



15 February 2019

Kathryn Saunders  
Senior Development  
Assessment Planner  
PO Box 60, PENRITH NSW  
2751

Dear Kathryn,

**Development Application - Design Integrity Review**

**634-652 High Street & 87-91 Union Road Penrith – STAGE 1 (Buildings 1 & 2)**

This advice in relation to design integrity is based upon documentation which was submitted by SJB on 11 December 2018, and a detailed briefing which was provided on 8 February 2019 by Toga and SJB.

In general, the design integrity panel (DIP) is satisfied that proposed DA amendments dated 17 October 2018 would satisfy design excellence provisions in clause 8.4 of the Penrith LEP subject to noted amendments being made and additional information being provided.

The DIP considers that the further amendments, in conjunction with additional information which was provided on 8 February, would address issues that were raised during the Sydney Western City Planning Panel meeting on 17 December 2018.

In relation to the proposed podium, the DIP has noted the following:

- I. Above-ground parking is unavoidable due to constraints that include flood-protection (residential spaces must be located above flood levels), and trunk services which allow for only one below ground parking level.
- II. The number of parking levels within the podium is determined by the site's dimensions which have been narrowed to provide a new link road.
- III. The High Street elevation has been animated with a 'shop front' feel which will disguise carparking behind and, in conjunction with back-lighting and façade artwork, present an appropriately civic backdrop to this important street frontage.
- IV. East and west elevations have a strong singular architectural expression with a combination of solid spandrels, planter boxes and screened openings

Lowering of the ground floor by 300mm would improve connection to street-frontages, and would simplify 'at grade' extension of the proposed western colonnade into public domain areas of a future stage two development.

Proposed use of the ground floor for 'commercial premises' would permit a diversity of uses, and consequently would ensure the short-term viability of street-front tenancies which are critical generators of pedestrian activity. Building services and ducts which are provided by the Stage One DA would

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allow future conversion of ground floor tenancies to 'retail premises' (which would include 'food and drink premises'). Configurations and dimensions of proposed ground floor tenancy areas are capable of accommodating a range of uses that would satisfy the LEP's active frontage provision.

Form and design of tower elements remain unchanged from the concept that was endorsed by the Design Jury and, consequently, no concerns have been raised in relation to these elements of the amended DA.

In conclusion, the amended development application would satisfy the design excellence provisions of the LEP subject to the following amendments and additional information:

- Provision of site plan which includes updated floor and / or pavement levels;
- Lowering of all ground level planter boxes to sit flush with the ground floor level in order to maintain sight lines to shopfronts and ensure visual safety for publicly-accessible areas;
- An annotated plan which demonstrates how ground floor tenancies may be converted to food and drink premises (and which addresses matters such as services and parking);
- Amendment of all podium elevations and sections to be consistent with details depicted by 3D images which were presented to the DIP on 8 February, including shop-front style panels to the High Street elevation and a simplified design for the western side elevation;
- Provision of larger-scale sections which describe design details of the amended podium elevations: materials and finishes, details of public art and / or illumination for the High Street elevation, and special lighting for entrances to the building and arcades in order to promote wayfinding.
- Extension of the common recreation rooms on level three in order to maximise benefits to residents.

Signed:

Dillon Kombumerri

Bob Nation

Brett Newbold





**TOWER 2, LEVEL 23  
DARLING PARK, 201 SUSSEX ST  
SYDNEY NSW 2000**

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ABN 50 105 256 228

12 February 2018

Ms Kathryn Saunders  
Senior Development Assessment Officer  
Penrith City Council  
PO Box 60  
Penrith NSW 2751  
C/- kathryn.saunders@penrith.city

Dear Kathryn,

## **DA18/0264 | NOTIFICATION OF LOT CONSOLIDATION**

On behalf of Toga Penrith Developments Pty Ltd (**the applicant**), a development application (**DA18/0264**) was lodged with Penrith City Council (**the Council**) on 16 March 2018 for the following:

*Demolition of existing structure on site, one storey basement including 80 car parking spaces, 5 service vehicle spaces, and 3 car wash bays. Ground level retail, two levels of upper level car parking, two residential buildings with a total of 187 apartments, landscaping works and associated infrastructure works.*

The development application applied to the land generally described as 634-638 High Street and 87-91 Union Road, Penrith and legally described as Lot 1 in Deposited Plan (**DP**) 544302, and Lots 1 and 2 in DP 1202310.

