

# Draft North Penrith Development Control Plan 2010

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## 1.0 Introduction

### 1.1 Name of the Plan and Commencement

This plan is called the North Penrith Development Control Plan 2010 (DCP). It has been prepared pursuant to the provisions of Section 74C of the *Environmental Planning and Assessment Act 1979* (the Act).

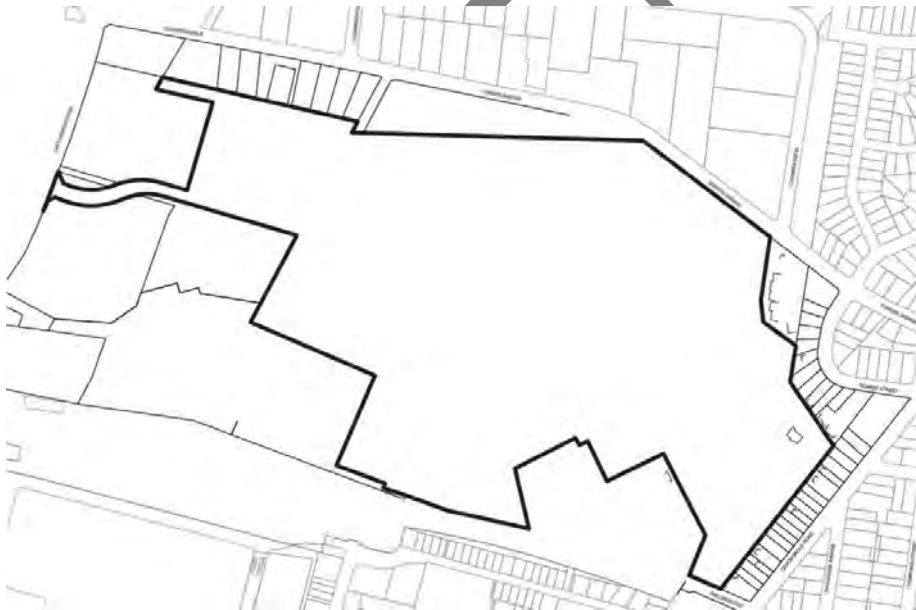
This DCP was adopted by the Director-General of the Department of Planning on *(date to be inserted)* and came into force on *(date to be inserted)*.

### 1.2 Purpose of this Plan

The purpose of this DCP is to support the objectives of Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) relating to North Penrith and to facilitate the development of retail, commercial, business, residential and light industrial land uses within the precinct.

### 1.3 Land to Which this Plan Applies

This Plan applies to development on all land known as North Penrith as shown at **Figure 1**. North Penrith comprises approximately 40.6 ha of land that has been identified for a mixed use, transit oriented development.



**Figure 1** - Land to which this Part Applies

### 1.4 Relationship with other Planning Documents

This DCP will be read in conjunction with Schedule 3 of the Major Development SEPP, as it relates to North Penrith, as the provisions have been developed to facilitate the sustainable development of residential, commercial, retail, industrial and open space areas on the site.

Schedule 3 of the Major Development SEPP is the principal environmental planning instrument applying to North Penrith. Under Schedule 3, a Part 3A Concept Plan has also been prepared for the site for a mixed use development comprising of retail, commercial, business, civic, community, recreation, residential and employment uses.

Other State Environmental Planning Policies (SEPPs) apply to North Penrith. The statutory provisions of the SEPPs will prevail over this DCP, unless otherwise stated.

This DCP contains detailed provisions that supplement the provisions of Schedule 3 of the Major Development SEPP and the framework identified within the Concept Plan. If there is any inconsistency

between this DCP and Schedule 3 of the Major Development SEPP or Concept Plan, the SEPP and/or Concept Plan will prevail.

The relevant sections of the Penrith Development Control Plan 2006 (*to be substituted with relevant sections of DCP 2008 when adopted*) and adopted Council policies, guidelines and codes of Penrith City Council also apply to North Penrith. This DCP should be read in conjunction with the following parts of the Penrith Development Control Plan 2006:

- 2.1. Contaminated Land
- 2.2. Crime Prevention Through Environmental Design (CPTED)
- 2.3. Engineering Works
- 2.4. Erosion and Sediment Control
- 2.5. Heritage Management
- 2.6. Landscape
- 2.7. Notification and Advertising
- 2.8. Significant Trees and Gardens
- 2.9. Waste Planning
- 2.10. Flood Liable Land
- 2.12 On-Site Sewage Management
- 2.13 Tree Preservation
- 3.3 Child Care Centres
- 3.4 Health Care Consulting Rooms
- 3.5 Siting and Aesthetics of Telecommunications Facilities
- 3.6 Outdoor Eating and Trading Areas - Penrith and St Marys CBDs
- 3.7 Water Management
- 4.1 Industrial Land (Parts C, D and E)

This DCP should be read in conjunction with the following parts of the *Penrith City Centre Development Control Plan 2007*:

- 3.4 Safety and Security

In the event of an inconsistency between this DCP and any other DCP, policy or code, this DCP shall prevail in relation to development in North Penrith.

## 1.5 Repeal of Plans and Savings Clause

This DCP repeals *Part 6 Section 6.28 North Penrith* and *Part 4 Section 4.1 Industrial Land (4.5 Controls)* of *Penrith Development Control Plan 2006*. The provisions of the *Commonwealth Disability Discrimination Act 1992* applies to development on all the land covered by this DCP.

## 1.6 The Consent Authority

Penrith City Council is the consent authority for all development in North Penrith, except for Major Infrastructure and other Projects as provided under the Major Projects SEPP and Part 3A of the Act.

Penrith City Council will consider each development application on its merit, having regard to this plan and the relevant sections of the Penrith Development Control Plan 2006 (and draft DCP 2008), environmental planning instruments, contributions plans and other Council policies. Compliance with the provisions of this DCP alone, does not guarantee that consent will be granted to an application.



## 1.7 Structure of the DCP

This DCP includes 8 sections:

### Section 1.0 Introduction

This Section contains the legal basis of how and why the document was prepared, identifies land to which the DCP applies and how the DCP relates to other planning documents.

### Section 2.0 Concept Plan

This Section establishes the vision, objectives and urban structure for North Penrith. It also identifies the land use framework, street network and public domain network, as stipulated in the Part 3A Concept Plan for North Penrith. This section also indicates the dwelling density and yield targets for each development stage.

### Section 3.0 Residential Development

This Section includes detailed objectives and controls which relate to residential development.

### Section 4.0 The Village Centre

This Section includes objectives and controls that specifically relate to development within the area identified as the Village Centre for the purposes of retail, commercial, business and residential uses.

### Section 5.0 Thornton Hall

This Section includes detailed objectives and controls which relate to the protection and enhancement of the heritage qualities of Thornton Hall.

### Section 6.0 Industrial Development

This Section includes objectives and controls for industrial development.

### Section 7.0 Explanatory Notes

This Section explains what constitutes as development, identifies when a Development Application is required and lists the requirements of a Development Application. This Section also includes the definitions of number of terms used within the DCP.

## 2.0 Concept Plan

### 2.1 Vision

*"North Penrith will be a village of well designed spaces that engage and activate its community for living and working.*

*These spaces will include cool leafy urban landscapes and a responsive built form.*

*A new village centre will be urban in nature and complement the railway station and Penrith CBD."*



Figure 2 - Illustrative Concept Plan



*"Well connected linkages, nodes and destinations that integrate with a significant water body."*



**Figure 3** – Artist Impression of the Canal

*"Diverse yet cohesive housing products that allow adaptability to ever changing household needs and formations."*



**Figure 4** – Artist Impression of the Oval

*"A business / employment centre that is complementary and an extension to the Penrith CBD."*



**Figure 5** – Artist Impression of the Village Square

## 2.2 Outcomes

The expected outcomes of the North Penrith Precinct are:

### Transport and Accessibility

- A residential density, urban structure and parking provision that supports the establishment of a model transit oriented development.
- An integrated and legible network of open space and pathways to encourage pedestrian and cyclist activity, particularly to and from the train station.

### Urban Design

- A dense and interconnected mixture of land uses which include residential, recreational, employment, retail, office and business services.
- Create a transit oriented, cohesive development incorporating retail, commercial, business, civic, community, recreation, residential and employment uses.
- Create a safe and convenient pedestrian network formed by a closely spaced grid of streets interconnected with public open spaces.

### Housing and Community

- A vibrant urban community of around 900 to 1,000 dwellings.
- Meet the growing and ageing population of Penrith through the provision of a diverse range of housing types and sizes.
- Around 7ha of open space / canals including a new oval with outdoor recreational facilities, canal edge boardwalk and local parks.

### Economic

- Generate up to 770 direct jobs on the site and over 1,100 flow-on jobs.
- Deliver a high level of self containment in terms of employment generation and retail expenditure, reducing the trip generation of residents, workers and commuters visiting North Penrith.
- Cater for the daily needs and services of the North Penrith community and commuters using Penrith Railway Station.
- Provide opportunities for employment generating development within a close proximity to public transport services.

### Environmental

- Retention of identified key stands of existing trees.
- Mitigation and management of existing flooding issues on the site.

### Heritage

- Enhance the heritage characteristics of Thornton Hall.
- Respect the Coombewood curtilage.
- Protection of environmental heritage by incorporation of the heritage features and vistas into the road and open space network.

## 3.0 Residential Development

### 3.1 Housing Density and Diversity

#### Objectives

- (1) To ensure that a minimum residential density is achieved in the precinct in recognition of its proximity to public transport and the Penrith City Centre.
- (2) To provide a diverse range of housing forms and densities.
- (3) To promote a range of dwellings types to meet the needs of a diverse range of age groups and family types.

#### Controls

- (1) Between 900 and 1,000 dwellings are envisaged across the whole precinct. To ensure that a minimum of 900 dwellings is achieved as part of a subdivision application that creates more than 20 lots, the applicant is required to demonstrate that the sub-precinct dwelling target ranges shown in Figure 6 and the table below can be achieved. Subject to agreement of Council and consultation with relevant landowners, dwelling yields may be 'traded' between sub-precincts as long as it meets overall targets and objectives of this DCP.

Stage	Dwelling target
Sub-precinct A1 - A7	128 - 142
Sub-precinct B1 - B10	181 - 313
Sub-precinct C1 - C7	153 - 169
Sub-precinct T1 - T6	337 - 375
<b>Total</b>	<b>900 - 1,000</b>

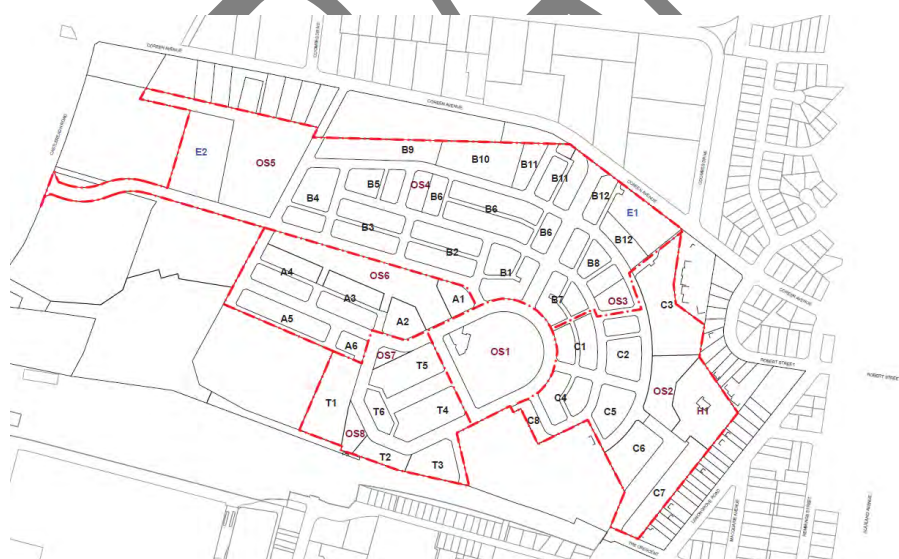


Figure 6 - Minimum dwelling target plan



## 3.2 Subdivision

### Objectives

- (1) To provide a range of densities, lot sizes and dwelling types to foster a diverse community and interesting streetscapes.
- (2) To ensure that all residential lots achieve a high level of amenity.
- (3) To ensure that development on smaller lots is undertaken in a coordinated manner.

