were required to be made to the winning scheme prior to the lodgement of a DA. As such the appointed Jury of the Competition was involved in four design review presentations with the applicant and winning design Architect prior to the finalisation of the scheme for ‘Stage 1’ of the development.

A letter signed by the appointed Jury of the Competition endorsing the proposed development, as amended, on the site the subject of the DA is provided at **Appendix S**. For context, the proposed ground floor masterplan for the development of the site with the adjacent development at ‘site 3’ is illustrated at **Figure 6**.



Figure 6 – Proposed Master Plan for the development of the site and 'key site 3'



Source: SJB and Architect Prineas

### 3.3. PRE-LODGEEMENT DISCUSSIONS

Several pre-lodgement discussions have been held between the applicant and Council staff between December 2017 and March 2018.

In addition to several meetings relating to individual matters such as traffic, road alignment, treatment to John Tipping Grove, and status of the planning proposal, a formal Pre-DA lodgement meeting was held at the Council on 28 March 2019 with Council's assessment team, the project team and applicant. The following table summarises the key matters raised in the Pre-DA meeting and provides the response developed through the ongoing consultation with Council.

Table 2 – Pre-Lodgement Meeting Responses

Matter	Response
<p><u>Design Excellence</u></p> <p>A final design competition jury report will be required with the DA endorsing the revised proposal and confirming the proposal has addressed previous comments from the jury.</p> <p><u>Clause 4.6 Variation</u></p> <ul style="list-style-type: none"> <li>The proposed height exceedance is not insignificant.</li> <li>Any clause 4.6 submission will need to adequately demonstrate compliance would be unreasonable or</li> </ul>	<p>This is provided at <b>Appendix S</b> of this SEE.</p> <p>A detailed clause 4.6 variation request has been prepared in support of the proposed development and is included at <b>Appendix C</b> of this SEE.</p>

Matter	Response
<p>unnecessary and that there are sufficient environmental planning grounds to justify the variation.</p> <ul style="list-style-type: none"> <li>• Council's City Planning Team has engaged an external consultant to undertake a City Centre Urban Design Study to review suitable heights and FSRs across the City Centre. This study is of relevance to the merit of the proposed height exceedance.</li> <li>• The Secretary's concurrence to the height variation will be required under clause 8.4(5) of the PLEP 2010, although the extent of any permitted variation may be capped at 10%. Further review of this provision is required to ensure the proposed height exceedance beyond 10% is not precluded by this clause.</li> </ul>	
<p><u>FSR</u></p> <ul style="list-style-type: none"> <li>• FSR calculations should be provided with the DA and demonstrate compliance with the maximum 3:1 FSR.</li> <li>• Any on-site commercial parking provided which exceeds 60% of the maximum required under Council's DCP should be included as GFA in the FSR calculations.</li> </ul>	<p>Plans illustrating compliance with the FSR control are provided within the <b>Volume of Plans at Appendix A</b>.</p> <p>The proposal includes only 60% of the required commercial car parking on site, and as such no car parking is calculated as GFA.</p>
<p><u>DCP Road</u></p> <ul style="list-style-type: none"> <li>• The temporary DCP road/High Street intersection design needs to accommodate north/south pedestrian movements. This is and will be a strong desire line between the site and the City's civic precinct.</li> <li>• Note the existing queuing issues for High Street in this location.</li> <li>• The temporary intersection design may warrant roundabout modifications based on the above two considerations.</li> <li>• The design and mechanisms for delivering the ultimate (signalised) DCP road/High Street intersection needs to be further explored with Council (e.g. VPA, development contributions/WIK, etc).</li> <li>• Tree removal adjacent to JSPAC (The Joan) will need to be avoided as far as possible as part of the ultimate (signalised) DCP road/High Street intersection design.</li> <li>• RMS consultation regarding the interim and permanent intersection designs is required as a priority.</li> </ul>	<p>The required location of the new road is partially located on the site, and partially on the adjacent property. As the timing of development on an adjacent site is unknown, the design of the road accommodates an interim scenario to be completed prior to develop occurring on the adjacent site, and an ultimate future desired outcome. The interim scenario accommodates pedestrian movements. Any augmentation to the existing road network required to accommodate the interim road is detailed within the Transport Management and Accessibility Plan at <b>Appendix F</b>, and the Civil Plans within the <b>Volume of Plans at Appendix A</b>.</p>
<p><u>Plans</u></p>	

Matter	Response
<ul style="list-style-type: none"> <li>The through-site pedestrian link appears narrow and is an enclosed space with blank external wall presentation from waste collection and loading areas and a south facing retail offering with minimal solar penetration.</li> </ul>	<p>The through-site link has been revised to include large cut-outs to increase the amount of natural light in the link and provide a diverse architectural expression. The width of the link exceeds the requirements of the DCP.</p>
<ul style="list-style-type: none"> <li>The John Tipping Grove interface is an existing public road condition which may exist for some time. The design needs to respond to this in terms of ground floor presentation, street activation and streetscape planting</li> </ul>	<p>The proposal assumes that in an interim scenario the development will have an interface to an unchanged John Tipping Grove. This is managed through minor level changes within the site, and a ground level setback that accommodates outdoor dining opportunities within the site.</p>
<ul style="list-style-type: none"> <li>Siting of fire boosters and substations should be accommodated in the design at DA stage to ensure an integrated design outcome.</li> </ul>	<p>The siting of booster and substations are shown on the architectural plans</p>
<ul style="list-style-type: none"> <li>Embellishment of the strip of land on the eastern side of the DCP road needs careful consideration given the adjoining flat building side blank walls.</li> </ul>	<p>This strip of land includes deep soil that can accommodate significant tree growth. The landscape plans provided within the <b>Volume of Plans at Appendix A</b> demonstrate the proposed landscaping in this zone that is designed to screen the blank walls of the adjacent development.</p>
<ul style="list-style-type: none"> <li>Basement setbacks to property boundaries appear deficient. Suitable setbacks should be provided to enable deep root zone tree planting and canopy spread.</li> </ul>	<p>Basement setbacks to the east have been revised to provide additional deep soil zones which total 7.1% of the site area.</p>
<ul style="list-style-type: none"> <li>Activation of and presentation to multiple street frontages needs to be carefully considered.</li> </ul>	<p>The proposal has been revised to include retail activation on all street frontages. Further, landscaping and building articulation has been refined in the south eastern corner of the building to provide an attractive environment around the required service zones.</p>
<ul style="list-style-type: none"> <li>Street activation and the amenity of the apparent High Street outdoor dining area appears compromised given the proximity to the roadway.</li> </ul>	<p>Additional ground level setbacks and a colonnade design is proposed to mitigate impacts from the roadway to the proposed outdoor dining. Outdoor dining areas are critical to the retail strategy of the proposed development and will enhance the street level activation of the site.</p>

Matter	Response
<ul style="list-style-type: none"> <li>The OSD tank within the setback to the DCP road will compromise landscape planting to the street. This should be re-located.</li> </ul>	The dimension of the OSD tank have been revised and additional landscaping in this location has been provided.
<ul style="list-style-type: none"> <li>Clarification is needed regarding the intention and design of the communal area on Level 1 facing High Street.</li> </ul>	This communal area has been relocated to the Level 3 podium to be collocated with the communal open space, reflecting feedback received from the design competition Jury.
<ul style="list-style-type: none"> <li>The internal arrangement of the three Level 2 apartments needs further consideration.</li> </ul>	These apartments have been removed reflecting feedback received from the design competition jury.
<ul style="list-style-type: none"> <li>Consideration should be given to enlarging the lobby areas for Levels 3-14 to achieve a congregation space rather than just a corridor.</li> </ul>	This was considered by the design team however not adopted in the final architectural design. The proposed corridors service 9 apartments only and have access to natural light.
<u>DA Submission Requirements</u>	Refer to <b>Attachment I</b> . Further documentation will be provided as made available through the project.
<ul style="list-style-type: none"> <li>Detailed Site Investigation and RAP (fuel tanks, etc) to satisfy SEPP 55 requirements.</li> </ul>	
<ul style="list-style-type: none"> <li>Wind impact assessment</li> </ul>	Refer to <b>Appendix L</b>
<ul style="list-style-type: none"> <li>Road noise and vibration assessment</li> </ul>	Refer to <b>Appendix G</b>
<ul style="list-style-type: none"> <li>Landscape plans addressing Council's City Centre Public Domain Manual and Technical Guidelines.</li> </ul>	Refer to the landscape plans provided within the <b>Volume of Plans at Appendix A</b>
<ul style="list-style-type: none"> <li>Overland flow study</li> <li>WSUD strategy and stormwater management strategy</li> </ul>	Refer to <b>Appendix D</b>
<ul style="list-style-type: none"> <li>Traffic impact assessment addressing proximity of driveway crossing and DCP road</li> </ul>	Refer to <b>Appendix F</b>
<ul style="list-style-type: none"> <li>DCP road section details</li> </ul>	Refer to the Civil Plans provided within the <b>Volume of Plans at Appendix A</b> .
<ul style="list-style-type: none"> <li>Accessibility Report</li> </ul>	Refer to <b>Appendix N</b> .
<ul style="list-style-type: none"> <li>Pedestrian through-site link perspectives.</li> </ul>	Refer to the Architectural Design Report provided within the <b>Volume of Plans at Appendix A</b> .
<u>Other Matters</u>	
<ul style="list-style-type: none"> <li>Development contributions will apply to the proposal under the Penrith City Centre Civic Improvement Plan,</li> </ul>	The proposal will attract the payment of developer contributions. The ultimate cost of the developer contributions will however be rationalised with a reduction

Matter	Response
Cultural Facilities Plan, Local Open Space Plan and District Open Space Facilities Plan.	in the rate commensurate with the cost to deliver and dedicate a new road on the site to the Council as outlined at section 4.7 of the SEE.
<ul style="list-style-type: none"> <li>A car parking contribution will apply for required on-site commercial parking beyond 60% of the maximum required under Council's DCP</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>The design and mechanisms for delivering the John Tipping Grove public domain conversion needs to be further explored with Council.</li> </ul>	Noted and this will form part of a future DA that will apply to adjacent 'site 3'.
<ul style="list-style-type: none"> <li>Arrangements should be made with Council's Community Services Team to present the Stage 2 proposal to a future meeting of Council's Access Committee.</li> </ul>	Noted and this will form part of a future DA that will apply to adjacent 'site 3'.



