

Statement of Environmental Effects

Development Application

**180 Great Western Highway & 26 Rodgers Street,
Kingswood 2747**



PREPARED BY

HAMPTONS PROPERTY SERVICES Pty Ltd

Head Office: Suite 404 | Level 4 | 203-233 New South Head Road | Edgecliff NSW 2027

Tel (02) 9386 7000 | Fax (02) 9386 7001

www.hamptonspropertyservices.com.au

COPYRIGHT

Hamptons Property Services is the owner of the copyright contained in this publication. Other than as permitted by the Copyright Act and as outlined in our terms of engagement, this report may not be reprinted, reproduced or used in any other form, transmitted or copied, by electronic, material or other means, without the prior written permission of Hamptons. Legal action will be taken against breach of copyright.

This report may only be used for the purpose commissioned and unauthorised use is prohibited. Hamptons assumes no responsibility if the document is used for purposes other than those directly associated with its commission.

PROJECT PARTICULARS

Project No.	2021003
Client	Kingswood Hotel Property Pty Ltd
Site Address	180 Great Western Highway & 26 Rodgers Street, Kingswood 2747
Document Name	Statement of Environmental Effects

Prepared by

Date	Document Name	Authorisation	
		Name/Position	Signature
15 October 2021	Rep001(Draft)	Vidhya Ramesh <i>Project Manager</i>	
6 December 2021	Statement of Environmental Effects_V2	Kristy Hodgkinson <i>Director</i>	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.

CONTENTS

1. INTRODUCTION	5
Project Vision	7
Project Team	8
2. THE SITE & ITS LOCALITY	10
Ownership and Title Encumbrances	11
Section 10.7 Certificate	12
Physical Site Conditions	12
Geotechnical Conditions	12
Hydraulic Services	13
Services	13
Existing Vegetation	13
Road Network Conditions & Access	13
Heritage	15
Developments Surrounding the Site	15
Opportunities & Constraints of the Site	16
3. THE PROPOSED DEVELOPMENT	18
Overview of Proposal	18
Proposed Use	20
Operational Details	20
Landscape Design	20
Stormwater & Drainage	20
Soil Erosion and Sediment Control	21
Waste Management	21
Construction	21
Development Staging	21
Response to pre-lodgement consultation	22
4. COUNCIL PLANNING STUDIES	23
Penrith Urban Study and Strategy	23
Think Bold Kingswood Place Plan	24
Character Intention	24
Kingwood Places	24
Kingswood Public Domain Manual	24
5. ENVIRONMENTAL IMPACT ASSESSMENT	28
Key Planning Considerations	32
Built Form	32
Urban Design	34
Façade Design	34
Landscaping and Communal Open Spaces	35

Building Setbacks and Separation.....	36
Street Setbacks	36
Boundary Setbacks	36
Separation of Buildings within the Site	38
View	38
Internal Design Amenity	38
Overshadowing of Surrounding Landholdings	38
Traffic and Parking	38
Crime Prevention through Environmental Design	40
Noise & Acoustic Impacts	42
Plan of Management	43
Social Impact Assessment.....	43
Hours of operation.....	44
Environmental Planning Instruments	44
6. CONCLUSION & RECOMMENDATIONS.....	45
APPENDIX 1: ENVIRONMENTAL PLANNING ASSESSMENT.....	46

1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Kingswood Hotel Property Pty Ltd to prepare a development application for the redevelopment of the site at 180 Great Western Highway and 26 Rodgers Street, Kingswood (the site). This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) to the Penrith City Council (the Council).

The proposal comprises a *mixed-use development*, including *food and drink premises (pub)*, *retail premises* and *shop top housing* in accordance with the Penrith Local Environmental Plan 2011 (PLEP).

The proposed development is to be constructed over two separate stages; as such, development consent is sought for staged construction; the application does not, however, constitute a Concept Development Application in accordance with s.4.4 of the Environmental Planning & Assessment Act 1979 (EP & A Act), as detailed plans are provided for both stages of the development. The purpose of staged construction will enable an Occupation Certificate to be issued for Stage 1 works, upon completion, independent of Stage 2. As such, in the event that the Council is of a mind to grant development consent to the application, we would seek that the conditions of consent allow for each stage to be completed independent of the other. Termination of the temporary use of the pub in Stage 1 may be incorporated into any such conditions.

The proposed development will be constructed over two stages, as set out below:

Stage 1 - 26 Rodgers Street Kingswood (Building B)

- Demolition of the existing structures on site
- Site preparations works
- Excavation for the purpose of two levels of basement, with the lowest point being the lift pit, including any required remediation in accordance with the Preliminary Site Investigation Report
- Construction of a five storey, mixed-use development comprising:
 - Two basement levels, with access provided from Rodgers Street, to accommodate the following:
 - Basement 1 comprising of 24 residential car parking spaces, 11 visitor car parking spaces, one service bay, two car wash bays, four bicycle spaces, five motorcycle spaces, storage cages and store/building service rooms
 - Basement 2 comprising of 42 residential car parking spaces, five motorcycle spaces, storage cages and store/building service rooms
 - Lower ground floor with 26 car parking spaces for commercial use (including two accessible spaces), store rooms, residential garbage storage and services areas. This level also includes a service loading area with a turntable that provides access to the bulky goods store, residential and retail garbage areas.

- Ground level comprises of commercial uses, incorporating two tenancies, a bottle shop fronting Wainwright Lane and a pub through the remainder of the ground floor on Wainwright Lane and Bringelly Road. The proposed pub is a temporary use of the ground floor which will cease upon an Occupation Certificate being issued for the ground floor of the Stage 2 works.
- 54 residential apartments on Level 1 – 5. Two residential lift lobbies are proposed, one accessible from the Rodgers Street frontage and the second adjacent to the commercial space, fronting Bringelly Road. The proposed apartments comprise 36, 1-bed apartments; 37, 2-bed apartments and 7, 3-bed apartments. A communal garden is provided on Level 1.
- The roof level comprises of communal open space and plant and equipment, as well as provision for the lift overrun. These are set in from the street frontages to reduce their visibility from neighbouring properties and the streetscape.
- Streetscape and public domain improvements and landscaping
- Augmentation and extension of utilities and services.

Stage 2 - 180 Great Western Highway, Kingswood (Building A)

- Demolition of the existing structures on site
- Excavation for three levels of basement, with the lowest point being the lift pit, including any required remediation in accordance with the Preliminary Site Investigation Report
- Construction of a seven storey mixed use development comprising:
 - Three basement levels with access provided from Wainwright Lane to accommodate the following:
 - Basement 1 for the use of the pub comprising 53 car parking spaces (including two accessible spaces), six motor cycle spaces, building services areas and fire stairs at the south-eastern and north-western corners of the site
 - Basement 2 comprising 37 residential car parking spaces, 14 visitor car parking spaces, two service bays, two car wash bays, seven bicycle spaces, storage cages, bin storage areas and bulky goods storage space
 - Basement 3 comprising 58 residential car parking spaces, 14 bicycle spaces, storage cages, building service room and fire stairs at the south-eastern and north-western corners of the site
 - A pub comprising of a lounge and hotel with primary frontage to Great Western Highway and wrapping around the site to Bringelly Road. Outdoor dining associated with the pub use is proposed on the Bringelly Road frontage to provide an active street frontage. A bistro will also be provided at the south eastern end of the site, to accommodate the level change within the site and will have frontage to Bringelly Road and seating spaces, again to ensure

an activated public domain to the street. An awning that extends over the footpath is proposed to the full extent of the commercial premises on the ground floor.

- Four lobbies are proposed, two located adjacent to each other on the Great Western Highway frontage, being one for the pub and the second for residential access; a third entry for the pub is located at the corner of Great Western Highway and Bringelly Road, forming the main entry to the pub, and a fourth on Wainwright Avenue, accessible from the drop-off/pick-up area.
- 79 residential apartments on Level 1 – 7. The proposed apartments comprise 13, 1-bed apartments; 12, 1-bed + study apartments, 6, 2-bed apartments, 42, 2-bed + study apartments and 6, 3-bed apartments. A communal garden is provided on Level 1.
- Communal open space areas are proposed on Level 1 and the roof top, the latter of which will include plant and equipment, as well as provision for the lift overrun. These are set in from the building edges to reduce their visibility from neighbouring properties and the streetscape.
 - Streetscape and public domain improvements and landscaping
 - Augmentation and extension of utilities and services

Project Vision

The proposed development is a unique opportunity for the holistic redevelopment of a significant landholding located directly opposite Kingswood Railway Station and positioned at a significant intersection in the locality. The is opportune for a mixed-use development as proposed, being located in close and direct proximity to regional transport linkages and institutional facilities including Nepean District Hospital, The University of Western Sydney and Kingswood TAFE, which all play key roles in the local community. Further, Kingswood is identified as a Key Centre in Council's Local Strategic Planning Statement.

The intent of this proposal is to provide a landmark mixed-use development in the heart of Kingswood that demonstrates design excellence, boasts an inviting and active pedestrian interface, offers a high level of amenity for future occupants, and provides residential accommodation to the locality to support urban growth in accessible locations. The development provides a significant contribution to housing targets identified for the *Penrith Urban Study, Managing growth to 2031*, as well as employment targets and accessibility to these.

The proposed development provides a high-quality urban design response by facilitating a strong degree of interaction with the public domain and provides the following:

- delivery of high-quality retail floor space that will create a pulse of activity on all street frontages
- excellent public domain benefits such as outdoor dining area, streetscape and public domain improvements

- responds to its social context in terms of access to housing diversity and services, as well as improving the surrounding streetscape with the incorporation of active street frontages and creating an inviting public domain that will contribute to shaping coherent, activated, and accessible shared private and public space. The proposal directly responds to the one of the key concerns raised by the community throughout the consultation undertaken by Council during the preparation of *Think Bold Kingswood Place Plan* by providing a ‘safe and welcoming’ environment.
- From a built form perspective, the proposal has been designed based on the contextual considerations of the site. The design provides an appropriate response to the desired character of the locality and does not result in any unreasonable impacts with respect to overshadowing, heritage, streetscape, traffic, views, wind, noise or reflectivity.
- The architectural composition will provide a contemporary response to the locality, while having adequate regard for adjoining land uses, including their form and layout.
- The proposed development provides an increase in housing supply with high quality residential apartments, which provide a high level of amenity and privacy for the future occupants. Most importantly, the proposal has been designed to provide an integrated response in relation to building separation, amenity and compatibility with the design, bulk and scale of the development.

Project Team

This SEE has been prepared with the assistance of the following technical and design documents, prepared by specialist disciplines, as set out below and is to be read in conjunction with the following supporting reports.

Table 1: Consultant Team

Discipline	Consultant
Access Compliance Assessment Report	AED Group
DA Acoustic Assessment	Pulse White Noise Acoustics
Architecture	Squillace Architects
BASIX Assessment	EPS
Building Code of Australia Compliance Assessment Report	AED Group
Geotechnical	Aargus Pty Ltd
Hydraulic Services Plan	LCI Consultants
Landscape Plans	Paul Scrivener Landscape
Plan of Management	Iris Capital Pty Ltd
Preliminary Site Investigation	Aargus Pty Ltd
Registered Quantity Surveyors Detailed Cost Summary	Altus Group

Discipline	Consultant
Section J	Outsource Ideas Pty Ltd
Social Impact	Sarah George Consulting
Surveyor	LTS Lockley Surveyors
Traffic Impact Assessment	The Transport Planning Partnership
Waste Management	MRS Consulting Group

This report provides the following:

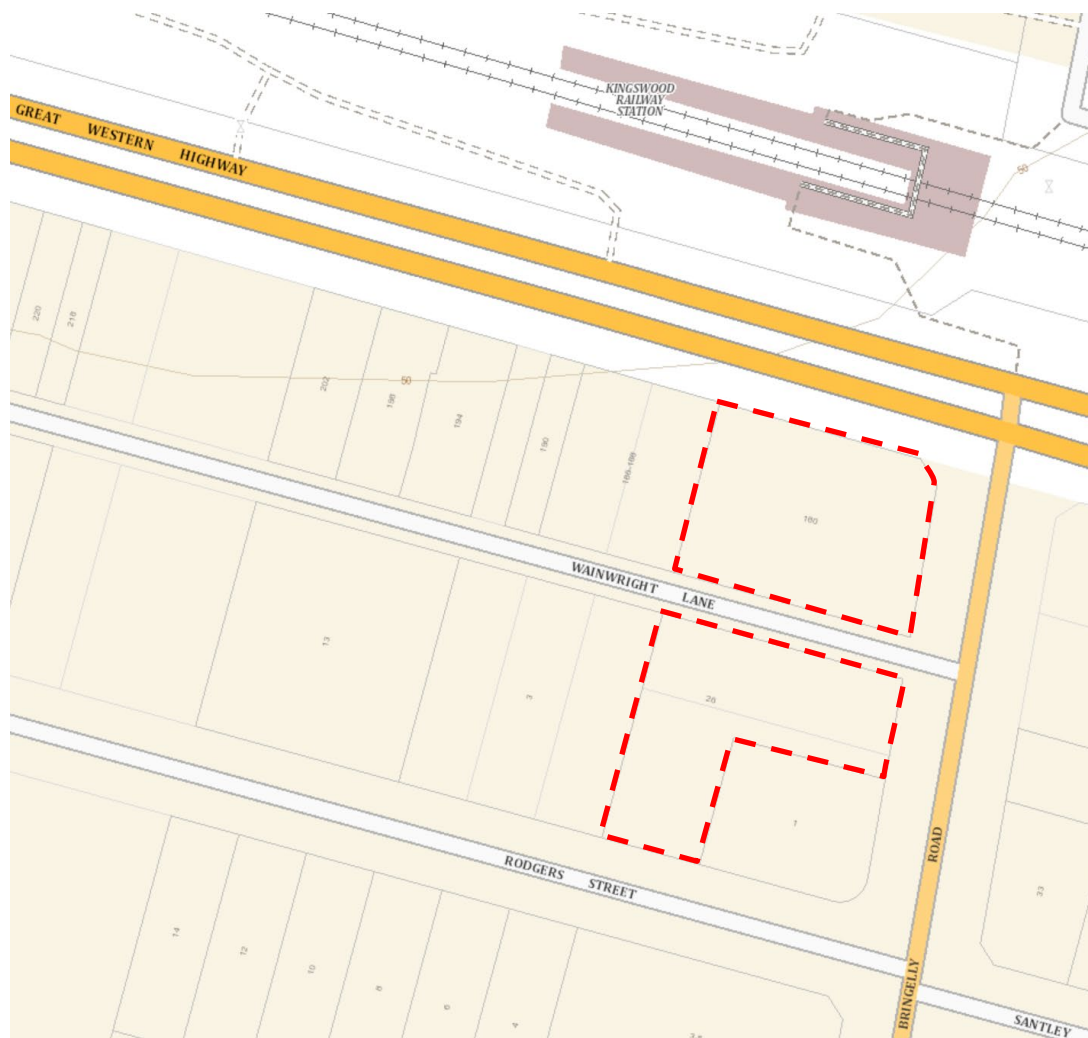
- a description of the site and the locality surrounding this;
- a description of the proposed development;
- the proposal's response to the relevant environmental planning controls; and
- conclusions and recommendations relating to the proposal.

Having considered all the relevant matters, the proposed development represents a vibrant mixed use development outcome that upholds Council's vision for the locality, having regard to the extensive strategic planning studies undertaken by Council to guide development in Kingswood. The proposal is therefore worthy of Council support and, ultimately, approval. We look forward to working with Council during their assessment of the DA.

2. THE SITE & ITS LOCALITY

The site is located at 180 Great Western Highway and 26 Rodgers Street, Kingswood in the Local Government Area (LGA) of Penrith. The site comprises two separate allotments; the northern allotment has an area of 1,940m² and the southern allotment, 1,828m². A location plan is at Figure 1, with the site marked in red.

Figure 1: Site Location



Source: Six Maps

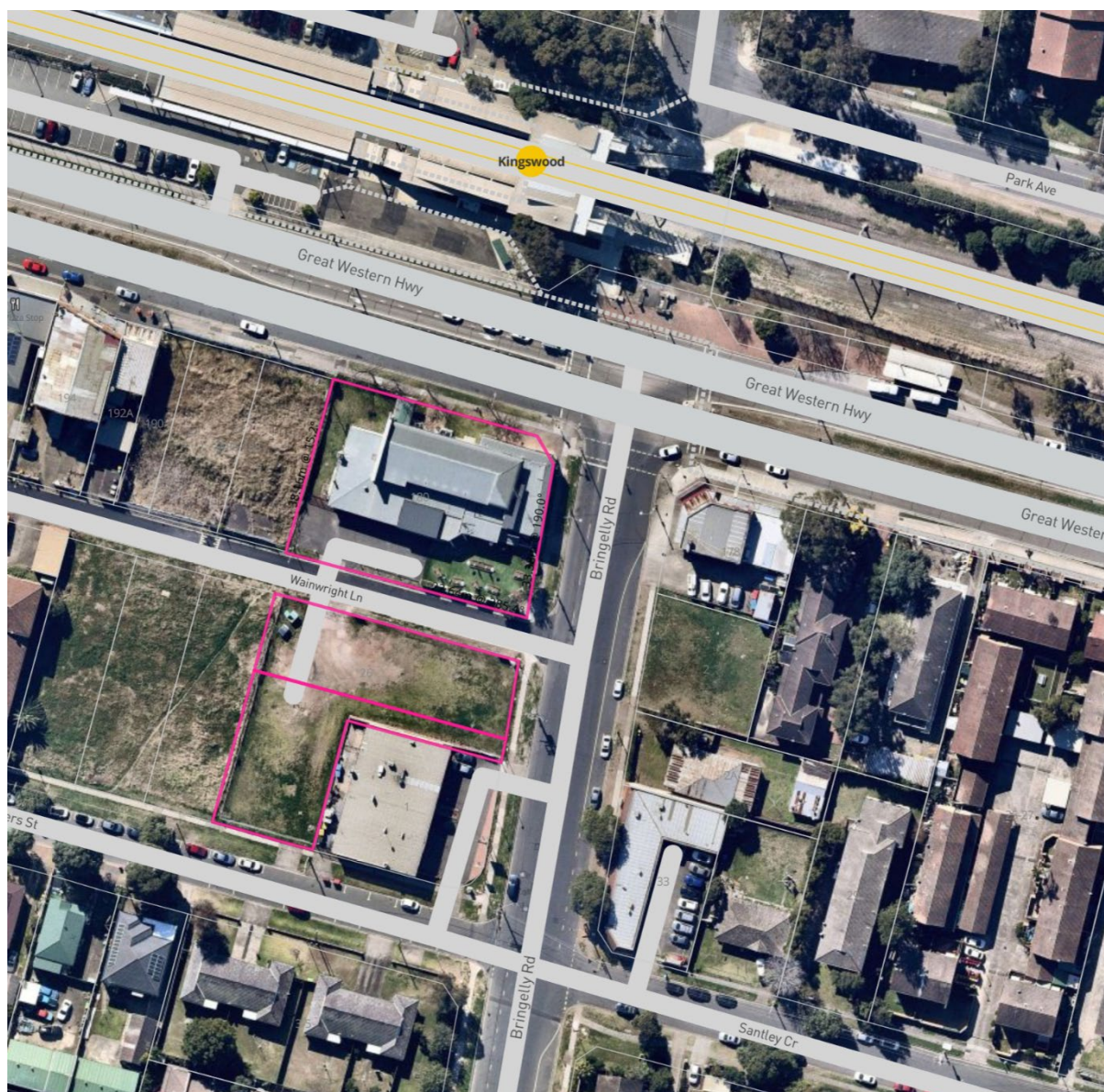
180 Great Western Highway - North Site

The lot is a corner allotment with three street frontages. The northern boundary fronts Great Western Highway (primary frontage) and is approximately 45.75m in length and the eastern boundary fronts Bringelly Road (secondary frontage) and is 33.315m in length. The southern boundary of the site fronts Wainwright Lane for a length of 53.15m. The western boundary adjoins 186-188 Great Western Highway and is 38.1m in length. The site slopes to the east along Great Western Highway and Wainwright Lane and to the south on Bringelly Road at an approximate 5° slope.

26 Rodgers Street – South Site

The lot is positioned on the southern side of Wainwright Lane and is an 'L' shaped allotment with three street frontages. The site comprises of two land parcels. The northern boundary fronts Wainwright Lane and is 54.025m in length and the eastern boundary fronts Bringelly Road (primary frontage) and is 16.835m in length. The southern boundary of site fronts Rodgers Street (secondary frontage) and has a length of 21.945m. The eastern boundary adjoins 3 Rodgers Street and is 50.29m in length. In terms of topography, the site slopes to the east along Wainwright Lane and Rodgers Street and to the south on Bringelly Road at an approximate 5° slope.

Figure 2: Aerial Location



Source: Nearmaps

Ownership and Title Encumbrances

The site is currently owned by Kingswood Hotel Property Pty Ltd. There are no restrictions or easements on title that would restrict the redevelopment potential of the land.

Section 10.7 Certificate

Table 2, below, provides the key information relating to the site.

Table 2: Site Details Section 10.7 Certificate No 2020/6247 and 2020/6248 dated 17 November 2020

Property Address	180 Great Western Highway, Kingswood, herein referred to as 'North Site' 26 Rodgers Street, Kingswood, herein referred to as 'South Site'
Legal description	Lot 56 in DP 1101143 Lot 26, Sect 30 in DP 1855, Lot A in DP 406516
Site area	North site – 1,940m ² South site – 1,828m ²
Zoning	B4 Mixed Use Zone
Existing use	North site – Commercial premises South site - Vacant
Critical habitat	No
Environmental heritage/conservation area	No
Coastal protection	No
Mine subsidence	No
Road widening or realignment	No
Policies on hazard restrictions	Yes Asbestos Policy
Flood planning	No
Acquisition	No
Biodiversity certified land	No
Biobanking agreements	No
Bushfire prone land	No
Property vegetation plan	No
Contamination	No
Other matters	The land may be subject to additional planning considerations under State Environmental Planning Policy (Western Sydney Aerotropolis) 2020).

Physical Site Conditions

Geotechnical Conditions

The Preliminary Site Investigation undertaken considers regional geology and subsurface conditions, including groundwater and provides the following:

- Soil - The soil typically consists of poorly drained/relatively impermeable residual natural soils.
- Geology - The residual soils within the site to be underlain by Triassic Age Shale of the Wianamatta Group, comprising shale, carbonaceous claystone, claystone, laminate, fine to medium grained lithic

sandstone, rare coal and tuff. The geotechnical investigation notes the following profile was observed.

- Topsoil/Fill – Sandy Silty Clay, low plasticity, dark brown.
- Residual - Silty clay, medium plasticity, brown, pale brown to grey.
- Bedrock - Shale, dark grey, highly weathered.
- Acid sulfate soils - The site is not affected by acid sulphate soils.
- Groundwater - Groundwater was not encountered during auguring of the boreholes which were installed for the purpose of geotechnical investigation.