### Controls

- (1) All applications for Torrens title subdivision proposing residential allotments:
  - on land identified at Figure 7, or
  - with a site area of less than 235m<sup>2</sup> and with a lot width of less than 8m (as measured at the front facade line)

are to be accompanied by plans for the proposed dwellings on those lots (ie an Integrated Development Application). The minimum number of allotments within an 'integrated development' is generally to be 3, except where indicated on Figure 7.

*Note: For the purposes of determining the width of an allotment, the front facade line is defined as being 3m from the front, street boundary alignment.*

- (2) For residential allotments with a width greater than or equal to 8m (measured at the front facade line), the subdivision application must include a Building Envelope Plan (see example at Appendix A). The Building Envelope Plan is to:
  - demonstrate that an appropriate built form and residential amenity can be delivered on the allotment in compliance with the relevant provisions of this DCP;
  - nominate elements such as front and side building setbacks, the location of zero lot lines, the preferred locations of private open space and garages and specific fencing requirements,
  - nominate the minimum yield required of any 'super-lot' and / or for residual Integrated Development Application sites.

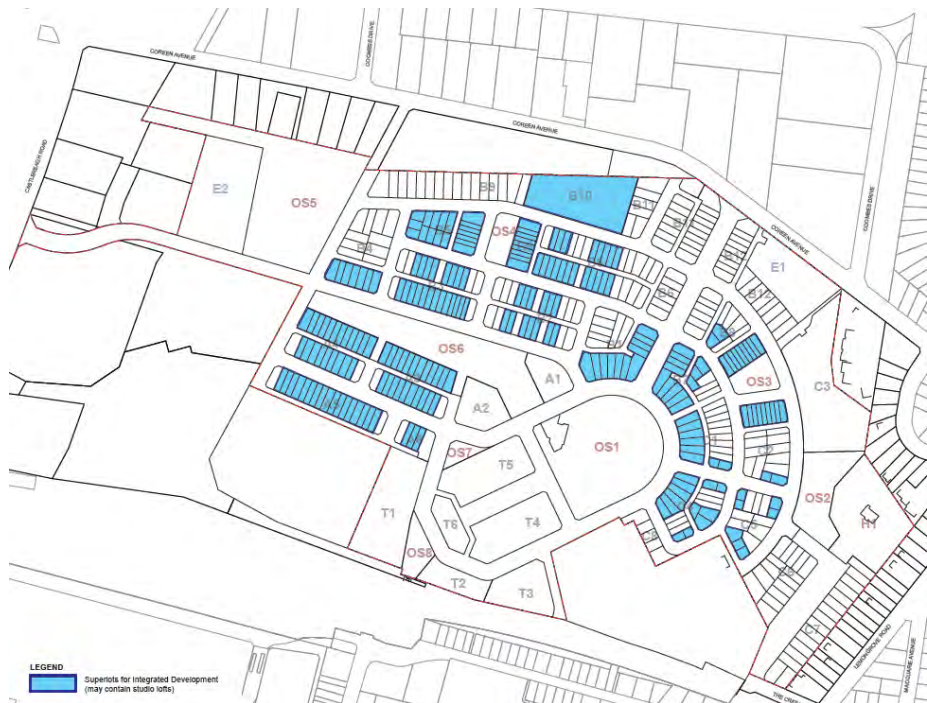
These restrictions will be approved as part of the subdivision application and are to be complied with by any future application proposing a dwelling on that lot.

- (3) The location of the zero lot line is to be determined with regard to allotment orientation and the ability to achieve with solar access provisions within this DCP. Where a zero lot line is nominated on allotment on the Building Envelope Plan, the adjoining allotment is to include a 900mm easement for maintenance of the boundary wall (and any services along the side of the dwelling / garage) on the adjoining property. No overhanging eaves or the like will be permitted within the easement. The s88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.
- (4) For residential development within the R1 zone (except for residential flat buildings):
  - the lot depth is generally to be between 25m and 30m, and
  - the minimum lot width is 4.5m (for attached dwellings / semi-detached dwellings) and 8m for dwelling houses).

*Note: Variations to (4) is permitted where it is part of an 'Integrated Development Application' and the applicant can demonstrate that a good level of residential amenity can be achieved to both the proposed dwellings and adjacent properties.*

- (5) Residential allotments should be rectangular and be oriented to facilitate siting of dwellings and private open space to take advantage of winter solar access and summer sun deflection. The use of battle-axe lots is to be avoided where possible.





**Figure 7 - Sites that are to be undertaken as Integrated Development Applications**

### 3.3 Building Envelopes

#### Objectives

- (1) To encourage the efficient use of land and a compact urban environment.
- (2) To create attractive and cohesive streetscapes.
- (3) To respect the curtilage of and view corridors associated with Thornton Hall.
- (4) To manage impacts of development on neighbouring properties in regard to privacy, and overshadowing.
- (5) To ensure building heights achieve built form outcomes that reinforce quality urban and building design.

#### Controls

- (1) The maximum number of storeys for residential development is shown at Figure 8.
- (2) For all residential development (excluding residential flat buildings), the floor area of the third storey is to be no more than 60% of the second storey.
- (3) The location and siting of the third storey is to ensure adequate solar access and privacy for the lot and adjacent residential lots.
- (4) Development adjacent to a laneway (ie ancillary dwelling) is to be no more than 2 storeys.
- (5) For 1 - 3 storey residential development within the R1 zone (except for ancillary dwellings), a minimum floor to ceiling height of 2,550mm is to be provided for all ground floor living spaces. A preferred height of 2,700mm is encouraged for enhanced internal amenity.



**Figure 8** - Maximum building height plan (storeys)

- (6) The maximum depth of a dwelling (exclusive of roofs and privacy screens etc) from the front boundary is:
  - 15m for the second storey (identified as L2 on Figures 9-10),
  - 12m for any third storey component of a dwelling (identified as L3 on Figures 9-10).

- (7) The maximum depth of an ancillary dwelling (exclusive of roofs and privacy screens etc) from the rear boundary is 8m.
- (8) Front setbacks for residential development within the R1 Zone (except for residential flat buildings) are (see Figures 9 and 10):
- between 3m and 4.5m (to the front facade line), except on the western side of H1 (Thornton Hall heritage carriageway) where the front setback from the boundary line is to accommodate tree retention and access driveway,
  - a minimum 5.5m (and a minimum 1m behind the front facade line) for the garage, and
  - 0m to the secondary street (for a corner allotment) except for the first 7m of allotment which to be setback at 2m to accommodate the articulation zone requirements at Section 3.4 (see Figures 9-10).
- (9) The rear setback for the ground floor level of a dwelling is 0.9m. This does not apply to garages and ancillary dwellings adjacent to a rear lane which may be built to the rear boundary. A rear setback of 3m is required for all allotments that back onto the existing residential allotments fronting Lemongrove Road and for Block C3.
- (10) The minimum side setback requirements for residential development within the R1 Zone (except for residential flat buildings) is to be consistent with the table below. Projections permitted into side and rear setback areas include sun hoods, gutters, down pipes flues, light fittings and electricity or gas meters, rainwater tanks and hot water units and the like.

Dwelling type	Minimum side setbacks
Ancillary dwellings	0m on both sides 0m to rear lane
Multi-unit housing, attached dwellings	0m on both sides
Semi-detached dwellings	0m to 1 side 0.9m to 1 side
Dwelling houses (lots <8m wide)	0m on both sides
Dwelling houses (lots 8m wide and greater)	0m to 1 side 0.9m to 1 side - except for where permitted by (11) below

- (11) Despite (3.3.10), zero setbacks on both side boundaries for ancillary dwellings and dwelling houses are permitted where the following conditions apply:
- the dwellings are designed in a coordinated manner so as to ensure compliance with the relevant controls within this DCP, in particular, the private open space, privacy and solar access provisions;
  - construction of adjoining dwellings is undertaken either concurrently or sequentially,
  - reciprocal maintenance easements are included on adjoining allotment title (as per 3.2.3), and
  - compliance with the relevant aspects of the Building Code of Australia.
- (12) Where a studio loft above a garage straddles a property boundary, the central maintenance setback is not required. Appropriate arrangements for maintenance are to be included within the stratum lot title for the studio loft.
- (13) Variations to the building envelope controls contained within Section 3.3 are permitted where it is part of an 'Integrated Development Application' and the applicant can demonstrate that a good level of residential amenity can be achieved to both the proposed dwellings and adjacent properties.

