



Our reference: P-419776-X9X3
Contact: Lauren Van Etten
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31 January 2023

Department of Planning and Environment
Attn: Tahlia Sexton

Email: tahlia.sexton@dpie.nsw.gov.au

Dear Ms Sexton,

Penrith City Council Submission in Response to Public Exhibition of State Significant Development Proposal – Winter Sports World (SSD-10475)

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned State Significant Development Application.

The information submitted in support of the application has been reviewed and comments are provided within this correspondence for consideration and address by the Department in the assessment of the application. This submission firstly explains some background information that is relevant in understanding the reasoning for the allowances afforded via a recently gazetted planning proposal for this site. Following this critical background information, the items identified for consideration and address are separated under the headings of 'Key Threshold Considerations' and 'Supplementary or Design Considerations'.

The key threshold considerations require prioritisation and resolution to allow for a determination to be made that the site and context surrounding the site, are suitable for the proposed development. Other matters have been identified as requiring further information, clarification or minor amendments which are outlined under the heading of 'Supplementary or Design Considerations'.

It is requested that the matters identified as part of this submission are addressed in the assessment of the application and resolved prior to determination of the application.

Please also note that Council officers are willing to be involved in further discussions on the proposal to clarify matters identified. Any engagement sought by the applicant or requests for meetings however should be arranged and managed by the Department as the consent authority.

Should you wish to discuss any aspect of Council's comments further, please contact Lauren Van Etten, Senior Development Assessment Officer on (02) 4732 8222.

Yours sincerely

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

Gavin Cherry
Development Assessment Coordinator

Penrith City Council Submission in Response to Public Exhibition of State Significant Development Proposal – Winter Sports World (SSD-10475)

1. Background Information

This State Significant Development Application follows a recent Planning Proposal considered and supported by Council to revise the maximum height of building development standard within Penrith Local Environmental Plan (LEP) 2010 from 12m to 54m. The planning proposal also established revised floor space ratio development standards being 1.2:1 or 1.45:1 if the development is for the purpose of tourist and visitor accommodation. The planning proposal was specifically predicated on the advancement of the proposal now lodged with the State Government, however that advancement required refinement to address key development standards, development controls and policy objectives.

The LEP amendment took effect on 17 December 2021 and included a new site-specific clause being Clause 7.29. This clause requires a Development Control Plan (DCP) to be prepared, a Design Competition to be undertaken and demonstration of design excellence to be reflected in any application lodged. The clause also requires demonstration that the entire northern facade of any dwelling house, moveable dwelling or tourist and visitor accommodation on Lot 1, DP 788126, 6–22 Tench Avenue, Jamisontown receives at least 3 hours of direct sunlight between 9am and 3pm.

An amendment to Penrith DCP 2014 introducing a site-specific section (13.4.2.1) was endorsed by Council on 24 May 2021 and took effect on 23 December 2021. A design competition was also undertaken for the subject development proposal under the guidance of the NSW Office of the Government Architect.

While Council supported the concept proposal and the opportunities that this development may bring to the Penrith Local Government Area, that support is dependent on demonstrated compliance with the provisions of Penrith Local Environmental Plan 2010 (as amended) and the Penrith DCP 2014, with particular regard to the site specific section of the Development Control Plan adopted.

2. Key Threshold Considerations

i) Flood Management and Evacuation

The information provided in the Flood & Stormwater Management Strategy is inconsistent with current flood information held by Penrith City Council. This is a critical threshold matter to be resolved as agreement on suitable modelling parameters informs necessary finished ground levels and flood planning levels.



The pre-development scenario shown in the Strategy indicates flood levels lower than Council's information. This has the potential to inaccurately demonstrate that there is no adverse impact to adjoining properties. It is considered imperative that the applicant's flood model be amended to correlate with Council's flood model.

Insufficient information has also been provided to demonstrate there will be no adverse impacts to adjoining properties. In accordance with Development Control Plan (DCP) 2014 Section E13.4.2.1.8 Clause 5, the application shall demonstrate no impacts to upstream or downstream properties regarding both depths and velocities. An assessment has not been undertaken of the impact on velocities which must be addressed by the applicant following amendment of the flood modelling parameters. There is the potential that the building footprint may need to be amended to ensure that any proposed development has no impact on upstream, downstream or adjoining properties when considering pre and post development flows.