Hydraulic Services

A review of the DBYD information indicates the following services are located within the vicinity of the site:

- Water Mains: A water mains is located on Wainwright Lane and has enough water flow to cater for redevelopment on both sites.
- Sewer Mains: A sewer main traverses the site, running parallel to the western boundary of both lots.
- Gas: The gas main for the northern site is located along the Bringelly Road frontage and along Rodgers Street for the southern site.

The services are inferred to be located on Council's land and extended into the site as required. All services will be integrated in the proposed development and augmented or amplified (as required) in accordance with conditions of consent.

Services

The site contains adequate telecommunication and electrical facilities which will be retained and upgraded where, required, to cater for the proposed development. Sufficient space has been accommodated on the site for a new substation.

Existing Vegetation

The vegetation on the northern site is located at the corner of Great Western Highway and Bringelly Road, adjacent to the existing building. The southern site is vacant and is occupied by ground cover only. Apart from this, vegetation is contained within the streetscape and there are no existing street trees on site.

Road Network Conditions & Access

The Traffic Impact Assessment provides the following in relation to the road network surrounding the site:

Great Western Highway is a two-way, six-lane State Road located along the northern boundary of 180 Great Western Highway, generally aligned in the east-west direction between Sydney CBD and Bathurst. Great Western Highway has a posted speed limit of 80km/hr in the vicinity of the site.

Bringelly Road is a higher order local road which has two northbound lanes and one southbound lane near the sites. It is located along the eastern boundary of both sites, generally aligned in the north-south

direction between Great Western Highway and The Northern Road. A combination of restricted and unrestricted kerbside parking is permitted.

Bringelly Road has a posted speed limit of 50km/hr in the vicinity of the site. Rodgers Street is an undivided local road with one travel lane in either direction. It is generally aligned in the east-west direction between Bringelly Road and Somerset Street. This street is a restricted parking area and kerbside parking is only permitted in marked bays. There is no posted speed limit on Rodgers Street. Therefore, the default speed limit is 50km/hr.

Wainwright Lane is an undivided two-way road. It is generally aligned in the east-west direction between Bringelly Road and Somerset Street. Kerbside parking is permitted on the northern side of the street. There is no posted speed limit on Wainwright Lane. Therefore, the default speed limit is 50km/hr.

The site is also very well serviced in terms of public transport, as set out in the Traffic Impact Assessment, which provides as follows:

Kingswood Station is located approximately 110m walking distance (or 2-minutes' walk) north of the site. The station is serviced by the T1 North Shore & Western line which provides services to the City, Emu Plains and Richmond. Trains arrive at Kingswood Station every 5 to 20 minutes.

The closest bus stop is located on Great Western Highway, approximately 120m walking distance (or 2-minutes' walk) north of the site. This stop is serviced by the route N70, a night service between Penrith to City Town Hall.

In relation to pedestrian and bicycle facilities, again the site is well serviced as set out in the Traffic Impact Assessment, which provides as follows:

Well-established pedestrian facilities are provided within the vicinity of the site. Sealed pedestrian footpaths are provided along the site frontages, except on Wainwright Lane. There are dedicated pedestrian crossing facilities at the intersection of Great Western Highway and Bringelly Road in the form of signalised crossings. There is also a zebra crossing provided on Bringelly Road, south of Rodgers Street.

Bicycle routes are available on Great Western Highway and Bringelly Road near the site. The existing cycle network is shown in Figure 2.2.



Source: TfNSW Cycleway Finder (accessed 22/10/21)

Heritage

The site is not a listed heritage item, nor is it located in the vicinity of a heritage item or in a heritage conservation area.

Developments Surrounding the Site

The locality surrounding the site is characterised by one-two storey commercial buildings that are of dated architectural design, as well as contemporary residential development that demonstrates the transitioning nature of the locality.

The primary retail business zone is located along the Great Western Highway and Bringelly Road in close proximity to Kingswood Railway Station. A number of walk-up apartment blocks and some medium density apartment blocks are located on Rodgers Street and Wainwright Lane.

The site has good access to open space areas with Chapman Gardens to the east, Peppermint Reserve to the south on Bringelly Road, and Wainwright Park, also to the south. The open space areas are generally aligned with overland flow drainage requirements and low-lying lands.

In terms of surrounding developments, the lots located to the west of the site, being 182 – 190 Great Western Highway and 3 Rodgers Street respectively are both currently vacant.

To the east, on the opposite side of Bringelly Road:

- 178 Great Western Highway - a part one and part two storey commercial building with car parking at the rear

- 2 Bringelly Road – a vacant lot
- 2A Bringelly Road – A single storey dwelling.

A single storey retail premises is located to the south eastern corner of 26 Rodgers Street. Low density residential developments are located on the southern side of Rodgers Street.

Kingswood Railway Station is located on the northern side of Great Western Highway.

There are a range of facilities and services within walking distance that cater for the residential population, with the site also being only a short drive to Penrith commercial centre. Educational facilities in the locality include Kingswood Public School, Kingswood South Public School, Kingswood High School, St Joseph's Catholic Primary School and St Dominic's Catholic College. Kingswood is also the focus of tertiary education facilities within the Penrith LGA. It includes the University of Western Sydney (Penrith Campus) and the Western Sydney Institute Nepean College of TAFE, Kingswood Campus.

Opportunities & Constraints of the Site

The site benefits from the following key attributes:

- Close proximity to public transport infrastructure
- Proximity to passive recreational activities, employment and local facilities, shops, and services
- Extensive access to sunlight to the north and east
- Vehicular access, including drop-off and pick up locations, being away from main roads, with access being provided from Wainwright Lane
- Opportunities to provide outdoor dining and public domain improvements to increase pedestrian flow and connectivity within the precinct, as well as increasing opportunities for passive surveillance.

In terms of site constraints, these are:

- A large part of the site has a southern orientation
- Potential traffic noise from Great Western Highway
- ensuring adequate mitigation measures within the development having regard to the nature of uses proposed
- a challenging location for a through site link along the western boundary of the site, which has very limited opportunities for passive surveillance over this, creating security concerns.

A detailed site analysis is provided in the Architectural Plans.

Photos of the existing site and its context are provided below.

Photograph 1: Site photographs (Source: Squillace Architects)

1. Subject Site - North
From Great Western Highway
2. Subject Site - North
From Wainwright lane
3. Subject Site - Both
From Bringelly Road
4. Subject Site - South
From Wainwright lane



Photograph 2: Contextual photographs (Source: Squillace Architects)

1. 206 Great Western Highway
Residential Mixed-use Building
2. 250 Great Western Highway
Residential Mixed-use Building
3. 1 Bringelly Rd, Kingswood
Commercial Building
4. 56 Derby St, Kingswood
Residential Mixed-use Building



3. THE PROPOSED DEVELOPMENT

Overview of Proposal

The proposal is for demolition of the existing structures on site and construction of a mixed-use development comprising of commercial premises including one retail tenancies and two pubs and 133 residential apartments.

The proposed development over two stages, as set out below:

Stage 1 - 26 Rodgers Street Kingswood (Building B)

- Demolition of the existing structures on site
- Site preparations works
- Excavation for the purpose of two levels of basement, with the lowest point being the lift pit, including any required remediation in accordance with the Preliminary Site Investigation Report
- Construction of a five storey, mixed-use development comprising:
 - Two basement levels, with access provided from Rodgers Street, to accommodate the following:
 - Basement 1 comprising of 24 residential car parking spaces, 11 visitor car parking spaces, one service bay, two car wash bays, four bicycle spaces, five motorcycle spaces, storage cages and store/building service rooms
 - Basement 2 comprising of 42 residential car parking spaces, five motorcycle spaces, storage cages and store/building service rooms
 - Lower ground floor with 26 car parking spaces for commercial use (including two accessible spaces), store rooms, residential garbage storage and services areas. This level also includes a service loading area with a turntable that provides access to the bulky goods store, residential and retail garbage areas.
 - Ground level comprises of commercial uses, incorporating two tenancies, a bottle shop fronting Wainwright Lane and a pub through the remainder of the ground floor on Wainwright Lane and Bringelly Road. The proposed pub is a temporary use of the ground floor which will cease upon an Occupation Certificate being issued for the ground floor of the Stage 2 works.
 - 54 residential apartments on Level 1 – 5. Two residential lift lobbies are proposed, one accessible from the Rodgers Street frontage and the second adjacent to the commercial space, fronting Bringelly Road. The proposed apartments comprise 36, 1-bed apartments; 37, 2-bed apartments and 7, 3-bed apartments. A communal garden is provided on Level 1.
- The roof level comprises of communal open space and plant and equipment, as well as provision for the lift overrun. These are set in from the street frontages to reduce their visibility from neighbouring properties and the streetscape.

- Streetscape and public domain improvements and landscaping
- Augmentation and extension of utilities and services.

Stage 2 - 180 Great Western Highway, Kingswood (Building A)

- Demolition of the existing structures on site
- Excavation for three levels of basement, with the lowest point being the lift pit, including any required remediation in accordance with the Preliminary Site Investigation Report
- Construction of a seven storey mixed use development comprising:
 - Three basement levels with access provided from Wainwright Lance to accommodate the following:
 - Basement 1 for the use of the pub comprising 53 car parking spaces (including two accessible spaces), six motor cycle spaces, building services areas and fire stairs at the south-eastern and north-western corners of the site
 - Basement 2 comprising 37 residential car parking spaces, 14 visitor car parking spaces, two service bays, two car wash bays, seven bicycle spaces, storage cages, bin storage areas and bulky goods storage space
 - Basement 3 comprising 58 residential car parking spaces, 14 bicycle spaces, storage cages, building service room and fire stairs at the south-eastern and north-western corners of the site
 - A pub comprising of a lounge and hotel with primary frontage to Great Western Highway and wrapping around the site to Bringelly Road. Outdoor dining associated with the pub use is proposed on the Bringelly Road frontage to provide an active street frontage. A bistro will also be provided at the south eastern end of the site, to accommodate the level change within the site and will have frontage to Bringelly Road and seating spaces, again to ensure an activated public domain to the street. An awning that extends over the footpath is proposed to the full extent of the commercial premises on the ground floor.
 - Four lobbies are proposed, two located adjacent to each other on the Great Western Highway frontage, being one for the pub and the second for residential access; a third entry for the pub is located at the corner of Great Western Highway and Bringelly Road, forming the main entry to the pub, and a fourth on Wainwright Avenue, accessible from the drop-off/pick-up area.
 - 79 residential apartments on Level 1 – 7. The proposed apartments comprise 13, 1-bed apartments; 12, 1-bed + study apartments, 6, 2-bed apartments, 42, 2-bed + study apartments and 6, 3-bed apartments. A communal garden is provided on Level 1.
 - Communal open space areas are proposed on Level 1 and the roof top, the latter of which will include plant and equipment, as well as provision for the lift overrun. These are set in

from the building edges to reduce their visibility from neighbouring properties and the streetscape.

- Streetscape and public domain improvements and landscaping
- Augmentation and extension of utilities and services

Proposed Use

The proposed uses are defined as a *retail premises, pub (food and drinks premises)* and *shop top housing*, all of which are permissible with development consent in the B4 zone. A description of each use as it relates to the LEP is provided below.

Operational Details

In both its temporary and permanent location, the pub will continue to operate between the hours of 9:00am and 3:00am, the following day, Monday to Sunday and 10:00am to 10:00pm, on Sundays.

The bottle shop in both its temporary and permanent form, will operate between the hours of 9:00am to Midnight, Monday to Saturday and 10:00am to 10:00pm on Sundays.

Based on the toilet capacity, the pub in the pub in Building A, on completion of the development, would hold up to 500 patrons at any one time; in its temporary location in Building B, it will accommodate up to 300 patrons at any one time.

Landscape Design

The landscape design for the proposed development provides a combination of the following:

- new street trees located along Great Western Highway and Bringelly Road
- planter boxes aligning the eastern side of the pub, at the ground floor, aligning Build A at the interface between the outdoor seating area and the public domain
- low raised garden edge surrounding the proposed substation, facing Wainwright Lane,
- planting in the Porte cochere of Building A, facing Wainwright Lane
- raised planter along the northern side of the VIP gaming room within Building A
- rooftop planting at Level 1, along the southern frontage, towards the west and extending into the centre of Building A
- planting surrounding the communal roof top on Level 7 of Building A
- rooftop planting on Level 1 of Building B
- planting surrounding the communal roof top on Level 5 of Building B

A detailed schedule of planting and associated works is shown on Landscape Plans

Stormwater & Drainage

Matters of stormwater and drainage design are addressed on the Hydraulic Services Plans.

Soil Erosion and Sediment Control

A Soil Erosion and Sediment Control Plan is provided in the Hydraulic Services Plans.

Waste Management

A Waste Management Plan dealing with demolition, construction and operation of the development accompanies this application and complies with Council's waste requirements.

A separate loading bay with turntable is provided in the lower ground floor for Building A and on the ground floor for Building B to service each building independently of the other. The location of this will not be visible from the public domain nor the common areas of the development.

For the residential component, two waste chute system are provided for Building A and one waste chute is provided for Building B. Each waste chute system comprises of two separate chutes, one for residual and the other for recycling waste. The chutes terminate in the waste storage area provided in the Lower Ground Floor for Building A and in the basement for Building B.

Two waste rooms are provided for Building A to ensure sufficient storage capacity and in response to the configuration of the building.

A separate waste storage area for the commercial component of each building is also provided on the lower ground floor of Building A. A retail waste storage area for Building B is located adjacent to the loading area facing the Wainwright Lane frontage.

Construction

Construction activity will be limited to between 7:00am and 5:30pm, Monday to Saturday with no work on Sundays or public holidays.

Development Staging

The proposed development is to be constructed as two separate stages to enable an Occupation Certificate to be issued for Stage 1 works, upon completion, independent of Stage 2. As such, in the event that the Council is of a mind to grant development consent to the application, we would seek that the conditions of consent allow for each stage to be completed independent of the other.

Each stage will comprise the following works:

Stage 1 – Building B

- Site establishment and protection of adjoining development (including dilapidation reporting)
- Erection of perimeter fencing, hoarding, gantry, scaffolding and site offices
- Establishment of temporary access and pedestrian arrangements
- Protection, diversion and/or temporary establishment of services infrastructure
- Utility services diversions and terminations

- Excavation, including removal of excess material and required remediation will be undertaken prior to basement works
- Remediation (as required)
- Construction of required piling and retaining walls to support the building structure.
- Construction of the development and associated works required.
- Termination of the temporary use of the pub in Stage 1 may be incorporated into any such conditions, upon completion of Stage 2.

Stage 2 – Building A

- Site establishment and protection of adjoining development (including dilapidation reporting)
- Erection of perimeter fencing, hoarding, gantry, scaffolding and site offices
- Establishment of temporary access and pedestrian arrangements
- Protection, diversion and/or temporary establishment of services infrastructure
- Utility services diversions and terminations
- Demolition of all structures to the underside of slab on ground, removal of footings and removal of any in ground obstructions
- Excavation, including removal of excess material and required remediation will be undertaken prior to basement works
- Remediation (as required)
- Construction of required piling and retaining walls to support the building structure.
- Construction of the development and associated works required
- Termination of the temporary use of the pub in Stage 1.

Response to pre-lodgement consultation

Two pre-lodgement meetings have been undertaken with Council. The application was reviewed by the Urban Design Advisory Panel on 19 May 2021.

The application was then the subject of a pre-lodgement meeting with Council's staff on 25 May 2021.

4. COUNCIL PLANNING STUDIES

The proposed development is considered in the context of relevant strategic planning policies, which include:

- Penrith Urban Study and Strategy
- Think Bold Kingswood Place Plan

Penrith Urban Study and Strategy

The Penrith Urban Study and Strategy recommends that the Sydney Metropolitan Strategy model of centre-based planning be adopted which focuses on increased densities and development around local centres which are retail and service centres/key activity nodes. The strategy has identified strategic centres across the Penrith LGA, one of which includes Kingswood where the focus of activity is on community services, retail, employment, and housing, in connection with key transport nodes.

Kingswood is identified as a Specialised Centre and the Strategy contains housing targets for the locality by 2031 and key actions that are relevant to the proposed development, including:

- increasing density to meet the Specialised Centre size and provide a greater range of housing types and densities to meet future accommodation needs of the utilising the hospital, university and wider community
- expanding existing retail and commercial zones along the key roads and expanding floor space opportunities to create greater diversity in retail and commercial uses
- investigation opportunities for a range of housing types to meet those involved with the hospital and university sectors.

The proposed development provides a significant opportunity, having regard to its location and density controls to align with the key principles for a Specialised Centre and enhancing the vibrancy of this by:

- providing residential development without compromising the quantum of commercial development provided to the precinct
- providing a diverse and vibrant night-time economy, utilising design elements that respond to potential negative impacts associated with late-night trading premises
- providing a mixed-use development that is within a short range of public transport services that enable access to a range of geographical locations
- enhancing economic growth which will increase opportunities for local spending that, in turn, benefit the local economy by providing quality, affordable, residential accommodation in a location that is close to jobs and services, as well as public transport.

Overall, the proposal is consistent with the future actions to enable Kingswood to be a Specialized Centre, by prioritising and delivering a high quality, mixed-use, development located in close proximity to public

transport facilities that support housing opportunities and connections to employment and services, both within the vicinity of the site and further afield.

Think Bold Kingswood Place Plan

Council has developed a 10-year Place Plan for Kingswood in line with the community's vision for the locality to coordinate current and future projects based on the needs and aspirations of the local community.

Character Intention

The proposed development is consistent with the future character of Kingswood as it will provide:

- innovative and colourful buildings and spaces
- human scale streets with well-defined edges
- buildings that emphasise focal points of activity
- active frontages and interaction between public and private spaces
- styles and materials that show progress and creativity.

Kingswood Places

The Plan identifies four neighbourhood blocks across the suburb. The site is located within the 'Central' neighbourhood that is the core of Kingswood with a mix of uses including commercial use as well as high and medium density residential uses.

The proposed development responds to the planning priorities by:

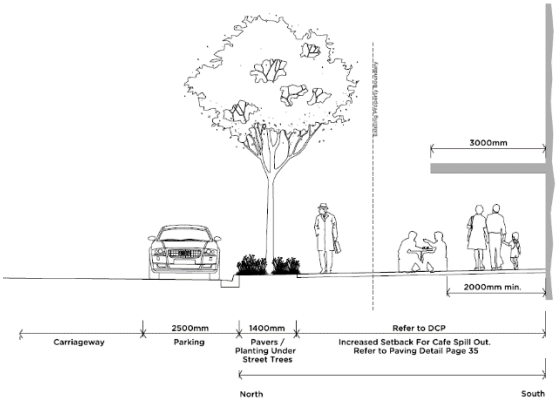
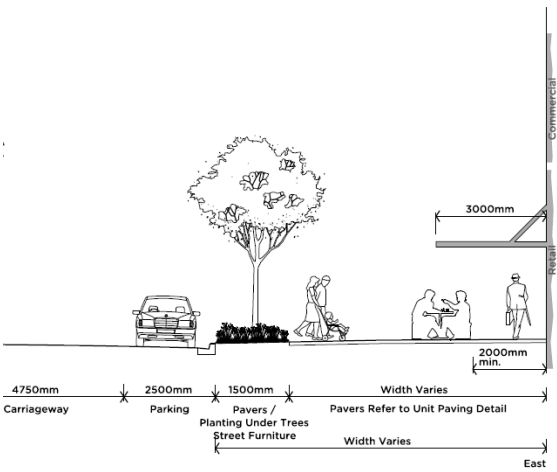
- providing a mixture of uses within the development including retail, pub and residential apartments of varying sizes, accommodating one, two and three bedroom apartments
- incorporating a licensed venue (noting that these will not operate concurrently, but designed to continue trade during construction) which will continue the site's contribution to the night time economy as identified in the community places and spaces. This will also generate job opportunities for local residents.
- Great Western Highway Shops – Retail premises be provided on the ground floor of the Great Western Highway frontage which will activate the street frontage and enable casual surveillance
- Activate Wainwright Lane frontage by providing a retail tenancy and food and drink premises
- streetscape improvements through planting, as well as providing external uses at the interface with the public domain to increase opportunities for activation and passive surveillance over this
- incorporating principles of sustainable development, renewal and design.

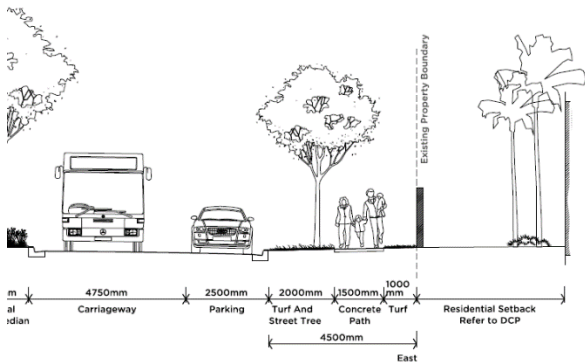
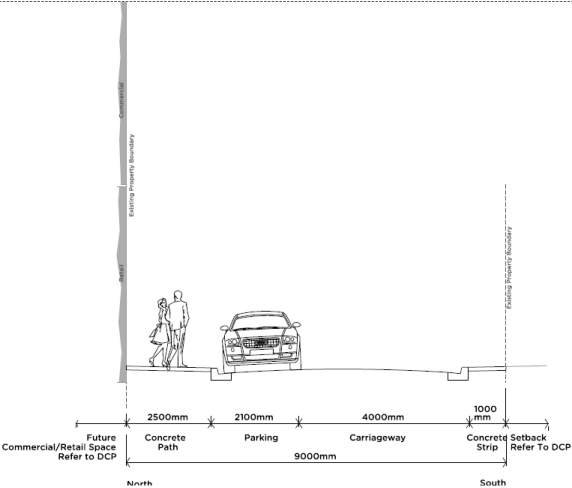
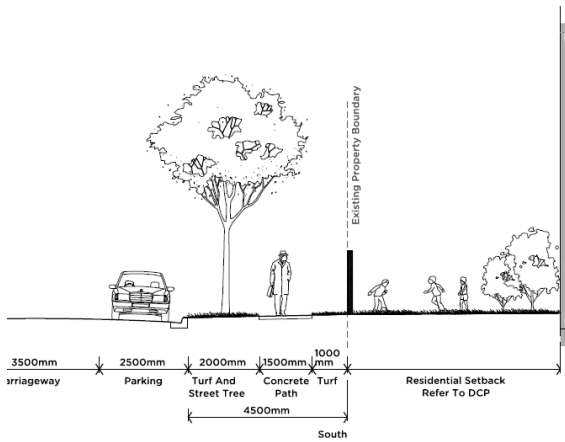
Kingswood Public Domain Manual

The public domain parameters for the proposed development are largely determined by the Kingswood Public Domain Manual (PD Manual), adopted by the Council which provides the desired development

outcomes for the site. The design accounts for the recommendations of this Manual and adopts a holistic approach to site redevelopment based on a detailed site context analysis and design impact assessment.