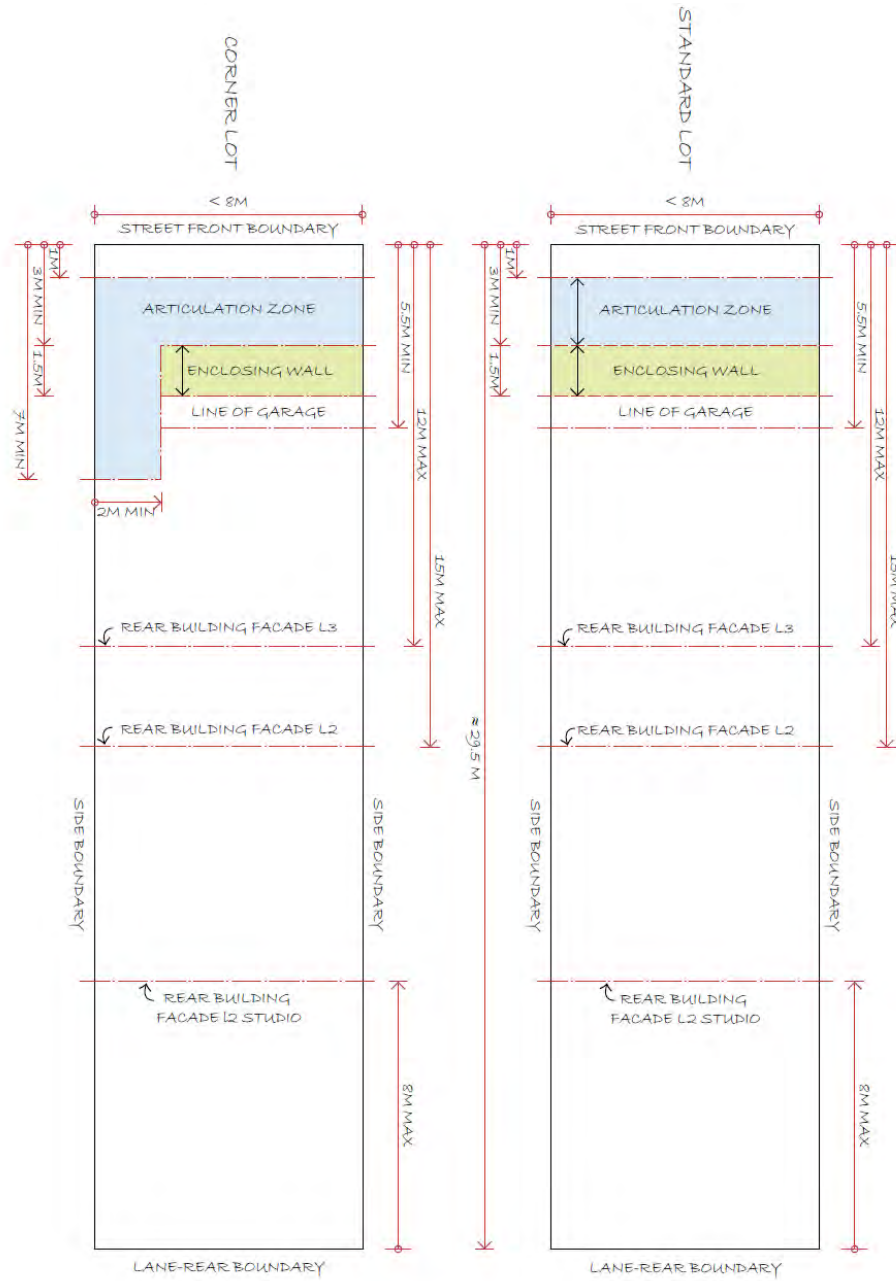


Figure 9 - Front and rear setback requirements, standard and corner lots (left), less than 8m wide

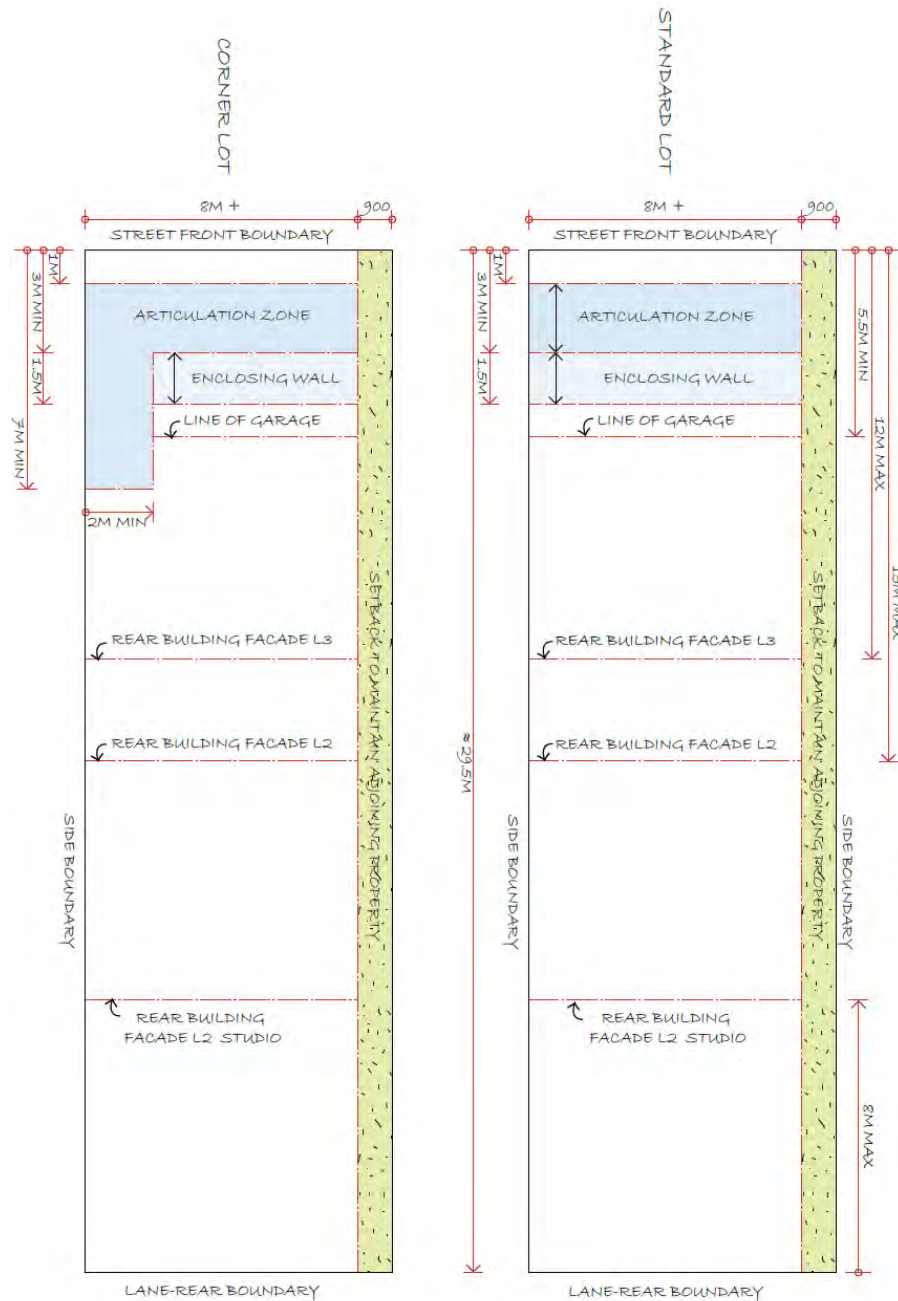


Figure 10 - Front and rear setback requirements, standard and corner lots (left), 8m+ wide



### 3.4 Building Design and Articulation

- (1) To ensure that buildings are designed to enhance the existing and future desired built form and character of the neighbourhood.
- (2) To create an attractive and cohesive streetscape through the provision of simple and articulated building and roof forms.

#### Controls

- (1) Particular attention is to be paid to the design quality of the front facade of a dwelling. An articulation zone is to be provided in front of the front facade line as illustrated at Figures 9 and 10. The articulation zone:
  - is to be setback at least 1 metre from the front boundary,
  - must extend at least 7m from the front boundary line along the secondary street frontage (for corner allotments), and
  - may extend over 2 storeys (for 2 and 3 storey development).
- (2) The front articulation zone should include at least 1 primary element or 2 secondary elements from the list below. Where a primary element is included, it should have a minimum depth of 2m. The minimum depth for a secondary element is 500mm.

Primary elements	Secondary elements
Verandah / porch	Entry feature or porticos
Balcony (incl upper level balcony over garage door)	Awnings or other features over windows
Pergola	Eaves and sun shading
	Window box treatment
	Recessed or projecting architectural elements
	Bay windows

- (3) For corner allotments the articulation zone is to be a minimum depth of 2m from the primary and secondary frontages and may include either primary and / or secondary elements as listed above.
- (4) For allotments located on the southern, eastern and western side of a street, the articulation zone may be designed to incorporate private open space, including principal private open space.
- (5) Consideration should be given to expressing the third storey of a dwelling in a more lighter weight manner than the structure below, through the use of material and colours and the like.
- (6) Eaves are to provide sun shading, to protect windows and doors and provide aesthetic interest. Subject to 3.2.3, eaves should have a minimum of 600mm overhang (measured to the fascia board). Council will consider alternative solutions to eaves so long as they provide appropriate sun shading to windows and display a high level of architectural merit.
- (7) Building colours, materials and finishes are to be consistent the Residential Design Palette included at Appendix C.
- (8) Multicoloured roof tiles are not permitted.

### 3.5 Private Open Space and Landscaping

#### Objectives

- (1) To provide a high level of residential amenity with opportunities for outdoor recreation and relaxation within the property.
- (2) To enhance the spatial quality, outlook, and usability of private open space.
- (3) To facilitate solar access to the living areas and private open spaces.

#### Controls

- (1) Each dwelling is required to be provided with an area of Private Open Space (POS) and Principal Private Open Space (PPOS) consistent with the table below.

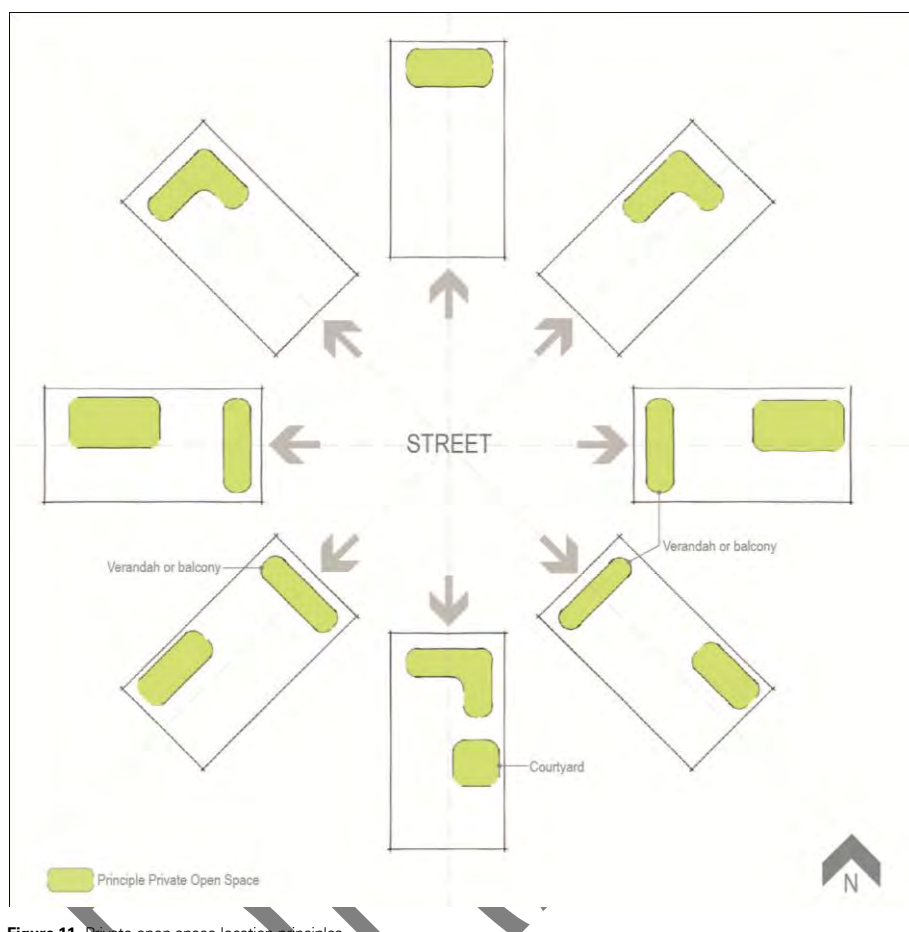
Lot width*	Studio Loft	Multi-unit housing, attached & semi-detached dwellings and dwelling houses		
		<6m	6-10m	10m+
POS	Studio and 1 bed: 4m <sup>2</sup> & min dimension 1m 2+ bed: 8m <sup>2</sup> & min dimension 1m	Minimum 20% of site area & min dimension of 2m	Minimum 20% of site area & min dimension of 2m	Minimum 20% of site area & min dimension of 2m
PPOS	n/a	16m <sup>2</sup> & min dimension of 3m	18m <sup>2</sup> & min dimension of 3m	24m <sup>2</sup> & min dimension of 4m

\* measured at the Front Facade Line

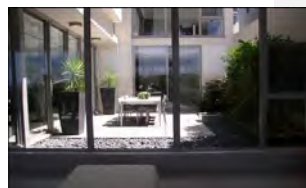
- (2) The location of PPOS is to be determined having regard to allotment orientation, dwelling layout, adjoining dwellings, landscape features, and the preferred locations of PPOS illustrated at Figure 11. Where an allotment is located on the southern, eastern and western side of a street, the PPOS may be located at the front of the dwelling in the form of a front garden court, verandah or balcony. PPOS located in the front of a dwelling must be useable and adjacent to a living space.
- (3) Where the PPOS is a balcony or roof top area, it must be provided with a fence or landscaped screen at least 1m in height, and be directly accessible from a habitable room.
- (4) The POS of the studio loft is to be located and designed so as to minimise visual and acoustic privacy impacts upon the principal dwelling and its associated POS.
- (5) Fifty per cent of the area of the required PPOS (of both the proposed development and the adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).
- (6) The first 1m of a site, measured from the front boundary, (excluding driveways, footpaths etc) is to be soft landscaped. Landscaping within the front yard is to comprise species from the Residential Design Palette included at Appendix C.