## 4. PROPOSED DEVELOPMENT

### 4.1. DEVELOPMENT SUMMARY

The proposed development comprises:

- Demolition of the existing structure on site;
- Erection of a maximum 15 storey development including:
  - One storey basement including 88 car parking spaces, 5 service vehicle spaces, and 3 car wash bays;
  - Ground level retail, loading, vehicular access, and loading;
  - Two levels of upper level car parking with a total of 198 car parking spaces; and
  - Two residential buildings with a total 187 apartments.
- Creation of a new laneway and public domain works to be dedicated to the Council through a public benefit offer.
- Removal of trees and new landscaping works including deep soil planting adjacent to the new road, new street trees, and level 3 podium communal open space;
- Associated infrastructure works including a new substation on site.

Architectural Plans prepared by SJB and Architect Prineas are included at the **Volume of Plans** at **Appendix A**. Key numeric aspects of the proposal are provided at **Table 3** and the various components of the proposed development are described in the following sections. A perspective of the proposed development is illustrated at **Figure 7** below.

Figure 7 – Perspective of proposed development



Source: SJB and Architect Prineas

Table 3 – Numeric Overview of Proposal

Parameter	Proposed
Land Use	'Shop top housing' and 'Retail premises'
Maximum Height	53.1 m (based on RL 80.4m and existing ground of RL 27.3m)
Floor Space Ratio	Total GFA: 17,784.5sqm, including 1,538.7sqm retail GFA Site Area: 5,402sqm Total FSR: 3.29:1
Dwelling mix	187 apartments comprising: <ul style="list-style-type: none"> <li>• 63 one-bedroom units (34%)</li> <li>• 103 two-bedroom units (55%)</li> <li>• 21 three-bedroom units (11%)</li> </ul>
Communal open space	1,065sqm and a 133.7sqm communal room
Car Parking	<ul style="list-style-type: none"> <li>• 208 residential car parking spaces</li> <li>• 38 residential visitor spaces</li> <li>• 31 retail car parking spaces</li> <li>• 5 service vehicles</li> <li>• 3 car wash bays</li> </ul>

## 4.2. EXCAVATION

The proposed development necessitates excavation associated with the construction of one basement level. The maximum extent of excavation will be to a depth of approximately RL 23.6m to facilitate a lowermost finished floor level of RL 24.1m (excavation depth 4.1m). The excavation depth has been designed to avoid groundwater which is present on the site at approximately a depth of 6m as detailed within the Geotechnical Assessment at **Appendix H**.

## 4.3. BUILDING DESIGN

The proposed architectural design includes three key design elements:

- A three-storey non-residential podium;
- Residential Tower 1 fronting Union Road; and
- Residential Tower 2 fronting High Street.

The proposed three storey podium has been designed to provide active frontages to all facades of the building, an additional pedestrian link through the development from surrounding sites to the future open space at John Tipping Grove, and a rich materiality at the public domain. The massing and architecture of the podium responds to the local site context and existing scale of development in the locality.

The architecture of the podium has been refined through the Jury design review presentations and workshops held following the completion of the Architectural Design Competition. The materiality of the podium includes concrete and masonry colonnades to outdoor seating areas to complement ground floor retail (likely food and drink) premises, concrete columns, prefinished louvres and a steel awning.

The design of the podium has also been informed by the need to screen above ground level car parking. The proposal provides variety in the Level 1 and 2 architectural treatment of the podium and includes prefinished

louvers screens in addition to landscape planter boxes including hardwearing species to screen the naturally ventilated car park. Further, planting from the Level 3 communal open space is designed to trellis down the façade of the podium as a gesture and connection to the proposed open space at John Tipping Grove.

Within the middle of the podium is an east-west pedestrian link connecting the new road at the east to the future public open space at John Tipping Grove. This pedestrian link is accentuated within the podium through dramatic curved cut-outs as illustrated within **Picture 11, Figure 8**.

The building design of Tower 1 above the podium is proposed with panels featuring a subdued, natural palette in a varied and dynamic pattern. The massing of Tower 1 has been broken down through building indentations and articulation of the western corners.

The building design of Tower 2 includes solid balcony edges in an undulating design that emphasises the various corners of the building. Vertical metal battens are proposed to provide shading and to the façade and a diversity of material to areas of the facade with significant glazing.

The proposed building details for the three key design elements is provided at **Figure 8**.

Figure 8 – Perspectives of proposed building design (Source: SJB and Prineas)



Picture 11 – Proposed podium design





Picture 12 – Proposed Tower 1 façade, looking north west



Picture 13 – Proposed Tower 2 façade, looking east

## 4.4. NEW ROAD AND PUBLIC DOMAIN

The DA includes the construction of a new road through the site. The proposed new road has been designed in accordance with the general requirements required by Council in the Penrith Development Control Plan 2014 and the detailed requirements outlined within the Penrith City Council Public Domain Technical Manual.

The required location of the new road is partially located on the site, and partially on the adjacent property at 85-101 High Street, Penrith. As the timing of development on an adjacent site is unknown, the design of the road accommodates an interim scenario to be completed prior to development occurring on the adjacent site, and an ultimate future desired outcome.

The interim scenario includes the construction of:

- Two lanes (3.25m wide carriageway), north and south bound respectively providing vehicular from Union Lane to Union Road;
- One lane, north bound, providing vehicular access from Union Lane to High Street;
- Minimum 2.7m wide footpaths the east and west side of the proposed new road reserve;
- Two on-street car parking spaces;
- Street trees in accordance with the Penrith City Council Public Domain Technical Manual;
- Provision of civil works required to deliver the new road including but not limited to landscape islands, kerb and gutter, asphalt roads, street lighting to be connected into existing grid, line markings, and road and street signage.
- The construction of this new road will be delivered as part of the Public Benefit Offer discussed at Section 4.7.

The detail of the proposed new road interim scenario is provided within the **Volume of Plans at Appendix A**. The new road interim scenario can be readily revised by others when development on the adjacent site is commenced, which would result in the following ultimate road scenario:

- Two lanes, lanes (3.25m wide carriageway), north and south bound respectively providing vehicular from Union Lane to High Street; and
- A signalised intersection at the intersection of High Street, the new road, and access into the Penrith City Civic Centre.

## 4.5. TRANSPORT, PARKING, AND ACCESS

The proposed development has two vehicular access points, with basement access from a driveway at Union Road, and loading and above ground parking access from a driveway at the new road.

285 car parking spaces are proposed within the development, including parking provision for retail tenants, residents, visitors, service vehicles, and car wash bays. The proposal includes 20 accessible car parking spaces.

Pedestrian access to the site is provided from all street frontages. Pedestrian entrances to retail entrances are proposed on all street frontages and through the pedestrian through-site link, and residential access is provided from the new road and Union Road.

A 1m retaining wall is proposed at the interface of the proposed ground level retail and John Tipping Grove. This is required to meet the flood planning levels for the adjacent site in the future scenario where the public domain level at John Tipping Grove is raised. When the adjacent development to the west is completed, it is the applicant's objective to provide retail access level to the revised public domain levels. The proposed design however 'future proofs' this interface in the scenario that development to the west is not pursued by the applicant or any other party.

## 4.6. TREES AND LANDSCAPING

The proposal requires the removal of four trees on site (trees 14 and 15 indicated at **Appendix Q**), three street trees adjacent to the site (trees 12, 13, and 16), a series of exempt species on the site.

Notwithstanding this, the proposal includes two areas of deep soil planting within the public domain adjacent to the new road which can accommodate mature landscaping. Further, communal open space is proposed at the level 3 podium that has a relationship to the public domain and future public open space at John Tipping Grove through podium landscape treatment on the western façade.

Given the harsh solar environment of the western façade, the landscape schedule included at the **Volume of Plans** at **Appendix A** is designed to deliver species that will have long term survival within the Penrith climate.

## 4.7. PUBLIC BENEFIT OFFER

The proposed development includes the delivery of a new public road through the site to be dedicated to the Council as outlined within a public benefit offer. The public benefit offer proposed by the applicant to the Council, to be documented within a Voluntary Planning Agreement (**VPA**) or through conditions of consent is for the delivery of:

- Public domain works in kind including:
  - Construction of a new road which lies within the boundaries of the site.
  - Construction of the civil works required to deliver the new road including but not limited to footpaths, landscape islands, kerb and gutter, asphalt roads, line markings, and road and street signage.
  - Provision of services within the boundaries of the site including cut and demolition of existing hard stand area, excavation, concrete pipework, backfill, connection to existing main, surcharge inlet pits, street lighting to be connected into existing grid in consultation with the Council.
  - Provision of temporary road works including retaining walls, where required, between the site and the adjacent land concurrent with the construction of the new road.
- Remediation of the site where required in accordance with the recommendations of the relevant contamination assessment. All land to be dedicated to Council will be remediated where required prior to the dedication.
- Excision of approximately 1,350sqm of land area from the site and dedication to the Council for the purposes of a new road, footpath and public domain works.