Table 3: Kingswood Public Domain Manual

Design Considerations	Provisions	Compliance
Street and Landscape character		
Primary – Great Western Highway and Bringelly Road	Public domain elements will need to be highly robust, consistent and functional whilst utilising hard and soft landscape to provide a positive image for the area that sets it apart from surrounding centres. There should be generous areas for circulation, minimal clutter from urban elements and promote a more civic feel than secondary or tertiary streets.	Yes
Tertiary	Their character should be ‘scaled down’, with narrower carriageways, verges and standard pedestrian path widths. Street tree planting will still be important reflecting the softer more intimate scale of the street.	Yes
Typical Street Section		
Great Western Highway		No, the proposal is built to boundary. Refer discussions under ‘Built Form’.
Bringelly Road – Commercial Frontage		Yes

Design Considerations	Compliance
<p>Bringelly Road – Residential Frontage</p> 	Yes
<p>Wainwright Lane</p> 	Yes
<p>Rodgers Street</p> 	No, given the limited frontage on Rodgers Street, Building B is built to boundary with the central portion of the building setback 1m from the boundary.

Such matters are provided on the Landscape Plans and further details relating to, kerb ramps, paving materials, tactile indicators, service covers, street furniture, lighting and maintenance guidelines can be dealt as conditions in the development, should the Council be of a mind to approve the application.

In addition to the above, awnings are proposed for Building B on Wainwright Avenue which will wrap around to the Bringelly Road frontage within the confines of the site. A similar approach is adopted for Building A on the Great Western Highway frontage and wraps around to the full extent of the Bringelly Road frontage. The portion of awning above the Great Western Highway up until the intersection extends above the Council's footpath and a separate approval will be sought under Section 68 of the Local Government Act 1993 subject to the development consent being granted for this site. The awning above the Bringelly Road frontage portion is located within the site. In terms of design, the awning acts as a feature and integrates with the architectural character of the development and provides an appropriate visual interface between the public domain and the proposed development.

5. ENVIRONMENTAL IMPACT ASSESSMENT

The proposal is subject to the requirements of section 4.15 of the EP & A Act, which are the matters for consideration in assessing a development application. These matters are addressed below.

Table 4: Section 4.15 of EP & A Act

Clause No.	Title/Clause	Comment
4.15	Evaluation	
(1)	Matters for consideration—general	
	In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
	(a) the provisions of:	
	(i) any environmental planning instrument, and	<ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) ○ State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) ○ State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development (SEPP 65) ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) ○ State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) ○ State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (SEPP Western Sydney Aerotropolis) ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997) (SREP 20) ○ LEP <p>The proposal is considered below having regard to these requirements.</p>
	(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the	None that are relevant to this proposal.

Clause No.	Title/Clause	Comment
	consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	
	(iii) any development control plan, and	<ul style="list-style-type: none"> ○ NSW Apartment Design Guide (ADG) ○ Penrith Development Control Plan 2014 (DCP)
	(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable.
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable.
	(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable.
	that apply to the land to which the development application relates,	
	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	<p>The likely impacts of the development are addressed below under <i>Key Issues</i>. In summary, the proposed development will have limited environmental, social and economic impacts and instead provide returns, as a result of its implementation.</p> <p>In terms of impact on the built environment, the proposed development is responsive to its context, particularly the topography of the land, while being designed to ensure that it does not compromise the future development potential of the adjoining properties in the event of future redevelopment on those allotments. As such, boundary conditions have been carefully considered. Solar access has also been carefully managed, with their being limited change to the solar access enjoyed to the neighbouring properties.</p> <p>In terms of social impacts, the proposed development has been designed in accordance with the Crime Prevention Through Environmental Design (CPTED) principles that will help to improve the safety and security of the local area which has been outlined as an area of concern in Council's strategic planning</p>

Clause No.	Title/Clause	Comment
		<p>studies undertaken for the locality. The proposal has been designed to encourage passive surveillance over the street and activate the street frontages. The inclusion of residential accommodation contributes positively to local housing needs, that are affordable in an area that is well serviced by public transport.</p> <p>The creation of an <i>in situ</i> population at the site will also create an inherent community in its own right, particularly with the proposed terrace on the roof top level, both of which will allow for interaction between residents within the development.</p> <p>In terms of economic impact, these may only be described as positive. The proposed development will result in employment generation during the construction and occupation phase of the development, having positive economic outcomes for the community through localised spending.</p> <p>The proposal will have limited impacts on adjoining land uses and have been managed as part of a comprehensive application, including control, through a plan of management, over the future use of the site.</p> <p>It is considered that the recommendations outlined in the consultant reports will assist the consent authority in formulating conditions to be imposed on any future development consent to ensure that the environmental impacts of the proposed development are suitably managed. Therefore, the proposed development will not result in adverse impacts on the site itself, nor the immediate locality, as a result of its implementation.</p>
	(c) the suitability of the site for the development,	<p>The site is suitable for the proposed development for the following reasons:</p> <ul style="list-style-type: none"> ○ The site is located in the B4 Mixed use zone under the LEP, which permits commercial premises including retail, and food and drink premises, and shop top housing. ○ The proposal provides a mixed use development that achieves the

Clause No.	Title/Clause	Comment
		<p>objectives of the business zone by providing a balance of non-residential and residential uses that supports the area, continuing to conserve the commercial sector along the Great Western Highway, as well as further afield, achieved through proximity to Kingswood Railway Station, which adequately services local residents and visitors from further afield.</p> <ul style="list-style-type: none"> ○ The proposal will not compromise the amenity of surrounding land uses and, where there is any degree of potential impact, mitigation measures are recommended. ○ The site is in a location that is close to public transport opportunities, including being accessible to bus stops along Great Western Highway and Kingswood Railway Station. ○ The proposal is consistent with the intended role of Kingswood Commercial Core identified in Council's strategic planning studies. ○ The site remains capable of being appropriately serviced to accommodate the proposed development, without playing undue pressure on utilities and services. ○ It has excellent access to a wide range of services and facilities that will support, and benefit from, the future occupants of the development. <p>The proposal is therefore suitable for the site.</p>
	(d) any submissions made in accordance with this Act or the regulations,	<p>Should submissions be made during assessment of this application, the Applicant would be willing to respond to these accordingly.</p> <p>Three submissions were received as part of preparing the Social Impact Assessment, which have been addressed as part of this application.</p>
	(e) The public interest.	<p>As demonstrated throughout the report, the proposal does not present any issues that are contrary to the public interest. The proposed uses are permissible within the zone.</p>

Clause No.	Title/Clause	Comment
		<p>The proposed development provides the opportunity for a contemporary, architecturally designed outcome to be achieved on the site. The design of the proposal will increase opportunities for passive surveillance to the surrounding street frontages and will result in retail tenancies that open to the street frontages. The architectural composition of the site will also improve the public vantage of this when viewed from the streetscape, of which the site occupies a number of frontages.</p> <p>The rejuvenation of this site will contribute to the desired character of Kingswood by providing a landmark mixed use development and generates employment opportunities.</p> <p>The opportunity to provide residential accommodation also means that living spaces are provided proximate to public transport opportunities.</p> <p>The proposal generally accords with the relevant environmental planning instruments, consistent with community expectations for the site.</p> <p>Therefore, the proposed development is within the public interest.</p>

Key Planning Considerations

The key planning considerations associated with the proposal are addressed below.

Built Form

The proposed development provides for a medium-scale mixed use development that has been designed after an in-depth analysis in response to the spatial and urban context of the site. The proposed development seeks to provide an integrated design response that responds to amenity issues including solar access, ventilation, noise, privacy, communal open space, vehicular and pedestrian movements, as well as achieves a scale, bulk and height appropriate to the desired future character of the locality.

The subject site is located in between one of the major intersections in Kingswood, where Great Western Highway and Bringelly Road are both major roads in the metropolitan road network. Further, the site is located directly opposite Kingswood Railway Station and therefore, redevelopment of the subject site provides an opportunity to provide a landmark development in the core of Kingswood. The DCP requires a 2-4 storey podium. However, given the prominent corner position of Building A, the architectural design has

responded to this requirement by instead retaining the building form along Great Western Highway for the full height of the seven storey form, with modulation instead achieved through modulation and articulation of the building form, as well as a change in colour such that the building recedes with height.

Building A is set back three metres from Bringelly Road to ensure that the ground floor outdoor dining area presents as its own feature to this frontage, with the same level of modulation and articulation carried up the building.

Building B presents as five storey elements with its primary interface to Bringelly Road. Consistent with Building A, the eastern frontage is set back three metres from Bringelly Road to ensure architectural continuity along this frontage, across both sites.

As acknowledged in Council's Urban Design Review Panel Advice, the resulting scale is based on the hierarchy of the street network and is an acceptable outcome facing Great Western Highway.

The three metre setback proposed to the Bringelly Road frontage considers the built form of the development at both the urban and human scale particularly for a person in the public domain. The proposed setback to Bringelly Road for both buildings provides a second tier of development opportunity and enables different uses to be organised and take advantage of the sites natural attributes, while creating a high-quality public domain and level of amenity.

In terms of the built form, the layout of the buildings allows for the provision of central courtyard spaces at Level 1 that not only provide passive garden spaces within the building configurations, but break the building form to provide a softened visual and aesthetic outcome in what is otherwise a dense urban context. The design outcome allows for the provision of more slender forms, limited in depth, surrounding the central courtyards and reduces the overall massing of what may otherwise be a single, much larger, bulky building on each site. The design ameliorates the overall building bulk and improves legibility in terms of the ratio of built form to open spaces, while ensuring that the proposed development will not dominate, or have an overbearing effect on, the surrounding streetscapes. This will also assist in maximising solar access to surrounding properties and reduce overshadowing, providing for longer shadows that move more quickly across the landscape.

In terms of floor space, Building A and Building B is subject to a maximum FSR of 4:1 and 3:1, respectively. In both cases, the buildings comply with the maximum FSR at 3.9:1 and 3:1. The Height of Building Map indicates the maximum permitted height is 24m for the Building A and 18m for Building B. The maximum height of the proposed development exceeds the permitted building height as a result of the provision of communal roof top areas. The design of these spaces are setback so as not to add to the bulk and scale of the buildings, and is further addressed in the cl. 4.6 accompanying this application.

Urban Design

The proposed development has been designed to ensure a positive urban design outcome by defining the street edges and public domain surrounding the site. The design provides an engaging ground floor interface on all street frontages with multiple building entrances and ground floor commercial premises.

Kingswood's commercial core has experienced long-standing negative perceptions relating to community safety and public amenity. The outdoor dining proposed along the Bringelly Road frontage on Building A promotes a degree of vibrancy along the street frontage and the retail tenancy on the Wainwright Lane will also reinforce the activity associated with this public domain areas, despite it being a laneway frontage. In addition, the balcony elements on the facades fronting the surrounding streets and laneways, in conjunction with window openings overlooking the surrounding street network, provides a strong and vibrant relationship with the public domain which will assist to achieve a safe, localised environment and create a sense of place.

The proposed development is designed to enable seamless connection through the site for residents. The internal design of the apartments is laid out such that the active areas are positioned fronting the streets and the common open spaces and cores are located in the central section of each building to enable an attractive outlook and passive surveillance from the apartments, while maximising the northern orientation.

The servicing for Building A is located off Wainwright Lane and for Building B, off Rodgers Street.

For Building A, a pick-up/drop-off point for the patrons of the pub will be located adjacent to the driveway on the ground floor and a separate loading area for commercial and service vehicles is located to the east of the Porte cochere to ensure adequate separation and prominent drop off point.

The likely required substation is also positioned within the Porte cochere area, but suitably screened with landscaping to ensure that it does not compromise the streetscape.

Façade Design

The facades are designed as an integral part of the overall development and have a human scale and appearance, incorporate pattern in relation to the proportion of the building, solid-to-void relationship, and materiality. The proposal provides an integrated response to both buildings and plays an important role in contributing to the amenity and attractiveness of the proposed development when viewed from the public domain. The façade has a diversity in architectural expression and is designed to complement the surrounding context through articulation and modulation and contributes to the desired character of the locality.

The proposed materials and finishes treatment and extent of building articulation has been designed to enhance the visual quality of the site when viewed from the public domain. The treatments also enable increased opportunities for passive surveillance, both at the ground plane and above, to the surrounding

pedestrian and road network, again benefiting the local community. The façade consists of a combination of traditional and contemporary materials such as face bricks walls, green brick gradients, frameless balustrade handrails and bronze cladding. The location and application of materials also emphasises the conceptual approach to the buildings which is to respond to both the larger urban scale and the finer human grain.

Recessed balconies are provided to ensure privacy while improving passive surveillance, better weather protection and a more attractive form of articulation. The building service elements, such as drainage pipes, grilles, screens, ventilation louvres and car park entry doors are integrated into the overall facade design.

The proposal incorporates high quality materials and finishes, as detailed in the Architectural Drawings Package.

Landscaping and Communal Open Spaces

The communal areas of the proposed development are extensively landscaped. The general landscaping strategy for the site and the selection of groundcovers and shrubs in the planting palette are appropriate to climatic conditions and designed to play an important role by integrating with the built form as well as providing opportunities for social interaction. The roof terraces are modulated and setback from the main street frontage to ensure that these are not visible from the ground plane, while ensuring that these are positioned on each of the sites in a location which affords the maximum amount of amenity for residents, while not impacting the locality. These complement and enhance the landscape intent of the site by providing landscaping along the edges of the buildings to enhance the articulated elements of the form, with the terraces generally arranged behind this to provide a level of privacy for residents.

The new street planting and public domain works provides an extensive visual improvement to the site and surrounding locality through an integrated design, which activates the streetscape and provides tangible public benefits with rejuvenation of the street frontages and landscape treatments, as well as natural surveillance.

For Building A, the proposal provides 23.4% of the site area for landscaping. While deep soil planting is limited by the required basement footprint, the overall landscape design is appropriate given the mixed use context within this urban centres. The ADG recognises this and encourages planting on structures to contribute to the quality and amenity of communal and public open spaces. It is identified as a way to create open space, in particular where opportunities for deep soil zones are restricted, which includes within multi storey developments.

Similarly, for Building B, the total landscaped area will occupy 17.9% of the site area.

The roof top communal areas include a barbeque area, play area and landscaping with raised planters and garden beds, which will provide amenity for residents of each of the buildings. There will be no significant impact on surrounding properties in respect of the loss of privacy, given the location of the communal

rooftop area. The roof top common open space including a part of the communal space located on the first floor, will receive at least 2 hours solar access at midwinter.

Building Setbacks and Separation

Street Setbacks

The DCP requires setbacks as set out in the table below.

Table 5: Boundary Setbacks

Frontage	Proposed Setbacks		
	Ground Floor	Podium	Roof
Building B			
Great Western Highway (north)	0m	0m To create an acceptable relationship to the adjoining property located to the west of the site, the design responds by providing a 1m setback to the external wall of the apartments between Level 4-6 and 1m setback to both the external wall and balcony at Level 7.	2m
Bringelly Road (east)	3m	3m	5m
Wainwright Lane (south)	0m	0m and increases to 6m at the south-eastern section of the site	12m
Building A			
Wainwright Lane (north)	1.3m	Variable setbacks <ul style="list-style-type: none"> 1.3m to the north western portion 2.83m to the north-eastern portion 	10m
Bringelly Road (east)	3m	3m	10m
Rogers Street (south)	0m	Variable setbacks <ul style="list-style-type: none"> 0m setback for Level 1-4 4m for Level 5 	10m

The proposed setbacks are appropriate for the urban setting of the site.

Boundary Setbacks

The proposed development is subject to separation distances stipulated in the ADG, which requires habitable rooms and balconies to be setback 6m from the boundary up to four storeys (12m), 9m between five and eight storeys (up to 25m) and 12m over nine storeys. Within the same site, minimum separation should be shared equitably between buildings and no separation is required between blank walls. The streets and lanes

surrounding contribute to building separation as encouraged in the ADG. The section below discusses, privacy with adjoining properties.

For Building A, to the south of the site, the eastern side of the building is proposed to be constructed to the boundary across all of the building levels as it is separated by Wainwright Lane. Window openings are at a higher level to avoid direct overlooking and external balconies are treated with louvres to ensure that there are no adverse impacts in terms of privacy.

Along the western side of the southern elevation, the built form is set back significantly from the property boundary such that no adverse privacy condition results with the development of Building B, along its northern interface.

Along the western boundary, it is proposed that this elevation is constructed of blank walls, aside from a small indentation of the building form to the north-facing apartment to a window which enables additional light and ventilation into the apartment on the north-western corner. This is a secondary window and will have no impact on the adjoining property to the west. For the balconies fronting Wainwright Lane, on the southern elevation, these are setback at 6m from the western property boundary in the event of future redevelopment to the west.

For Building B, the northern interface of the proposed building at the eastern end has a setback distance ranging of three metres, above Level 1, to the property boundary. While the northern elevation of Building B has a series of openings to enhance solar enjoyment, the treatment of the southern elevation of Building A ensures that there are very limited opportunities for overlooking between the two buildings. Where there is potential alignment for overlooking, the northern openings are treated to avoid cross viewing between the properties.

On the western end of Building B, along the northern elevation, the setback is modest to this boundary given that the built form on the corresponding section of Building A is recessed into the site by 13.5m, such that there is more than sufficient separation allowing this section of the building to be built closer to the boundary without adverse overlooking outcomes

The western interface of Building B is proposed to the boundary and incorporates a blank wall, with the exception of the central portion of the building that has habitable rooms and balconies. At that point, a six metre setback from the boundary is applied to Level 1-3, increasing to 8.950m at Level 4 and 5, which is generally consistent with the ADG requirements and allows for compliance to be achieved in the event that the site to the west is redeveloped at a later stage.

The proposed built form is therefore generally compliant with the required setback distances as contained in the ADG, while also being responsive to site conditions and potential future redevelopment of adjoining

properties, having regard to matters of solar access, ventilation, privacy and communal open space. The Council essentially supports the proposed setbacks as indicated in the Pre-DA minutes.

Separation of Buildings within the Site

For Building A, there is a six metre separation between the eastern and western sides of the building where a bedroom corresponds with a living space on the eastern façade of the western section of the building. However, the wall to the eastern façade is blank and the window opening on the southern elevation has a screening element to ensure that visibility to the eastern portion of the building is not available to the corresponding bedrooms such that visual and acoustic privacy is suitably maintained.

For Building B, there is a minor opportunity for overlooking between the eastern and western sides of the building. The separation distance is approximately 17m between a bedroom and bathroom and is therefore compliant with the ADG requirement.

View

There are no view corridors which benefit the site or the locality. Given the placement of buildings, the proposed development would not adversely impact the views enjoyed from surrounding properties, as a result of the proposed building height, compliant or otherwise.

Internal Design Amenity

In relation to solar access, the apartments in Building A achieve more than 2 hours of solar access at mid-winter for 70.88% of the apartments; for Building B, 72.2% of apartments receive solar access.

In terms of cross ventilation, 71% of apartments will achieve cross ventilation, while in Building B, 78.8% of apartments achieve this.

Full compliance is therefore achieved.

Overshadowing of Surrounding Landholdings

The shadow diagrams demonstrate that the surrounding landholdings will achieve the requisite three hours of solar access post the development being completed.

Traffic and Parking

In relation to on-site car parking for residential purposes, both Building A and B provide sufficient parking, including for visitor parking purposes.

For the pub, in Building A, upon completion of the development, there will be a shortfall of parking for this component, with 53 of the required 150 spaces being provided. For the proposed Bottle Shop in Building B, upon completion, is required to be provided with 20.1 spaces; 26 spaces will be provided.

While the Ground Floor in Building B is being used temporarily for the pub component, the same 26 spaces will be made available for that use, despite 70 spaces being provided.

The Traffic Impact Assessment identifies that, with the introduction of random breath testing and ride-sharing services, there has been a considerable reduction in parking requirements that are generated by developments with a pub component, such that the lesser provision, below the DCP rates is acceptable. In addition, the following measures have been determined as appropriate to managing car parking demand on the site:

- *Promotion of responsible drink-driving attitude with carpooling with designated drivers and taxi services.*
- *Encourage the use of alternative transport modes as the site is conveniently located in close vicinity to bus stops which provide night services and within walking distance to Kingswood train station which provides frequent services.*
- *Monitor the use of on-site parking by staff and assign parking to a small proportion of staff members only to ensure the availability of customer parking spaces.*
- *Produce a Transport Access Guide which can be given to staff and customers to indicate how they can travel to the site by means other than car.*

In addition, comparative studies of a similar pub reflect that the provision of 53 car parking spaces, based on demand generated by a similar sized pub, will be satisfactory.

In terms of the shortfall in Building B, on a temporary basis, this is not considered problematic given the temporary use and the above measures to manage carparking demand may also be utilised to assist in car parking arrangements.

Sufficient accessible parking is provided in association with each adaptable unit and two spaces in each site for the non-residential uses, thus complying with the requirements of the DCP.

Two car wash bays are provided on each of the site, also achieving the DCP requirement.

Loading bays, based on the number of units are proposed, being two for the northern site and one for the southern site, again, compliant with the DCP.

All car parking spaces within the development comply, or are capable of complying by condition, with the dimensional requirements of AS2890.1: 2004.

In terms of trip generation, the combined development is anticipated to generate 39 trips during the AM peak period and 118 trips during the PM peak period; however, as the licensed area of the existing Kingswood Hotel is generally similar to that proposed, the additional traffic generation would be associated with the proposed residential component of the development. The impact during the peak period is akin to one

vehicle every two minutes, which is considered negligible and without impact on the surrounding road network such that the proposed development *is not expected to result in any noticeable traffic impacts on the surrounding road network.*¹

The Conclusions of the Traffic Impact Assessment are that:

*the proposed development is considered acceptable from a traffic and parking perspective and is not expected to cause any noticeable adverse traffic impacts on the surrounding road network.*²

Crime Prevention through Environmental Design

The proposed development is designed on the principles of Crime Prevention through Environmental Design (CPTED) and focuses on the design, planning and structure of the environment. The principles in the DCP seeks to reduce opportunities for crime and have been used to inform the NSW Police Safer by Design Guidelines for Crime Prevention. The principles are:

- Surveillance
- Access control
- Territorial reinforcement, and
- Space management

The subject development performs well in terms of achieving the safer by design guidelines for crime prevention and incorporates the following:

Surveillance

- establishing buildings close to the street frontage to allow passing traffic to observe the development as well as clear, direct path that encourage pedestrian activity and allow for clear lines of sight
- ground level active uses and apartments facing the frontages will provide for natural surveillance
- clear building entry points, highly visible from the street and pedestrianised areas
- orientation of building entrances and windows towards the street, public domain and parking areas
- appropriate lighting and effective guardianship of communal and/or public areas
- landscaping that allows for attractive presentation, without providing locations for potential intruders to hide.

The Social Impact Assessment also recommends the importance of installing CCTV around the building and at entry points and communal spaces within the residential components of the development, including the presence of signage to identify this.

¹ Traffic Impact Assessment, TTPP Transport Planning, Page 16

² Traffic Impact Assessment, TTPP Transport Planning, Page 17

Access control

- The pedestrian access points to the development are provided via the pedestrian pathways from the streets. For the residential component, these are to be controlled by secure entry points with electronic access being restricted by an intercom, key, code or card lock system to all private entrances of the building and lifts to facilitate in demarcating the residential and non-residential uses of the building and providing a delineation between public and private spaces.
- Vehicular access to the basement will be restricted via a security door with access being controlled by an intercom, key, code or card lock system.
- Access to the loading bay and service area for Building B will be restricted with appropriate wayfinding signage and managed by the operator.