Since the lodgement of the development application with the Council, the applicant has consolidated the above allotments with the adjacent land west of John Tipping Grove (previously Lot 36 in DP 731213, Lots 12-13 in DP 717196, Lot 3 in DP 242506). The consolidated allotment has a site area of 12,027sqm and is legally described as Lot 300 in DP 1243401. The plan of consolidation dated 31 May 2018 is included at **Attachment 1**.

To remove any procedural or legal doubt any reference contained within DA18/0246, including any supporting documentation, to the former lot numbers and legal description of the site is to now be read as Part Lot 300 in DP 1243401. The site area that is the subject of the development application has however not changed, and no works are proposed as part of DA18/0246 west of John Tipping Grove.

For the purposes of calculating floor space ratio (FSR) in accordance with *Penrith Local Environmental Plan 2010*, the proposed gross floor area of 17,729.8sqm in DA18/0264 results in an FSR of 1.47:1 across the consolidated site area, and 3.28:1 across the site area of the eastern part of Lot 300 in DP 1243401 (compliant with the LEP controls).

Should you require any further information, please do not hesitate to contact either John Wynne or myself (02) 8233 9990.

Yours sincerely,

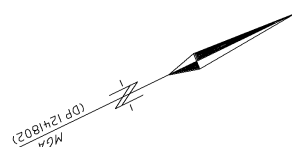
A handwritten signature in black ink, appearing to read "A. Ryan".

Ashleigh Ryan  
Associate Director – Urban Planning


**Attachment 1 – Lot Consolidation Plan**

Notification of lot consolidation

DP1243401




<b>PLAN FORM 6 (2017)</b>	<b>DEPOSITED PLAN ADMINISTRATION SHEET</b>	Sheet 1 of 2 sheets
<div style="display: flex; justify-content: space-between;"> <div style="width:45%;"> <p style="text-align: right;">Office Use Only</p> <p>Registered:  31.5.2018</p> <p>Title System: <b>TORRENS</b></p> </div> <div style="width:50%; text-align: center;"> <p style="font-size: 2em; font-weight: bold;">DP1243401</p> </div> </div>		Office Use Only
<b>PLAN OF LAND TO BE ACQUIRED FOR THE PURPOSES OF THE ROADS ACT, 1993.</b>		LGA: PENRITH Locality: PENRITH Parish: MULGOA County: CUMBERLAND
<p style="text-align: center;"><b>Survey Certificate</b></p> <p>I, <b>ACHILLEAS ZERVOS</b> .....          of <b>ROADS AND MARITIME SERVICES</b>.....          a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p><i>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on ....., or</i></p> <p><i>*(b) The part of the land shown in the plan (*being/*excluding **) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on ..... the part not surveyed was compiled in accordance with that Regulation, or</i></p> <p><i>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017.</i></p> <p>Datum Line: .....</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep Mountainous:</p> <p>Signature:  Dated: <b>14/5/18</b></p> <p>Surveyor Identification No: 8984.....          Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p><small>*Strike out inappropriate words.          **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>		<p style="text-align: center;"><b>Crown Lands NSW/Western Lands Office Approval</b></p> <p>I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: .....          Date: .....          File Number: .....          Office: .....</p> <hr/> <p style="text-align: center;"><b>Subdivision Certificate</b></p> <p>I, .....          *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature: .....          Accreditation number: .....          Consent Authority: .....          Date of endorsement: .....          Subdivision Certificate number: .....          File number: .....</p> <p><small>*Strike through if inapplicable.</small></p>
Plans used in the preparation of compilation. DP 1236614 DP 1241802		Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.  <b>LOTS 301 &amp; 302 ARE REQUIRED FOR ROAD AND AFTER CONSTRUCTION WILL BE DEDICATED AS PUBLIC ROAD UNDER SECTION 10 OF THE ROADS ACT, 1993.</b>
Surveyor's Reference: C11460A <b>CHECKLIST</b>		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A

<b>PLAN FORM 6A (2017)      DEPOSITED PLAN ADMINISTRATION SHEET</b>		Sheet 2 of 2 sheets
<div style="display: flex; justify-content: space-between;"> <div> <b>Registered:</b>  <b>31.5.2018</b> </div> <div style="text-align: right;">Office Use Only</div> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <b>PLAN OF LAND REQUIRED FOR THE PURPOSES OF THE ROADS ACT, 1993</b> </div> <div style="margin-top: 10px;">         Subdivision Certificate number: .....          Date of Endorsement: .....       </div>	<div style="text-align: center; font-size: 2em; font-weight: bold; margin-top: 20px;">           DP1243401         </div> <div style="margin-top: 20px;"> <p><small>This sheet is for the provision of the following information as required:</small></p> <ul style="list-style-type: none"> <li>A schedule of lots and addresses- See 60(c) <i>SSI Regulation 2017</i></li> <li>Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i></li> <li>Signatures and seals- see 195D <i>Conveyancing Act 1919</i></li> <li>Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.</li> </ul> </div>	