The DA specifically seeks consent for the construction of 187 residential units within this stage of the development. Should the total yield of the development proposed within this application not be achieved, the value of contribution towards public domain improvements could be proportionately reduced.

The Public Benefit Offer is also subject to terms including that the construction of the new road and dedication as a public benefit to Council and will not attract the payment of any Section 94 contributions, and will be provided as works in kind against the required Section 94 contributions attributable to the development.

## 5. STRATEGIC PLANNING ASSESSMENT

The following strategic planning documents are applicable to the subject site and proposed development:

Table 4 – Summary of strategic planning documents applying to the site

Strategic Planning Document	Comment	Consistent
<b>A Plan for Growing Sydney</b>	<p><i>A Plan for Growing Sydney</i> is the NSW Government's plan for the Sydney Metropolitan Area over the next 20 years. The plan includes key directions and actions to encourage the Sydney's continued growth, particularly in Western Sydney.</p> <p>Penrith has been identified within the Plan as a key metropolitan centre that will be connected to new suburbs and employment areas in and around the future Western Sydney Airport.</p> <p>The proposed development will help connect Penrith residents to future employment opportunities through providing high density living within proximity to established transport hubs and the cities commercial core.</p>	Yes
<b>Draft Western City District Plan</b>	<p>The Draft Western City District Plan provides a 20-year plan to manage growth and achieve a 40-year vision, while enhancing Greater Sydney's liveability, productivity and sustainability into the future, as detailed below:</p> <ul style="list-style-type: none"> <li>• Responding to plans for the Western Sydney Airport and Badgerys Creek Aerotropolis jobs creation.</li> <li>• Delivering a 30-minute city through major transport initiatives like the North-South Rail connection.</li> <li>• Providing housing supply, choice and affordability, with access to jobs and services.</li> <li>• Creating liveable communities.</li> </ul> <p>The proposal can make a valuable contribution to the future of Penrith within the Western City District, by providing additional housing and retail floor space, with access to many of the city's jobs and services. The proposal is situated in close proximity to the Penrith centre's Culture and Civic precinct with the Joan Sutherland Performing Arts Centre and Panthers World of Entertainment which offers aspects of a liveable environment with access for residents to culture and recreation.</p>	Yes
<b>Economic Strategy, PCC</b>	<p>Penrith is experiencing significant growth across education, health, construction, transport and logistics. Complementing these growing strengths is the transformation of the city centre, through Penrith Council's Night Time Economy Strategy and Economic Development Strategy.</p>	Yes

Strategic Planning Document	Comment	Consistent
	<p>In 2015 under ten per cent of Penrith's population lived within proximity (800m) of major public transport. The proposal will provide additional high density residential development within a walkable distance of high frequency public transport.</p> <p>Penrith Council is also committed to the transformation of the city centre and development of the night time economy. The proposed retail tenancies will contribute to the city centres growth and night time economy with food and drink premises.</p>	
<b>Employment Strategy, PCC</b>	<p>The Council's goal for Penrith is to achieve an increase in total local jobs between 42,000 and 55,000 by 2031.</p> <p>This target will incorporate new jobs in a range of areas from health, education, tourism and arts and culture. This will be complemented by growth in service activity in the night-time economy and residential services.</p> <p>This proposal contributes to this by providing additional high density residential and retail services, increasing investment in the city's centre.</p>	Yes
<b>Residential Strategy, PCC</b>	<p>As outlined in Penrith's Residential Strategy (Penrith Progression – A plan for action, 2015), Penrith's population consists dominantly of people aged under 20 (29%). The housing trend is made up of predominately low-density single dwellings (80%), with only 19% of dwellings medium or high-density townhouses and units.</p> <p>This proposal provides a varied housing product for the Penrith LGA to suit a changing demographic and housing demands.</p>	Yes



## 6. STATUTORY PLANNING ASSESSMENT

This part of the SEE contains an assessment of the environmental effects of the proposed development against the relevant statutory planning framework including relevant Acts, environmental planning instruments, draft environmental planning instruments, and development control plans.

### 6.1. NATIONAL PARKS AND WILDLIFE ACT 1977

The *National Parks and Wildlife Act 1974* (**NPW Act**) provides statutory protection to all Aboriginal sites within New South Wales. Pursuant to Part 6 of the NPW Act, it is an offence to harm or desecrate an Aboriginal object or place without an Aboriginal Heritage Impact Permit (**AHIP**).

While a AHIMS search indicated that no known Aboriginal sites have been recorded on the site, several sites were found within 1.2km of the site. Figure C7.2 of the Penrith Development Control Plan 2014, also illustrates that the general locality surrounding the site is identified as having the potential to be archaeologically sensitive. As such an Aboriginal Archaeological Assessment report has been prepared to support the DA, included at **Appendix J**.

The Aboriginal Archaeological Assessment found that due to limited soil disturbance on site, and proximity to the Hawkesbury/Nepean River area it is possible that subsurface archaeological deposits, and possibly *insitu* deposits could exist within the site. Bulk excavation in relation to the proposed redevelopment could therefore have the potential to impact on such deposits.

The assessment concludes that archaeological testing will be required to determine if subsurface Aboriginal objects are located within the subject property, and if so, their nature and extent. If Aboriginal objects are located on the property it will be necessary to apply for an AHIP with salvage. The construction program for the proposed development will therefore need to account for the recommendations of the Aboriginal Archaeological Assessment and the relevant conditions of consent.

### 6.2. WATER MANAGEMENT ACT 2000

The application is accompanied by a Geotechnical Report prepared by Douglas Partners (**Appendix H**). This assessment notes that groundwater depth on the site is expected to be 6-7m below existing ground level. The proposed development proposes a single level of basement, which is not anticipated to impact ground water and as such the development would not require approval from the Department of Primary Industries under the *Water Management Act 2000*.

### 6.3. STATE ENVIRONMENTAL PLANNING POLICY

#### 6.3.1. Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River 1997

Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River (**SREP 20**) aims to protect the environment of the Hawkesbury/Nepean River area by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to this proposal is the requirement to assess the development in terms of stormwater quality.

As outlined at **Appendix D**, provision is made for the adequate erosion and sediment control measures to ensure sediment resulting from the development is not deposited into the Hawkesbury/Nepean River system. Further, the proposed development has been designed to comply with the Council's Stormwater Drainage policy.

#### 6.3.2. State Environmental Planning Policy (Infrastructure) 2007

The aim of *State Environmental Planning Policy (Infrastructure) 2007* (**ISEPP**) is to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure such as classified roads and prescribing consultation requirements for certain development.

The relevant provisions of the ISEPP in relation to the proposed development are considered in the following table.

Table 5 – Relevant provisions of the ISEPP

Clause	Response	Referral Agency
Part 3, Division 5 Electricity transmission or distribution, Subdivision 2 Development likely to affect an electricity transmission or distribution networks	The application is subject to clause 45 of ISEPP as the development is likely to affect an electrical transmission or distribution network. A new electricity substation will be constructed on site as part of the development. Early consultation has occurred between the applicant and Ausgrid to determine an appropriate location for the new substation.	Ausgrid
Part 3, Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations	The residential accommodation component of the development must achieve the noise criteria outlined in clause 102 of the ISEPP. The Acoustic Assessment at <b>Appendix G</b> provides an assessment against this criterion.	RMS
Clause 101 Development with a frontage to classified road	The assessment finds that to achieve appropriate internal noise levels, upgrades to glazing for certain rooms would be required. These recommendations are to be incorporated into the detailed construction detail of the proposal.	
Part 3, Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations	Pursuant to Schedule 3 of the ISEPP, the proposal constitutes traffic generating development and as such in accordance with section 104 the DA must be referred to the Roads and Maritime Services ( <b>RMS</b> ). The Traffic Impact Assessment prepared by the Transport Planning Partnership at <b>Appendix H</b> provides an assessment of the level of traffic generation resulting from the development and the impact it will have on the surrounding road network.	RMS
Clause 104 Traffic-Generating development	The assessment found that the proposed development would have a minor impact on the road network.	

### 6.3.3. State Environmental Planning Policy 55 – Remediation of land

*State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)* applies to the whole of the state. Clause 7(1) requires the consent authority to consider whether land is contaminated and if land can be remediated and made suitable for the proposed development prior to granting development consent to the DA.

A preliminary contamination assessment was completed by Douglas Partners, which determined that potential contaminants on the site are:

- Filling and demolition rubble
- Pollutants associated with the historic land use such as car yard, service centre, vehicle repair workshops, bowzers and possible underground storage tanks;
- Off-site sources from commercial and industrial land uses to the north; and
- Existing buildings on site.

Subsequently Douglas Partners expanded the investigation to include a Detailed Contamination Investigation as outlined in **Appendix I** to satisfy the requirements of SEPP 55. The Detailed Contamination Investigation was informed in part by soil sampling from nine locations across the site. This investigation to date has found that:

- There were not visual or olfactory indications of the presence of contaminants in the soils at the bore locations. There were no odours noted in the groundwater monitoring bores during installation
- It is considered that there are not likely to be any significant contamination risks to human health or the ecology associated with the site.