Similar to matters of Surveillance, the Social Impact Assessment again nominates the importance of CCTV and back to base alarm systems, as well as well-lit entrances and exits and clear signage that delineates where people are permitted within the site.

Territorial Reinforcement

- provision of active spaces such on the street frontage and strategic location of the pub security
- suitable way finding signage at the perimeter of the development, along with building/business identification signage associated with the commercial uses to help reduce the opportunities for people to find excuses to gain unauthorised access and/or to loiter in areas of the development, or immediately adjacent to entries. Whilst all access points are legible and inviting, signage will further enhance this perception.

In addition to the above, the Social Impact Assessment identifies the importance of well-maintained landscaping, clear delineation in car parking areas and alarm systems.

Space management

- All painted surfaces on the external parts of the ground floor level are to be treated with a graffiti resistant coating.
- The inclusion of glazed facades with anti-graffiti coatings on the ground floor wherever possible to maximise lines of sight and mitigate the risk of damage.
- Building management is to be responsible for the maintenance of common property including landscaping and removal of any graffiti.

The proposed development has therefore carefully considered and can easily implement measures to ensure that the principles of CPTED are achieved within, and adjacent to, the development.

Noise & Acoustic Impacts

An Acoustic Assessment accompanies this application and provides recommendations from a construction perspective having regard to the mixed use nature of development proposed, as well as the site's location, having regard to the surrounding road network.

The recommendations from a construction perspective include:

- glazing recommendations with nominated thickness depending on internal use and location, and range from 6.38mm laminated glass to 12.38mm laminated glass
- external wall construction to comprise Fyrchek Plasterboard (13mm) or Fibre Cement Sheeting (9mm) for bedrooms and living areas, or standard plasterboard (13mm) or Fibre Cement Sheeting (6mm) for all other surfaces
- roof construction to be of a concrete surface.

In terms of building services, which would comprise kitchen exhaust, air conditioning plant, toilet exhaust and refrigeration plant:

- for kitchen exhaust systems, fans would be installed within the tenancy or the vertical riser, with lined ductwork (50mm internal lining)
- toilet exhaust fans would be discharged along the façade using a louvre positioned above glazed elements
- condenser plants for air conditioning are isolated from the base building structure with rubber padding
- between the hours of 9:00pm and 7:00am, air conditioning systems must operate in night power mode with a minimum of 4-5dBA.

For the licensed venue, the assessment is based on:

- 463 patrons
- background music, operating bi-fold windows along the eastern façade of the proposed bistro, open until 12 midnight,
- opening in the southern façade of the VIP gaming area with a non-operable louvre on the lower section of the façade to a height of 2.2m, and an acoustic louvre above
- void above the VIP gaming room being treated with a 200mm deep acoustic louvre.

With the aforementioned treatments, the proposal is able to comply with the requisite noise criteria, both within the development itself and nearby sensitive receivers, while trading until 3am, Monday – Saturday. Further, the following recommendations are made to ensure adequate protection of localised amenity, as a result of the licenced venue:

- *Glazed openings in the façade are permitted to open between 7:00am and 12:00am.*
- *Glazed openings in the façade must be closed after 12:00am (midnight). (Openings in the VIP Gaming area except).*
- *With regards to background music in all Hotel, Bistro and Sports Bar within each of the venue areas we have assumed a Sound Pressure Level (SPL) of 70dBAL_{eq (1-minute)}.*
- *With regards to background music within the VIP Gaming Room on the northern site areas we have assumed a Sound Pressure Level (SPL) of 65dBAL_{eq (1-minute)} and 60dBAL_{eq (1-minute)} after midnight.*
- *Acoustic Louvres are to be installed as per 6.3 above.*
- *All mechanical selections and layouts must be reviewed prior to installation to ensure compliance with the project requirements outlined in section 5 above.*
- *Removal of glass or waste should be done internally and must not be taken after 10:00pm and before 7:00am.*
- *A contact number must be displayed for the purposes of receiving any complaints if they arrive.*
- *Signs must be displayed at all exits reminding patrons to be mindful of noise when leaving the premise.*
- *Any speakers within the retail tenancy must be correctly isolated from the base building structure a vibration isolator.*
- *For noise control between the licensed venue areas and the apartments located directly above it is recommended that an acoustic ceiling is installed this should be composed from 2 x 13mm Standard Plasterboard on an isolated acoustic ceiling system.*

The design and layout of the loading docks will achieve compliance with the requisite criteria, with additional mitigation measures provided for in the northern building. The Acoustic Assessment does recommend that the loading docks are not used between the hours of 10:00pm and 7:00am.

Plan of Management

A Plan of Management accompanies this development application.

Social Impact Assessment

A Social Impact Assessment accompanies this application, the conclusions of which are reproduced below.

The proposed development for the proposed new mixed use developments at 180 Great Western Highway and 26 Rodgers Street, Kingswood including new residential flat buildings is unlikely to generate any significant adverse social impacts to neighbouring properties, or the suburb of Kingswood.

There are some potential amenity impacts in terms of noise during construction and operation. However, with the inclusion of the noise attenuation measures have been suggested in the Acoustic Assessment to minimise the impact of any noise from the new hotel premises and into the residential dwellings will minimise these impacts.

Residents are likely to notice an increase in traffic around the subject site. The Traffic Impact Assessment concluded that this increase is not unreasonable.

This Social Impact Assessment concludes that the proposed mixed-use development will not result in any significant adverse social impacts to neighbouring properties or in the suburb of Kingswood, rather it has the potential to result in a number of positive social impacts. There is nothing about the proposed development that suggests the application not be approved on social impact grounds.

Hours of operation

The hours of operation proposed for the pub are 9:00am – 3:00am, Monday to Saturday and 10:00am to 10:00pm, Sundays.

Having regard to the proposed use and the context of the site, the proposal would not compromise the amenity of sensitive receivers within the vicinity of the site, as addressed above. As detailed in the acoustic assessment, adequate mitigation measures will be incorporated into the design to ensure that disturbance is not created. This will be coupled with the Plan of Management for the site, which sets out site security and operational measures again to ensure that disturbance to sensitive receivers does not accrue while recognising the site's location in a B6 Enterprise Corridor zone, where uses of this type are preferred and permissible.

Environmental Planning Instruments

Aside from those matters above, all other environmental planning instruments are addressed at Appendix 1.

6. CONCLUSION & RECOMMENDATIONS

This application seeks consent for a mixed-use development of the sites at 180 Great Western Highway and 26 Rodgers Street, Kingswood.

The site is located in the B4 Mixed Use zone pursuant to the LEP and the proposed mixed use development is permissible with development consent in the zone. The proposed development satisfies the relevant environmental planning controls, without impacting the site itself, nor the redevelopment of the adjoining properties in proximity to the site regardless of the height non-compliance.

The proposed development is to be constructed as two separate stages; as such, development consent is sought for staged construction to enable an Occupation Certificate to be issued for Stage 1 works (Building B), upon completion and independent of Stage 2. The proposal also seeks temporary use of the pub in Stage 1 which will cease upon an Occupation Certificate being issued for the ground floor of the Stage 2 works (Building A).

In summary, the proposal is considered to:

- provide mixed use development in a transitioning area within Kingswood and close to public transport opportunities
- provides a high-quality urban design response by facilitating a high degree of interaction with the public domain and reinvigorating the section of the urban blocks within which the site is located
- the proposed development is an appropriate response to the desired character of the locality and provides an integrated response to the adjoining sites and responds to broader amenity issues including solar access, ventilation, privacy, communal open space, vehicular and pedestrian movements
- provides an increase in housing supply with high quality residential accommodation that offers good amenity and privacy to the future occupants, as well as the adjoining properties
- provides an appropriate context, setting, planning instruments and preliminary assessment as required under the heads of consideration under Section 4.15(1) of the EP & A Act
- will have no adverse environmental impacts on adjoining properties and more importantly has been designed to provide an integrated response to adjoining development in relation to building separation, amenity and compatibility with the design, bulk and scale of the approved development.

Despite the non-compliance with the HOB development standard, the proposed development has limited impact in environmental, economic and social terms, the latter delivered through appropriate mitigation and management measures; is suited to the site and continues part of the existing use of the land, consistent with the zone objectives and is well within the public interest. We therefore recommend that this application be approved in accordance with the relevant conditions of development consent.

APPENDIX 1: ENVIRONMENTAL PLANNING ASSESSMENT

APPENDIX 1: ENVIRONMENTAL PLANNING INSTRUMENTS - ASSESSMENT

State Environmental Planning Policy No. 55 – Remediation of Land

Clause	Comments	Compliance
(1) A consent authority must not consent to the carrying out of any development on land unless:		
(a) it has considered whether the land is contaminated, and		NA
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	A PSI has undertaken for both lots and concludes that the site will be suitable for the proposed development subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required).	Yes
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.		
(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	The northern site has historically been used for commercial purposes and the southern site has been vacant since 1874 and occasionally used for parking cars. The application proposes to change the use of the land to a mixed use development incorporating a residential use, which is a more sensitive land use. As discussed above, a Preliminary Service Investigation has been undertaken for both lots.	Yes
(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report	Noted.	

Head Office: Suite 404 | 203 - 233 New South Head Road | Edgecliff 2027

Postal Address: PO Box 954 | Edgecliff 2027

☎ 02 9386 7000 🌐 www.hamptonspropertyservices.com

Hamptons Property Services Pty Ltd | ABN 66 141 622 433

Clause	Comments	Compliance
on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.		
(4) The land concerned is:		
(a) land that is within an investigation area,	No.	NA
(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,	No.	NA
<p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	The proposed development involves construction of a mixed use development comprising for retail and residential purposes.	

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

The Aims of SEPP 65 seek to ensure improvement in the design quality of residential apartment development, having regard to high quality outcomes that contribute to economic, environmental, cultural and social development.

The proposal provides residential accommodation in a location that is accessible to facilities and services, as well as diverse public transport opportunities. The proposal employs a high quality of architectural standard and design through the layout, proposed materials and finishes treatment, extent of building articulation and diversity in apartment mix assists to provide for a diverse range of economic and social outcomes.

Most importantly, the proposal has taken into consideration the site specific planning controls and seeks to provide an integrated response in relation to building separation between the buildings on site and adjoining development, amenity and compatibility with the character of the locality. The proposal incorporates extensive public domain works and landscaping which allows for softening of the built form at street level and contributes significantly to the streetscape, creating visual interest along the ground plane and demarcating the entries to each building. The proposal will thus provide a long-term asset to the neighbourhood through an active streetscape and improved public domain outcomes.

The proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase to 1, 2- & 3-bedroom housing choice and stock in the area. The proposal will therefore achieve the Aims of the SEPP.

Schedule 1 of the SEPP outlines 9 design quality principles that provide a guide to achieving a good quality design. An assessment of the proposed development, against these design principles is contained in the SEPP 65 Design Verification Statement prepared by Squillace Architects.

An assessment has also been undertaken in relation to the Apartment Design Guide.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)

The aim of this Policy is to establish a scheme to encourage sustainable residential development.

Clause 6 deals with Buildings to which the Policy applies. The proposal is a *BASIX affected development* and the relevant *BASIX certificate* accompanies this application.

State Environmental Planning Policy (Infrastructure) 2007

Clause No.	Title/Clause	Comment	Compliance
Division 5 Electricity transmission or distribution			
45 Determination of development applications—other development			
	(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line,	The proposed development will take place within 5 metres of an exposed overhead electricity power line.	Yes
	(c) installation of a swimming pool any part of which is—		NA

Clause No.	Title/Clause	Comment	Compliance
	<ul style="list-style-type: none"> (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool, (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned. 		
	<p>(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—</p> <ul style="list-style-type: none"> (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given. 	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes

Division 15 Railways

Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause No.	Title/Clause	Comment	Compliance
87	Impact of rail noise or vibration on non-rail development		
	<p>(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:</p> <ul style="list-style-type: none"> (a) residential accommodation (b) a place of public worship (c) a hospital <p>an educational establishment or centre-based childcare facility</p>	The proposed development comprises of residential accommodation.	Yes
	Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.	Noted.	
	<p>(2) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <ul style="list-style-type: none"> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, 	Refer to Acoustic Impact Assessment. The report outlines recommendations that will be incorporated at the design development phase to ensure there are no adverse impacts in terms of specified internal noise. We seek that the Consent Authority includes a condition requiring compliance with the acoustic report.	Yes



Clause No.	Title/Clause	Comment	Compliance
	(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.		

Division 17 Roads and Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

101	Development with frontage to a classified road		
	(1) The objectives of this clause are:		
	a) to ensure that new development does not comprise the effective and ongoing operation and function of classified roads, and		Yes
	b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.	Refer to Acoustic Impact Assessment.	Yes
	(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:		
	a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	Vehicular access to the proposed development is proposed on Wainwright Lane and Rodgers Street.	Yes
	b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:		
	i. the design of the vehicular access to the land, or		Yes
	ii. the emission of smoke or dust from the development, or	All such measures will be addressed as part of a construction management plan. The proposed use has no impact in this regard.	Yes

Clause No.	Title/Clause	Comment	Compliance
	iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	Refer to TIA.	Yes
	c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	Refer to AIA	Yes
102	Impact of road noise or vibration on non-road development		
	(2) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration: (a) residential accommodation (b) a place of public worship (c) a hospital (d) an educational establishment or centre-based childcare facility		Yes
	(3) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.		
	(4) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—		Yes

Clause No.	Title/Clause	Comment	Compliance
	(b) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (c) (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.		
104	Traffic Generating Development		
	(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:	The proposal is classified as traffic generating development under Schedule 3 of the SEPP as it provides more than 75 dwellings that connects to Great Western Highway, which is a classified road. In addition to this, the proposed development also involves a food and drink premises (pub) greater than 300m ² in area and has a frontage to a classified road. Therefore, concurrence from Roads and Maritime Services is required.	Yes
	(a) new premises of the relevant size or capacity, or	The development is, in part, a new premises.	Yes
	(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.		Yes
	(2) In this clause, relevant size or capacity means		
	(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or		NA
	(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is	The site has direct access to a classified road (Great Western Highway).	Yes

Clause No.	Title/Clause	Comment	Compliance
	within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.		
	(2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has:		
	(a) given written notice of the intention to carry out the development to RMS in relation to the development, and	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes
	(b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes
	(3) Before determining a development application for development to which this clause applies, the consent authority must:		
	(a) give written notice of the application to RMS within 7 days after the application is made, and	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes
	(b) take into consideration:		Yes
	(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes
	(ii) accessibility of the site concerned, including:	It is assumed that the consent authority will exercise its function, such that compliance is achieved.	Yes
	A. the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and		Yes

Clause No.	Title/Clause	Comment	Compliance
	B. the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and		Yes
	C. any potential traffic safety, road congestion or parking implications of the development.		Yes
	(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.		Yes

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (SEPP Western Sydney Aerotropolis)

Clause No.	Title/Clause	Comment	Compliance
21	Wildlife hazards		
	<p>Development consent must not be granted to relevant development on land in the 13 km wildlife buffer zone unless the consent authority—</p> <ul style="list-style-type: none"> (a) has consulted the relevant Commonwealth body, and (b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant, which includes— <ul style="list-style-type: none"> (i) species, size, quantity, flock behaviour and the particular times of day or year when the wildlife is likely to be present, and 	The site is located within the 13m wildlife buffer zone. However, the proposal does not involve the purpose listed in the 'relevant development' category.	NA

Clause No.	Title/Clause	Comment	Compliance
	<ul style="list-style-type: none"> (ii) whether any of the wildlife is a threatened species, and (iii) a description of how the assessment was carried out, and (c) is satisfied that the development will mitigate the risk of wildlife to the operation of the Airport, including, for example, measures relating to— <ul style="list-style-type: none"> (i) waste management, landscaping, grass, fencing, stormwater or water areas, or (ii) the dispersal of wildlife from the land by the removal of food or the use of spikes, wire or nets. 		
	<p>In this clause—</p> <p>13 km wildlife buffer zone means the land shown as the “13 kilometre wildlife buffer zone” on the Wildlife Buffer Zone Map and includes the 3 km wildlife buffer zone.</p> <p>relevant development means development for the following purposes—</p> <ul style="list-style-type: none"> (a) agricultural produce industries, (b) aquaculture, (c) camping grounds, (d) eco-tourist facilities, (e) garden centres, (f) intensive livestock agriculture, (g) intensive plant agriculture, (h) livestock processing industries, 		NA

Clause No.	Title/Clause	Comment	Compliance
	<ul style="list-style-type: none"> (i) plant nurseries, (j) recreation facilities (major), (k) recreation facilities (outdoor), (l) sewage treatment plants, (m) (m) waste or resource management facilities that consist of outdoor processing, storage or handling of organic or putrescible waste, (n) water storage facilities. 		
24	Airspace Operations		
	(2) This clause applies to development on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.	The site is affected by the Obstacle Limitation Surface Map.	Yes
	(3) Development consent must not be granted to development to which this clause applies unless— <ul style="list-style-type: none"> (a) the consent authority has consulted the relevant Commonwealth body, and (b) the relevant Commonwealth body advises the consent authority that— <ul style="list-style-type: none"> (i) the development will penetrate the prescribed airspace but it does not object to the development, or (ii) (ii) the development will not penetrate the prescribed airspace. 	Noted.	



Clause No.	Title/Clause	Comment	Compliance
	(4) Development consent must not be granted to development to which this clause applies if the relevant Commonwealth body advises that the development will penetrate the prescribed airspace and should not be carried out.	Noted.	

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997) (SREP 20)

The aim of the Sydney Regional Environmental Plan 20 (SREP 20) is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The proposal has been designed in order to address the specific planning policies and strategies contained within the SREP 20. The proposal will integrate specific water quality and management strategies as provided in the supporting documentation. Of relevance, the subject site will have no impact to the river system and is considered acceptable in this regard.

LEP

Matters relating to the LEP, as relevant to this application, are addressed below.

Development Standard	Controls	Comment	Compliance
Part 2 Permitted or prohibited development			
2.1 Land use zones	B4 Mixed Use Zone	The proposed uses are permissible with development consent.	Yes
Zone Objectives	To provide a mixture of compatible land uses. To provide a wide range of retail, business, office, residential, community and other suitable land uses.	In terms of land use, the proposed mixed use development provides an appropriate combination of residential and non-residential uses. The proposal will provide both retail tenancies and residential accommodation in a highly accessible	Yes

Development Standard	Controls	Comment	Compliance
		location that will allow for a local <i>in situ</i> population who are able to be employed within the locality.	
	To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The site is in a highly accessible to public transport infrastructure such that it will encourage alternate mode of transport. The proposal provide bicycle spaces and again encourages more sustainable modes of transport.	Yes
	To minimise conflict between land uses within the zone and land uses within adjoining zones.	The site and the adjoining properties are zoned B4 zone. In terms of land use within the zone, the proposed mixed use development provides an appropriate combination of residential and non-residential uses. Adequate mitigation measures will be incorporated into the design to ensure there are no amenity impacts within the land uses within the site and the adjoining properties, should they be redevelopment in the future.	Yes
	To create opportunities to improve public amenity.	The proposed development creates a vibrant development and the proposal, as detailed previously, in its entirety will unquestionably assist to stimulate and achieve this objective. The proposed development complies with this objective. Refer discussions in the SEE under 'Urban Design'.	Yes
2.6 Subdivision—consent requirements	Development consent required	A separate application for stratum and strata subdivision will be undertaken subsequent upon receiving development consent for this application.	Note
2.7 Demolition	Development consent required	Consent is sought for the demolition of the existing structures on the northern site in accordance with the demolition plans.	Yes

Development Standard	Controls	Comment	Compliance
Part 4 Principal development standards			
4.3 Height of buildings	North Site (Building A) – 24m South Site (Building B) – 18m	Refer to SEE	No
4.4 Floor space ratio (FSR)	North Site – 4:1 South Site – 3:1	Refer to SEE	Yes
4.6 Exceptions to development standards	The proposal seeks to vary the development standard prescribed under Clause 4.3 of the LEP.	Refer to Clause 4.6	No
Part 7 Additional local provisions			
7.1 Earthworks	Development consent is required.	The proposal will result in excavation below the existing ground level to allow for the provision of the three basement car parking levels. All excavation works will be undertaken to minimise as far as practicable impacts onto adjoining properties. The proposed excavation is an appropriate outcome when considering the nature of the development, the topography and characteristics of the site and will not adversely affect or disrupt drainage patterns or soil stability in the area. A Geotechnical Report is submitted with this application.	Yes
7.4 Sustainable development	In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following - <ul style="list-style-type: none"> conserving energy and reducing carbon dioxide emissions, 	The proposed development has been designed on the principles of ecologically sustainable development. The dwellings are designed to facilitate cross ventilation and maximise solar access. A BASIX certificate and Section J Report accompanies this application and incorporates all the required energy efficient measures into the	Yes

Development Standard	Controls	Comment	Compliance
	<ul style="list-style-type: none"> embodied energy in materials and building processes, building design and orientation, passive solar design and day lighting, natural ventilation, energy efficiency and conservation, water conservation and water reuse, waste minimisation and recycling, reduction of vehicle dependence, <p>potential for adaptive reuse.</p>	<p>design of the development. The proposed measures for waste minimisation and recycling are outlined in the WMP. The proposal provides the required car parking spaces as nominated in the DCP and is otherwise addressed in the TIA.</p> <p>The proposal does not have any negative impacts on the environment. As such, the proposed development is environmentally sustainable.</p>	
7.6 Salinity	<p>Development consent must not be granted to any development unless the consent authority has considered -</p> <ul style="list-style-type: none"> a) whether or not the proposed development is likely to have an impact on salinity processes, and b) whether or not salinity is likely to have an impact on the proposed development, and <p>appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).</p>	<p>The site is identified as moderate salinity on the Salinity Potential in Western Sydney 2002 map and also confirmed in the Geotechnical investigation carried out for the site. Refer to the Geotechnical Report.</p>	Yes
7.7 Servicing	<p>Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:</p> <ul style="list-style-type: none"> (a) the development will be connected to a reticulated water supply, if required by the consent authority, and (b) the development will have adequate facilities for the removal and disposal of sewage, and 	<p>All urban services are either available, or easily connected into the site, sufficient such that the proposed development can be suitably serviced. Where necessary services will be augmented or upgraded to enable the functionality of the development.</p>	Yes

Development Standard	Controls	Comment	Compliance
	<p>(c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and</p> <p>(d) the need for public amenities or public services has been or will be met.</p>		
7.8 Active street frontages	<p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</p> <ul style="list-style-type: none"> (a) entrances and lobbies (including as part of mixed use development), (b) access for fire services, (c) vehicular access. <p>(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.</p>		Yes
7.11 Penrith Health and Education Precinct	(3) Despite clause 4.3, development consent may be granted to development on land that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.	The proposed development is eligible to the additional building height as it has a floor to ceiling height of 3.5m on the ground and first floor. The ceiling height for all units above will be at least 2.7m.	Yes

Penrith Development Control Plan 2014

Part E – Key Precincts

E12 Part A Hospital Precinct

Development Control/Provisions	Comments	Compliance
12.1.4 Character Areas	Refer discussions in C. 4.6 report.	Yes
12.2 Land use controls		
12.2.1 Mixed use development controls		
1) Mixed use developments are to provide flexible floor areas and layouts to both the ground and first floor of buildings to accommodate a range of commercial uses.	The proposed development involves shop top housing and comprises of commercial uses in the ground floor and residential uses on the levels above. The ground floor incorporates a flexible layout such that it may accommodate a range of commercial uses in the future, should the need arise. This is response to the market conditions and given the proximity of the site to Penrith CBD, commercial uses are not required on the first floor. This approach is consistent with the adjoining development constructed in recent years.	Yes
2) Standard floor to ceiling heights apply for mixed-use developments in accordance with the Building Code of Australia and the Residential Flat Design Code. However, where an applicant is seeking to take advantage of the additional building height incentives prescribed by LEP 2010, the following floor to ceiling heights apply: a) 3.5m on the ground and first floor; and b) 2.7m on the upper floors These floor to ceiling heights must be applied to the entire floor in order to be granted the height bonus. To demonstrate that 2.7m floor to ceiling heights can be achieved (allowing for recessed lighting) a minimum floor to floor height of 3.1m is to be provided.	Refer discussions in the LEP.	