Additional information is also required with regard to dimensions, gradients and design arrangements of the overland flow underpass to demonstrate it is adequate. Any proposed landscaping within the overland flow path, both up and downstream of the underpass, must be designed in accordance with the expected stormwater flows within this area.

A comprehensive Flood Evacuation Strategy and Emergency Response Plan is also required to be prepared that is consistent with the relevant NSW State Emergency Service flood evacuation plan. While it has been noted that reference is made to a previous evacuation strategy, this has not been provided for review.

Council also recommends the Department of Planning and Environment coordinate a response from Infrastructure NSW (INSW) and NSW SES to determine if the development will exceed the capacity of evacuation routes and ensure that critical considerations outlined within Clause 5.21 of Penrith Local Environmental Plan 2010 are suitably addressed and found to be satisfied.

ii) Wilson Lane Road Width

The proposed configuration of Wilson Lane, being a proposed 9-metre-wide carriageway provides an insufficient width having regard to Penrith Development Control Plan 2014 requirements. It is considered necessary that Wilson Lane is constructed as a local road in accordance with Council's DCP 2014 Table C10.1 with a road reserve width of 15.6 metres (carriageway width of 8m and 3.8m wide verges on both sides with 1.5m wide concrete footpaths). Any widening of the road reserve should consider the location of adjoining development to the south and any connections to sewer within Wilson Lane.

Wilson Lane should be constructed for the full length of the site frontage and should also provide a turning head. This may be co-located on the development site with a Right of Carriageway dedicated over the area required for a turnaround facility and should be detailed on the Civil Plans submitted in support of the application.

Regarding the proposed Jamison Road/Wilson Lane Intersection, the Swept Path Analysis is not supported. Consideration shall be given to on-street parking on both sides of the roadway in demonstrating satisfactory intersection movements for the largest service vehicle (Heavy Rigid Vehicle). This issue is considered a key threshold issue as increased road carriageway widths must not be to the detriment of critical landscaped setback zones, especially given emphasis placed on the streetscape and public domain interface through the design excellence process. This above requirement may require a reduction in the building length to achieve both a traffic management and landscape design outcome which is necessary to inform if the site is suitable for the proposed development having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979.

iii) Noise Management

Council supports the recommendation in Section 7.2 of the Noise Impact Assessment that noise controls are required for vehicles entering and exiting the basement carpark as well as bus movements to/from the Porte Cochere. However, it is considered necessary that confirmation of required acoustic mitigation measures is outlined as part of the development application and assessment process and not deferred to Construction Certificate as conditions of consent. This is because site suitability is informed by demonstration of compliant noise management and mitigation measures. Mitigation measures should be detailed and consider amongst other things urban design outcomes and adjoining landowner impacts and consent where relevant. This is considered a key issue to be resolved as there are indicated exceedances of relevant criteria for nearby sensitive receivers by as much as 14.9dBA and 11dBA.

In 7.3 of the Noise Impact Assessment there is no specific mention of the proposed mechanical plant and equipment which is yet to be selected at this stage. While the Noise Impact Assessment has provided a generally satisfactory assessment on general plant and equipment (i.e. basement ventilation and kitchen exhaust fans), the development will require an abnormally large amount of both plant and equipment to cool the internal areas of the facility to create and retain snow. As the architectural plans do not show any locations for plant and equipment, the likely impacts of such plant on surrounding sensitive receivers cannot be confirmed. Additional documentation and assessment is required which identifies the location of the subject plant and equipment. Subsequently, Council recommends the Noise

Impact Assessment be amended to demonstrate that there will be no adverse impacts on surrounding sensitive receivers from any plant.

Within Section 6.2.1 and 6.3.1 it has been assumed that patrons are speaking with a sound power level of 69dBA when assessing potential noise impacts on surrounding sensitive receivers during the operation of the western café and western restaurant. Given the nature of the use of these areas and the number of patrons anticipated within the proposed café and restaurant, a minimum sound power level of 75dBA should be incorporated into the assessment. An amended Noise Impact Assessment will need to be prepared to address this concern, and any additional recommendations provided to demonstrate that there will be no adverse impacts on surrounding receivers.