The investigation notes that early recommendation was that a remediation action plan will be required to document the remediation and validation process associated with the two USTs and associated infrastructure on site and any other contaminants identified through the additional investigations. Through the construction of the development these additional studies can be provided.

#### 6.3.4. State Environmental Planning Policy (Building Sustainability Index Basix) 2004

A BASIX Certificate) is included at **Appendix E**. The certificate confirms that the proposed development meets the NSW government's requirements for sustainability. The BASIX assessment indicates that the proposal achieves the water and thermal performance ratings required.

#### 6.3.5. State Environmental Planning Policy 65 and Apartment Design Guide

*State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)* (SEPP 65) applies to development for the purposes of a building that comprises three or more storeys and four or more self-contained dwellings.

In determining a development application for residential flat development, a consent authority is to consider:

- (a) the advice of the relevant design review panel;
- (b) the 10 Design Quality Principles of the SEPP; and
- (c) the Apartment Design Guide.

The Design Verification (**Appendix B**) provided by SJB outlines how the design quality principles are achieved, and demonstrates how the objectives of Parts 3 and 4 of the ADG have been achieved.

In summary, the proposal complies with the key requirements of Parts 3 and 4 of the ADG as outlined in the following table.

Table 6 – Apartment Design Guide Summary Table

ADG Objective	Proposal
Objective 3D-1 Communal Open Space	1,198sqm (30% of the developable area of the site) is provided as communal space on podium level 3. 89% of this area is communal open space (26.7% of the developable area of the site).  Within the proposed communal open space, the proposal includes a communal room facility for residents providing additional recreation facilities. This communal room on podium level 3 has good amenity and is collocated with communal open space. Solar access is provided to over 50% of the principal area of communal open space for 2 hours or more in mid-winter.
Objective 3E-1 Deep Soil Zones	The proposal includes 7.1% of deep soil zones at ground level of the development. The deep soil zones are collocated with public domain landscaping.
3F Visual Privacy	The proposal has been designed to comply with the various controls for building separation across the site. Specifically:

ADG Objective	Proposal
	<ul style="list-style-type: none"> <li>A minimum 12m setback is proposed from Building 2 to the eastern site boundary above the fourth storey, complying with the ADG requirements;</li> <li>A minimum 22.1m setback is proposed from Building 1 to the eastern site boundary above the fourth storey, which complied with the ADG requirements. However, it is noted that existing development adjacent at 87 Union Road is built to the site boundary. The resulting building separation is still considered adequate as the western windows to the existing development are secondary only.</li> </ul>
Objective 3J-1 Car Parking	The proposal complies with the car parking rates prescribed by the relevant development control plan, as outlined within <b>Section 6.4</b> of this SEE.
Objective 4A-1 Solar Access	<p>135 apartments (72%) comply with two hours of direct sunlight to the living room and balcony and/or winter garden between 9:00am and 3:00pm on June 21. This exceeds the ADG requirement of 70%.</p> <p>13.4% of apartments achieve no direct sunlight between 9:00am and 3:00pm in mid-winter.</p>
Objective 4B-3 Natural Cross Ventilation	71 apartments of 106 apartments (67%) located within the first nine storeys of the development achieve natural cross ventilation, meeting the ADG requirement of 60%.
Objective 4C-1 Floor to Ceiling Heights	All habitable rooms will have minimum ceiling height of 2.7m and non-habitable rooms of 2.4m, complying with the requirements of the ADG.
Objective 4D-1 Minimum Apartment Sizes	All units achieve the minimum required internal. Each of these apartments however have been designed with a highly functional layout where the negligible numeric non-compliance will not be observable in overall apartment useability.
Objective 4D-3 Minimum Room Sizes	All rooms proposed within the development exceed the minimum room areas and dimensions required by the ADG.
Objective 4E-1 Private Open Space	<p>All apartments proposed include private open space with a minimum area of 8sqm and all apartments are within 1sqm of the area required for private open space relevant to the number of bedrooms.</p> <p>The minor non-compliances (0.5-0.8sqm) to the private open space balconies of 2-bedroom units are negligible numeric non-compliances not affecting the useability of these balconies as illustrated within the architectural plans at <b>Appendix A</b>.</p>
Objective 4F-1 Core/Circulation	The lift cores only service a maximum nine apartments per floor in each building, and the corridors to apartments are not unreasonably long and feature natural light. Building 1 includes 81 units serviced by 2 lifts and Building 2 includes 108 units serviced by 2 lifts. The number of lifts have been assessed by lift service operators to confirm operational satisfaction.
Objective 4G-1 Storage	As outlined within the storage schedule within the <b>Volume of Plans</b> , the proposal achieves the minimum requirements for storage areas within apartments and the basement.

## 6.4. PENRITH LOCAL ENVIRONMENTAL PLAN 2010

### 6.4.1. Zoning, Permissibility and Objectives

The site is within the B4 Mixed Use zone. 'Shop top housing' and 'retail premises' are permitted with consent within the B4 Mixed Use zone. The proposal is consistent with the relevant objectives of the B4 Mixed Use zone as:

- The proposed development provides a mixture of compatible residential and retail land uses which are compatible given their complementary functions and are typical of development in the B4 Mixed Use zone.
- The proposed development includes residential and retail uses at a highly accessible location within the Penrith CBD that will maximise public transport patronage and encourage walking and cycling through the provision of new footpaths, and bicycle parking located within the public domain and in a secure location at grade within the development.
- The proposal is consistent with the existing land uses on adjoining sites, and will not result in any unacceptable land use conflicts. Operating conditions for the retail tenancies will mitigate any potential conflicts.
- The proposed development, and notably the proposed height variation, creates an opportunity to significantly improve public amenity by providing a new public road through the site which:
  - Enhances local connectivity from south of the site to the Penrith CBD; and
  - Provides more significant landscaping within the public domain than the existing site condition.
- The proposal improves the public domain and results in enhanced public amenity by including active street frontages, casual surveillance of public streets, and an architectural design that achieves design excellence through the completion of an architectural design competition.
- The proposal provides residential land uses within a range of dwelling types and sizes. The proposal includes retail tenancies that will suit a range of tenants and future operators which will deliver retail sales to the residents of the development and the surrounding locality.

### 6.4.2. LEP Provisions

The following table provides an assessment of the proposed development against the relevant clauses contained within the *Penrith Local Environmental Plan 2010* (PLEP 2010).

Table 7: PLEP 2010 Compliance Table

Relevant Clause	Provision	Proposal	Complies
<b>Clause 4.3 – Building Height</b>	24m	53.1m	No – Refer to Cl 4.6 at <b>Appendix C</b>
<b>Clause 4.4 – FSR</b>	3:1	3.29:1	Yes
<b>Clause 8.4(5) – Design Excellence</b>  Development consent may be granted for an FSR up to 10% greater than that allowed by clause 4.4 where satisfying the provisions of clause 8.4(5)	0.3:1		Yes

Relevant Clause	Provision	Proposal	Complies
<b>Clause 5.10 – Heritage Conservation</b>	Conserve significance of heritage items and heritage conservation areas	Site is not a heritage item or within a conservation area.	N/A
<b>Clause 7.1 – Earthworks</b>	Earthworks will not have a detrimental impact on environmental functions and processes.	The proposal includes a 1m retaining wall to John Tipping Grove to accommodate a future raise in ground level to the west of the site in response to adjacent flood planning. This however does not form part of the DA. This DA is supported by an erosion and sediment control plan.	Yes Refer <b>Volume of Plans and Appendix D</b>
<b>Clause 7.2. – Flood Planning</b>	Minimise and manage the flood risk	Site is not identified being on flood planning land on the Flood Planning Land Map.	N/A
<b>Clause 7.4 – Sustainable Development</b>	Development must have regard to the principles of sustainable development.	This SEE is accompanied by a BASIX Certificate which confirms achievement of the relevant sustainable development targets.	Yes Refer <b>Appendix E</b>
<b>Clause 7.8 – Active street frontages</b>	Promote uses that attract pedestrian traffic along High Street.	The proposed development provides retail along the High Street frontage.	Yes
<b>Clause 8.3 – Minimum building street frontage</b>	Land must have at least one street frontage of 20m or more.	The site has a 43m frontage to High Street and a 56m frontage to Union Road.	Yes
<b>Clause 8.4 – Design Excellence</b>	An Architectural Design Competition is required to be completed for the site and the proposed development must exhibit design excellence	As outlined in section 3 of this SEE and Appendix S, the proposed design has resulted from an Architectural Design Competition and is capable of achieving design excellence.	Yes
<b>Clause 8.5 – Building separation</b>	The proposal must comply with building separation distances required by Council's DCP.	The proposal complies with the required building separation distances for development on the same site and to adjacent development prescribed by the ADG and the DCP.	Yes

## 6.5. DRAFT PENRITH LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT NO. 14)

As outlined in **Section 3.1** of this SEE the site is subject to draft planning controls contained within PLEP 2010 (Amendment No. 14). The planning proposal was publicly exhibited to the community and public authorities for 28 days between 9 May to 6 June 2016. Following the exhibition, it was recommended that no changes be made to the planning proposal. The planning proposal is therefore a matter for consideration under Section 4.15(1)(a)(ii) of the EP&A Act.

The proposal is consistent with the draft development standards applying to the site as outlined in the following table.