Development Control/Provisions	Comments	Compliance
3) Where it is proposed to vary the height of building controls to take advantage of the height incentives, applicants are to consult Council early in the design process.	Pre-DA consultations have been undertaken with Council.	Yes
4) The commercial and residential activities of the building are to have separate service provision, such as loading docks, lobbies and lift access, defined parking areas, garbage storage and servicing.		Yes
5) Mixed use developments are to provide commercial frontage (retail/business/office premises) as a part of the development as shown in Figure E12.3 for the ground and first floors. Variation may be considered to this control in order to provide adaptable housing.	Refer previous discussions.	Yes
6) The ground floor of a mixed use development is to provide a minimum of 75% commercial frontage.	With the exception of residential lobbies, the ground floor plane will be provided with multiple entrances to retail tenancies and the to ensure that the site provides a strong and vibrant relationship with the public domain facing this.	Yes
7) A minimum site width of 24m is required for any mixed use development		Yes
8) Residential entries shall be clearly marked and provide direct access to the street. Vehicular access is to be from rear lanes, where practicable and possible. Pedestrian entrances are to address the main streets		Yes
9) Commercial and residential uses should have clearly separate entries and vertical circulation.	These matters are addressed in the SEE.	Yes
10) Security access controls must be provided to all entrances into private areas, including car parks and internal courtyards.	These matters are addressed in the SEE.	Yes
11) Buildings are to provide an active ground floor setback zone, free of columns, balustrades and other visual barriers to the primary streetfront.		Yes
12) Blank building walls at ground level are to be avoided.		Yes
<i>12.3. Built form controls</i>		

Development Control/Provisions	Comments	Compliance
<i>12.3.1. Street alignment, building height and setbacks</i>		
1) Street building alignments are to be provided as specified in Figure E12.4. <ul style="list-style-type: none"> Great western Highway – NA Bringelly Road – 3m Rodgers Street - NA 	Refer discussions in the SEE.	Yes
2) Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Noted.	Yes
3) Building height will generally be restricted to a maximum podium height of 2-4 storeys addressing the main streets, with any additional storeys set back.	Refer discussion in the SEE.	Yes, on merit.
<i>12.3.3. Boundary setbacks and building separation</i>	Refer discussion in the SEE.	
<i>12.3.4. Site coverage and deep soil zones</i>		
1) Open space must be provided equivalent to 25% of the total site area.	Refer to Architectural Drawings and discussion in SEE.	Yes
2) Maximum site cover and minimum deep soil zone Maximum Site Cover – 75% Minimum Deep Soil Zone (% of Site Area) – 10% Note: Council may consider 100% site coverage on land within the Commercial Mixed Use character area along the Great Western Highway only.	The site is located in a business zone and within the Commercial Mixed Use character area. Building A provides 100% coverage and is located on Great Western Highway. Given the configuration of site being L shaped, Building B also provides 100% coverage despite of having a primary frontage to Bringelly Road.	Yes, on merit.
3) The deep soil zone is to be provided in one continuous block. If multiple deep soil zones are provided, they must have a minimum dimension (in any direction) of 6m.		Not applicable.
4) Where non-residential developments result in full site coverage and there is no capacity for water infiltration, planting on roof tops or over basement carport structures can be provided as a component of the mixed use development. In such cases,	Refer to landscape and stormwater management plan.	Yes

Development Control/Provisions	Comments	Compliance
compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.		
5) Where deep soil zones are provided, they must be associated with any existing mature trees as well as allowing for the planting of additional trees and landscape.		Not applicable.
6) No structures, works or excavations that may restrict vegetation growth are permitted in deep soil zones (including, but not limited to, car parking, hard paving, patios, decks and drying areas).		Not applicable.
<i>12.3.5 Building exteriors</i>		
1) Adjoining buildings are to be considered when designing new buildings and extensions to existing buildings in terms of: <ul style="list-style-type: none"> a) Appropriate alignment and street frontage heights; b) Setbacks above street frontage heights; c) Selection of appropriate materials and finishes; d) Facade proportions including horizontal or vertical emphasis; and e) Provision of enclosed corners at street intersections. 2) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings and on roofs are encouraged. 3) Reliance on continuous balconies to create the main façade is not supported. 4) Building façades are to be articulated so that they address the street and add visual interest. 5) The design of the street and laneway facades should respond to the existing lot subdivision pattern in the vertical expression of the building.	Refer discussions in the SEE.	Yes



Development Control/Provisions	Comments	Compliance
<p>6) External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. Use of painted render as the primary material is not encouraged.</p> <p>7) To assist articulation and visual interest, large expanses of any single material are to be avoided.</p> <p>8) Glazing for retail uses is to be maximised, but broken into sections to avoid large expanses of glass.</p> <p>9) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.</p> <p>10) A materials sample board and schedule are required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.</p> <p>11) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building, and in residential buildings, may be screened by roof pergolas.</p>		
<i>12.3.6 Landscape design</i>		
<p>1) Recycled water should be used to irrigate landscaped areas.</p> <p>2) Commercial and retail developments are to incorporate planting into accessible outdoor spaces.</p> <p>3) Remnant vegetation must be maintained throughout the site, wherever practicable.</p> <p>4) A long term landscape concept plan must be provided for all landscaped areas, including the deep soil zone, in accordance with the Landscape Design section of this DCP. The plan must outline how landscaped areas are to be maintained for the life of the development.</p>	Refer to landscape plan.	Yes
<i>12.3.7 Planting on structures</i>	The proposed development has communal open space on the rooftop of both buildings. The landscape plan is prepared in	Yes

Development Control/Provisions	Comments	Compliance
	accordance with the controls in this section that will ensure to provide quality landscaped areas.	
<i>12.4. Other controls</i>		
<i>12.4.1 Public domain</i>		
All public domain works within the Hospital Precinct shall be undertaken in accordance with the provisions of Penrith City Council's "Kingswood Public Domain Manual" (2013) and the other relevant parts of this DCP.	Refer discussions in the SEE.	Yes
<i>12.4.2 Pedestrian amenity</i>		
<i>12.4.2.1 Permeability</i>		
1) Through site links are to be provided as shown in Figure E12.6 with accessible paths of travel that are: a) A minimum width of 4m for its full length and clear of all obstructions including columns, stairs, building overhangs etc; b) Direct and publicly accessible thoroughfares for pedestrians; c) Open-air for its full length and have active frontages or a street address; and d) Activated by retail or commercial for a minimum of 70% of its length	The DCP nominates a desired future link along the western boundary of the site. This poses numerous challenges associated with redevelopment of this site due to the existing lot patterns and ownership, which were potentially discounted at the time of preparing this DCP. The acquisition of land for the purposes of redevelopment can be a high-resource activity for developers particularly where numerous parcels of land have fragmented ownership and are therefore more difficult to amalgamate to achieve consolidated development outcomes.	Yes, on merit.
<i>12.4.2.2 Active street frontages and address</i>		
1) Active frontage uses are defined as one or a combination of the following, at street level: a) An entrance to retail premises; b) A shop front;		Yes



Development Control/Provisions	Comments	Compliance
<ul style="list-style-type: none"> c) Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage; d) A café or restaurant if accompanied by an entry from the street; e) Active office uses, such as a reception, if visible from the street; and f) A public building, if accompanied by an entry. 		
2) Active street fronts are to be located at the ground level of all buildings located in those areas as shown in Figure E12.7		Yes
3) Ground floor active street frontage uses are to be at the same level as the adjoining footpath and must be directly accessible from the street.		Yes, on merit
4) Restaurants, cafes and the like are to consider providing openable shop fronts. A separate approval from Council is required under the Roads Act and Local Government Act for outdoor street dining.		Yes
5) Street address is defined as entries, lobbies, and habitable rooms with full height to a minimum of 2.1m clear glazing to the street.		Yes
6) Residential developments are to provide a clear street address and direct pedestrian access off the primary street front or laneway (if provided), and allow for residents to overlook all surrounding streets		
7) Commercial entries are to be separate to residential entries and are to address the primary street frontage.		Yes
8) Large developments should provide multiple entrances including an entrance on each street frontage leading to separate cores		Yes
9) Residential buildings are to provide not less than 65% of the lot width as street address.	The proposal is a mixed use development.	Not applicable.
<u>12.4.2.3 Safety and security</u>		

Development Control/Provisions	Comments	Compliance
1) For residential lobbies the lift is to be visible upon entry to the foyer. 2) The extent of corridors between the entry doors and the lift is to be minimised. 3) The minimum width of the corridor is to be at least 3m leading to the lift on the ground floor. 4) All residential lobbies are to be provided with a seating area and space for letterboxes. 5) Developments are to address the provisions of the Site Planning and Design Principles section of this DCP as it relates to Crime Prevention through Environmental Design (CPTED) principles. 6) Building design, particularly for higher density residential buildings, are to allow for passive surveillance of public and communal spaces, accessways, entries and driveways.	Refer detailed discussions in the SEE regarding the CPTED measures incorporated into the design of the development.	Yes
8) Certain types of development will be referred to Council's Community Safety Officer and, where appropriate, NSW Police in accordance with the CPTED protocol between Penrith City Council and NSW Police.	It is acknowledged that the application will be referred to the NSW Police for comment given the nature of the proposed development.	Yes
<u>12.4.2.4 Awnings</u>		
1) Continuous street frontage awnings are to be provided for all new developments where active street frontages have been identified in Figure E12.7.		Yes
2) Awnings should generally: <ul style="list-style-type: none"> a) Be a minimum 2.8m deep where street trees are not required, otherwise a minimum 2.4m deep; b) Have a minimum soffit height of 3.2m and a maximum of 4m; c) Be stepped for design articulation or to accommodate sloping streets, integral with the building design and not exceed 700mm; 		Yes

Development Control/Provisions	Comments	Compliance
<p>d) Be low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height); and</p> <p>e) Be setback from the kerb to allow for clearance of street furniture, trees, etc (minimum 600mm).</p>		
Awning design must match building facades and be complementary to those of adjoining buildings.	The design of the awning complements the façade of the proposed development.	Yes
Awnings must wrap around corners for a minimum of 6m.		Yes
Under-awning lighting, recessed into the soffit of the awning or wall mounted onto the building, is to be provided to facilitate night use and to improve public safety.		Yes
One under-awning sign may be attached to the awning and must be 6m away from the sign of the adjoining property.		Yes
<u>12.4.2.5 Vehicle footpath crossings</u>		
1) A maximum of one vehicle access point (including the access for service vehicles and parking for non-residential uses within mixed use development) will be permitted for each development.	A single vehicle access point is provided for Building B including the access for service vehicles and parking for non-residential uses within mixed use development). However, three vehicle access points are provided for Building A, being one for car parking, one for service vehicles and a porte cochere for pick and drop of hotel patrons. Given the access points are located on Wainwright Lane, these are acceptable having regard to the low turnover use of this frontage.	Yes, on merit.
2) Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity.	The vehicles access are located away from primary street frontages. The vehicle access for Building B is located on Rodgers Street and for Building A is located on Wainwright land	Yes
3) Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	Refer previous discussions.	Not applicable.

Development Control/Provisions	Comments	Compliance
4) To ensure pedestrian safety, vehicle entry points should not be located adjacent to building entry points.		Yes
5) Vehicle access widths and grades are to comply with the Australian Standard.		Yes
6) Vehicle access ramps parallel to the street frontage will not be permitted.		
7) Vehicle access ramps must be integrated into the building design and are not permitted as separate structures, Ramps must not be exposed along the side boundary.		Yes.
8) Vehicle entry points are to be integrated into building design.		Yes.
9) Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building facade.		
10) Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.		Yes.
11) Porte cocheres disrupt pedestrian movement and do not contribute to active street frontage. They may only be permitted for hotels, medical use buildings and major tourist venues subject to urban design, streetscape, heritage and pedestrian amenity considerations.	A porte cochere to service the hotel patrons is located internally to Building A on Wainwright Lane with one entry and one exit point. Design and landscaping measures have been incorporated to reduce the impact and contribute to an improved urban design outcome.	Yes, on merit,
12) If justified, porte cocheres are to be internal to the building with one combined vehicle entry and exit point, or one entry and one exit point on two different street fronts of the development.		
13) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level, provides an active frontage at its perimeter and provides for safe and clear pedestrian movement along the street.		Not applicable.

Development Control/Provisions	Comments	Compliance
12.4.3 Car Parking		
2) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are: <ul style="list-style-type: none"> a) Integrated into the overall façade and landscape design of the development; b) Located away from the primary street façade; and c) Oriented away from windows of habitable rooms and private open space areas. 		Yes
3) Proposals for basement parking areas are to be accompanied with a geotechnical report, prepared by an appropriately qualified professional, and any other supporting information.		Yes
4) Basement car parking should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.	The site is located in a business zone and the proposal does not incorporate a deep soil zone.	Yes, on merit.
5) The appearance of car parking is to be improved by locating parking so that it is not visually prominent from the street.	All parking spaces is contained within the basement and lower ground level of Building B. Similarly, for Building A, all car parking spaces are located within the basement.	
6) Car parking structures located above ground and viewed from the public domain are to be architecturally treated or where practical, sleeved with development.	Not applicable.	NA
7) Car parking layouts are to comply with the relevant Australian Standards.		Yes
12.4.4 Site Facilities and Services		
1) Letterboxes should be integrated into a wall immediately adjacent to the building entrance(s). Where there are a number of entrances into the building, the letterboxes located at each entrance should service the tenancies that will utilise that building entrance.	Letter boxes will be provided in the entrance lobby on the ground floor.	Yes

Development Control/Provisions	Comments	Compliance
2) Letterboxes shall be secure and large enough to accommodate articles such as newspapers.		
3) Telecommunication infrastructure should be built into the development and predominantly below ground, incorporating the following services fundamental in the effective operation of businesses, home businesses and dwellings: a) Multiple telecom services including high speed internet (including broadband), voice and data systems; and b) Cabling from all telephone lines and cable TV.	These matters can be addressed by a condition in the development consent.	Yes
5) Air conditioning units, service vents and other associated structures should be: a) Located away from street frontages and lanes; b) Located in a position where the likely impact is minimised; and c) Adequately setback from the perimeter wall or roof edge of buildings. 6) Where they are to be located on the roof, they should be integrated into the roofscape design and in a position where such facilities do not become a feature in the skyline at the top of building(s).	The building services/plant areas are located in the basement or on the roof. The location of the building services in the roof are setback from the perimeter of the building to ensure it does not compromise the streetscape, nor the common facilities associated with the development.	Yes
7) Separate waste storage and collection areas are to be provided for domestic and commercial waste.	Separate waste storage and collection areas are provided for the commercial and residential land uses. These matters are addressed in detail in the comprehensive Waste Management Plan (WMP) that accompanies this application.	Yes
8) For developments comprising residential uses, a separate storage and collection area for bulky waste (such as cardboard boxes) and old or discarded furniture/appliances shall be provided.	A separate storage area for bulky goods is provided within the basement of each building.	Yes
9) Vehicular access to the waste collection areas should be from rear lanes, side streets and right of ways.	The waste collection areas are located away from primary street frontages. The waste storage area for Building B is located in the lower ground floor and the waste storage area for Building A is	Yes

Development Control/Provisions	Comments	Compliance
	located adjacent to the loading area on Wainwright Lane frontage.	
10) The responsibility for the ongoing management of waste facilities must be determined prior to work commencing on the development. Details of the management of waste by future tenants are to form part of the Waste Management Plan for the development. (See Appendix F3 for details on waste management plans).	Refer to WMP.	Yes
11) Loading/unloading areas are to be: <ul style="list-style-type: none"> a) Integrated into the design of developments; b) Separated from car parking and waste storage and collection areas; c) Located away from the circulation path of other vehicles; d) Designed for commercial vehicle circulation and access complying with AS2890.2; and e) Vehicles are to enter and exit the site in a forward direction 	A loading dock with turntable is provided in the lower ground floor for Building B and a loading bay on the ground floor for Building A to avoid conflict with circulation for other vehicles. These are integrated into the design of the development and separated from the car parking and waste storage and collection areas. All vehicles enter and exit in a forward direction.	Yes
12) Separate loading/unloading areas are to be provided for commercial/retail and residential uses.	Each building accommodates a separate loading/unloading area for the commercial and residential component, adjacent to the loading dock/bay.	Yes
12.5 Other Information		
Please refer to Parts C and D of this DCP for other relevant controls that may apply to development within the Hospital Precinct.	Refer discussions under Part C and Part D of the DCP.	Yes

Part C – City Wide Controls

C1 Site Planning and Design Principles

Development Control/Provisions	Comments	Compliance
1.2 Design Principles		
1.2.2. Built Form - Energy Efficiency and Conservation	The proposed development has been designed with numerous elements to improve the thermal comfort through specific use of	Yes

Development Control/Provisions	Comments	Compliance
	materials and maximisation of passive solar access and natural ventilation. A BASIX Certificate and Section J Report accompanies this application and deals with energy efficiency in the built form.	
<i>1.2.3 Building Form – Height, Bulk and Scale</i>		
a) Context: An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use.	Refer to site analysis plan.	Yes
b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site.	The proposed development has been designed as a contemporary built form which is consistent with the desired character of the locality. The non-compliance pertaining to building height is considered to be compatible with the character of the locality as discussed in the Clause 4.6.	Yes
c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale.	Refer to discussion in the SEE.	Yes
d) Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces where there would be a significant reduction in amenity for users of those buildings/spaces.	Shadow diagrams have been prepared and are submitted. The proposal provides a compliant built form as far as practicable to minimise overshadowing.	Yes



Development Control/Provisions	Comments	Compliance
<p>e) Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings to:</p> <ul style="list-style-type: none"> i. Maintain consistency with the street context and streetscape character, especially street/front setbacks; ii. Maximise visual and acoustic privacy, especially for sensitive land uses; iii. Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale; iv. Maximise permeable surface areas for stormwater management; and v. Minimise overshadowing. 	<p>The proposal provides separation which is entirely consistent with the Design Criteria contained within the ADG. Refer discussions under ADG.</p>	<p>Yes</p>

Development Control/Provisions	Comments	Compliance
<p>f) Building Façade Treatment: The aim is to ensure that any built form will:</p> <ul style="list-style-type: none"> i. promote a high architectural quality commensurate with the type of building and land use; ii. adopt façade treatments which define, activate and enhance the public domain and street character; iii. ensure that building elements are integrated into the overall building form and façade design; iv. compose façades with an appropriate scale, rhythm and proportion that responds to the building's desired contextual character; v. design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls; vi. express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material or colour, roof expression or building height, and vii. co-ordinate and integrate building services to improve the visual presentation. 	<p>The proposal provides a high quality contemporary façade which is consistent with the mixed character.</p> <p>Refer detail discussions in the SEE regarding street wall frontage and building design.</p> <p>The building provides articulation to balconies, fenestration and undulation as well as inset balconies to provide shading.</p> <p>Building services are integrated into the façade design.</p>	<p>Yes</p>
<p>g) Roof Design: The roof is an important architectural element of any building and:</p> <ul style="list-style-type: none"> i. the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and ii. should consider opportunities for incorporating 'green roofs'. 	<p>The proposal provides a flat roof with parapet to the uppermost level of the buildings which is consistent with the contemporary developments in the locality.</p>	<p>Yes</p>
<p><i>1.2.4. Responding to the Site's Topography and Landform</i></p>		

Development Control/Provisions	Comments	Compliance
a) Applicants must demonstrate how the development responds to the natural topography and landform of the site based on analysis drawings.	The proposal has been designed to provide the basement below natural ground with building entrance at-grade.	Yes
b) Any built form should be located, oriented and designed to minimise excavation, cut and fill in accordance with the requirements of the Land Management Section of this Plan.	The building minimises excavation excluding the provision of basement parking.	
c) The built form should respond to the natural topography by: <ul style="list-style-type: none"> i. Avoiding steep slopes for buildings; ii. Aligning the built form with the contours; and iii. Utilising split level design on gentler slopes. 	Both lots have a slope of approximately 5% and the proposed built form is designed to align with the contours.	Yes
d) Where relevant, buildings should be placed so there is a backdrop of a hill, slope or rise behind the building. In this way, the ridgeline of any building is lower than the highest level of any hill, slope or rise on which the building is placed to avoid being visible above that hill, slope or rise.	Not applicable.	NA
<i>1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)</i>	Refer detailed discussions in the SEE regarding the CPTED measures incorporated into the design of the development.	
B. Referrals and Required Information		
<p>Council is committed to ensuring that developments reduce the potential for crime. As such, Council has developed and entered into a protocol with the NSW Police Service which stipulates what type of developments will be referred to the Police and associated timeframes for response. The following developments will generally be referred to the Police:</p> <ul style="list-style-type: none"> • Mixed use developments that include 15 or more dwellings. • Major new or upgrading of commercial premises (business, office or retail premises). • New registered clubs or pubs including applications for extended hours of operation, gaming rooms and nightclubs. 	The proposal involves construction of a mixed use development with more than 15 dwellings and includes pubs with extended hours of operation and gaming rooms. It is acknowledged that the application will be referred to the NSW Police for comment.	Yes

Development Control/Provisions	Comments	Compliance
<i>D. Controls</i>		
1) Lighting: Lighting plays a vital role in crime prevention and personal safety as you can see and respond to what is around you and ahead of you. Others can also see you, which further reduces the likelihood of a crime being committed.	The proposal will provide appropriate lighting to the building entries and communal open spaces.	
a) All areas intended to be used at night should allow appropriate levels of visibility.		Yes
b) Pedestrian pathways, lane ways and access routes in outdoor public spaces should be lit to the minimum Australian Standard of AS1158. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas. Lighting should be designed in accordance with AS4282 – Control of the obtrusive effects of outdoor lighting.	This can be addressed as a condition in the development consent.	Yes
c) Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or are being traversed. Lighting should clearly illuminate the faces of users of pathways.		
e) Lights should be directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points		
f) Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.		
g) Lighting should be designed so that it is “vandal tough” or difficult for vandals to break.		
h) Where appropriate, use movement sensitive and diffused lights.		
i) Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance.		
j) Illuminate possible places for intruders to hide.		