**ADDRESS**

LOTS 300, 301 & 302 – 652 HIGH STREET, PENRIT

**APPROVED:**

  
 .....  
**DIRECTOR SURVEYING**  
**ROADS AND MARITIME SERVICES**

If space is insufficient use additional annexure sheet

Surveyor's Reference: CI1460A, CHECKLIST,





FOLIO: 300/1243401

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SEARCH DATE	TIME	EDITION NO	DATE
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6/2/2019	2:37 PM	1	18/12/2018

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.  
CONTROL OF THE RIGHT TO DEAL IS HELD BY NATIONAL AUSTRALIA BANK LIMITED.

LAND

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LOT 300 IN DEPOSITED PLAN 1243401  
AT PENRITH  
LOCAL GOVERNMENT AREA PENRITH  
PARISH OF MULGOA COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1243401

FIRST SCHEDULE

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SILVER STAR INVESTMENTS (AUST) PTY LTD

SECOND SCHEDULE (5 NOTIFICATIONS)

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- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S) WITHIN THE  
PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 2 W941858 COVENANT AFFECTING THE PART SHOWN SO BURDENED IN  
THE TITLE DIAGRAM.
- 3 X435593 RESTRICTION(S) ON THE USE OF LAND AFFECTING THE  
PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 AM236784 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED
- 5 AM236785 MORTGAGE TO TOGA PENRITH DEVELOPMENTS PTY LTD

NOTATIONS

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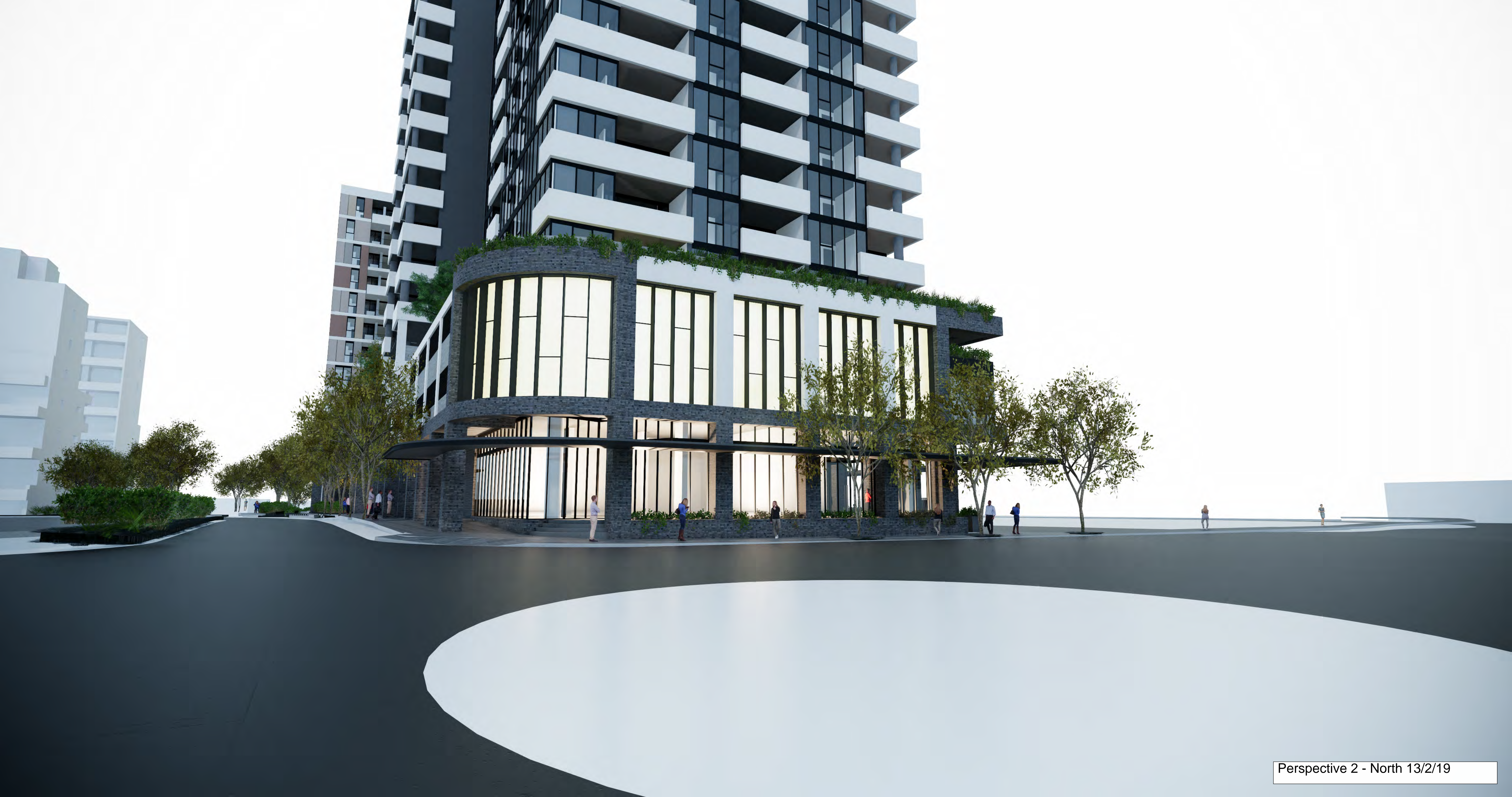
UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*