Table 8: Draft PLEP 2010 (Amendment No. 14) Compliance Table

Relevant Clause	Provision	Proposal	Complies
<b>Clause 4.3 – Building Height</b>	24m	53.1m	No – Refer to CI 4.6 at <b>Appendix C</b>
<b>Clause 4.4 – FSR</b>	3.3:1	3.29:1	Yes
<b>Clause 8.7 – Community infrastructure of certain key sites</b>	6:1 and no height limit, where the proposed development includes community infrastructure	<p>The proposal does not seek to utilise the additional FSR and therefore does not provide additional community infrastructure above that required by developer's contributions.</p> <p>Notwithstanding, this DA does include a public benefit offer to provide new road through the site which classifies as 'community infrastructure' as developer contributions work in kind.</p>	N/A



## 6.6. PENRITH DEVELOPMENT CONTROL PLAN 2014

The relevant matters to be considered under the Penrith Development Control Plan 2014 (**the DCP**) are outlined below in the DCP summary compliance table.

Table 9: DCP Summary Compliance Table

Control	Objective / Provision	Proposal	Complies
<b>PART E – KEY PRECINCTS (E11 PENRITH)</b>			
<b>11.2 Building Form</b>			
<b>11.2.2 Building to Street Alignment and Street Setbacks</b>	Buildings to be built to street alignment along High Street	Built to the street alignment of High Street at the podium	Yes
	Buildings to be built an average 2-3m setback from Union Road.	3m setback to Union Road from the podium	Yes
	Where development must be built to the street alignment it must also be built to the side boundaries (0m setback) where fronting the street.	The proposed building is setback from the new road and John Tipping Grove to provide for pedestrian footpaths and outdoor dining opportunities.	Refer to <b>Section 6.7</b>
	Buildings along High Street must demonstrate that views to the Blue Mountains escarpment are maintained.	Perspectives are provided within the design report at <b>Appendix A.</b>	Refer to <b>Section 6.7</b>
<b>11.2.3 Street Frontage Heights</b>	Min 16m to max 20m street frontage height. 5m upper level setback.	12m proposed.	Refer to <b>Section 6.7</b>
<b>11.2.4 Building Depth and Bulk</b>	1) Max floorplate sizes and depth of buildings: Residential: 750sqm	Floor plates of 764sqm and 767sqm	Generally consistent
	2) No building above 24m in height is to have a building length in excess of 50m.	The maximum length of building 2 is approximately 42m.	Yes
<b>11.2.6 Mixed Use Buildings</b>	1) Flexible building layouts allowing adaptability of first floor.	The floor to floor height of Level 1 is 3.1 to accommodate flexibility in future uses.	Yes
	2) Ground floor is to have a min. floor to ceiling height of 3.6m.  Above ground level, min. floor to ceiling heights 3.6m for public uses and 2.7m for residential.	The proposal can achieve the required minimum floor to ceiling heights.	Yes



Control	Objective / Provision	Proposal	Complies
	3) The commercial and residential activities of the building are to have separate service provision.	Separate waste and service areas for retail and residents are provided.	Yes
	4) Locate clearly demarcated residential entries directly from the public street.	Residential entries on the new road and Union Road are clearly demarcated.	Yes
	5) Provide security access controls to all entrances into private areas, including car parks and internal courtyards	As outlined in <b>section 6.7.4</b> access control is provided throughout the development.	Yes
	7) Front buildings onto major streets with active uses.	Retail is proposed on all street frontages of the development.	Yes
	8) Avoid the use of blank building walls at the ground level.	While servicing is required at the south-eastern portion of the building, the architectural treatment of the building has been carefully designed to avoid blank walls and present a strong aesthetic street frontage. Further two on-street parking spaces are proposed adjacent to this area which can activate this location.	Yes
<b>11.2.7 Site Cover and Deep Soil Zones</b>	Maximum site cover: 100% Minimum Deep Soil Area: 0%	Proposed site coverage approximately 75% and deep soil area 7.1%.	Yes
<b>11.2.8 Landscape Design</b> <b>11.2.9 Planting on Structures</b>	A long-term landscape concept plan must be provided for all landscaped areas.	Refer to the landscape plan provided within the <b>Volume of Plans at Appendix A.</b>	Yes
<b>11.3 Pedestrian Amenity</b>			
<b>11.3.1 Permeability</b>	3) New through site links connect with existing and proposed through block lanes and pedestrian ways and opposite other through site links.  7) Pedestrian Links: min. width of 4m  8) Lanes: min. width of 6m	The proposal includes a new road traversing the site that exceeds a minimum width of 6m. The proposal also includes an east-west pedestrian link through the podium with a minimum width of 4.7m.	Yes

Control	Objective / Provision	Proposal	Complies
<b>11.3.2 Active Street Frontages and Address</b>	1) Active Street frontage along High Street.	Retail uses are proposed for the full length of the High Street ground level frontage.	Yes
	3) Ground floor active frontages are to be at the same level as the adjoining footpath.	The ground floor retail at the new road and High Street is aligned to the footpath however the ground floor is up to 1m higher than the existing John Tipping Grove. This is to ensure the development is consistent with the flood planning requirements of 'site 3' and a long-term scenario where the level of John Tipping Grove is raised. In the interim scenario, ground level outdoor dining and landscaping provide a buffer to this stepping and equitable access is achieved.	No
	3) Residential developments are to provide a clear street address and direct pedestrian access off the primary street front.	The proposal includes entrances on all street frontages however residential entrances on the minor streets to ensure retail activation on High Street and adjacent to the new public open space at John Tipping Grove.	Yes
<b>11.3.3 Awnings</b>	1) Continuous street frontage awnings for all new developments.	Street awnings are proposed throughout the development	Yes
	2) Awnings dimensions should generally be:  a) min. 8m deep where street trees are not required, otherwise min. 2.4m deep;  b) min. soffit height of 3.2m and max. of 4m;	The proposed awnings are designed to comply with Council's requirements	Yes
	4) Wrap awnings around corners for a minimum 6m from where a building is on a street corner.	Awnings are wrapped around the street corners at High Street.	Yes
<b>11.3.4 Vehicle Footpath Crossings</b>	No additional vehicle entry points will be permitted along High Street	No vehicle access is proposed along High Street.	Yes

Control	Objective / Provision	Proposal	Complies
	In all other areas, one vehicle access point only	One access is proposed to Union Road and to the new road to separate movements to the upper level car parking and basement car parking.	No – refer to <b>Appendix F</b>
	1) vehicle access is to be a single lane crossing, maximum width of 2.7m over the footpath, and perpendicular to the kerb alignment	The proposed width of the vehicular crossovers is minimised to reduce impact on the public domain.	Generally consistent
<b>11.4 Access, Parking and Servicing</b>			
<b>11.4.1 Pedestrian Access and Mobility</b>	<p>2) facilities for persons with a disability must comply with Australian Standard 1428 Parts 1 and 2.</p> <p>3) Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.</p> <p>7) A report from an accredited access consultant is to be submitted with development application, indicating the proposal's compliance with AS1428.</p>	A Disability Access Assessment has been undertaken for the site and is attached at <b>Appendix N</b> .	Yes
<b>11.4.2 On-Site Parking Options</b>	2) On-site parking is to be accommodated in basement parking.	One level of basement car parking is provided.	Refer to <b>section 6.7</b>
<b>11.4.3 Site Facilities</b>	Infrastructure services should be built into the development and predominantly below ground	Infrastructure provision has been considered for the site as outlined within the Infrastructure Services Report at <b>Appendix K</b> .	Yes
	Vehicular access to the loading/unloading area(s) is preferred off rear lanes, side streets and right of ways.	Vehicular access to the loading area is via the proposed new road which is a secondary road.	Yes
<b>11.5 Sustainable Development</b>			
<b>11.5.1 Reflectivity</b>	Visible light reflectivity used on the facades should not exceed 20%.	The proposed façade is capable of compliance.	Yes

Control	Objective / Provision	Proposal	Complies
<b>11.5.2 Maximising Liveability and Longevity</b>	Demonstrate how the passive and active environmental design features achieves ESD criteria.	The proposed development has been assessed against and found to be compliant with SEPP BASIX (refer <b>Appendix E</b> )	Yes
<b>11.6 Controls for Residential Development</b>			
<b>11.6.1 Housing Choice and Mix</b>	10% of all dwellings must be designed to be capable of adaptation for disabled or elderly residents.	The proposed development includes a total of 21 (11%) adaptable dwellings.	Yes
<b>11.7 Controls for Special Areas</b>			
<b>11.7.1 Precinct Controls:  Precinct 1</b>	Rationalise the existing pattern of land ownership.	The site is under the control of one applicant. The applicant also owns 'site 3' and this will be subject to a separate DA in the future.	Yes
	Relocate redundant public street to provide north-south connectivity and active 'eat street' adjoining the Civic and Cultural Precinct.	The proposed design responds to the likely future development of 'site 3' and John Tipping Grove, by providing an active frontage to John Tipping Grove, a pedestrian link to John Tipping Grove. This new public open space will function as a future 'eat street' for Penrith CBD.	Yes
	Provide high quality and activity public domain interface with new and existing public streets.	This has been a key feature of the design development of the scheme through the Jury Review Process as described at <b>Appendix S</b> .	Yes
	Closure John Tipping Grove between High Street and Union Road.	The proposal anticipates the Council closure of John Tipping Grove.	Generally consistent
	A new public street providing direct connections between High Street and Union Road.	The proposed new road connects Union Road and High Street.	Yes
	Replace existing roundabout on High Street with a signalised intersection at junction of High Street and the new street.	The proposed new road has been designed to being capable of featuring in a signalised intersection at High Street. This however is not	N/A