Development Control/Provisions	Comments	Compliance
<p>k) As a guide, areas should be lit to enable users to identify a face 15m away.</p> <p>l) All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.</p> <p>d) Use energy efficient lamps/fittings/switches to save energy.</p>		
<p>3) Car Parking: Poorly designed car parks whether underground or not can be a dangerous environment for their users. Through the provision of some basic design elements, such as lighting and signage these spaces can be made safer.</p>	<p>Vehicular access to the basement will be restricted via a security door with access being controlled by an intercom, key, code, or card lock system and will be well lit.</p>	
<p>a) Car parks, aisles and manoeuvring areas shall be:</p> <ul style="list-style-type: none"> i. designed with safety and function in mind, and ii. have dimensions in conformity with Australian Standards 2890 - Parking Facilities. Relevant parts of this standard are: <ul style="list-style-type: none"> • AS2890.1 - Off-street parking. • AS2890.2 - Commercial vehicle facilities. • AS2890.3 - Bicycle parking facilities 		Yes
<p>b) Where parking spaces are to be provided for people with disabilities, these spaces are to:</p> <ul style="list-style-type: none"> i. be suitably located near entrances to the building and lifts/ access ramps, if required; ii. be provided in accordance with Australian Standards 1428.1 - Design for access and mobility; and iii. have appropriate signage and tactile pavement treatments, where required. 		Yes

Development Control/Provisions	Comments	Compliance
<p>c) The design of car parking areas should incorporate the following elements:</p> <ul style="list-style-type: none"> i. provision of a safe and convenient vehicle entry and exit that avoids traffic/pedestrian conflict and impacts on the surrounding road; and ii. the internal (vehicular) circulation network is free of disruption to circulating traffic and ensures pedestrian safety. 		Yes
d) The movement of pedestrians throughout the car park should be clearly delineated by all users of the car park and minimises conflict with vehicles		Yes
e) The design of the car park should ensure that passive surveillance is possible and where appropriate, incorporate active measures such as cameras and security patrols. Car parks should be designed to minimise dark areas through the provision of appropriate lighting.		Yes
<p>f) Large car parks should incorporate communication devices such as:</p> <ul style="list-style-type: none"> i. Intercoms ii. Public address systems iii. Telephones iv. Emergency alarms. 		NA
g) To ensure users of large car parks are easily able to determine their location, exit and access points, security intercoms and the like, appropriate signage is to be included.		Yes
h) All surfaces in the car park should be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.		Yes



Development Control/Provisions	Comments	Compliance
i) All potential entrapment points should be avoided, e.g. under stairs, blind corners and wide columns. Adequate lighting and mirrors should be used when certain design features are unavoidable.		Yes
4) Entrapment spots and blind corners: Entrapment spots and blind corners provide opportunities for perpetrators of crime to hide and or commit crime.	The proposal will not provide any blind corners or areas for concealment as accessed from the public domain.	Yes
a) Pathways should be direct. All barriers along pathways should be permeable including landscaping, fencing etc.		Yes
b) Consider the installation of mirrors to allow users to see ahead and around corners. The installation of glass or stainless steel panels in stairwells can also assist in this regard.		NA
c) Entrapment spots adjacent to main pedestrian routes such as a storage area or small alley should be eliminated from all designs.		NA
d) If entrapment spots are unavoidable they should be well lit with aids to visibility such as convex mirrors and locked after hours.	Noted.	
5) Landscaping: Trees and shrubs that are inappropriately located can easily reduce surveillance opportunities and provide entrapment spots and blind corners.	Landscaping is designed to minimise disruption of sight lines.	Yes
a) Avoid medium height vegetation with concentrated top to bottom foliage. Plants such as low hedges and shrubs, creepers, ground covers and high-canopied vegetation are good for natural surveillance.		Yes
b) Trees with dense low growth foliage should be spaced or crown raised to avoid a continuous barrier.		Yes
c) Use low ground cover or high-canopied trees with clean trunks.		Yes

Development Control/Provisions	Comments	Compliance
d) Avoid vegetation, which conceals the building entrance from the street.		Yes
e) Avoid vegetation screening of all public use toilets.		NA
f) Avoid vegetation that impedes the effectiveness of public and private space lighting. Use “green screens” (wall hugging vegetation that cannot be hidden behind) if screening large expanses of fencing to minimise graffiti.		NA
6) Communal/Public Areas: Communal or public open space areas that do not have adequate natural surveillance are a risk to personal safety.		
a) Position active uses or habitable rooms with windows adjacent to main communal/public areas e.g. playgrounds, swimming pools, gardens, car parks etc.	Corridors are provided around the communal open spaces on Level 1 to enable surveillance.	Yes
b) Communal areas and utilities e.g. laundries and garbage bays should be easily seen and well lit.		NA
c) Where elevators or stairwells are provided, open style or transparent materials are encouraged on doors and/or walls of elevators/stairwells.	This provision is not applicable given the nature of the proposed development as it more appropriate to shopping malls and commercial centres.	NA
d) Waiting areas and entries to elevators/stairwells should be close to areas of active uses, and should be visible from the building entry.		Yes
e) Seating should be located in areas of active uses.		Yes
8) Entrances: Entrances to all types of development that are not visible from the public domain provide an opportunity for perpetrators of crime to hide and or commit crime. Entrances to all types of development need to be clearly visible and legible so that the users can obtain entry quickly and expediently.	The proposed development will provide clear building entry points, highly visible from the street and pedestrianised areas.	
a) Entrances should be at prominent positions and clearly visible and legible to the users.		Yes



Development Control/Provisions	Comments	Compliance
b) Design entrances to allow users to see into the building before entering.		Yes
c) Entrances should be easily recognisable through design features and directional signage.		Yes
d) Minimise the number of entry points – no more than 10 dwellings should share a common building entry.		NA
e) If staff entrances must be separated from the main entrance, they should maximise opportunities for natural surveillance from the street.		NA
f) Avoid blank walls fronting the street.		Yes
9) Site Building and Layout: Buildings should be sited so that they address the street and promote surveillance of the street from the dwelling and of the dwelling.	Both non-residential and residential uses directly front the public domain.	
c) Position habitable rooms with windows at the front of the dwelling.		Yes
d) Garages and carports should not dominate the front façade of the building.	All car parking spaces are provided in the basement.	Yes
e) Access to dwellings or other uses above commercial/retail development should not be from rear lanes.	The residential lobbies for both dwellings are not located on Wainwright Lane.	Yes
f) Offset windows, doorways and balconies to allow for natural observation while protecting privacy.		Yes
10) Building Identification: Adequate building identification is essential to ensure that people can easily find a destination and do not have to walk up and down the street searching for it.		Yes
For commercial development:		
a) Street numbers should be at least 7cm high, and positioned between 1m and 1.5m above ground level on the street frontage.		Yes



Development Control/Provisions	Comments	Compliance
b) Street numbers should be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g. by foliage).		Yes
c) Location maps and directional signage should be provided for larger developments.		NA
11) Security: A crucial part of a crime prevention strategy is the use of security hardware and/or personnel to reduce opportunities for unauthorised access	Electronic access (card / key controlled entries / lifts etc) will be provided to all private entrances of the building and lifts to facilitate in demarcating the residential and nonresidential uses of the building.	
a) Install intercom, code or card locks or similar for main entries to buildings including car parks.		Yes
b) Main entry doors for apartment buildings should be displayed requesting residents not to leave doors wedged open.		Yes
c) Australian Standard 220 - door and window locks should be installed in all dwellings.		Yes
d) Consider installing user/sensor electronic security gates at car park entrances, garbage areas and laundry areas etc, or provide alternative access controls.		Yes
e) Entry to basement parking should be through security access via the main building.		Yes
f) External storage areas should be well secured and well lit.		NA
12) Ownership and Space Management: It is important that people have a sense of ownership of a place whether it is residential or commercial as a person who feels attached to a place is more likely to watch out for it and the other users of it.	The inclusion of glazed facades with anti-graffiti coatings wherever possible to maximise lines of sight and mitigate the risk of damage. All painted surfaces on the external parts of the ground floor level are to be treated with a graffiti resistant coating.	
c) Ensure the speedy repair or cleaning of damaged or vandalised property.		Yes
d) Provide for the swift removal of graffiti.		Yes

Development Control/Provisions	Comments	Compliance
e) Provide information advising where to go for help and how to report maintenance or vandalism problems.		Yes
13) Way finding/ finding help: The ability to escape, communicate or find help when in danger can be assisted through improved signage and legible design. Moreover, knowing where you are in a large open space or shopping centre contributes to a feeling of safety.	The building will incorporate business, building and wayfinding signage appropriate to deter access to private spaces and direct pedestrian movements to desired locations.	Yes
a) Signs should be large and legible, with strong colours, standard symbols (e.g. for washrooms) and simple graphics. They should indicate where to go for help or assistance.		Yes
b) Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.		Yes
c) Signs should indicate how to report maintenance problems in the complex.		NA
d) The main pedestrian route through a large building, sets of building or areas of open public space should be indicated as such with appropriate signage.		NA
e) Where exits to pedestrian routes are closed after hours this should be indicated at the entrance to the route and information on alternative routes should clearly be advised.		NA
f) Signs that provide way finding information should not be relied upon solely, the overall legibility of the design needs to be well considered. Users of the space need to be able to intuitively understand where they are within the complex or area and how they can get away.	Design provides clear and legible pathways and access.	Yes
<i>1.2.6 Maximising Access and Adaptability</i>	Refer to Access Report	

C3 Water Management

Development Control/Provisions	Comments	Compliance
<i>3.2. Catchment Management and Water Quality</i>		

Development Control/Provisions					Comments	Compliance
3) Water Quality for all Land Uses					Refer to Stormwater Management Plans	Yes
4) Council Approval Requirements for WSUD Systems						Yes
The performance criteria required to be met are listed below under subsection '5) WSUD Development Controls'. Affected developments must submit a WSUD Strategy (report dealing with measures to be implemented as part of the development) with a Development Application.						Yes
Table C3.1: Developments Required to Consider Water Sensitive Urban Design						Yes
Land Use	Development Type	Water Conservation 5(a)	Stormwater Quality 5(b)	Water Quantity Flow (5c)		
Residential	Residential development of 5 or more dwellings including multi dwelling housing, residential housing, residential flat buildings and mixed use development	✓ BASIX	✓	✓		
5) WSUD Development Controls						
3.4. Groundwater					Refer to Geotechnical Report. Groundwater not encountered during augering in the boreholes installed for geotechnical investigation.	Yes
3.5 Flood Planning					The site is not affected by flooding.	
3.6. Stormwater Management and Drainage					Refer to Stormwater Management and Drainage plans.	

C4 Land Management

Development Control/Provisions	Comments	Compliance
4.3. <i>Erosion and Sedimentation</i>	Refer to Stormwater Management Plans	Yes
4.4. <i>Contaminated Lands</i>	Refer to discussions under SEPP 55	Yes
4.5. <i>Salinity</i>	Refer to discussions in the LEP.	Yes

C5 Waste Management

Development Control/Provisions	Comments	Compliance
5.1 <i>Waste Management Plan</i>	A comprehensive WMP accompanies this application.	Yes
5.2. <i>Development Specific Controls</i>		
5.2.2.4 <i>Residential Flat Building</i>		
1) The development must provide a waste bin storage area that is of sufficient size to accommodate all required waste bins associated with the development. This is to be achieved through the provision of a waste storage bin area located within the basement footprint of the development. For larger developments, multiple waste bins storage areas may be required.	The proposal provides sufficient waste storage area for all uses within the basement and the lower ground floor level.	
a) The waste bin area is to be designed in accordance with Section 5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development.		Yes
b) Additional storage space for bulky items is to be provided for the development.		Yes
c) Swept paths demonstrating adequate manoeuvring area are to be provided with the application.		Yes
2) For developments comprising three or more storeys, the development is to incorporate a waste chute system that:	Two waste chutes system are provided for Building A and one waste chute is provided for Building B.	Yes

Development Control/Provisions	Comments	Compliance
a) The waste chute system will provide a separate chute for both residual and recyclable material.	Each waste chute system comprises of two separate chutes, one for residual and the other for recycling.	Yes
b) Waste Disposal points are to be provided on each residential level of the development located within a high trafficked area for residential use.		Yes
c) Larger recyclable goods are to be placed in a separate location identified by the strata management for collection.		Yes
d) The chute is to be designed to minimise noise and fire risk is reduced.		Yes
e) The chute is to be completely enclosed and fire-rated and comply with the BCA.		Yes
f) The chute is to terminate in a garbage and recycling room and discharge directly into a receptacle.	The chutes terminates in the waste storage area provided in the Lower Ground Floor for Building A and in the basement for Building B. Two waste rooms are provided for Building A is split given the configuration of the site and accommodate the fleet of bins that caters for the portion of the building it serves.	Yes
g) The waste chute service room must be located directly under where the chute terminates. The room will need to accommodate the entire fleet of bins allocated to the development.		
h) A separate bin storage room located in the basement will need to accommodate the entire fleet of bins allocated to the development		Yes
i) A site caretaker/manager will be required to transfer all bins from the bin storage room to the collection room located on ground floor.	All servicing for Building A will occur on the lower ground floor and for Building B will occur on the ground floor.	Yes
3) Council may consider an alternative solution to the waste chute system for developments comprising three or more storeys if the applicant can demonstrate:		NA
a) That the alternative system provides a convenient method for the transfer of waste to a centralised location within the basement/ground floor;		

Development Control/Provisions	Comments	Compliance
<ul style="list-style-type: none"> b) Provides adequate room to cater for the storage and easy access to all waste bins required for the size of the proposed development; and c) Does not require residents to walk to the ground floor with waste and dispose of the waste within designated bins. 		
4) The Waste Services Room is to be provided so that:		
<ul style="list-style-type: none"> a) It is accessible for residents on each residential level of the development. The waste services room will include the access to the residual and recyclable chute with provisions for cardboard storage 		Yes
<ul style="list-style-type: none"> b) The maximum travel distance from any dwelling to the waste services room is not to exceed 75m. 		Yes
<ul style="list-style-type: none"> c) The waste service room must be of adequate size to accommodate the required access to chutes or waste infrastructure assigned to the development 		Yes
<ul style="list-style-type: none"> d) The room is to be designed to accommodate waste generation rates projected for the development 		Yes
5) On-site collection is required to service the development. Adequate and safe access must be provided for Council's Standard Waste Collection Vehicles and waste collection staff as follows:		
<ul style="list-style-type: none"> a) The route must be designed to allow collection vehicles to enter and exit the site in a forward direction with limited manoeuvring and reversing on-site; 		Yes
<ul style="list-style-type: none"> b) The route of travel (including vehicle manoeuvring areas) for the waste collection point is to satisfy the typical dimensions of heavy rigid vehicle. This also includes adequate vehicle clearance for the vehicle. Australian Standard AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities provides typical dimensions and turning circles 	Refer to TIA/WMP.	Yes

Development Control/Provisions	Comments	Compliance
c) The route of travel for the waste vehicle is to be adequately paved and of sufficient strength to support the waste collection vehicle.		Yes
d) The grades of entry and exit ramps must not exceed the capabilities of the waste collection vehicle and are to comply with AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities.	Refer to TIA/WMP.	Yes
e) The waste collection point and parking area for the waste vehicle is to be clearly nominated with dimensions on the site plan. The collection point is to be of sufficient space to accommodate and safely manoeuvre all required waste bins.		Yes
f) Access to the nominated waste collection point for the development is to be designed to ensure that Council's standard waste vehicle can safely access and manoeuvre within the site. Typical dimensions (and turning circles) for a heavy rigid vehicle are provided within AS 2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities.	Refer to TIA/WMP.	Yes
6) The on-site collection point is to be clearly nominated on the site plan which accompanies the development application. The collection point is to only temporarily store waste bins so that they can be serviced. The waste bin holding area is to be located fully within the development site. Consideration will be given to multiple waste bin holding areas for larger developments. The collection point is to be designed so that:		Yes



Development Control/Provisions	Comments	Compliance
a) It is of sufficient size to accommodate all required waste bins for the development; b) It is located at ground level away from pedestrian entrances of the development and habitable windows (including both the development and adjoining dwellings); c) It is to be clearly separated from car parking bays (on or off street), footpaths and landscaped areas. d) The bin-carting route is to ensure that bin transfer complies with the requirements of Work Health and Safety legislation.		Yes
e) The bin-carting route: <ul style="list-style-type: none"> • is to be direct and as short as possible; • is to be solid, concrete and non-slip; • is to be paved and be a minimum of 2m wide; • is to be free from obstructions and is not required to be carried over any steps; • is to be a maximum of 75m in length and a maximum grade of 7%; and • For larger bins (660L & 1100L), the maximum length of the route of travel is 10m. 	Refer to Floor Plans/WMP.	Yes
7) Where on-site collection is not possible because of topographic or access constraints, and/or restrictive site dimensions, adequate arrangements need to be made for the convenient, safe and direct access between the waste storage room and the collection point. These arrangements need to be discussed at a pre-lodgement meeting with Council.	On-site collection is proposed.	NA
8) For developments where on-site collection is required or where Council collectors are required to enter a site for the purpose of waste collection services, an agreement will be required to be entered into with Council. This agreement is to be entered into	Noted.	

Development Control/Provisions	Comments	Compliance
with Council giving power and authority to Council to enter the site; and for the purpose of waste services. Council is also to be provided with indemnity against any future claims for damage and loss.		
9) A separate area should also be provided for the storage and collection of bulky waste (such as old cardboard boxes) and old or discarded furniture/appliances. The sizing of the bulky waste area needs to be capable of holding the bulky waste generated from the development between scheduled pickups. The bulky waste area needs to be located near to the on-site loading bay).		Yes
10) Council will consider alternate and innovative waste management systems for high density developments which deliver sound town planning and environmental outcomes for the development and broader community. The applicant is encouraged to discuss the innovate solutions with Council's Waste Management Team and during Council's Pre-DA service.		NA
<i>5.2.3. Mixed Use Development Controls</i>		
1) Where mixed use developments include a residential component, separate waste management facilities are to be provided, in accordance with the residential controls identified in Section 5.2 above	Refer to WMP.	Yes
2) For non-residential uses located in mixed use developments, separate waste management facilities are to be provided for the non-residential uses, in accordance with the controls identified in Section 5.2.4 below.	Refer to WMP.	Yes
<i>5.2.4. Non-Residential Development Controls</i>		
1) These controls will apply to commercial, industrial and any other non-residential development.	Noted.	



Development Control/Provisions	Comments	Compliance
2) For any building comprising three or more storeys and not containing dwellings, a suitable system for the interim storage and transportation of waste and recyclables from each storey to the waste storage/collection area is to be integrated within the building's design.	The commercial component is only located on the ground floor.	NA
3) Waste storage and collection areas should be:		
a) Flexible in their design so as to allow for future changes in the operation, tenancies and uses;		Yes
b) Located away from primary street frontages, where applicable;		Yes
c) Suitably screened from public areas so as to reduce the impacts of noise, odour and visual amenity; and	The waste storage area will not be visible from the public domain nor the common areas of the development.	Yes
d) Designed and located to consider possible traffic hazards (pedestrian/vehicular) likely to be caused by the storage and collection of waste.		Yes
4) The following features will need to be considered in the design of waste storage and collection areas:		
a) Dry recyclables including containers, paper, cardboard and toners for printers and photocopiers should be separated from other waste, for recycling;	Refer to WMP.	Yes
b) Food scraps should be placed in specialised containment bins and collected on a regular basis (particularly where large volumes of perishable wastes are generated);		
c) Refrigerated garbage rooms should be provided where there are large quantities of perishable wastes and infrequent collections; and		
d) Clinical or hazardous and liquid waste should be placed in specialised containment bins and collected by specialised services.		