Note: "Private open space" (POS) means the portion of private space which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation. It may include a balcony, terrace, verandah and an outdoor room / 'alfresco room'.

"Principal private open space" (PPOS) means the portion of private open space which is conveniently accessible from a living area of the dwelling, and which receives the required amount of solar access.



**Figure 11-** Private open space location principles



### 3.6 Fencing

#### Objectives

- (1) To enhance the quality of the streetscape through consistent and co-ordinated front fencing.
- (2) To define the public and private domain and provide a sense of enclosure to the front yard.
- (3) To ensure boundary fencing is of a high quality and does not detract from the streetscape.

#### Controls

- (1) Front fencing is required for all residential allotments. Front fencing is to:
  - be between 700mm and 1.2m high (including feature elements),
  - be generally open in design and may comprise a solid component that is no higher than 700mm,
  - extend along the side boundaries to the front facade line (or at least 1m behind the front facade line for dwelling houses),
  - extend along the secondary street frontage to match the length of the articulation zone, and
  - are not to impede safe sight lines for pedestrians and / or traffic.
- (2) The design, materials and colour of front fencing is to be consistent with the Residential Design Palette included at Appendix C.
- (3) Where a dwelling is located adjacent to open space, boundary fencing is to be of a high quality material and finish. Articulated post and paling fences (with exposed posts) are preferred in these locations. The design of the fencing is to permit casual surveillance of the open space and provide the dwelling with outlook towards the open space.
- (4) Timber paling or lapped / capped fencing only can be used internally between allotments. No sheet metal fencing is permitted within the project.

### 3.7 Garages, Site Access and Parking

#### Objectives

- (1) To provide a level of residential parking appropriate for the precinct's location, in close proximity to Penrith Railway Station.
- (2) To reduce the visual impact of garages, carports and parking areas on the streetscape and improve dwelling presentation.
- (3) To ensure the design of garages do not dominate the frontage of the dwelling.

#### Controls

- (1) The maximum parking rates for multi-unit housing, attached and semi-detached dwellings and dwelling houses are:
  - 1-2 bedroom: 1 space per dwelling, and
  - 3+ bedroom: 2 spaces per dwelling.

*Note: See Section 3.11 and 3.12 for parking rates for ancillary dwellings and residential flat development respectively.*
- (2) All visitor parking is to be provided on-street.
- (3) Parking for affordable housing and seniors housing is to be in accordance with *State Environmental Planning Policy (Affordable Rental Housing) 2009* and *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* respectively.
- (4) The garage arrangement is to be consistent with Figures 12 and 13 in that:
  - for lots less than 8m wide, all garaging is to be accessed from the rear lane (if rear loaded). If there is no rear laneway, a single / tandem garage is permitted at the front,
  - for lots between 8m and 12m wide, garaging may comprise a single / tandem front loaded garage or a rear loaded, double / tandem garage, and
  - for lots greater than 12m wide, garaging may either comprise a double front loaded garage or a rear loaded, double / tandem garage.

*Note: For the purposes of determining the width of an allotment, the front facade line is defined as being 3m from the front, street boundary alignment.*
- (5) The maximum width of a garage door is 3.2m and 6m for single / tandem and double garages respectively. Where a studio loft is included, its own garage or carport requires access from the rear lane.
- (6) Carports and garages are to be treated as an important element of the dwelling facade and interface with the public domain. They are to be integrated with and complementary, in terms of design and material, to the dwelling design. Garage doors are to be visually recessive through use of materials, colours, overhangs and the like.
- (7) The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and tree bays and is to maximise the availability of on-street parking.
- (8) All parking and driveway access is to comply with AS 2890.1 - 2004.

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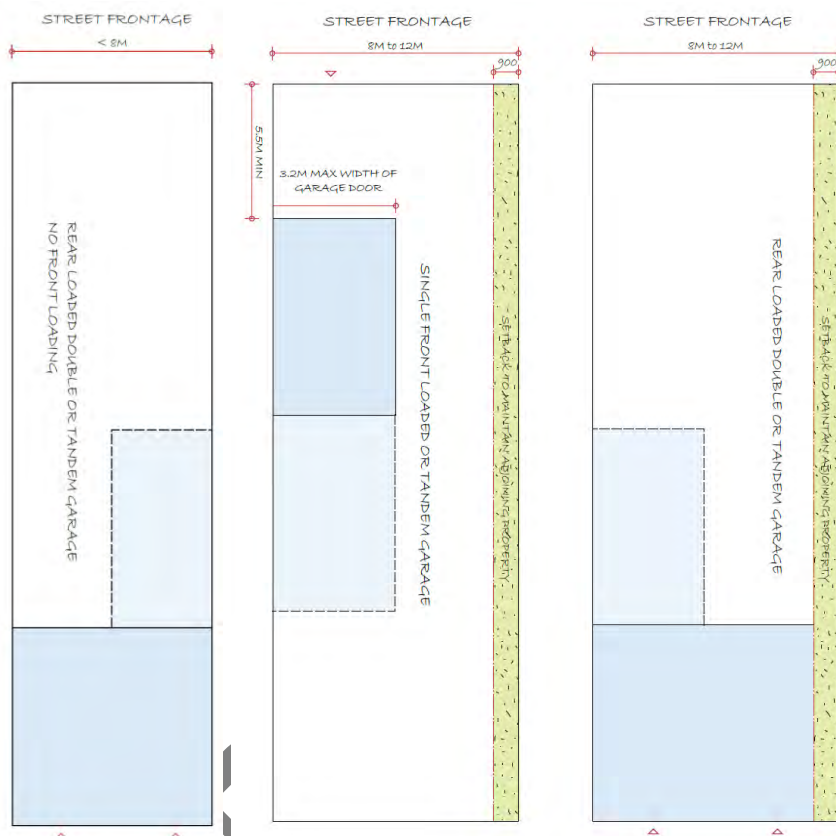


Figure 12 - Garage location principles (<8m and 8-10m wide lots)

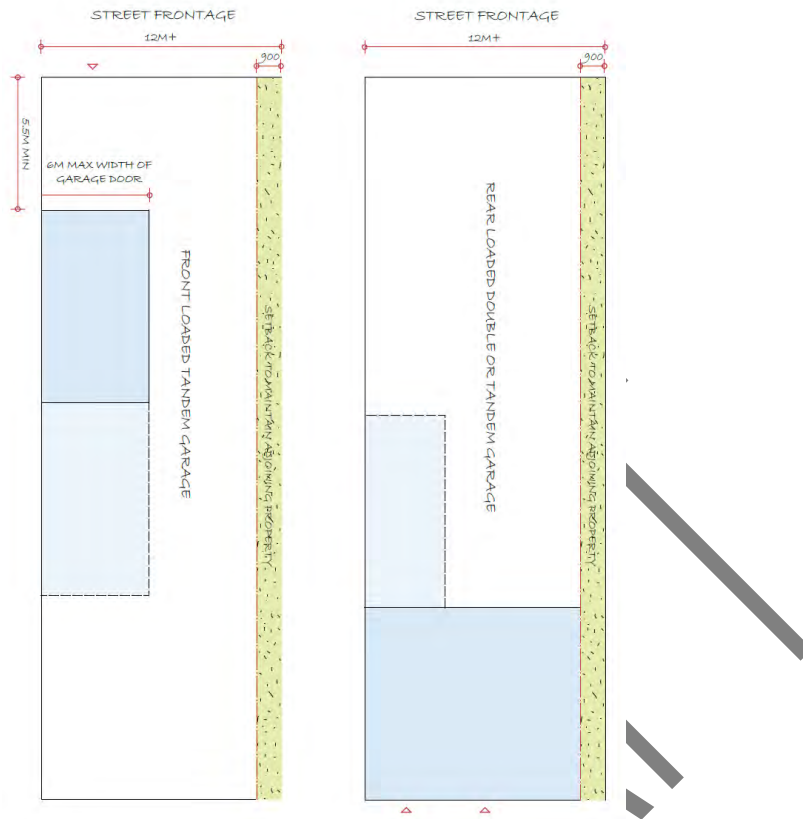


Figure 13 - Garage location principles (12m+ wide lots)

### 3.8 Visual and Acoustic Amenity

#### Objectives

- (1) To ensure buildings are designed to achieve the highest possible levels of visual and acoustic privacy.
- (2) To protect visual privacy by minimising direct overlooking of habitable rooms and private open space.
- (3) To contain noise within dwellings and minimise the intrusion of noise from outdoor areas.

#### Controls

- (1) Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.
- (2) Habitable room windows with a direct sightline to the habitable room windows in an adjacent dwelling within 3m are to:
  - be obscured by fencing, screens or appropriate landscaping, or
  - be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window, or
  - have sill height of 1.5m above floor level, or
  - have fixed opaque glazing in any part of the window below 1.5m above floor level.
- (3) A screening device is to have a maximum of 25% permeability to be considered effective.
- (4) The design of attached dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.
- (5) In attached dwellings, bedrooms of one dwelling are not to share walls with living spaces or garages of adjoining dwellings, unless it is demonstrated that the shared walls and floors meet the noise transmission and insulation requirements of the Building Code of Australia.
- (6) Residential development in close proximity to the railway corridor, Coreen Avenue, the east and west sides of the Boulevard, the upgraded commuter car park and those flanking the entry road from Coreen Avenue to the commuter car park, are to include design measures so as to achieve the following internal noise levels at these residences:
  - a target internal noise level of 35 dB(A) LAeq is to apply in the sleeping areas, and
  - a target internal noise level of 40 dB(A) LAeq in other living areas.

To achieve these target levels, the acoustic performance of the most exposed facades of these residences are recommended to provide an  $R_w$  (weighted sound reduction index) + Ctr (spectrum adaptation factor) of not less than 50dB for the composite wall area. Reference can be made to the BCA for details on deemed-to-satisfy construction.
- (7) Residential buildings further within the development (and not affected by heavy vehicle noise along the Boulevard) may achieve a construction of 10 dB less than the above specified targets.