Control	Objective / Provision	Proposal	Complies
		required by the proposed development.	
	Active frontage/land uses along the new street and High Street.	Active frontages are provided.	Yes
	Building built to the street alignment of the new street.	The building is built to the alignment of High Street and the new road.	Yes
<b>PART D LAND USE CONTROLS; D2 – RESIDENTIAL DEVELOPMENT</b>			
<b>2.5 Residential Flat Buildings</b>			
<b>2.5.4 Urban Form</b>	For dwellings fronting the street, adopt a traditional orientation.	The proposed development addresses all street frontages	Yes
<b>2.5.9 Solar Planning</b>	The proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zone of each dwelling, and the living zones of any adjoining dwellings	The development achieves the solar access provisions in the ADG.	Refer to <b>section 6.7</b>
	Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings	The development achieves the solar access provisions in the ADG.	Refer to <b>section 6.7</b>
	In situations where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.	The proposed development results in overshadowing impacts to surrounding development, however this is mitigated through the building design and is appropriate for the site within a CBD context.	Refer to <b>section 6.7</b>
<b>2.5.12 Building Design</b>	Variety in architectural features should be apparent in all visible facades	The proposed architectural design has been supported by the Jury within an Architectural Design Competition and it has been determined that the scheme is capable of achieving design excellence.	Yes
	Basements for car parks should rise no higher than 1.5m above	The proposed basement level does not project higher than 1.5m above ground level and	Yes

Control	Objective / Provision	Proposal	Complies
	ground provide a minimum 2.2m vertical clearance for vehicles	achieves the required minimum clearance heights	
<b>PART C CITY WIDE CONTROLS: C1 SITE PLANNING AND DESIGN PRINCIPLES</b>			
<b>1.2.5. Safety and Security</b>	Provide a CPTED analysis for the proposed development.	Refer to <b>section 6.7.4</b> of this SEE.	Yes
<b>C3 WATER MANAGEMENT</b>			
<b>3.2 Catchment Management and Water Quality</b>	Residential Flat Buildings are required to consider and comply Water Sensitive Urban Design: <ul style="list-style-type: none"> <li>• BASIX</li> <li>• Stormwater Quality(b)</li> <li>• Water Quantity Flow 5(c)</li> </ul>	Refer to <b>Appendix D</b> and <b>Appendix E.</b>	Yes
<b>3.4 Groundwater</b>	Consider the impact on underlying and surrounding groundwater resources and adopt appropriate measures to avoid these impacts.	The impact of groundwater has informed the basement design. The single level basement has been designed to avoid impacting groundwater and the water table.	Yes
<b>3.6 Stormwater Management and Drainage</b>	The development of any lot should consider the existing drainage patterns of the area, including any localised ponding, and whether the proposed development is likely to affect surrounding development.	Stormwater management is designed to reduce impacts on the surrounding development as outlined at <b>Appendix D.</b>	Yes
<b>C4 LAND MANAGEMENT</b>			
<b>4.3 Erosion and Sedimentation</b>	All applications for development which involve site disturbance must be accompanied by an Erosion and Sediment Control Plan	Refer to the Civil Plans contained within <b>the Volume of Plans.</b>	Yes
<b>4.4.1 Preventing Contamination</b>	Environmental impact assessments are required to address the potential and likelihood of contamination.	Refer to <b>Appendix I.</b>	Yes
<b>C5 WASTE MANAGEMENT</b>			
<b>5.1 Waste Management Plan</b>	Submit a Waste Management Plan	Refer to <b>Appendix P.</b>	Yes



Control	Objective / Provision	Proposal	Complies
<b>5.2.2.4 Residential Flat Buildings</b>	For three or more storeys, the development is to incorporate a waste chute system.	One garbage chute and one recycling chute will be installed within each building	Yes
	5) On-site collection is required to service the development.	The loading dock has been designed for on-site collection.	Yes
	6) The on-site collection point is to be clearly nominated on the site plan which accompanies the DA.	Refer to the Architectural Plans at <b>Appendix A</b> .	Yes
	9) A separate area should also be provided for the storage and collection of bulky waste	A bulky goods storage room is provided at ground level within the development.	Yes
<b>C7 CULTURE AND HERITAGE</b>			
<b>7.2. Aboriginal Culture and Heritage</b>	1) development on land identified as potentially archaeologically sensitive, an archaeological investigation is required.	An Aboriginal Cultural Heritage Assessment has been completed to support the proposed development. Refer to <b>Appendix J</b> .	Yes
<b>C8 PUBLIC DOMAIN</b>			
<b>8.1 Pedestrian Amenity</b>	<p>Lanes are to be designated pedestrian routes that:</p> <p>i) Are accessible paths of travel, with a min. width of 6m for the full length and clear of any obstruction; and</p> <p>ii) Appropriately lit and sign-posted to indicate the street(s) to which the lane connects.</p>	The proposed new lane exceeds the minimum 6m width requirement. The detailed design of the new road will include street lighting and sign posts.	Yes
	<p>Arcades are to be an accessible path of travel that:</p> <p>i) Have a min. width of 4m for the full length, clear of any obstruction,</p> <p>ii) Are direct and publicly accessible thoroughfares for pedestrians during business/trading hours;</p> <p>iii) Have active frontages on either side for the full length;</p> <p>iv) Where practicable, have access to natural light for at least 30% of the length;</p> <p>v) Where enclosed, have clear glazed entry doors to at least 50% of the entrance;</p>	The proposed pedestrian link through the podium is designed to comply with the requirements of an arcade including a minimum width of 4.7m, is accessible during agreed times, has active frontages to both seating zones and retail entrances, and visually permeable security gates.	Yes

Control	Objective / Provision	Proposal	Complies
	vi) Where security gates are in operation, designed to be visually permeable.		
<b>8.4 Outdoor Dining and Trading Areas</b>	<p>If the outdoor dining area is located wholly within the development site and:</p> <p>i. The floor area of the outdoor dining area exceeds 30sqm; or</p> <p>The floor area occupied by the outdoor dining area will be included in the calculation for the total floor space of the food and drink premises.</p>	<p>The proposed outdoor dining does not count at GFA within the development in accordance with the requirements of the PLEP 2010, however is designed to function as part of the total floor area of the adjacent food and drink premises. The outdoor dining is proposed on the development site as opposed to within the public domain ensure that this active frontage can be provided in an interim scenario where the level of John Tipping Grove is retained as existing.</p>	Yes
	The outdoor dining area must be setback a min. of 2m from the building to provide unobstructed continuous clearance along the building shoreline.	Pedestrian circulation space is provided around and adjacent to the proposed outdoor dining area.	Generally consistent
<b>C10 TRANSPORT, ACCESS AND PARKING</b>			
<b>10.1 Transport and Land Use</b>	1) A Transport Management and Accessibility Plan is to be prepared for all significant developments.	Refer to <b>Appendix F.</b>	Yes
<b>10.2 Traffic Management and Safety</b>	a) major development proposals accompanied by an appropriate Traffic Report	Refer to <b>Appendix F.</b>	
<b>10.4 Roads</b>	<p>1) a) Proposed roads must comply with the road configurations</p> <p>2) b) Roads are to be designed in accordance Penrith City Council's Engineering Design Guidelines.</p>	The proposed new road through the site has been designed to comply with the Council's engineering design guidelines as outlined in the Civil Plans at <b>Appendix A.</b>	Yes
<b>10.5 Parking, Access and Driveways</b> <b>10.5.1 Parking</b>	<p>1) Provision of Parking Spaces:</p> <p>Residential Flat Buildings:</p> <ul style="list-style-type: none"> <li>1 space per 1 or 2 bedrooms</li> </ul>	<p>Proposed car parking spaces:</p> <ul style="list-style-type: none"> <li>1 bedroom: 63 spaces</li> <li>2 bedroom: 103 spaces</li> <li>3 bedroom: 42 spaces</li> </ul>	Yes

Control	Objective / Provision	Proposal	Complies
	<ul style="list-style-type: none"> <li>2 spaces per 3 or more bedrooms</li> <li>1 space per 40 units for service vehicles</li> <li>visitor parking is to be provided for developments that have 5 or more dwellings: 1 space per every 5 dwellings, or part thereof.</li> <li>1 space for car washing for every 50 units, up to a maximum of 4</li> </ul> <p>Retail:</p> <ul style="list-style-type: none"> <li>1 space per 30sqm of GFA</li> </ul> <p>However, a max. 60% of the total number of commercial parking spaces required by a development, to be provided on-site.</p>	<p>Total: 208 spaces</p> <ul style="list-style-type: none"> <li>5 service vehicles</li> <li>38 visitor spaces</li> <li>3 car wash spaces</li> </ul> <p>Retail:</p> <ul style="list-style-type: none"> <li>Total requirement of 51 spaces x 0.6</li> <li>31 retail spaces provided on site</li> </ul>	
	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.	The above ground car parking has been screened in accordance with the recommendations of the Architectural Design Competition Jury, as outlined at <b>Appendix S</b> .	Yes
	Any additional parking provided above ground will count towards GFA for the purposes of calculating FSR.	No additional parking above the requirements of the Council are proposed. The above ground car parking is in response to the requirement of Council and are not to be counted as GFA in accordance with the definitions provided within the PLEP 2010.	Yes
	On-site parking for residential developments, is to be accommodated wholly in a basement parking area unless the applicant can demonstrate to Council's satisfaction that the site's unique conditions prevent the	The proposal includes one level of basement car parking and two levels of above ground car parking. The above ground car parking levels are required to avoid groundwater at a depth of 6m	Yes