The nominated sound power level of the amplified music within the western café and western restaurant will be limited to 81dBA which is below the combined sound power levels of patrons talking. However, this restriction on amplified music has not been recommended as a mitigation measure in the conclusion of the Assessment and is suggested to be incorporated.

iv) Land Contamination

Within the *Preliminary + Detailed Site Investigation* prepared by Broadcast Consulting Pty Ltd (dated 4 November 2022, ref 1379-ESA-05-A) three exceedances of relevant criteria were identified for lead. The Investigation has determined that the site is considered suitable for the proposed use, subject to the areas of concern being removed to a state in which there are no longer contaminants identified, and the subject material lawfully disposed of off-site or moved to a site for re-use with limited access to the contaminants. Of the two options recommended, neither have been specifically nominated as the proposed management method for the contaminated material.

State Environmental Planning Policy (Resilience and Hazards) 2021 requires that a consent authority consider whether the land is contaminated prior to issuing development consent and, where the land is contaminated, the consent authority needs to be satisfied that the site will be remediated before the land is used for that proposed purpose. The removal of contaminated material from the site, to ensure the site is suitable for the proposed use, is defined as remediation works. Development consent is required for remediation works, as required by Chapter 4, Section 4.8 of State Environmental Planning Policy (Resilience and Hazards) 2021, with the works considered to be Category 1 remediation works.

A Remediation Action Plan prepared by a suitably qualified environmental consultant is required in support of a development application for these works. The Remediation Action Plan is to consider the relevant EPA guidelines and NEPM (2013), as well as the recommendations of the Preliminary + Detailed Site

Investigation to ensure that the site will be made suitable for the proposed land use.

v) Overshadowing and Solar Access

Clause 7.29 (2) (e) of the LEP requires that, *“development consent must not be granted to development unless the consent authority is satisfied...the development will not result in the entire northern facade of any of the following on Lot 1, DP 788126, 622 Tench Avenue, Jamisontown receiving less than 3 hours of direct sunlight between 9am and 3pm daily”*.

In relation to shadow diagrams submitted, calculations undertaken by Council indicate the shadow potentially is underestimated at 9am and 3pm on the winter solstice and overestimated at 12pm (midday). Shadow analysis should be reviewed to inform the assessment noting that the clause also prevents the granting of development consent where compliance is not demonstrated.

vi) Design Excellence

As outlined within the background information within this submission, the achievement of design excellence and endorsement by the Design Jury of the resulting scheme is a critical threshold consideration in the assessment of the application. While it is acknowledged that considerable refinement of the scheme has occurred through the design excellence review process, address of matters raised within this submission must be achieved in combination with retention of design excellence standards secured. This has specific relevance to landscape design, public road and streetscape interface and building design, mass and scale. Where there is potential to impact the achievement of design excellence, reengagement of the Jury is required and amendment of the proposal to satisfy both design excellence requirements and the issues within this submission must be demonstrated by the applicant to the satisfaction of the consent authority.

3. Supplementary or Design Considerations

i) Urban Heat Management Considerations

The consent authority is requested to ensure the proposal is compliant both with Clause 7.30 – Urban Heat within the LEP and the urban heat development controls and objectives within Chapter C14 of Penrith DCP 2014. The relevant objectives relate to designing facades, heating, ventilation and air conditioning to minimise the release of heat and deep soil to achieve urban cooling benefits. Any plant equipment must be located to ensure it will not expel any heat into the public or private domain in accordance with the DCP requirements of C14 (urban heat mitigation). Further detail within the reflectivity report is also required in relation to the Solar Reflectance Index (SRI) minimums of all materials proposed.

The revised setbacks to the east and west offer adequate deep soil opportunities which, when coupled with the rooftop landscaping, offer urban heat mitigation. However, the north facing setback to Jamison Road warrants redesign to ensure it is substantially landscaped to accommodate adequate canopy cover, rather than primarily provide hardstand surfaces as currently proposed. Refer to the landscape comments below for further details regarding this landscape design.

ii) Tree Retention and Protection Considerations

The consent authority is requested to consider and be satisfied that the impacts of the development on existing trees have been suitably addressed. It is important to ensure the existing trees along the southern boundary, and within the adjacent site, are retained as a vegetated buffer and screen to preserve amenity (in terms of visual privacy, outlook, and heat mitigation).