### 3.9 Development in Proximity to a Rail Corridor

#### Objectives

- (1) Ensure that development in the proximity of the rail corridor is not adversely affected by rail noise or vibration, or stray currents and electrolysis from rail operations.

#### Controls

- (1) The siting and design of developments on land sited on or within 60m of an operating rail corridor or land reserved for the construction of a railway line is to address matters raised in the Interim Guidelines for Applicants – consideration of rail noise and vibration in the planning process (RailCorp) and where appropriate, incorporate any recommendations into the design of the development.
- (2) In assessing applications for development on land sited on or within 60m of an operating rail corridor or land reserved for the construction of a railway line, the consent authority is to have regard to the matters raised in the Interim Guidelines for Councils – consideration of rail noise and vibration in the planning process (RailCorp) and where appropriate, any matters raised by Rail Corporation New South Wales to the development.

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### 3.10 Specific Provisions - Key Sites

#### Objectives

- (1) To provide additional guidance with respect to the urban design outcomes sought for key sites within the precinct.
- (2) To promote development that results in a high quality public and private domain interface, in particular, the streetscape appearance of development.

#### Controls

- (1) Development on the key sites nominated at Figure 14 is to achieve the desired outcomes specified below.

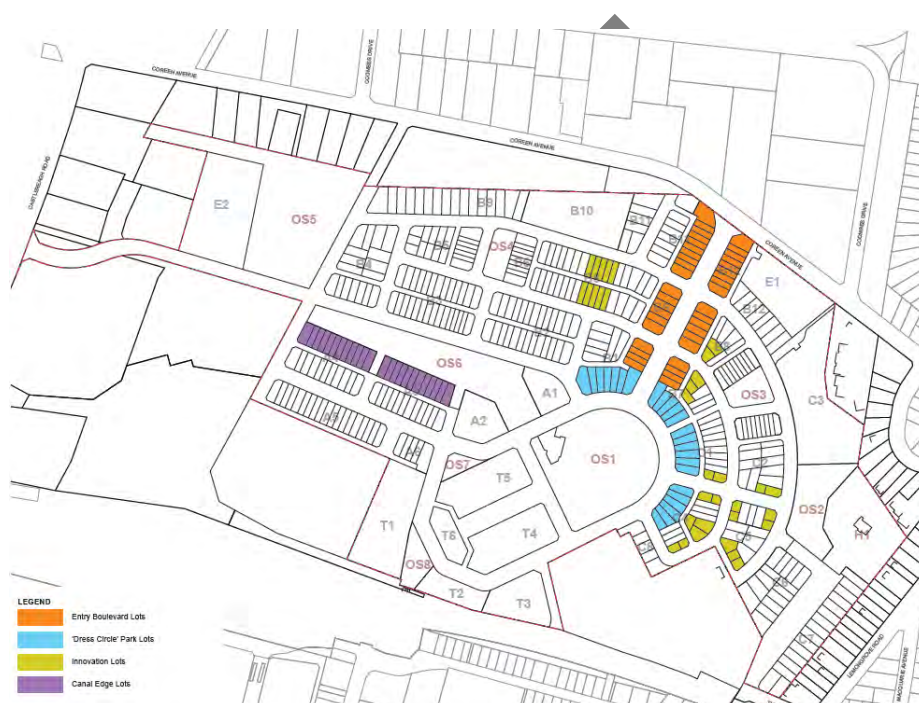


Figure 14 - Specific provisions for key sites



**Entry Boulevard Lots**

- A minimum building height of 2 storeys is required for all lots. A third storey is preferred on corner lots.
- Dwelling facades are to display high quality materials and finishes consistent with the Residential Design Palette (Appendix C).
- Despite Section 3.7, all garaging is to be from the rear lane.
- Front fencing is to generally consistent and assist in unifying the streetscape.

**'Dress Circle' Park Lots**

- A building height of 3 storeys is encouraged for all dwellings (except for ancillary dwellings).
- A high level of consistency of built form and massing is required across the dwelling frontages to achieve a harmonious streetscape and a strong urban edge to the oval.
- Buildings are to take advantage of the location overlooking the oval with front balconies and terraces.
- Dwellings are to display high quality materials and finishes consistent with the Residential Design Palette (Appendix C).
- Identical facades are to be limited to no more than 4 dwellings in a row.
- Despite Section 3.7, all garaging is to be from the rear lane.

**Innovation Lots**

- Housing is to demonstrate how compact, affordable dwellings can achieve a high level of internal amenity (see examples at Appendix B).
- Dwellings are to be single or double storey and may include 0m side and rear setbacks.

**Canal Edge Lots**

- A minimum building height of 3 storeys is encouraged for all residential dwellings (except for ancillary dwellings).
- Building form and massing is to create a strong consistent edge to the canal.
- Entrances stairs to dwellings off the canal walk are to be paired together.
- The ground floor level and front yard / private open space of the dwellings is to be raised above the level of the pedestrian boardwalk to provide privacy for the dwellings.
- Detailing of front fencing and landscaping (fronting the canal) is to balance privacy and surveillance issues. The front fencing treatment is to be of high quality and consistent along the full length of the canal frontage.
- The dwelling facades are to display high quality materials and finishes consistent with the Residential Design Palette (Appendix C).
- Buildings are to take advantage of the location overlooking the canal and include high levels of glazing and front balconies and terraces.
- Despite Section 3.7, all garaging is to be from the rear lane.

**Opportunity Site**

- The Opportunity Site may accommodate a variety of land uses, in addition to residential, such as commercial office, institution, education uses or the like, adjacent to the Village Centre.
- Non-residential uses fronting the canal should address the canal with semi-active uses.
- The road and block pattern within the site may vary in response to alternative uses.
- Building heights (of up to 6 storeys) are permitted for uses on the Opportunity Site.



### 3.11 Specific Provisions - Residential Flat Buildings

#### Objectives

- (1) To establish high quality residential flat developments that have a good level of amenity.
- (2) To provide additional guidance with respect to the urban design outcomes for residential flat buildings in the precinct.

#### Controls

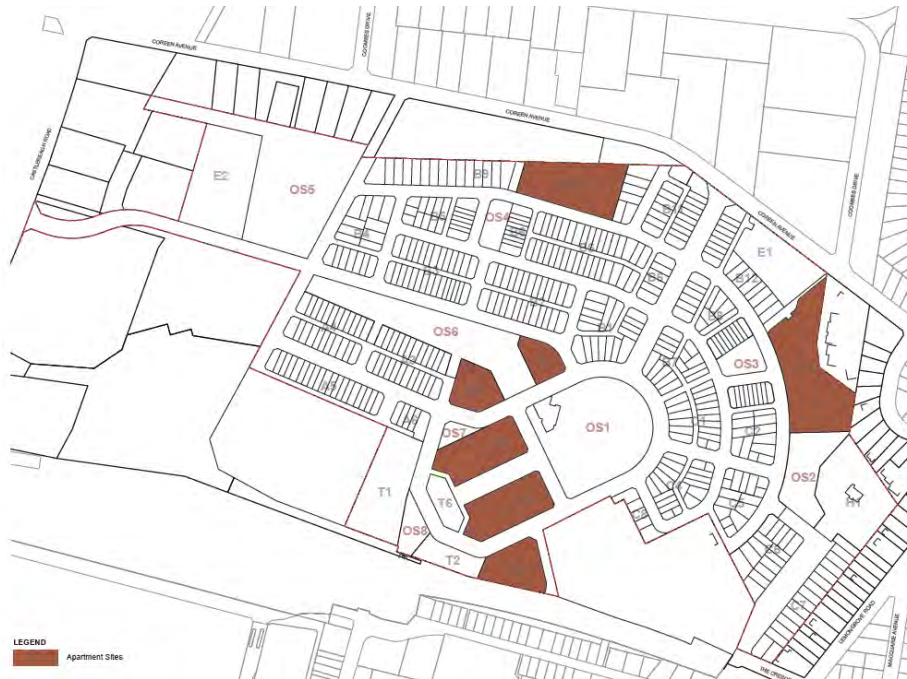
- (1) Residential flat development is to be generally consistent with the guidelines and 'rules of thumb' set out within the NSW Residential Flat Design Code and the development controls in the table below. If there is any inconsistency, the development controls below prevail.

Element	Control
Min. lot size	650m <sup>2</sup>
Max. building height	Maximum 6 storeys, except for Block C3 which is 3 storeys
Max car parking rates	Studio 0.5 space / dwelling 1-2 bedroom 1 space / dwelling 3+ bedroom 2 spaces / dwelling Visitor parking on street
Car parking location and design	At grade or within basement levels. At grade / undercroft parking is to be visually attractive, easily accessible to the dwelling entry and incorporate passive surveillance
Universal dwellings	Min 10% to be in accordance with the Landcom Universal Housing Guidelines
Maximum site cover	100% - for Blocks A1, A2 and T1 - T5 50% - for Block C3
Minimum deep soil zone	0% for Blocks A1, A2 and T1 - T5 15% for Block C3
Minimum communal open space	0% for Blocks A1, A2 and T1 - T5, 20% for Block C3

- (2) Development on the residential flat development sites nominated at Figure 15 is to achieve the desired outcomes specified below.

*Note: Residential flat buildings may occur on sites other than those nominated at Figure 15*





**Figure 15** – Sites nominated for key residential flat development

#### **Blocks A1 / A2**

- The ground floor level and front yard / private open space of the dwellings is to be raised above the level of the canal / street to provide privacy for the dwellings.
- Buildings are to take advantage of the location overlooking the canal and oval with front balconies and terraces.
- Parking should be screened from the street and canal interfaces. Underground parking is preferred.
- Block A2 should include a ground floor cafe / neighbourhood shop adjacent to the oval.

#### **Blocks T3 - T5**

- Residential uses at ground floor should be designed as 'live/ work' spaces.
- The residential component is to be consistent with relevant controls in Section 4.0.

#### **Block C3**

- Existing highlighted trees identified at Figure 16 are to be retained.
- No excavation or disturbance of area around the trees identified in Figure 16.
- The site is to be retained as whole and not re-subdivided (except for strata or community title). The trees are to be retained in common property.
- Boundary fencing with Open Space (OS2) is to be transparent of high quality materials.



Figure 16 - Block C3 tree retention

### 3.12 Specific Provisions - Ancillary Dwellings

*Note: Ancillary dwellings includes 'Secondary Dwellings', as defined by the Standard Instrument (ie a self-contained dwelling that is used in conjunction with principal dwelling and is on the same title), and 'Studio Lofts' which are also self-contained dwellings that may be occupied separately from the principal dwelling and are on a separate title from the principal dwelling.*

#### Objectives

- (1) To encourage a diversity of affordable housing product.
- (2) To provide housing and accommodation options for a range of family types and age groups.
- (3) To promote innovative housing solutions compatible with the surrounding residential environment.
- (4) To provide passive surveillance of rear lanes and shared driveways.
- (5) To encourage the use of studios over garages to provide surveillance, work from home or residential accommodation opportunities.

#### Controls

- (1) Subdivision applications that involve the creation of a laneway are to nominate the preferred location of an ancillary dwelling so as to achieve an acceptable degree of passive surveillance within the laneway. The preferred locations for ancillary dwellings are shown at Figure 17.

- (2) Ancillary dwelling development is to be consistent with the controls in the table below.