Control	Objective / Provision	Proposal	Complies
	parking from being located in a basement structure.	below existing ground level and the prohibitive costs associated with pumping ground water as outlined at <b>Appendix H</b> .	
<b>C12 NOISE AND VIBRATION</b>			
<b>12.1 Road Traffic Noise</b>	Where a site is likely to be affected by unacceptable levels of road traffic noise, the applicant is required to provide a Noise Impact Statement prepared by a qualified acoustic consultant	The Acoustic Assessment at <b>Appendix G</b> provides recommendations to ensure that adverse levels of road traffic noise can be mitigated through the building design.	Yes
<b>C13 INFRASTRUCTURE AND SERVICES</b>			
<b>13.2 Utilities and Service Provision</b>	a) Any site analysis addresses the existing and proposed provision of services/utilities to a property.	As outlined within <b>Appendix K</b> the infrastructure services in the locality are capable of accommodating the increased density on the site, with minor augmentation required.	Yes

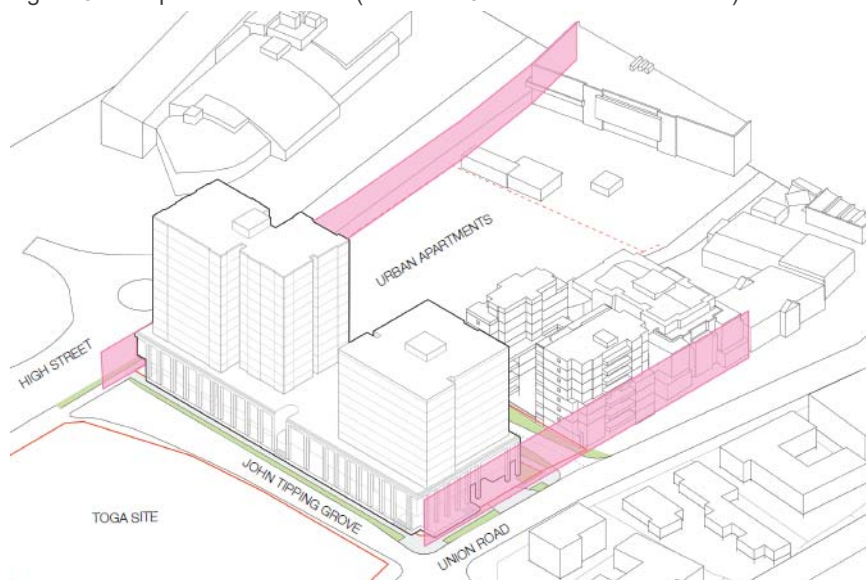
## 6.7. KEY ISSUES

### 6.7.1. High Street setback

The proposal provides a consistent three storey podium across the site. The three-storey podium does not comply with the DCP guideline for a street wall height along High Street of 16-20m. The proposed three storey podium however is considered a better design outcome than a compliant scheme as:

- A consistent podium is provided across the whole development site, which gives a consistent building massing and form of the development from the public domain. Achieving a higher street wall at High Street, and stepping down to Union Road is not desirable for the development as it would result in residential apartments adjacent to above ground car parking. Further, the three storey podium form aligns with the prevailing main street form of High Street which consists of 1-3 storey shopfronts.
- The three storey podium is consistent with surrounding existing development is illustrated in **Figure 9**.
- The podium is built to the High Street frontage.
- Residential Tower 2 however is setback approximately 3.9m from High Street. While the 5m setback to High Street is not provided, the proposed development is acceptable as:
  - Providing the residential tower form closer to the north provides more separate between adjacent development sites and alleviates overshadowing impacts;
  - The objective of the control is to achieve a 'podium and tower form' that is separated, and this overarching built form is achieved on the site; and
  - By providing a lower podium height, the marginally reduced upper level setback is balanced when viewed from the public domain.
- Views to the Blue Mountains escarpment are visible from High Street, however due to the street alignment any built form on the site and 'site 3' will impact these view corridors. As illustrated within the design report at the **Volume of Plans at Appendix A** views towards the west down High Street are still achieved across the public domain, though will be reduced by any compliant development on the site.

Figure 9 – Proposed Street Wall (Source: SJB and Architect Prineas)



### 6.7.2. Above ground parking

The proposal includes two levels of above ground car parking. While above ground car parking is typically avoided in the circumstances of the development it is required to be provided to meet the required residential car parking rates, and avoid high ground water levels on the site which were observed 6m below existing ground level.

To mitigate impacts associated with above ground parking including visual, acoustic and odour impacts, the design includes;

- High quality architectural screening of the naturally ventilated car parking levels including metal louvres, masonry elements, concrete columns, and natural landscaping as illustrated below.

Figure 10 – Source: SJB and Prineas



- Awnings throughout the podium are provided which provide separation from pedestrians and the upper level parking.
- Landscaping softens the appearance of the above ground car parking.
- The massing of the podium has been broken down into vertical sections that mimic the depth of a residential dwellings in a shop-top, main street character. The overall dimensions of the podium have been informed by surrounding development to the south to ensure a human scale is provided and a transition in building form is achieved across the site.

### 6.7.3. Crime Prevention through Environmental Design (CPTED)

The proposal has been designed having regard to Crime Prevention Through Environmental Design (CPTED) principles. These principles are discussed below.

#### Surveillance

- The development has been designed to ensure that the development adheres to the principles of maximising 'eyes on the street':
  - Residential balconies and primary living areas have been located and orientated to front street frontages, particularly the balconies fronting the new street and John Tipping Grove
  - The proposed retail tenancies on ground have been designed to ensure passive surveillance of the surrounding public domain, particularly at the High Street, John Tipping Grove and new road street frontages and the pedestrian through site link.
- All street entries have been designed to reduce pedestrian blind spots, providing clear sightlines from the street and into the development and vice versa. Further, all street entries to residential buildings will have appropriate levels of lighting to avoid poorly lit dark spaces.
- The proposal will have adequate lighting of the communal open space to ensure a safe environment for future occupants.
- The basement car parking level will be adequately lit and signed to ensure safe access.

#### Access Control

- All pedestrian entrances to the development will be appropriately lit and clearly defined from the street to the lobbies and access lifts. Access into the site will be controlled by electronic pass security devices.
- Access to the communal open space area will be restricted to residents of the development only.
- Access to the upper level parking will be controlled by electronic pass security devices and intercom systems linked to apartments.
- The basement will be accessed by the general public seeking retail and visitor parking. To ensure the security for residents, the basement has been segregated by land use and includes boom gates or similar.
- Through site link will have the capacity to be secured after operational hours to ensure it does not provide unsafe location. The space will be controlled by gates after hours to ensure safe access for residents and community.

#### **Territorial Reinforcement**

- The public domain works proposed as part of the development is designed to ensure the design maintains its integrity and vandalism is discouraged.
- The pedestrian through site link is open in design and will be lit at night to minimise anti-social behaviour in the later hours of the night.

#### **Space Management**

- The proposed development will be managed by a strata body, and there is a split between the responsibilities for the landscape maintenance between the strata and the individual property owners.
- The proposed development will include vandalism management to ensure the prompt removal of graffiti.

### **6.7.4. Overshadowing**

The proposal is consistent with the desired future built form surrounding the subject site. The proposed development has also been designed in accordance with the building separation requirements of the ADG. Notwithstanding, the proposal results in shadow impacts to surrounding development. This impact however is considered appropriate for the CBD context of the site and the level of solar access otherwise achieved to these existing buildings.

As illustrated in **Figure 11**, the proposal maintains solar access to the northern facades of the following surrounding development in mid-winter:

- The residential flat building at 86 Union Road will achieve the ADG required solar access for 2 hours to the northern façade from 1:00pm to 3:00pm;
- The residential flat building at 4 John Tipping Grove will achieve the ADG required solar access for 2 hours to the northern façade from 1:00pm to 3:00pm;
- The residential flat building at 8 John Tipping Grove will achieve solar access for 5 hours to the northern façade from 10:00am to 3:00pm; and
- The residential villas at 82-84 Union Road will achieve solar access for approximately 2 hours to the northern façade at 10:00am and at 3:00pm, however the western façade of these villas achieves direct solar access at 10:00am-11:00am and 1:00pm-3:00pm.

The existing development at 83-85 Union Road, Penrith was approved in December 2013. The development allowed for 79% (38) of the units achieving 3 hours solar access. This provision of solar access is not reasonable to be retained as part of a mixed use development in a CBD context adjacent to three development sites. Further, this development was approved with a zero setback to the western site boundary, which is not compliant with contemporary planning controls for the site, and would not be approved under the ADG. The proposal does not start to overshadowing the existing development until 12:00pm in mid-winter. The proposal has sought to minimise overshadowing impacts to this property by:

- Positioning the towers away from the existing development through building separation that meets or exceeds the requirements of the ADG;



- Positioning Tower 2 closer to the northern portion of the site, by providing an approximately 3.9m setback to High Street; and
- Reducing building heights on the site compared to the masterplan accompanying the planning proposal.