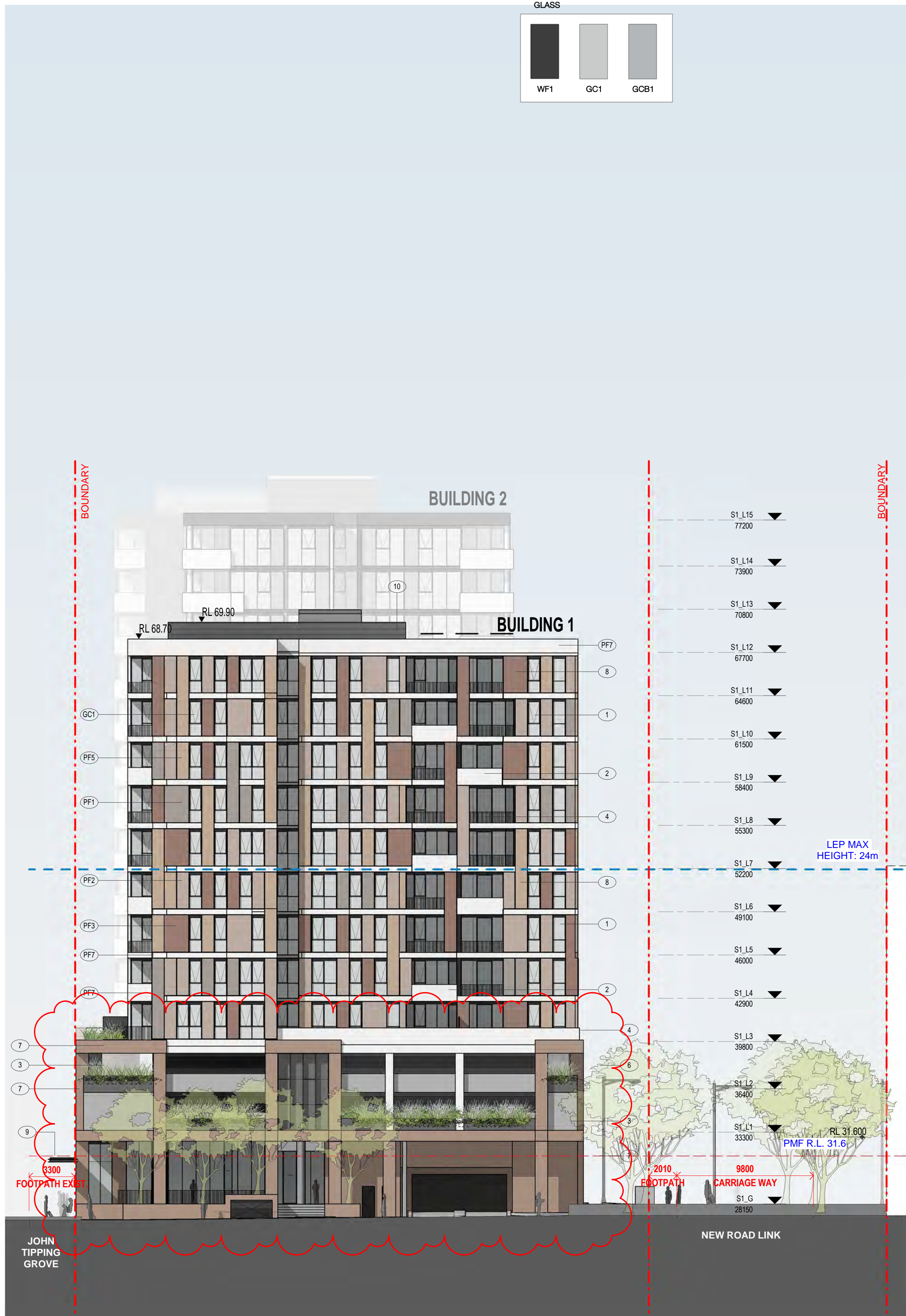


Perspective 4 - West 13/2/19





1 North Elevation  
1:200@A1



2 South Elevation  
1:200@A1

COLOUR FINISHES					
PF1	PF2	PF3	PF5	PF6	PF7
GLASS					
WF1	GC1	GCB1			

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

## FOR REVIEW

Rev	Date	Revision
10	09.02.2018	Preliminary Draft
11	16.03.2018	Issued for BASIX review
20	16.03.2018	ISSUED FOR DA
22	13.04.2018	Issue for Modelcraft
24	18.04.2018	For Information
31	23.05.2018	For Review and Coordination
32	25.05.2018	Review
33	15.06.2018	ISSUE FOR DA - VERSION 2
51	17.10.2018	ISSUED FOR FINAL REVIEW
52	08.11.2018	ISSUED FOR FINAL REVIEW
57	15.02.2019	Elevations updated with design jury comments

Structural Engineer

Webber Design

Mechanical / Hydraulic Engineer

JHA Consulting Engineers

Electrical Engineer

JHA Consulting Engineers

Fire Engineer

Olsson Fire & Risk

Access Consultant

Accessible Building Solutions

Basix

EMF Griffiths

Building Key

Client



Project

634-652 HIGH ST & 87-91 UNION RD,  
PENRITH

POTENTIAL  
FUTURE  
DEVELOPMENT

Drawing Name

North & South Elevation

Date Scale Sheet Size  
15.02.2019 1:200 @ A1

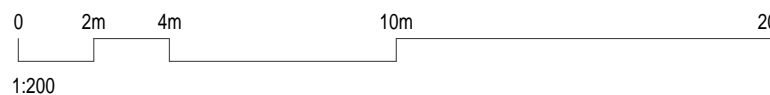
Drawn Chk.

SD NH

Job No. Drawing No. Revision

5754 AR-1-5000 /57