Element	Control
Setbacks	0m to sides and to laneway
Max. building height	2 storeys (ie 1 floor above the garage)
Private open space (required for studio lofts only)	Studio and 1 bed: 4m <sup>2</sup> min dimension 1m 2+ bed: 8m <sup>2</sup> min dimension 1m
Max car parking	Secondary dwellings - 0 spaces Studio lofts - 1 space

- (3) The design and layout of studio lofts is to minimise overlooking and overshadowing of the private space of the principal dwelling and any adjacent dwellings.
- (4) Strata title subdivision of a studio loft into a separate allotment will be permissible only where the following are provided:
  - appropriate private open space,
  - separate pedestrian access,
  - one on-site car parking space,
  - separate services for mail delivery and waste collection, and an on-site garbage storage area which is not visible from public street,
  - separate connections and metering for utilities, and
  - compliance with the Building Code of Australia.

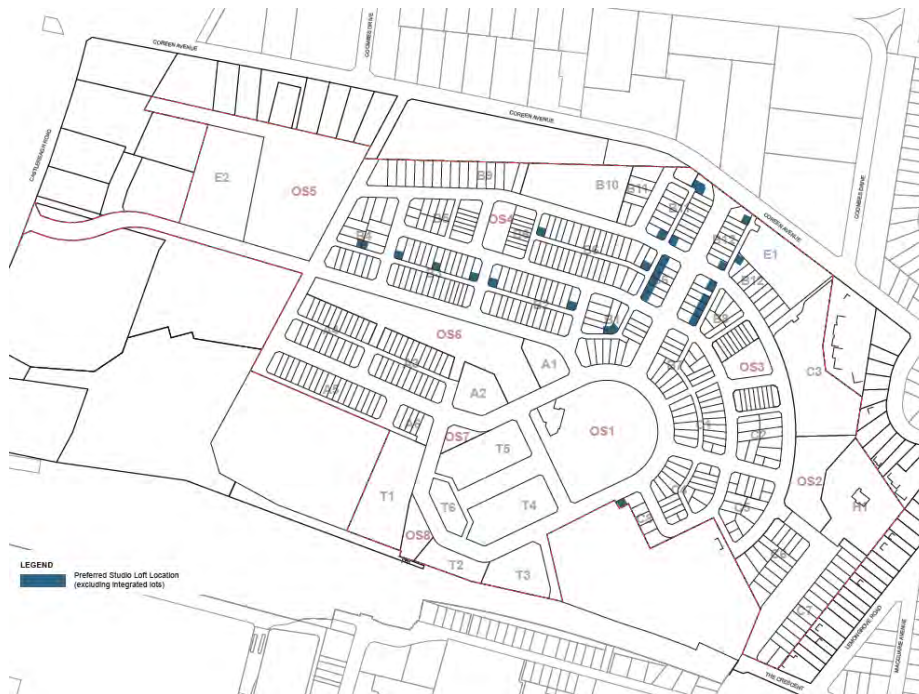


Figure 17 - Preferred location of ancillary dwellings





## 4.0 The Village Centre

*Note: Part 2 and Part 3 of Penrith DCP 2006 (where applicable) applies to development within the Village Centre.*

*The following sections of draft DCP 2008 (when adopted) will apply to the Village Centre: Section C5 Waste Management, C8 Public Domain, C9 Advertising and Signage, C10 Transport, Access and Parking, C12 Noise & Vibration, C13 Infrastructure and Services, and D3 General Commercial and Retail Development*

### 4.1 Built Form Controls

#### Objectives

- (1) To encourage a vibrant and active mixed use village centre and cater for the needs of the North Penrith residents.
- (2) To create an urban village environment that is complementary to its location near the Penrith City Centre and the Penrith Railway Station.
- (3) To provide the opportunity to accommodate a large format commercial and / or education use as part of the Village Centre.
- (4) To provide consistent streetscapes through control of the built form visible from the public domain.
- (5) To ensure developments are safe and secure for pedestrians and contribute to the safety of the public domain.
- (6) To provide shelter from sun, wind and rain for public streets where most pedestrian activity occurs.
- (7) To ensure buildings and places are accessible to people with a disability.
- (8) To ensure that all signage and advertising achieves a very high level of design quality in terms of graphic design, its relationship to the architectural design of buildings and the character of streetscapes.
- (9) To ensure buildings achieve a high level of environmental sustainability.

#### Controls

- (1) The location of preferred land uses within the Village Centre is to be generally consistent with the Figure 18. The nominated 'Opportunity Site' may be developed for commercial, educational uses and the like should the demand arise.
- (2) Building heights within the Village Centre are to be a minimum of 2 storeys, excluding the supermarket, and a maximum of 6 storeys.
- (3) The ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential.
- (4) Building setbacks / build-to lines within the Village Centre are to be consistent with Figure 19. Buildings are generally to be built to the street / square alignment. No upper level setbacks are required.



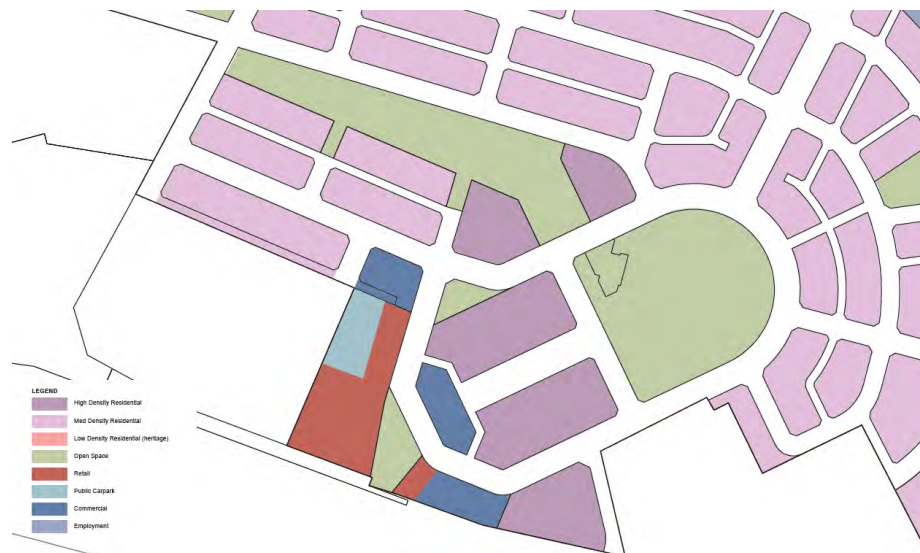


Figure 18 - Village Centre location of preferred land uses

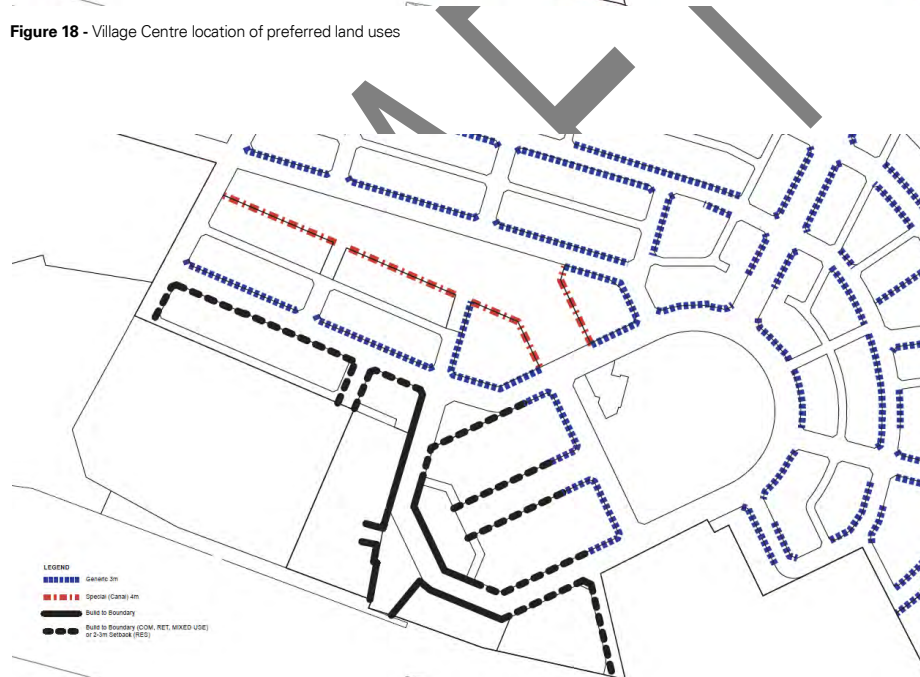
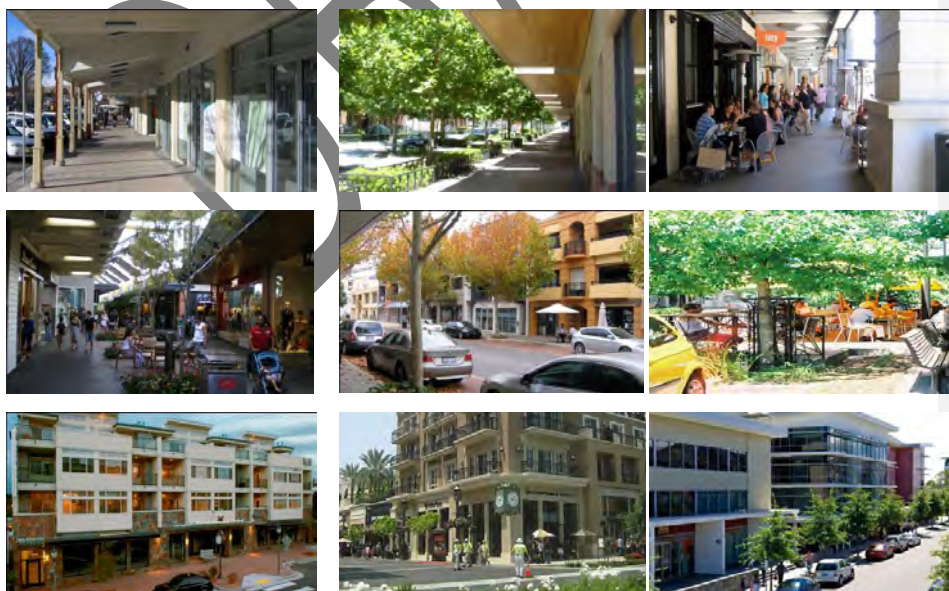


Figure 19 - Village Centre build to lines

- (5) Building frontage types within the Village Centre are to be generally consistent with Figures 20 - 21 and the table below.