Figure 11 – Shadow Diagrams in Mid-Winter (Source: SJB and Architect Prineas)



Picture 14 – Winter 9am



Picture 15 – Winter 10am



Picture 16 – Winter 11am



Picture 17 – Winter 12pm



Picture 18 – Winter 1pm



Picture 19 – Winter 2pm

## 7. SECTION 4.15 ASSESSMENT

### 7.1. STATUTORY POLICY AND COMPLIANCE

The following assessment has been structured in accordance with section 4.15(1)(a) of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

The proposed development has been assessed in accordance with the relevant state, regional and local planning policies, as follows:

- *Environmental Planning and Assessment Act 1979*
- *National Parks and Wildlife Act 1974*
- *Water Management Act 2000*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index Basix) 2004*
- *State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

This SEE demonstrates that the proposed development is generally consistent with the relevant environmental planning instruments and achieves the objectives of the relevant provisions. Where the proposal is not compliant with the relevant statutory provisions the proposed development has been demonstrated to be a superior outcome than a compliant scheme.

Notably, this SEE is supported by a clause 4.6 variation request to the height of buildings standard (refer **Appendix C**). In summary this variation is supported for reasons including:

- The proposal is consistent with the objectives of the building height standard.
- The maximum FSR for the site is not exceeded by the proposed development.
- The proposal is consistent with the objectives of development within the B4 Mixed Use zone.
- The proposal represents a superior urban design outcome for the site as it consolidates built form vertically rather than horizontally.
- The proposal is compatible with the existing site context and is consistent with the desired future character of the site and locality.
- The variation to the development standard is supportable by environmental planning grounds including the balance of benefits to the overall development and public interest resulting from the variation to the height of building control for this portion of the site, and the mitigation of environmental impacts resulting from the development.
- Requiring compliance with the height of building standard on this site unnecessarily sterilises the site and is a hindrance to the development and growth of the Penrith CBD;
- Maintaining strict compliance with the development standard is not considered to be in the public interest.

### 7.2. NATURAL ENVIRONMENT IMPACTS

All appropriate measures will be implemented during the construction phase to ensure that there is no adverse amenity impacts to surrounding properties in terms of dust, soil erosion, air and noise.

As outlined within the Transport Management and Accessibility Plan at **Appendix F** the surrounding road network is capable of accommodating the increased density on the subject site.

The proposal will not result in the removal of significant flora and fauna from the site and the proposed

### 7.3. BUILT ENVIRONMENTAL IMPACTS

The proposed development has been designed to be consistent with the surrounding built environment and vision for a vibrant high-density development within the Penrith CBD.

The surrounding road network is capable of accommodating the proposed development on the site, with minor augmentation of intersections as required. As outlined within **Appendix K** the infrastructure services in the locality are capable of accommodating the increased density on the site, with minor augmentation required.

The BCA Assessment included at **Appendix M** and the Accessibility Assessment included at **Appendix N** confirms that the proposal is capable of compliance with the relevant Australian standards.

Potential built environment impacts including wind impacts, view sharing, overshadowing, and reflectivity have been mitigated through the siting and detailed design of the two towers. The impact of the proposed bulk and scale of the development on the street level and for pedestrian amenity has been considered in detail with the three-storey podium providing a consistent ground plane that provides a human scale to the development and massing that relates to existing surrounding development. The proposed podium and siting of the development enhances the pedestrian and vehicular accessibility and circulation within and around the site.

The potential impacts to the built environment resulting from the proposed development are appropriate for the scale of development anticipated on the site by the relevant planning controls and provisions.

### 7.4. SOCIAL AND ECONOMIC IMPACTS

The proposed development will create a range of social and economic benefits, including the following:

- The proposal will generate many direct and indirect jobs over the construction phase of the development.
- The inclusion of food and beverage retailing will add to the overall provision within Penrith CBD. The extension of choice will promote greater competition, with possible benefits in terms of keener prices and better quality.
- The site is located within Penrith LGA which as per 2016 census data, has an existing household structure comprising the following:
  - Couples with children – 48.8%
  - Couples without children – 30.3%
  - One parent families – 19.3%
  - Other family – 1.5%
- These household demographics suggest that Penrith requires a significant mix of 2+ bedroom units to accommodate couples and families, and some 1-bedroom units to accommodate remaining lone persons. In accordance with this, the provision of a range of unit typologies and sizes will improve the supply of housing for residents and families.
- Significant public domain works are proposed across the site including the delivery of a new road which will provide a link from residential development to the south to the Penrith CBD and provides additional pedestrian through sink links to encourage more foot traffic through the site and accessibility to John Tipping Grove.
- The proposal has been considered against the relevant CPTED principles as outlined at **section 6.7.4** of this SEE.

## 7.5. SUITABILITY OF THE SITE FOR DEVELOPMENT

This site is identified by within the planning proposal as being a suitable site within the Penrith CBD for a high density mixed-use development. In addition, the site is highly suitable for the proposed development for the following reasons:

- The site is zoned B4 Mixed Use, permitting the proposed uses.
- The site is well serviced by public transport, located in proximity to the existing Penrith Railway Station and the Penrith CBD.
- The site is located between residential localities to the south of the site and commercial and mixed-use buildings to the north east. The site is therefore well positioned to deliver a new mixed-use development with ground level retail and new residential apartments.
- The site will be connected to all necessary services.
- The proposal responds to the Council and Greater Sydney Commission's objectives to provide new employment floor space within the area, and deliver more residential dwellings within 30minutes of employment centres.

## 7.6. THE PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposed development is in the public interest as it provides for the orderly and economic use of the land for a purpose that is permissible under the relevant environmental planning instrument.
- The proposal achieves the objectives of the relevant planning controls including the PLEP 2010 and the Penrith DCP. Where the proposal includes a departure from the controls this has been supported in the context of achieving an improved site design outcome in the context of the built form of adjacent development and the desired future character of the area.
- The development will provide for a more diverse range of housing options within the Penrith LGA that is also in walking distance to high frequency public transport, community facilities, and employment opportunities.
- The proposal results in significant public benefit by the delivery of a new road through the site, which would not be able to be achieved within a compliant building height.
- The proposal provides a transition in building scale from the existing development to the south and east and future high-rise development at Sites 3 and 10 within the Penrith CBD.
- The proposal has been the subject of the design competition and accordingly provides a high standard of architecture and functionality. It delivers a contemporary architectural design which will reinvigorate the streetscape and surrounding area and will make a positive contribution to the site and surrounding area.

## 8. CONCLUSION

The development application seeks consent for demolition of existing structures, excavation, remediation, construction and operation of a mixed-use development at 634-638 High Street and 87-91 Union Road, Penrith.

This SEE has assessed the proposal against the relevant provisions of section 4.15 of the EP&A Act. The compelling reasons why a positive assessment and determination of the project should prevail are as the proposal:

- **The proposal is consistent with State and subregional strategic planning objectives.**  
Further the proposal will have a positive effect on the wider of Penrith CBD through provision of new roads connecting pedestrian linkages and encouraging increased footfall to John Tipping Grove.
- **The proposal satisfies the applicable local and state planning policies.** The proposal meets the objectives and intent of the *Penrith Local Environmental Plan 2010* and achieves a high level of consistency with the key planning controls within Penrith Development Control Plan 2014. Where the proposal does not fully comply with a numeric provision, it is considered that the objectives and intent of the numeric provision has been met and therefore achieves compliance.
- **The design responds positively to the site conditions and the surrounding environment.** The proposal was reviewed by an appointed Design Review Jury to ensure the achievement of design excellence. The proposal represents the qualities of Design Excellence.
- **The proposal will offer a high standard of amenity.** The apartments and the development generally will offer residents a high standard of internal and external amenity. The proposed residential apartments achieve a high degree of compliance with the key parameters of the ADG including natural cross ventilation, solar access, building separation, landscaping area and communal open space.

Having considered all the relevant considerations under section 4.15 of the EP&A Act, we conclude that the proposal represents a sound development outcome that respects and responds to the prominent site location and the amenity of surrounding developments.

Further, the proposed clause 4.6 variation request is considered well-founded and justified in the circumstances of this case. The proposal therefore is considered well-worthy of Council support and ultimately approval from the Sydney Western City Planning Panel.

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# APPENDIX A      VOLUME OF PLANS

# APPENDIX B      SEPP 65 ASSESSMENT

# **APPENDIX C      CLAUSE 4.6 VARIATION FOR MAXIMUM HEIGHT OF BUILDINGS**

# **APPENDIX D      STORMWATER AND CIVIL ENGINEERING REPORT**

# APPENDIX E      BASIX CERTIFICATE

# **APPENDIX F      TRANSPORT MANAGEMENT AND ACCESSIBILITY PLAN**

# APPENDIX G      ACOUSTIC ASSESSMENT



# APPENDIX H      GEOTECHNICAL ASSESSMENT

# APPENDIX I      CONTAMINATION ASSESSMENT

# **APPENDIX J      ABORIGINAL CULTURAL HERITAGE ARCHAEOLOGICAL SURVEY**

APPENDIX K

INFRASTRUCTURE SERVICES REPORT

# APPENDIX L      WIND IMPACT ASSESSMENT

# APPENDIX M      BCA ASSESSMENT



# APPENDIX N      DDA ASSESSMENT

APPENDIX 0

FIRE ENGINEERING ASSESSMENT

# APPENDIX P      WASTE MANAGEMENT PLAN

# **APPENDIX Q      ABORICULTURAL ASSESSMENT**

APPENDIX R

QUANTITY SURVEYOR STATEMENT

APPENDIX S

ENDORSEMENT OF DESIGN EXCELLENCE









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