Development Control/Provisions	Comments	Compliance
5) Grease traps must be provided where there is a likelihood of liquid waste entering the drainage systems (contact Sydney Water to obtain trade waste requirements).	These matters can be addressed as a condition of consent.	Yes
6) Communal storage/collection facilities are recommended where: a) The design makes it difficult for all tenants to have ready access to a collection point; or b) The site characteristics restrict vehicle entry.		Yes
7) Where a communal facility exists, each tenant should have a designated area which is clearly signposted.	Noted.	
8) Should a collection vehicle be required to enter the property, the driveway and manoeuvring area must be suitable for a collection vehicle in terms of both its strength and design.	Refer to WMP/TIA.	Yes
9) The system for waste management must be compatible with the collection service(s) to be used whether Council or private contractor.	All collection will be undertaken by a private contractor.	Yes
10) Swept paths demonstrating adequate manoeuvring area are to be provided with the application.	Refer to WMP/TIA.	Yes
<i>5.3 General Controls</i>		
<i>5.3.4. Siting and Design of Waste Storage and Collection Areas</i>		
1) Waste storage and/or collection areas (or the required space for these facilities) should be available both on-site and within individual tenancies of all developments for the source separation of waste, recyclables and compostable materials.	Refer to WMP.	Yes
2) The expected volumes of waste and recyclables generated by the construction and ongoing use of the development, including individual tenancies, must be calculated. The selection of appropriate waste equipment and the floor area requirements for waste storage will need to be an integral element of the design for the development.	Refer to WMP.	Yes

Development Control/Provisions	Comments	Compliance
3) Space must be provided to allow for the storage, access and manoeuvring of waste bins to facilitate ease of use and servicing.	Refer to WMP.	Yes
4) Waste and recycling containers must be stored at all times on the site unless Council has issued an approval under the Local Government Act 1993 to store waste in a public place.	Refer to WMP.	Yes
5) All waste management facilities must comply with the Building Code of Australia and relevant Australian Standards.	Refer to WMP/BCA Report.	Yes
6) The nominated collection area for the development on-site is to be clearly nominated on scaled site plans accompanying the development application.		Yes
<i>5.3.4.1 Access to Waste Storage and/or Collection Areas</i>		
1) The design and location of waste storage and/or collection areas should allow for ease of access for both tenants and waste contractors and should be separated from the car parking area(s) or located away from the circulation path of other vehicles.	The waste storage area will be easily accessible for residents and contractors. A loading dock with turntable is provided in the lower ground floor for Building B and a loading bay on the ground floor for Building A to avoid conflict with circulation for other vehicles.	Yes
2) The location of the waste storage and/or collection area(s):		
a) Is to be convenient and accessible to the occupants of all tenancies in the development; and b) Must allow 120/240 litre bins to be wheeled to the street kerb over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters; or c) Must allow for bulk garbage bin(s) to be wheeled out and be serviced by a front loading garbage truck on a flat surface with a maximum grade of 5%, and not over steps, landscape edging or gutters; and d) Be screened or discreetly located away from public spaces.	Refer to WMP.	Yes
3) There must be sufficient manoeuvring area on-site to allow collection vehicles to enter and leave the site in a forward direction		Yes

Development Control/Provisions	Comments	Compliance
and service the development efficiently with little or no need to reverse.		
<i>5.3.4.2 Design of Waste Storage and/or Collection Areas</i>		
1) The design and location of waste storage and/or collection areas are an integral part of the development's design and should complement the public domain by: a) Reducing potential noise and odour impacts; b) Being well lit and well ventilated, with appropriate measures installed so as to prevent vermin; and c) Enhancing public safety.	Refer previous discussions.	Yes
2) Waste storage and/or collection areas must have access to a water outlet for washing purposes, with wash water discharging to an approved sewer outlet. 3) Waste equipment should be protected from theft and vandalism.	Refer to WMP.	Yes
<i>5.3.5 Management of Waste Storage and Collection Areas</i>		
1) Administrative arrangements for ongoing waste management must be provided, including signs. 2) Waste storage and/or collection areas (including individual containers) should be suitably signposted so as to ensure appropriate use. 3) The responsibility for the ongoing management of waste facilities must be determined prior to the commencement of construction work on a development.	Refer to WMP.	Yes



C6 Landscape Design

Development Control/Provisions		Comments	Compliance
6.1.1 Development Process			
Table C6.2			
Category	Definition		
Category 3	<ul style="list-style-type: none"> All developments that are above \$2 million in value Any development that is on a site with significant environmental considerations as determined by Council. Any development that will have a significant public domain impact as determined by Council. Any development that involves the alteration or addition 		
6.1.2. Protection of the Environment		Refer to Landscape Plan	
6.1.3 Neighbourhood Amenity and Character			
1) Landscape Character			
a) Landscape design should reinforce the identified natural attributes of the site including, but not limited to, watercourses, landmark elements, landforms, views and vistas, significant trees, vegetation patterns and historic buildings.		The Landscape Plan provides a variety of vegetation and elements to improve and relate to the character of the locality.	Yes
b) Remnant native vegetation should be retained, managed and incorporated into landscape designs to conserve the natural biodiversity across the landscape.		The site does not contain remnant native vegetation.	NA
c) Landscape design should enhance the amenity and visual quality of the site. Landscaping solutions are to be used to		Refer to Landscape Plan	Yes



Development Control/Provisions	Comments	Compliance
screen and enhance visually obtrusive land uses or building elements within their setting.		
2) Integration of Design		
a) All landscape and building designs should be complementary and aim to achieve similar design outcomes. The design of both buildings and landscaping should utilise the same site analysis drawings and concepts. In this way, the site will be developed with a building design and a landscape design that deliver the best possible development solution for the owners and the community.		Yes
3) Streetscape		
a) All sites make a contribution to the streetscape by way of the design of any structures or vegetation. Therefore, any landscape submission must include an assessment of the streetscape.		Yes
4) Community Safety		
a) Landscape designs must comply with the safety and crime prevention controls in the 'Site Planning and Design Principles' section of this DCP.		Yes
b) All landscape designs should promote the safety of the community through the maximisation of natural surveillance and appropriate lighting. Such measures include the following:		Yes
i. Appropriate levels of lighting of public spaces such as driveways, gardens and links through the site;		Yes
ii. Appropriate lighting and visibility of the entry to dwellings;		Yes
iii. Provision of appropriate plant species that minimise opportunities for concealment of intruders and do not provide hidden recesses;		Yes

Development Control/Provisions	Comments	Compliance
iv. Dwelling entries that are visible from the street or other public areas;		Yes
v. Fences or planting that allow glimpses or overview of the street, private courtyards and other open space areas;		Yes
vi. At driveways, street intersections and other crossing points, landscaping that does not block views between pedestrians and approaching vehicles; and		Yes
vii. Landscaping that does not prevent surveillance of car parking areas.		Yes
<i>6) Planting on Structures</i>		
a) Landscape designs that propose planting on structures will require a Landscape Concept Plan which must outline how the area of planting on structures will be maintained for the life of the development.		Yes
<i>7) Buffer zones</i>		
a) Where buffer zones are provided to help minimise land use conflicts, they must be densely planted in accordance with the requirements of this section of the DCP, using generally native or indigenous species. Council requires that these buffer areas be fully maintained continuously, with failed plants and trees to be replaced immediately with new plantings of the same species		Yes
<i>6.1.4 Site Amenity</i>		
1) Contextual Design		



Development Control/Provisions	Comments	Compliance
<ul style="list-style-type: none"> a) Landscape designs should seek to screen development, particularly from the sides and rear of an allotment b) Landscape design should be used to highlight architectural features, define entry points, indicate direction, and frame and filter views into the site. Landscape design should also be responsive to the bulk and scale of the development. c) Shrubs and small trees should be used to screen service areas and block unwanted views that reduce privacy. d) Plantings should be of advanced species except where it is demonstrated to Council's satisfaction that semi-advanced stock is more suited to soil and/or plant characteristics. e) Landscape design should ensure that plantings when mature will not conflict with structures and services. 	Refer to discussion in the SEE.	Yes
2) Open Space Requirements		
<ul style="list-style-type: none"> a) The amount of open space is crucial to the landscape design. This amount will vary depending on: <ul style="list-style-type: none"> i. The use proposed on the site; ii. The requirements of the occupants; iii. Character of the neighbourhood; iv. Requirements in other sections of this DCP; v. Retention of mature/significant trees/vegetation; and vi. Whether the space is a private or public space. 	The proposal provides communal open space in accordance with the Design Criteria in the ADG. The communal open space areas are located at Level 1 and on the roof top of each building. These areas are only accessed within the site.	Yes
<ul style="list-style-type: none"> b) Communal space/recreational facilities must be located and designed to avoid nuisance or danger to neighbours, residents and visitors. Consideration should be given to the type of activities to be undertaken, hours of use, noise generation and on-going maintenance and safety of the space/recreational facility. Consideration should also be given to: 		Yes

Development Control/Provisions	Comments	Compliance
i. Separating conflicting activities (e.g. play spaces away from driveways); and		Yes
ii. Including equipment such as seating, shade structures and children's play equipment		
c) Communal open space should generally have access only from within the site. Communal open space for multi dwelling housing should be accessible from all dwellings within the development. Surveillance of this space should be possible from at least 2 dwellings.		Yes
d) The design of a development should maximise solar access to all open spaces.		Yes
e) Trees should be selected and located to regulate solar access to buildings. Deciduous trees are best planted on northern and western aspects to allow solar penetration in winter and shade in summer.		NA
3) Deep Soil Zones		
a) Landscape design should maximise the area of a deep soil zone, especially around existing trees to provide sufficient soil depth for roots.	The site is located in a mixed use zone and opportunities for deep soil zones are restricted.	NA
4) Equal Access		
a) In accordance with the Federal Disabilities Discrimination Act 1992 and the NSW Anti-Discrimination Act 1977, and all relevant Australian Standards.	Refer to Access Report.	Yes
9) Landscaping and Above Ground On-Site Stormwater Detention		
a) Landscape works must comply with the stormwater management and drainage requirements in the 'Water Management' section in this DCP.	Refer Landscape Plan and Stormwater Management Plan.	Yes

C8 Public Domain

Development Control/Provisions	Comments	Compliance
<i>8.1 Pedestrian Amenity</i>		
<i>1) Active Street Frontage and Address</i>		
Active street frontages promote an interesting and safe pedestrian environment, while buildings that address the street contribute positively to the streetscape.		Yes
a) Active street frontages are to be located on the ground/street level of all buildings, being one or a combination of the following: <ul style="list-style-type: none"> i. A shop front or entrance to a retail premises or public building with the entrance visible from the street; ii. A café or restaurant, if accompanied by an entry from the street; iii. Active office uses, such as a reception area, if visible from the street; or iv. Activation of the secondary frontage of a corner site; e.g. continuing glazing around the corner 	Commercial premises are located on the ground floor of both buildings.	Yes
b) Glazed entries to commercial or residential lobbies are to occupy less than 50% of the street frontage and have a maximum frontage of 12m. The remainder of the street frontage is to be active.		Yes, on merit
c) Active street frontages are to be at the same level as the adjoining footpath and directly accessible from the street.		Yes
d) 'Street address' is defined as:		
i. Entries, lobbies and habitable rooms that have clear glazing to the street not more than 1.2m above the street level, not including car parking areas; and		Yes
ii. That are located on the ground level of buildings; and		Yes

Development Control/Provisions	Comments	Compliance
iii. Have direct 'front door' access into the building.		Yes
e) Opportunities to establish active street frontages and/or street address may be specifically identified in a number of locations in key precincts within the City (refer to Part E of this DCP).		NA
2) <i>Permeability</i>		
'Through site links' provide access connections between the long sides of street blocks for pedestrian and vehicular access at street level, resulting in a more permeable pedestrian environment along laneways, shared zones, arcades and pedestrian paths.		NA
3) <i>Awnings</i>		
Awnings increase the useability and amenity of footpaths, including the pedestrian linkages within the public domain, by providing weather protection to pedestrians. As a feature, awnings provide an interface between the public domain and buildings in the same way as entrances into buildings	Refer to discussion in the SEE.	YES
a) Awnings should be an integral component of new developments (including alterations and additions) and where appropriate, stepped to accommodate sloping streets.		Yes
b) Awning dimensions should generally be:		
i. Set back from the face of the kerb to allow for clearance of street furniture including street trees;		Yes
ii. A minimum depth of 2.8m where street trees are not required, otherwise a minimum depth of 2.4m; and		Yes
iii. A minimum soffit height of 3.2m and maximum 4m.		Yes
c) For corner sites, awnings are to wrap around the building up to 6m along the secondary street frontage.	The awning wrap into the full extent of the secondary street frontages.	Yes
e) The provision of under awning lighting should be recessed into the soffit of the awning or mounted to the building façade to		Yes

Development Control/Provisions	Comments	Compliance
facilitate pedestrian movement at night and improve public safety.		
f) Where the awning is to encroach over the road reserve, including the footpath, a separate approval to erect the awning over the road reserve is to be obtained under the Roads Act 1993 and the Local Government Act 1993.	The proposed awnings on the Great Western Highway frontage extends over the footpath. A separate approval will be sought subject to receiving the development consent.	Yes
8.4. Outdoor Dining and Trading Areas		
1) Outdoor Dining or Trading Area		
Distance from Street Furniture and Surrounding Uses		
a) The arrangement and location of the outdoor dining or trading area should consider the location of an existing street furniture and services, including the circulation path that will be required between the outdoor area and associated premises/buildings.	There are no existing street furniture or services on site. The proposed outdoor dining area on Bringelly Road frontage and is located wholly within the northern site.	Yes
A location map, drawn to scale, is to be submitted with the development application showing the location of: <ul style="list-style-type: none"> i. The proposed outdoor dining or trading area; ii. All existing street furniture and services, such as seating, bins, service pits, telegraph poles, bus stops (including associated seating) and the like; and iii. The main entrance to the premises associated with the outdoor dining or trading area. 	Refer to Floor Plan.	Yes
b) Minimum distances must be provided to street furniture or services that have been provided by authorities other than Council. The setback between the street furniture and the outdoor dining or trading area is to allow sufficient access and clearance for pedestrians and to the street furniture/services. The minimum distances are provided in Table 1.		NA
c) The outdoor dining or trading area must not:		

Development Control/Provisions		Comments	Compliance
i.	Intrude into the frontage of another premises without approval from adjoining landowners;		Yes
ii.	Encroach or obstruct access to another premises; or		Yes
iii.	Interfere with the circulation of pedestrians around the frontage of the adjacent premises.		Yes
d)	Any existing Council-provided street furniture may be relocated at the applicant’s expense. Any request to relocate furniture should be detailed in the development application.		Yes
Table 1: Summary of numeric standards for outdoor dining areas		Can be addressed with conditions of development consent.	Yes
Minimum footpath width	3.5m		
Minimum unobstructed footpath width	2.0m		
Minimum distance of tables & seating / display stands from:			
Doorway of the premises	0.5m		
Post box	1.5m		
Phone box	1.5m		
Pedestrian crossing	3.0m		
Bus stop (including associated seating)	3.0m		
Taxi stand	3.0m		
Other utilities	Sufficient to provide access for maintenance and repair		
	7:00 am – 10:00 pm OR as specified in the existing approval		
Eating			

Development Control/Provisions		Comments	Compliance
Minimum height for separation barrier	0.6m		
Maximum height of separation barriers	0.9m		
2) Outdoor Dining Areas			
a) The outdoor dining area must operate in conjunction with a food and drink premises including hours of operation. Where alcohol is to be sold or served within the outdoor dining area, the liquor licence issued for the food and drink premises must include this area.		The proposed outdoor dining area for Building A will operate in conjunction with the pub. A Liquor License including this area will be obtained for the pub subject to receiving development consent.	Yes
b) The outdoor dining area must be located in that part of the public domain that is immediately in front of the food and drink premises.			Yes
c) If the outdoor dining area is located wholly within the development site and:		The outdoor dining area is located within the extent of the site.	Yes
i. The floor area of the outdoor dining area exceeds 30m ² ; or			Note
ii. The furniture is fixed to the ground (unable to be removed at the close of each operating day);			Note
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. This will be used for the purposes of calculating car parking and amenities (including parenting facilities) only.			Note
d) The outdoor dining area must:			
i. Be set back a minimum of 1.8 metres from the building to provide unobstructed continuous clearance along			Yes

Development Control/Provisions	Comments	Compliance
<p>the building shoreline. In those circumstances where there is insufficient width to accommodate kerbside dining, Council may consider alternative arrangements where it can be demonstrated that access and safety for all users of the space (including pedestrians, employees and customers) can be accommodated.</p> <p>Shoreline means the property or natural building line where the building recedes. There should be no obstructions or projections from this line in order to provide the best possible guidance line for all users. People who are blind or vision impaired use what is known as 'overlining' to way find or navigate the transport environment. This process involves the use of a long white cane to sweep in a sideways arc to detect tactile surfaces and features to maintain a direction of travel and/or to identify hazards.</p>		
<p>ii. Not be on land that is used for vehicular access, circulation or parking, or a designated loading/unloading area;</p>		Yes
<p>iii. Not be immediately in front of an ingress/egress, including fire exist(s);</p>		Yes
<p>iv. Be set back from street furniture;</p>		
<p>a)Where an outdoor dining area is located forward of the building line, clear distance of at least 1.8 metres must be maintained adjacent to the seating area for pedestrian circulation, exclusive of any obstruction or street fixture.</p>		NA

Development Control/Provisions	Comments	Compliance
b) Where an outdoor dining area is located behind the building shoreline, pedestrian circulation arrangements will be considered on merit.		
v. The preferred location for furniture in an outdoor dining area is away from the building edge. This preferred configuration is shown in figure C8.1 below. Alternative configurations can be considered based on their merit and the principles contained in this DCP. The merit assessment will also depend on the space available and other relevant site constraints.		Yes
vi. Provide a predictable clear path of travel and be consistent along the same part of the footway for the length of the block.		Yes
vii. Not cause obstruction to any existing access points to shops, arcades and pedestrian access ways.		Yes
viii. Present an open, inviting image and be easily accessible from the public way. Full height and solid screens and any type of enclosure including public screens, are not permissible. Direct physical contact with the outdoor environment is an integral part of the experience and a safe, amenable microclimate can be created through proper siting and furniture layout.		Yes
e) The outdoor dining area must be:		
i. Defined by a barrier that is of sturdy construction and is a minimum of 60cm high with no sharp edges or protruding feet that may cause a trip hazard to pedestrians or patrons; and		Yes
ii. Complimentary in colour to the seating.		Yes

Development Control/Provisions	Comments	Compliance
f) If waiter service is not provided, a bin must be placed where it is visible to patrons in the outdoor dining area and is positioned so it does not cause an obstruction to pedestrians.	Waiter service will be provided at all times.	Yes
g) No food is to be prepared or stored outside. No hot food counters, boilers or urns shall be placed on public areas or areas external to the premises.	These matters may be imposed as a condition in the development consent.	Yes
h) The area must maintain a neat and tidy appearance at all times. This includes ensuring furniture is clean and well maintained, and that the area is not left in disarray after patrons have departed.	These matters may be imposed as a condition in the development consent.	Yes
<i>Furniture in Outdoor Dining Areas</i>	Noted. These matters may be imposed as a condition in the development consent.	Yes
a) Overhead structures for weather protection may be placed in the outdoor dining area so long as they:		
i. Are a minimum height of 2 metres, have vents at the pinnacle to reduce wind loading and are appropriately anchored (if anchored on the ground and the outdoor dining area is located on Council land including the footpath, then this will require Council approval by lodging a Road Reserve Opening Permit);		
ii. Are set back a minimum of 0.6 metres from the face of the kerb;		
iii. Do not overhang the carriageway or obstruct pedestrians; and		
iv. Do not present potential trip hazards. That is, they use flat plate anchor bases rather than raised types		
b) The following furniture may be located in the outdoor dining area subject to Council approval:		
i. Heating appliance(s), either movable or affixed; and		

Development Control/Provisions	Comments	Compliance
ii. Shade structure(s), including umbrella(s), which require anchoring on the ground.		
In this regard, details of the:		
i. Type, number and location of the heating appliance(s);		
ii. Dimensions, location and appearance, including materials, of the shade structure(s); and		
iii. Where any furniture is temporarily anchored to the ground, the anchoring system; are to be submitted with the development application. Applicants need to apply for a Road Reserve Opening Permit prior to any opening being made in the footpath surface in a road reserve.		
c) If the furniture is not affixed to the ground, the furniture must be put away inside the premises when it is closed. No furniture is to be left outside when the food and drink premises is closed.		
<i>Design of Furniture</i>	Noted. These matters may be imposed as a condition in the development consent.	Yes



Development Control/Provisions	Comments	Compliance
<ul style="list-style-type: none"> a) Furniture must be of sturdy construction and suitable for outdoor use. Furniture must be of high structural and aesthetic quality and must be kept clean and well maintained. Furniture in general and seats should be of metal frame construction and so as not to move in strong winds. Domestic style plastic furniture will not be permitted. b) Applicants should select a colour scheme for outdoor furniture that complements the streetscape character. c) Outdoor furniture should make a positive contribution to the street environment. A furniture style that is durable, high quality and uniform appearance that integrates well within the surrounding streetscape is required. d) Outdoor furniture must be compatible with the existing urban character, heritage and street quality and function. 		
<i>Signage in Outdoor Dining Areas</i>	Noted. These matters may be imposed as a condition in the development consent.	Yes
<ul style="list-style-type: none"> a) Signage may be permitted on umbrellas or barriers only. Signage must include only one business name or product which is a core part of the business and is supplied by the restaurant to its customers. b) The name of the premises may be displayed on any boundary furniture that defines the outdoor dining area, or umbrellas only. c) The name, logo and other branding of the food or drink premises or an associated product may be placed on an umbrella or barrier only if it: <ul style="list-style-type: none"> i. Is as a minor and ancillary element of the design, comprising no more than one third of the surface area; and 		

Development Control/Provisions	Comments	Compliance
<ul style="list-style-type: none"> ii. Does not have an adverse impact on the appearance of the seating area of the streetscape. d) No incidental advertising including A-frame signs will be permitted. 		

C10 Transport, Access and Parking

Development Control/Provisions	Comments	Compliance
10.2 Traffic Management and Safety		
<i>B. Controls</i>		
a) Development applications for major development proposals should be accompanied by an appropriate Traffic Report (see Appendix F3 – Submission Requirements for further details). The Traffic Report should detail the assessed impact of projected pedestrian and vehicular traffic associated with the proposal, with recommendations on the extent and nature of the traffic facilities necessary to preserve or improve the safety and efficiency of the adjacent road system.	Refer to TIA	Yes
b) A Traffic Report must be provided for applications required to be referred to the Roads and Maritime Services (RMS) under Column 2 and a Traffic Impact Statement for Column 3 of SEPP (Infrastructure) 2007.	Refer to TIA	Yes
d) Any Traffic Report or Traffic Impact Statement is required to address the following issues:	Refer to TIA	Refer to TIA
<ul style="list-style-type: none"> i. The objectives of this section relating to transport and land use; 		



Development Control/Provisions	Comments	Compliance
ii. The objectives of this section relating to traffic management and safety;		
iii. The objectives and controls of this section relating to traffic generating developments; and		
iv. The issues set out in Appendix F3 – Submission Requirements of this DCP.		
e) Any development identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 is either referred to RMS (Column 2 developments) or Council's Local Traffic Development Committee (Column 3 developments) for assessment and conditions as required.		
3) Traffic Generating Development		
a) New access points off arterial, sub arterial or other major roads is to be avoided where alternate access opportunities exist.	Refer to TIA	Yes
b) Any development identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 is either referred to RMS (Column 2 developments) or Council's Local Traffic Development Committee (Column 3 developments) for assessment and conditions as required	Refer to TIA	Yes
10.3 Key Transport Corridors		
Key transport corridors that need to be protected include:		
o Great Western Highway		
C. Controls		
1) Character of Key Transport Corridors		
a) Applicants need to ensure that the proposed development is in character with each of the key transport corridors.		Yes



Development Control/Provisions		Comments	Compliance
b) Access driveways and development in proximity to the key transport corridors need to protect the landscape character and any heritage values, and ensure traffic safety.			Yes
10.5 Parking, Access and Driveways			
C. Controls			
1) Provision of Parking Spaces			
a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.			Yes
b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.			Yes
g) Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.			Yes
h) Stacked parking will not be permitted for visitor spaces for any development.			Yes
Table C10.2: Car Parking Rates		Refer to TIA	Yes, on merit
Types of Development	Parking Requirements		
Residential			
Residential Flat Buildings	On-site resident parking for each dwelling: <ul style="list-style-type: none"> 1 space per 1 or 2 bedrooms 2 spaces per 3 or more bedrooms 1 space per 40 units for service vehicles In addition, visitor parking is to be provided for developments that have 5 or more dwellings: 1 space per every 5 dwellings, or part thereof. 		