Frontage Type	Characteristics
Village Square colonnade	<ul style="list-style-type: none"> <li>- Continuous and consistent frontage treatment around the Village Square required with linkage to railway station entrance</li> <li>- May be in the form of a colonnade, posted verandah or similar structure</li> <li>- Minimum height of 8m to the top of the colonnade.</li> <li>- Must extend over 2 storeys with a minimum clear depth of 3m and height of 3.6m (at ground level)</li> </ul>
Awnings	<ul style="list-style-type: none"> <li>- Continuous and intermittent awnings required as per Figure 21</li> <li>- To be solid element (not glazed), at an angle of 90° to the wall (ie not angled upwards)</li> <li>- May be cantilevered or suspended</li> <li>- Dimensions: <ul style="list-style-type: none"> <li>- Min. 3m deep (to allow street trees etc);</li> <li>- Min. soffit height of 3.2m and max of 4m;</li> <li>- Low profile, with slim vertical fascias or eaves (generally not to exceed 300m).</li> </ul> </li> <li>- To be designed to match building facades and be complementary to those of adjoining buildings</li> <li>- Awnings to wrap around corners where a building is sited on a street corner</li> <li>- Vertical canvas drop blinds may be used along the outer edge of awnings</li> <li>- Provide under awning or wall mounted lighting to facilitate night use and to improve public safety</li> <li>- One under-awning sign may be attached to the awning, at minimum intervals of 6m of the awning frontage</li> <li>- Temporary / pull down awnings permitted on intermittent awnings frontage</li> </ul>
Shelter to car park	<ul style="list-style-type: none"> <li>- To provide continuous weather shelter between Village Square and the car park</li> <li>- May be cantilevered or suspended with a min height of 3.2m</li> <li>- Is to be well lit and publicly accessible at all times</li> </ul>



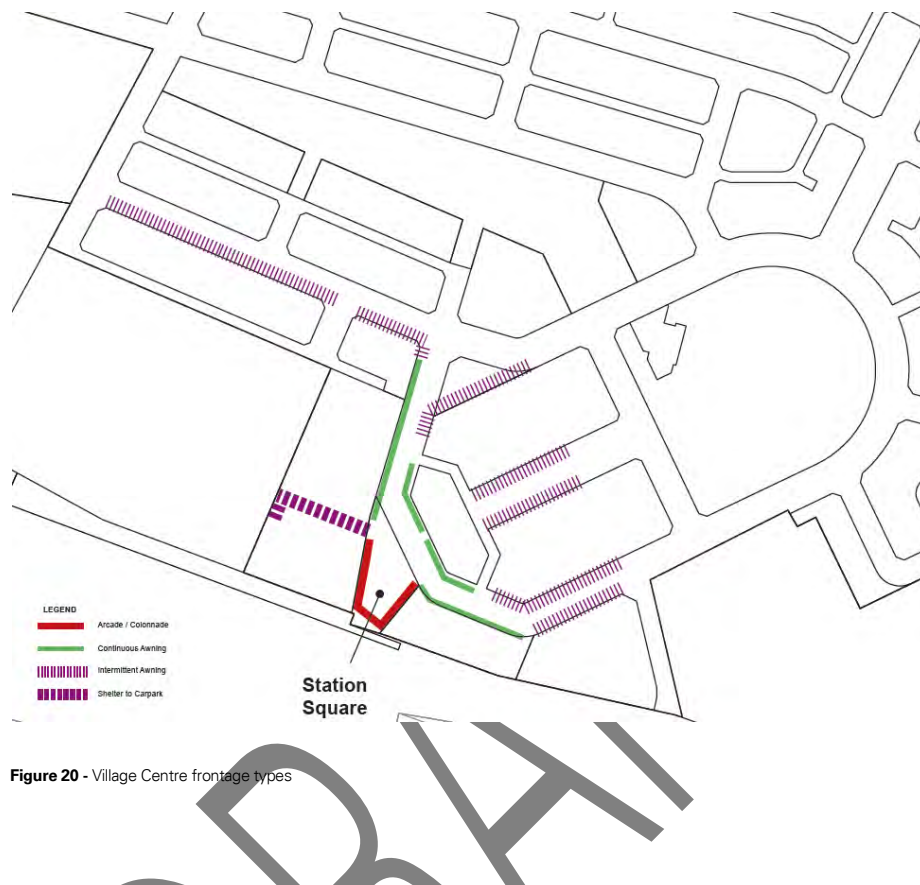
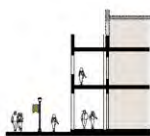


Figure 20 - Village Centre frontage types



**Colonnade:** This frontage type is appropriate for retail shopfronts around the Station Square. It can also provide access to commercial offices on levels one and two.



**Awnings:** The building is built to the frontage line. An awning attached to the building facade just underneath the first floor "transition" line, overlaps the footpath by 3m.

This frontage type is appropriate for conventional retail shopfronts, as well as showrooms or offices.



**Posted Verandah and Posted Awning:** The building is built to the frontage line. A posted verandah or posted awning is attached to the buildings facade and overlaps the footpath by 3m.

This frontage type is appropriate for conventional retail shopfronts, commercial buildings and mixed use.



**Garden Forecourt:** The majority of the building is setback 3m from the frontage line creating a garden forecourt for residential apartments. A front fence defines the front property boundary and has a maximum height of 1.2m with hedge behind.

Figure 21 - Examples of different frontage types within the Village Centre

(6) Street frontages are required at ground level of buildings as shown at Figure 22 and the table below

Street Frontage Type	Characteristics
Active	<ul style="list-style-type: none"><li>- Retail shop fronts and entries</li><li>- Cafe / restaurants with direct access to the street</li></ul>
Semi-active	<ul style="list-style-type: none"><li>- Active street frontage uses</li><li>- Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage</li><li>- Active office uses, such as reception, if visible from the street</li><li>- Public building if accompanied by an entry</li></ul>
Street address	<ul style="list-style-type: none"><li>- Active and semi-active street frontage uses</li><li>- Residential entries, lobbies, and habitable rooms with clear glazing to the street not more than 1.2m above street level, and does not include car parking areas</li></ul>







**Figure 22 - Village Centre active frontages plan**

- (7) Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.
- (8) Mixed use buildings within the Village Centre are to:
  - provide direct 'front door' access from ground floor residential units,
  - provide clearly separate and distinguishable commercial and residential entries and vertical circulation, and
  - provide multiple entrances for large developments including an entrance on each street frontage.
- (9) To facilitate the future conversion of ground floor residential uses to non-residential uses, the s88B instrument is to include a provision stating that the body corporate is not to unreasonably restrict or limit the ability for such a conversion to occur.
- (10) The design and provision of facilities for persons with a disability including car parking must comply with Australian Standard AS 1428 Pt 1 and 2 (or as amended) and the Commonwealth Disability Discrimination Act 1992 (as amended). A report from an accredited access consultant is to be submitted with a development application (where relevant), indicating the proposal's compliance.
- (11) The solid to void ratio is to be generally 60/40 for above ground levels. External materials and finishes:
  - 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,
  - consider the views / appearance from the commuter car park and the railway line,
  - maximise glazing for retail uses at ground level,
  - avoid large expanses of blank walls, and
  - are not to include highly reflective finishes and curtain wall glazing above ground floor level.
- (12) 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.

- (13) As part of the first major retail / commercial development within the Village Centre, a signage strategy is to be prepared and submitted for approval. The signage strategy is to:
- identify the preferred locations and quantum of all building identification and advertising signage,
  - include a palette of preferred materials, signage types and graphic style,
  - outline proposed illumination requirements so as to consider its impact on future, nearby residential uses,
  - promote a high quality, co-ordinated approach to signage within the Village Centre and minimise visual clutter, and
  - include details of any way finding signage.

Proposed signage within future development is to be consistent with the approved signage strategy.

- (14) Non-residential developments including mixed-use developments with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star and 5 stars under the Australian Building Greenhouse Rating system.
- (15) All dwellings, including those dwellings in a mixed-use building and serviced apartments which are intended to be or are capable of being strata titled, are to demonstrate compliance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- (16) For commercial buildings that will be accommodating 'general office areas', the target internal noise level is to be 40 dB(A) LAeq.



## 4.2 Access, Parking and Servicing

### Objectives

- (1) To provide an appropriate level of on-site parking consistent with the principles of transit oriented development.
- (2) To support the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.
- (3) To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).
- (4) To reduce the impact of vehicular access on the public domain.

### Controls

- (1) Maximum parking rates are to be in accordance with the table below. The preferred location of and access to car parking within the Village Centre is shown at Figure 23.

Development Type	Maximum Car Parking Rate
Commercial / Retail	1 space / 50m <sup>2</sup> GFA *
Supermarket	1 space / 26m <sup>2</sup> GFA
Residential	
- Studio	0.5 space / dwelling
- 1-2 Bedroom	1 space / dwelling
- 3+ bedroom	2 spaces / dwelling
- Visitors	On-street only
- Car wash bay	1 space for car washing for every 50 units, up to a maximum 4 spaces per building
Other uses	As per Section Part 2.2.11 of Penrith DCP 2006

\* A minimum of 1space per 75m<sup>2</sup> GFA is required for all commercial / retail uses

- (2) At least 2% of the required non-residential parking spaces, or a minimum 1 space per development (whichever is greater), shall be designated for persons with a disability. The parking spaces are to be located, dimensioned and sign posted in accordance with AS 1428 and AS 2890.
- (3) For commercial and retail developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection. The following associated facilities are to be provided:
  - change and shower for cyclists and are to be conveniently located close to the bicycle storage areas, and
  - 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.
- (4) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:
  - integrated into the overall façade and landscape design of the development,
  - located away from the primary street facade, and
  - oriented away from windows of habitable rooms and private open space areas.
- (5) Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it may be adapted to another use in the future.
- (6) All parking provided on site is to meet AS 2890 and where, appropriate AS 1428.
- (7) All loading and unloading areas are to be:
  - integrated into the design of developments,
  - separated from car parking and waste storage and collection areas,
  - located away from the circulation path of other vehicles,
  - provided separately for commercial/retail and residential uses, where part of a mixed use development, and
  - designed for commercial vehicle circulation and access complying with AS 2890.2.

- (8) 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).

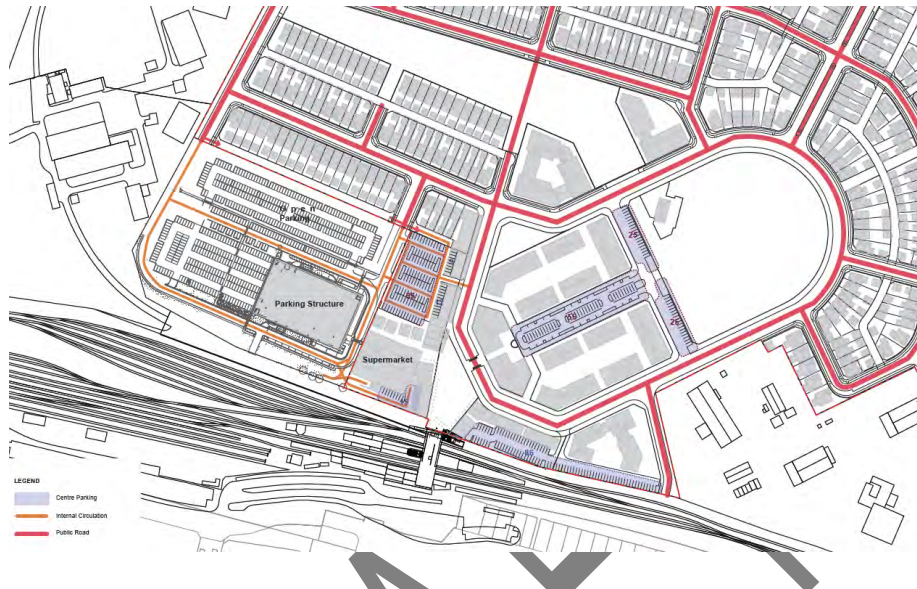


Figure 23 - Village Centre preferred location of car parking

## 5.0 Thornton Hall

### 5.1 Built Form Controls

#### Objectives

- (1) To conserve the heritage significance of Thornton Hall including its setting and its relationship with its surroundings.
- (2) To provide an ongoing use that is appropriate for the heritage significance of the building.
- (3) To encourage removal of inappropriate alterations and additions and the reconstruction of significant missing elements of the building.