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COLOUR FINISHES

PF1	PF2	PF3	PF5	PF6	PF7
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GLASS

WF1	GC1	GCB1
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Structural Engineer

Webber Design

Mechanical / Hydraulic Engineer

JHA Consulting Engineers

Electrical Engineer

JHA Consulting Engineers

Fire Engineer

Olsson Fire & Risk

Access Consultant

Accessible Building Solutions

Basix

EMF Griffiths

Building Key



Project  
634-652 HIGH ST & 87-91 UNION RD,  
PENRITH

Drawing Name

East Elevation

Date	Scale	Sheet Size
15.02.2019	1 : 200	@ A1

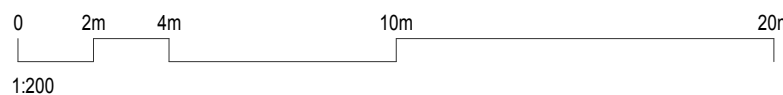
Drawn	Chk.
SD	KL

Job No.	Drawing No.	Revision
5754	AR-1-5001	/57

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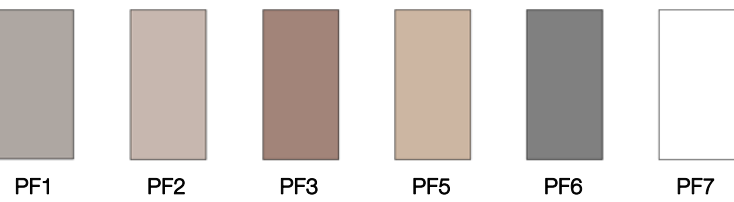


1  
AR-1-1010  
East Elevation  
1:200@A1





COLOUR FINISHES



GLASS



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EMF Griffiths

Building Key

Client



Project

634-652 HIGH ST & 87-91 UNION RD,  
PENRITH

Drawing Name

West Elevation

Date 15.02.2019 Scale 1 : 200 Sheet Size @ A1

Drawn Chk.

SD NH

Job No. Drawing No. Revision

5754 AR-1-5002 /57

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F 61 2 9380 9922  
www.sjb.com.au



1 West Elevation  
AR-1-1010 1 : 200@A1