Development Control/Provisions		Comments	Compliance
	<ul style="list-style-type: none"> 1 space for car washing for every 50 units, up to a maximum of 4 spaces per building. 		
Pubs/Registered Clubs	<ul style="list-style-type: none"> 1 space per 4m² of bar floor area plus 1 per 6m² lounge and dining room 		
Retail Premises Shop	<ul style="list-style-type: none"> Other neighbourhood and specialty shops – 1 space per 30m² GFA 		
Accessible Parking			
Accessible car spaces should be in accordance with the Access to Premises Standards, Building Code of Australia and AS2890.			
Bicycle Parking			
Bicycle parking in accordance with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling' (NSW Government 2004). Bicycle parking spaces should comply with AS2890.3:1993 Bicycle Parking Facilities.			
2) Additional Controls for Developments within the Commercial Core and Mixed Use zones			
a) On-site parking is to be accommodated in basement parking except to the extent provided for below:			
i. Up to 25% of the required parking can be provided above ground, where: it is located at least 16 metres behind a building alignment that addresses a public street or public space and/or fronting a service lane with appropriate screening (refer to Figure C10.7 and C10.8).			NA

Development Control/Provisions	Comments	Compliance
ii. Any additional parking provided above ground will count towards gross floor area for the purposes of calculating Floor Space Ratio.		NA
3) Additional Controls for Residential Developments		
a) On-site parking for residential developments, including the residential component in a mixed use development, 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 parking from being located in a basement structure.		Yes
4) Waiver or Reduction of Parking Spaces		
a) Council has the discretion to waive or reduce the number of car spaces required for a particular site if the reduced provision can be justified in a Traffic Impact Statement, in terms of:	Refer to TIA in relation to pub parking	Yes
i) Proximity to public transport nodes; ii) Opportunity to share parking with another use; or iii) An empirical assessment of car parking.	Refer to TIA in relation to pub parking	Yes
b) Council may consider a monetary contribution in lieu of parking shortfall in certain circumstances where a waiver or reduction of parking spaces cannot be justified. All such cases will be considered on their individual merit and the contribution will be based on the current parking rate in respect of off-street parking demand generated by the development but not satisfied on the site. The parking contribution will be based on the actual cost of providing additional parking off site.		NA
5) Design of Parking and Manoeuvring Areas		
a) Car space dimensions must comply with the relevant Australian Standards.		Yes

Development Control/Provisions	Comments	Compliance
b) The movement of pedestrians throughout the car park should be clearly delineated and be visible for all users of the car park to minimise conflict with vehicles. The car parking and manoeuvring layout should be in accordance with the provisions of AS 2890.1 -2004.		Yes
c) Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890.		Yes
d) Council will require all car parking areas to be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated.		Yes
e) Vehicle access is to be integrated into the building design as to be visually recessive.		Yes
f) It will be necessary for the method of treating and minimising runoff from parking and access areas to be addressed as part of any development application (See the section entitled 'Stormwater and Drainage' in the Water Management Section).		Yes
g) For development in the R4 High Density Residential zone, use semi-pervious materials for all uncovered parts of driveways and parking areas to assist with stormwater infiltration.		NA
h) Large car parking areas (more than 5 vehicles) should be visually separated from access roads and from the buildings they serve by planting and other landscaping and should not be visually prominent from public roads, either through separation or screening.		NA
i) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.		Yes

Development Control/Provisions	Comments	Compliance
j) Council may require the provision of internal directional signs to assist site visitors in locating parking areas.		Yes
k) For residential development, other than a single residence, the minimum space width shall provide for full door opening in accordance with Table B1 of AS2890.1 – 2004.		Yes
l) The design of the car park should ensure that passive surveillance is possible and, where appropriate, incorporate active measures such as cameras and security patrols. Car parks should be designed to minimise dark areas through the provision of appropriate lighting.		Yes
m) Access to security parking shall be designed to ensure the access mechanism is accessible to the vehicle driver on the entry side of the driveway.		Yes
n) Provision should be made for all vehicles to enter and exit a secure (i.e. boom-gated) area in a forward direction.		Yes
o) Visitor parking should be provided outside the secured parking areas.		Yes
p) The design of car parks should ensure adequate separation of staff/visitor parking and loading dock circulation areas for heavy vehicles.		Yes
q) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths must be in accordance with AS2890.		Yes
Access ways to underground parking should be sited to minimise noise Transport, Access and Parking		
r) Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.		Yes

Development Control/Provisions	Comments	Compliance
s) Loading docks associated with the development shall be provided on-site, with all loading and unloading activities occurring on-site.		Yes
t) All loading and unloading areas are to be: <ul style="list-style-type: none"> i. integrated into the design of developments, ii. separated from car parking and waste storage and collection areas, iii. located away from the circulation path of other vehicles, iv. provided separately for commercial/retail and residential uses, where part of a mixed use development, and v. designed for commercial vehicle circulation and access complying with AS 2890.2. 		Yes
u) Vehicular access to the loading / unloading area(s) is preferred off rear lanes, side streets and right of ways. Where appropriate, consider a single vehicular access point for the loading/unloading area(s) and waste collection area(s).		Yes
v) Secure multi-deck car parks should incorporate communication devices such as: <ul style="list-style-type: none"> i. Intercoms at boom gates; ii. Public address systems; iii. Telephones; or iv) Emergency alarms. 		Yes
w) To ensure users of secure multi-deck car parks are easily able to determine the location of exit and access points, security intercoms or similar and appropriate signage are to be included.		Yes
x) All surfaces in the car park should be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.		Yes

Development Control/Provisions		Comments	Compliance
y) All potential entrapment points should be avoided, e.g. under stairs, blind corners and wide columns. Adequate lighting and mirrors should be used when certain design features are unavoidable.			Yes
z) Access, parking, manoeuvring and loading facilities for commercial and industrial development shall be in accordance with AS 2890.2 - 2004 and accommodate vehicle types as outlined in Table C10.3.			Yes
Table C10.3: Minimum design vehicle requirements for commercial and industrial developments - minimum design vehicle requirements			Yes
Site Area	Design Vehicle		
Up to 1,500m ²	Medium Rigid Vehicle (MRV)		
1,500m ² to 4,000m ²	Heavy Rigid Vehicle (HRV)		
10.5.2 Access and Driveways			
B. Controls			
1) General Requirements			
a) The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings)			Yes
b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.			Yes
c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.			Yes

Development Control/Provisions	Comments	Compliance
d) Driveways should be:		
i. Provided from lanes and secondary streets rather than the primary street, wherever practical;		Yes
ii. Located taking into account any services located within the road reserve, such as power poles, drainage inlet pits and existing street trees;		Yes
iii. Setback a minimum of 6m from the perpendicular of any intersection of any two roads; and		Yes
iv. Located to minimise noise and amenity impacts on adjacent residential development.		Yes
e) The driveway crossing and access roads shall be designed in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.		Yes
f) Driveway widths must comply with the relevant Australian Standards.		Yes
g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS2890.1).		Yes
h) Access to basement parking shall have an entry threshold a minimum of 300mm above the top of the kerb. The threshold shall be increased within areas of flooding or local overland flows to a minimum of 300mm above the flood level. The design of the development shall ensure that floodwater cannot enter the car park in a 1% Annual Exceedance Probability (AEP) flood event.		
i) The required threshold should be set within the property to prevent cross fall greater than 4% within the footway area.		Yes
j) No direct access will be permitted to the M4 Western Motorway.		Yes

Development Control/Provisions	Comments	Compliance
10.7 Bicycle Facilities		
2) Provision of Bicycle Parking Spaces		
a) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection, in accordance with AS2890.3:1993 Bicycle Parking Facilities.		Yes
b) The following associated facilities are to be provided:		
i. Change and shower facilities for cyclists are to be conveniently located close to the bicycle storage areas; and		Yes
ii. Where the building is to be strata-titled, the bicycle storage facilities and shower/change facilities are to be made available to all occupants of the building.		Yes
c) Applicants should comply with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling' (NSW Government 2004).		
3) Design of bicycle spaces		
a) Bicycle parking spaces must:		
i. Be provided in accordance with AS2890.3:1993 Bicycle Parking Facilities;		Yes
ii. Be located to provide convenient access from surrounding bicycle routes and main building entrances;		Yes
iii. Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure;		Yes
iv. Not cause a hazard; and		Yes
v. Be adequately lit during periods of use.		Yes
4) Bicycle Rails, Storage and Signage		

Development Control/Provisions	Comments	Compliance
a) A bicycle rail must:		
i. Be securely fixed to a wall or to the floor or ground;		Yes
ii. Be in a highly visible location for bicycle security (when not in a compound);		Yes
iii. Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels; and		Yes
iv. Be located to allow easy access to park, lock and remove the bicycle.		Yes
b) A bicycle compound or a bicycle locker must:		
i. Be located to provide convenient access to other bicycle facilities including showers and change rooms;		Yes
ii. Be fully enclosed;		Yes
iii. Be able to be locked; and		Yes
iv. If outside, provide weather protection for the bicycle.		Yes

C12 Noise and Vibration

Development Control/Provisions	Comments	Compliance
<i>12.1. Road Traffic Noise</i>		
1) Road traffic noise criteria including sensitive land uses		
a) Council will not grant consent to development, particularly residential development, including subdivisions, unless the impact of traffic noise from freeway, arterial, designated or collector roads complies with the standards and guidelines for road traffic noise prepared by the relevant State Government	The northern site fronts Great Western Highway which is a classified road.	Yes

Development Control/Provisions	Comments	Compliance
authorities or agencies, as well as relevant Australian Standards.		
b) Council will not grant consent to development for sensitive land uses unless it complies with the provisions and standards for road traffic noise prepared by the relevant State Government authorities or agencies, as well as relevant Australian Standards.	These matters are addressed in the Acoustic Report.	Yes
c) Sensitive land uses subject to road traffic noise criteria referred to in above include educational establishments (including schools), places of public worship, hospitals, and passive and active recreation areas	The proposal involves a mixed use development.	Yes
Noise Impact Statements - Specific Requirements		
a) 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 in accordance with the requirements set out in the DA Submission Requirements Appendix of this DCP.	Refer to Acoustic Report.	Yes
b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with EPA and Department of Planning Criteria, as well as relevant Australian Standards.	Refer to Acoustic Report.	Yes
<i>12.2. Rail Traffic Noise and Vibration</i>		
C. Controls		
<i>1) Rail noise and vibration</i>		
a) The siting and design of developments on land sited on, or within, 80m of an operating rail corridor or land reserved for the construction of a railway line is to address the matters raised in the Development Near Rail Corridors and Busy Roads	The site is located within 80m of Kingswood Railway Station. Refer to Acoustic Report.	Yes

Development Control/Provisions	Comments	Compliance
– Interim Guideline (Department of Planning, 2008) and, where appropriate, incorporate any recommendations into the design of the development.		
b) Council will not grant consent to residential development, residential subdivision or other sensitive land uses on land in the vicinity of a rail corridor unless it complies with the relevant standards and criteria set by the EPA and Department of Planning, as well as any relevant Australian Standards.	These matters are addressed in the Acoustic Report.	Yes
c) Council will not grant consent to any development which potentially has sensitive occupancies (such as residential, office or laboratory premises) and is proposed to be constructed within 20m of the rail line unless an assessment of the vibration impacts from the rail line has been carried out. This is to be undertaken by a recognised acoustic consultant to demonstrate that the impact of vibration from the rail corridor will not significantly impact upon the future occupants of the development.	The site is not located within 20m of a rail line.	NA
d) Sensitive land uses subject to rail noise and vibration criteria referred to in (b) above include educational establishments (including schools), places of public worship, hospitals, nursing homes, mixed use development, offices/workplaces, and passive and active recreation areas.	The proposal involves a mixed use development.	Yes
Noise Impact Statements - specific requirements		
a) Where a site is likely to be affected by unacceptable levels of rail noise or vibration, the applicant is required to provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with the requirements set out in Appendix F3 – Submission Requirements of this DCP.	Refer to Acoustic Report.	Yes

Development Control/Provisions	Comments	Compliance
b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with EPA and Department of Planning criteria, as well as relevant Australian Standards and Clause 87 – Impact of Rail Noise or Vibration on Non-Rail Development of SEPP (Infrastructure) 2007.	Refer to Acoustic Report.	Yes
12.4. Industrial and Commercial Development		
a) Council will not grant consent to any noise generating industrial development, commercial development or licensed premises unless it can be demonstrated that: <ul style="list-style-type: none"> i. The development complies with the relevant State Government authority or agency standards and guidelines for noise, as well as any relevant Australian Standards; ii. The development is not intrusive (as defined in the EPA's Industrial Noise Policy); iii. Road traffic noise generated by the development complies with the provisions of Section 12.1 Road Traffic Noise of this Section; iv. The development complies with rail noise and vibration criteria (refer Section 12.2 Rail Traffic Noise and Vibration of this Section); and v. The development does not adversely impact on the amenity of the area or cause sleep disturbance. 	The proposal includes licensed premises, and an acoustic report accompanies this application	Yes
Noise Impact Statements - specific requirements		
a) All development applications where the above controls are relevant are required to provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with	Refer to Acoustic Report.	Yes

Development Control/Provisions	Comments	Compliance
the requirements set out in the DA Submission Requirements Appendix of this DCP.		
b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with relevant noise criteria, as well as relevant Australian Standards.	Refer to Acoustic Report. A series of recommendations are provided in relation to windows, doors, external walls and roof and ceiling treatment. In relation to glazing treatment, this varies depending on the buildings' position on the site. The Applicant accepts the recommendations and will be implemented accordingly.	Yes

D2 Residential Development

Development Control/Provisions	Comments	Compliance
<i>2.5 Residential Flat Buildings</i>		
<i>2.5.4. Urban Form</i>	Refer to discussion in SEE.	
<i>2.5.5 Landscaped Area</i>	These matters are addressed in the ADG.	
<i>2.5.6 Front and Rear Setbacks</i>	These matters are addressed in the ADG.	
<i>2.5.7 Side Setbacks</i>	These matters are addressed in the ADG.	
<i>2.5.8 Visual and Acoustic Privacy and Outlook</i>	These matters are addressed in the ADG.	
<i>2.5.9 Solar Planning</i>	These matters are addressed in the ADG.	
<i>2.5.12 Building Design</i>		
<i>B. Controls</i>		
1) Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of buildings and to reflect typical features of established cottage developments: a) walls with alignments that step in both plan and section; b) windows and doors inserted into all visible walls;	Refer to discussions in the SEE.	Yes

Development Control/Provisions	Comments	Compliance
c) a variety of pitched roofs, predominantly hipped.	Parapet roofing is consistent with the recent contemporary developments in the locality.	Yes
d) lower storeys that project beyond the line of the top storey, and are capped by roofs; or terraces to the upper storey apartments;		
e) the top storey designed as a "penthouse" with extensive glazing in the form of windows and large doors surrounded by terraces and pergolas;	The apartment design and typology has been dictated by the market research undertaken by the Applicant which indicates that a penthouse style development is not suitable for the locality. On this basis, a penthouse upper storey is not proposed.	Yes, on merit.
f) a variety of overhangs that cast shadows including: <ul style="list-style-type: none"> i. roofs with wide eaves; ii. awnings and pergolas; iii. balconies enclosed by corner columns and a variety of balustrades; iv. wide terraces at ground level; 		Yes
g) variation in building materials, for example:		
i. a "solid" masonry base;	Refer to schedule of materials and finishes. The proposal provides a variety of materials which contributes to the architectural style of the development.	Yes
ii. intermediate levels that appear lighter: coloured or painted brickwork, with projecting "screens" of balconies that are located in particular at corners of buildings;		
iii. a lightweight "penthouse" upper storey, capped by overhanging roofs and open pergolas, with terraces and balconies surrounded by open-style balustrades.	Alternatively, a recessed communal rooftop terraces surrounded by open-style balustrades with an awning to provide shade is provided.	Yes, on merit.
2) Variety in architectural features should be apparent in all visible facades including:		
a) facing the street;	All facades are well articulated, and the uppermost floor is recessed to reflect the nature of development and the desired character of the locality.	Yes
b) facing side driveways; and		
c) facing neighbouring residential properties.		

Development Control/Provisions	Comments	Compliance
3) Basements for car parks should rise no higher than 1.5m above ground provide a minimum 2.2m vertical clearance for vehicles	The basement carpark in both buildings and the lower ground floor in Building B is predominately below natural ground line and will not extent 1.5m above.	Yes
<i>2.5.13 Energy Efficiency</i>		
1) Adopt a configuration for dwellings that promotes cross-ventilation: a) corner apartments with two external walls; b) apartments that sit between two opposite external walls.	The proposals provides cross ventilation as required by the ADG.	Yes
2) Adopt an appropriate orientation for rooms and windows: a) living areas - facing within 30 degrees of solar north is desirable; b) windows - at least 50% of glazing facing solar north is desirable; unprotected glazing facing east, west or south shall be avoided; for every room, windows in two external walls are desirable; c) where the desired orientation cannot be achieved, higher compliance with other energy efficiency standards shall be achieved.	The proposed development has been designed to maximise solar access and achieves 70% requirement as per the ADG.	Yes



Development Control/Provisions	Comments	Compliance
3) Provide effective shading from summer sun and employ effective glazing: <ul style="list-style-type: none"> a) overhanging eaves: at least 450mm wide; b) external, adjustable screening for windows, doors and skylights to habitable rooms; c) pergolas over courtyards; d) for any large south-facing window: high performance glass e.g. double glazing in thermal break frames; e) windows and doors facing east, south or west: high performance glass eg. Double glazing in thermal break frames; f) all windows and external doors: weather-stripping should be used. 	The proposal has provided inset balconies that will provide shade to the primary living areas during summer. Glazing will be provided in accordance with the BASIX Certificate and acoustic requirements which would further improve thermal efficiency.	Yes
<i>2.5.14 Design of Dwellings and Private Courtyards</i>		
1) Common circulation areas should facilitate access by people carrying parcels and removal of furniture:	All common circulation areas have a minimum width of 1.2m.	Yes
<ul style="list-style-type: none"> a) corridors at least 1.2m wide; b) stairs with landings at least 1.2m deep. 	Stair landings are designed in accordance with the relevant Australian Standards.	Yes
2) A reasonable area of private open space should be provided for each dwelling:	Private open spaces are provided in accordance with the Design Criteria of the ADG as it takes precedence over the DCP.	Yes
3) Dwellings should have rooms that are planned and oriented:		Yes
<ul style="list-style-type: none"> a) to maximise privacy, b) to provide a "green" outlook across open space; c) to facilitate natural ventilation and day lighting. 		
4) Rooms should have dimensions and an area that:		
<ul style="list-style-type: none"> a) can accommodate the range of furniture typically associated with their function; and b) recognise that furnishing options may be restricted by the location of windows and doors. 	Refer to Floor Plans.	Yes

Development Control/Provisions	Comments	Compliance
<i>2.5.15 Garages</i>		
5) Garage and parking areas should be planned to:		
<ul style="list-style-type: none"> a) minimise disruption to traditional or established streetscapes by concealing from the street; b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation; c) minimise transmission of noise to adjoining dwellings; d) provide secure parking; e) allow for maintenance access to rear garden courtyards; and f) provide for effective and healthy landscaping along verges and boundaries. g) permit all turning movements, full opening of vehicle doors as defined by AS 2890.1-1993; 	Secure car parking areas is proposed in the lower ground floor and basement levels.	Yes
6) Basements should have:		
i) a low appearance, rising no higher than 1.5m above ground;	The proposed basement level for both buildings and the lower ground of Building B is located predominately below natural ground line and will not extend above 1.5m.	TBC
j) natural ventilation, either screen walls; or terraced embankments, with each step a maximum of 500mm, and landscaped as part of the side boundary court;		NA
k) a "capping" of private courtyards or balconies opening from the lowest level of dwellings (if basements extend beyond the main building walls);		NA
l) vehicle entrances designed to complement the architecture and landscaping of each building:	The vehicular entrances are setback and is integrated into the contemporary built form	Yes
m) individual up and down ramps;	Two way driveway is proposed.	NA
n) a central median;		
o) overhung by balcony structures; and		NA
p) undercover storage:		

Development Control/Provisions	Comments	Compliance
iii. garbage and recycling bins in a secured area located close to the street entrance and detailed according to Council codes; and	Refer to WMP.	Yes
iv. household items: in secured enclosures for each dwelling or associated with secured private parking spaces.	Storage provided in the basement per the ADG	Yes
7) For dwellings that require two spaces: a) parking may be arranged in a stacked configuration	No stacked parking is proposed.	Yes
8) Garages and parking spaces are not permissible within the front setback.	The loading bay for Building B is proposed on Wainwright Lane.	Yes
<i>2.5.16 Garden Design</i>	The site is located in B4 Mixed Use zone and is built to boundary.	
<i>2.5.17 Paving Design</i>	Refer to landscape plan.	Yes
<i>2.5.19 Safety and Security</i>		
1) Encourage a sense of community		
a) Each common stairwell should serve no more than 10 dwellings.	Each stairwell serves no more than 7 apartments.	Yes
b) The public street and /or common pathways should be overlooked by: i. Entrances to dwellings or to ground level; terraces; ii. Windows to living rooms, dining rooms and/or kitchens; and iii. Private terraces and balconies		Yes
c) fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.		NA
2) Ensure that at least one continuously-occupied room in each dwelling (a kitchen or living room) overlooks: a) the front street; b) driveways and garage forecourts.	All units on the street frontage overlook the street.	Yes

Development Control/Provisions	Comments	Compliance
3) Prevent concealment of intruders by: <ul style="list-style-type: none"> a) uniform lighting levels across common areas such as driveways; b) planning which does not provide hidden recesses; c) along common pathways: selection of appropriate plant species according to height and density 	The design of the proposed development enable casual surveillance, provides appropriate lighting and no areas of concealment to ensure safety and security.	Yes
<i>2.5.20 Accessibility and Adaptability</i>		
1) Demonstrate that planning and design measures do not prevent access by people with disabilities: <ul style="list-style-type: none"> a) access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances; b) stair nosings should have a distinctive colour and texture; c) dwellings should have: d) dimensions consistent with AS 1428.1-Design for access and mobility. e) hallways at least 1m wide. f) circulation areas in bathrooms at least 1 m wide. 	Refer to Access Report.	Yes



Development Control/Provisions	Comments	Compliance
<p>2) Demonstrate that dwellings have been designed to meet the needs of an ageing population:</p> <ul style="list-style-type: none"> a) incorporate design measures which are appropriate to people with disabilities; and b) employ lever-type door handles and traditional cruciform tap-handles; and c) provide for future low cost modifications to bathrooms: <ul style="list-style-type: none"> i. future removal of hobs from shower recesses; ii. ii) provision for future attachment of grab-rails to walls. d) provide for future low-cost modifications to kitchens including replacement of underbench shelves with drawers & attachment of grab-rails. e) provide appropriate levels and location of lighting. 	Refer to Access Report.	Yes
3) 10% of all dwellings or a minimum one dwelling, whichever is greater, must be designed in accordance with the Australian Adaptable Housing Standard (AS4299-1995), to be capable of adaptation for people with a disability or elderly residents.		Yes
4) Where possible, the mandatory adaptable dwellings shall be located on the ground floor.		NA
5) The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS4299-1995).	Refer to Access Report.	Yes
6) Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard regarding parking for people with a disability	Refer to Access Report.	Yes
2.5.21 Storage and Services		

Development Control/Provisions	Comments	Compliance
1) Provide storage for household items: a) at least 10m ³ per dwelling; either b) as cupboard space within the dwelling in addition to wardrobes; or c) within a lockable garage, not encroaching upon the parking space; or d) in weather-proof lockers that are not visible from the street.	Storage is provided within the basement as well as in each unit in accordance with the ADG provisions.	Yes
2) Letter boxes should be provided according to Australia Post specifications: a) adjacent to the front boundary; b) located conveniently for residents entering the site (by car or on foot); c) integrated with the design of landscaped areas, fences and buildings.	Letter boxes will be provided in the entrance lobby on the ground floor.	Yes
3) Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for: a) additional telephone lines and outlets; b) additional electrical outlets; c) satellite or cable-based reception.	Noted.	

D5 Other Land Uses

Development Control/Provisions	Comments	Compliance
<i>5.1 Application of Certification System</i>		
C. Controls		
1) Non-residential developments, including mixed use developments, with a construction cost of \$1 million or more are to demonstrate	Refer to Section J report.	Yes

Development Control/Provisions	Comments	Compliance
a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system		