#### Controls

- (1) Any alteration and additions to Thornton Hall is to be consistent with the following principles:
  - retain and conserve significant building fabric,
  - remove intrusive additions, including the verandah enclosures and brick porch,
  - reconstruct verandahs based on the evidence provided in early photographs. Consideration should be given to interpreting the balcony/parapet structure that was accessed via the roof,
  - external painting of the original section of Thornton Hall should be based on colours that were used during the last quarter of the nineteenth century,
  - retain significant internal spaces and significant internal fabric. This should include 1930s fireplaces, ceilings, layout of the three main rooms,
  - there should be no roof additions such as dormers,
  - additions to Thornton Hall should be restricted to one storey in height and should be located at the rear of the building, and
  - materials for any additions should be sympathetic to Thornton Hall but do not need to be the same as those used in Thornton Hall. A high standard of contemporary design should be encouraged for the additions.
- (2) New development is to maintain an appropriate curtilage around Thornton Hall and be consistent with the following principles and Figure 24:
  - maintain screening provided by existing trees. Some thinning of trees may assist in reinforcing the view corridor between Thornton Hall and the rest of the site,
  - any garage should be located to the rear of Thornton Hall, and
  - any other outbuildings or structures such as a swimming pool should be located to the rear of Thornton Hall.
- (3) Vehicular access should reflect the original access to Thornton Hall. Reconstruct the original driveway and turning circle at the front of the house. Retain the historic hoop pine as the driveway entry marker at The Crescent.
- (4) Any new landscape design should enhance the setting of Thornton Hall and reinforce view corridors. Planting consistent with Thornton Hall's later nineteenth century date of construction should be considered for the grounds at the front of the house.
- (5) The existing trees along the existing entry road into Thornton Hall are to be retained and protected.
- (6) Fencing should be unobtrusive in character and simple in design. It is preferable to use timber rather than brick or stone. Hedging may be an acceptable alternative to a more traditional fence form.

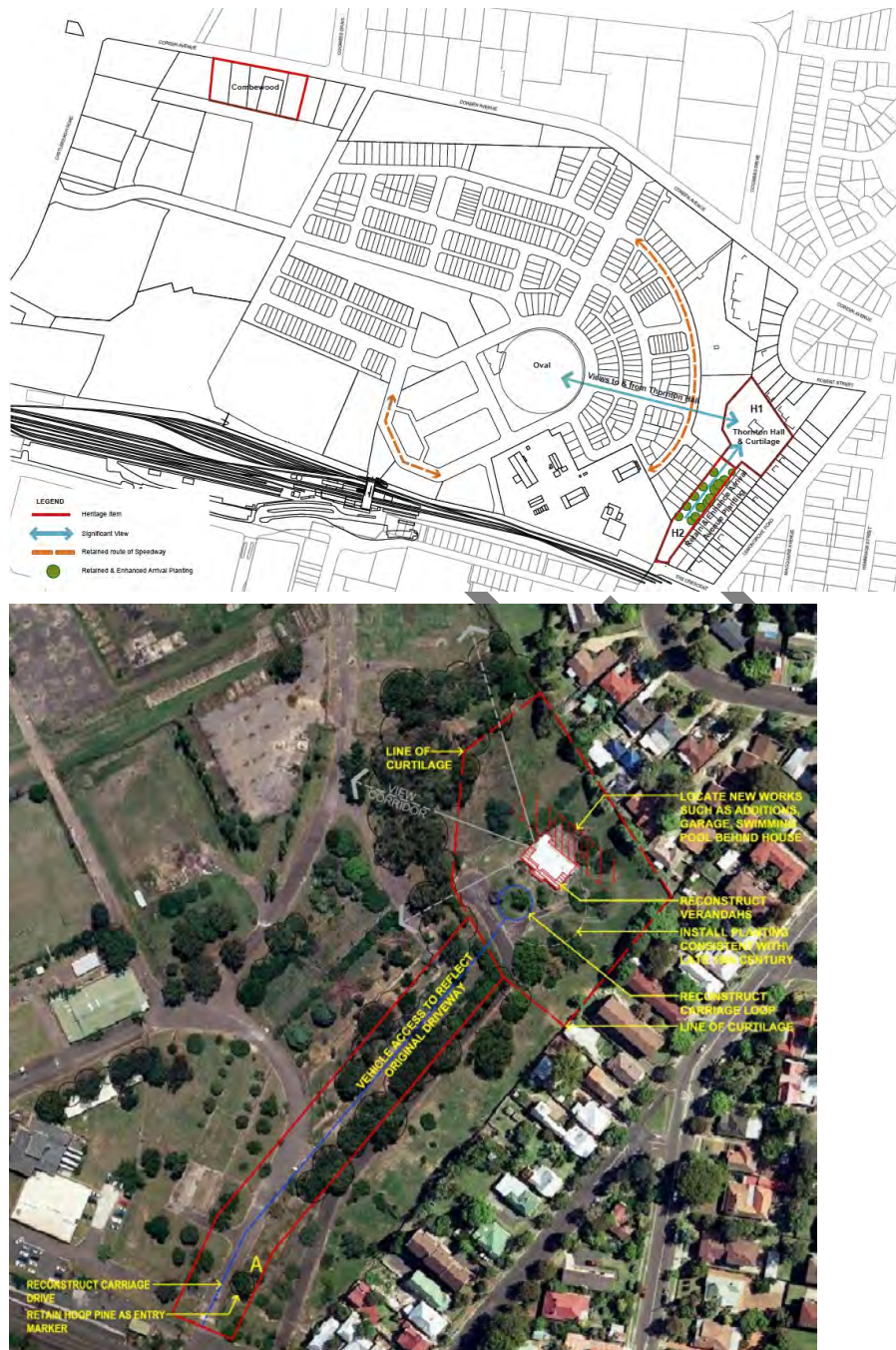


Figure 24 - Thornton Hall site principles

## 6.0 Industrial Development

*Note: Part 2 and Part 3 of Penrith DCP 2006 (where applicable) and Section 4.1 Industrial Land (Parts C, D and E) applies to development within the IN2 Zone.*

*The following sections of draft DCP 2008 (when adopted) will apply to the IN2 Zone: Section C5 Waste Management, C8 Public Domain, C9 Advertising and Signage, C10 Transport, Access and Parking, C12 Noise & Vibration, C13 Infrastructure and Services and Section D4 Industrial Development*

### 6.1 Built Form Controls

#### Objectives

- (1) To minimise the impact of industrial development on adjacent residential uses, in terms of solar access, noise and odour.
- (2) To ensure that industrial development can integrate with adjoining residential development and contribute to a visually cohesive urban environment.
- (3) To encourage a high standard of architectural design, utilising quality materials and finishes appropriate for the locality.
- (4) To enhance the visual quality of industrial development through appropriate setbacks, building and landscape design, particularly when viewed from public areas and residential areas.

#### Controls

- (1) The minimum lot size (Torrens Title) is 2,000m<sup>2</sup>.
- (2) The maximum building height is 12m (1 - 2 storeys). Notwithstanding this, a maximum building height of 4m (1storey) applies within 8m from an adjoining residential boundary.
- (3) Building setbacks are illustrated in Figure X and as follows:

Location	Min Setback
To Coreen Avenue (E1, E2)	6m
To western access road (E3)	6m
To adjacent industrial uses	0m
To adjacent residential uses	1m
To Combewood House property boundary	30m

- (4) Prominent elevations, such as those with a frontage to the street or public open space (OS5) are to:
  - be finished in high quality materials that are durable, low maintenance and non-reflective,
  - be activated through the use of glazing, office administration areas, building entries and the like (large, blank wall surfaces is not permitted), and
  - provide screening for any plant and mechanical equipment.
- (5) Elevations that are adjacent to a residential boundary are to be of solid in construction with minimal openings so as to minimise noise emissions.
- (6) Consideration should be given to the compatibility of the location and design of the car parking, storage loading areas to adjoining residential properties.
- (7) Boundary fencing (adjacent to residential uses) shall be between 1.8m and 2m high and of a solid material such as timber, steel or masonry.





Figure 25 - Industrial development building setbacks

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## 7.0 Explanatory Notes

The following information is provided as general guidance to applicants. In preparing a development application, applicants should also seek advice from Council regarding any additional guidance and documents relevant to their proposal.

### 7.1 When is a Development Application (DA) Required?

There are many instances where a Development Application needs to be submitted to Council. Development is defined in the Act as:

- the erection of a building on that land,
- the carrying out of a work in, on, or under that land,
- the use of land or of a building or work on that land, or
- the subdivision of that land.

It includes construction of new buildings, use of land for a new business, changing an existing land use, additions or alterations to existing premises and land subdivision.

A development application is not required for some development prescribed in the regulations of the Act, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Part 5 Exempt and Complying Development of the Penrith DCP 2006.

### 7.2 Submitting a Development Application

The requirements of a development application should be discussed with Council's Development Assessment and Compliance Division prior to making an application. Some or all of the following will be required at the DA submission stage dependant on the complexity of the development:

- Completed Development Application Form (registered land owners must sign development applications and where applicable, the stamp / seal of the company or firm is also required),
- Statement of Environmental Effects that includes a description of the site, the proposed development, the relevant planning controls, a compliance table and a statement regarding the environmental impacts of the development,
- Drawings, including a site analysis, location and site plans, existing survey, detailed buildings plans, elevations and sections, landscape plans and shadow diagrams,
- Indicative materials and finishes, and
- Supporting reports by specialist consultants such as geotechnical, wind mitigation studies, equitable access plans, heritage reports, economic studies for retail development, BASIX or energy efficiency certification, traffic impacts and management, reflectivity study, waste management and stormwater management.

#### Public Notification

Applications will be notified in accordance with the requirements of the Act and Penrith DCP 2006. Notification may include writing to surrounding and potentially affected property owners and residents, advertisements in local newspaper(s) and placement of notices on site.

#### Referrals

All DAs are referred for comment to other Council departments (for example, building and engineering). They may also be referred to the Traffic Development Committee or where relevant or required by the Act, to other Government agencies such as the RTA, the Department of Planning and the Department of Lands. Where referrals to such external organisations are required, the DA may take longer to process.

### 7.3 Glossary

**Ancillary dwellings** includes 'Secondary Dwellings', as defined by the Standard Instrument (ie a self-contained dwelling that is used conjunction with principal dwelling and is on the same title), and 'Studio Lofts' which are also self-contained dwellings that may be occupied separately from the principal dwelling and are on a separate title from the principal dwelling.

**Front facade line** is defined as the main front enclosing wall of a dwelling.

**Private open space** (POS) means the portion of private space which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation. It may include a balcony, terrace, verandah and an outdoor room / 'alfresco room'.

**Principal private open space** (PPOS) means the portion of private open space which is conveniently accessible from a living area of the dwelling, and which receives the required amount of solar access.

**Village Centre** means all land that is zoned B4 Mixed Use.

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## **APPENDIX A**

### EXAMPLE OF BUILDING ENVELOPE PLAN

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## **APPENDIX B**

### EXAMPLES OF SMALL LOT INTEGRATED HOUSING BY SIMPSON WILSON ARCHITECTS

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## **APPENDIX C**

### RESIDENTIAL DESIGN PALETTE

*To be inserted*

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