The arborist report should also be embellished to specifically address the following impacts:

- Construction impacts upon tree protection zones;
- Room for continued growth of these trees;
- Overshadowing impacts, as detailed within the architectural plans;
- Impacts from the revised civil plans, the revised flooding assessment and from the upgrade the intersection of Jamison Road/Blaikie Road;
- Tree management plan be provided by a qualified and experienced arborist to minimise the damage to existing trees during construction; and
- Demonstrate with details how drainage will be effective and not impact existing and proposed vegetation.

iii) Biodiversity and Ecological Conservation Considerations

While it is understood that a Biodiversity waiver has been approved by the Delegate of the Secretary, the likely impacts on neighbouring trees has not been fully addressed in the arboricultural report, nor the ecological report. As per Section 14.3 of the Arboricultural report it states that '*Tree 4, 5, 6, 8, 9, 10, 11 & 12 Eucalyptus tereticornis – Forest Red Gum, Melaleuca armillaris – Bracelet Honey Myrtle & Cedrus deodara – Himalayan Cedar, these neighbouring specimens were found in fair condition & good vigour at time of assessment. Trees viability to development; these specimens are impacted by the proposed development. The project arborist is to certify the installation of protection measures as per D/A conditions prior to commencement of works and to be monitored throughout the project at approx. 3 mthly intervals depending on the length of the development. The specimens MAY NOT remain viable beyond completion given the proposed construction of the unformed road.*

Development Impacts: AS4970 (2009) section 3 requires a TPZ setback of 4.8m for T4, 3.6m for T5, T6, T8, T11 & T12 and 6.0m for T9 & T10 radial from COT, the setback for the proposed development adjacent to this specimen is estimated at 0.9m to 2.1m from COT, which is an unacceptable encroachment into the structural root zones and a major encroachment into the TPZ of these specimens estimated at 22.7% to 34.3% due to the construction of the roadway.'

This impact and uncertainty of impacts on neighbouring trees is not supported by Council. These trees are located on neighbouring land. While it is acknowledged that the EIS states owner's consent has been granted for their removal, Council has not been provided with this consent. Moreover, these trees are located on land mapped on the Biodiversity Values Map. The development would need to be redesigned to avoid impacts on neighbouring trees. Further consideration may be warranted as to whether a Biodiversity Development Assessment Report BDAR waiver is appropriate for the impacts associated with the development. Further information is provided below.

iv) Visual Impact Considerations

While it is acknowledged a planning proposal established capability for the proposed development, the application must still demonstrate that visual impacts have been suitably addressed in relation to the scenic and landscape character mapping under the LEP provisions, including the preservation of view corridors to the Nepean River and Blue Mountains escarpment. This is detailed within the SP3 zone objectives, and within both Clause 7.5 and 7.29 of the Penrith LEP 2010.

Based on the Visual Impact Assessment submitted, it is acknowledged that there are certain vantage points where the proposal is below the escarpment. However, the analysis submitted is not considered sufficient to demonstrate that the development will not be unreasonably visually prominent within key view corridors. The Visual Impact Assessment should be further revised to address the following:

- a) Additional photomontage vantage points along the western side of the River and along the motorway driving eastbound, down the escarpment, where it is likely to be readily visible;
- b) Incorporate proposed lighting, as per the lighting strategy, including indicative night-time views;
- c) Detail lux rating of the lighting and consider impacts on adjacent properties from overspill, noting the ESD report submitted stated no external lighting shall be proposed;
- d) Simulate likely reflectivity, based on the reflectivity report, to accurately reflect visual impacts of the materials and reflectivity proposed;

- e) Incorporate any mechanical plant, if any proposed on the roof or within the setbacks;
- f) Photomontages should not include any trees that are proposed for removal i.e. those within the Jamison Road setback, Trees 4, 5, 6, 8, 9, 10, 11 & 12 and affected by any roadworks;
- g) Consider deciduous species proposed and how that affects views throughout the year;
- h) Landscape character shall be included as identified in the referenced Environmental Impact Assessment Practice Note: Guidelines for Landscape Character and Visual Impact Assessment (“EIA No. 4 Guidelines”); and
- i) No detail has been provided for the balustrades proposed for the landscaped mounds. These balustrades will impact the visual impact of the development.

The lighting strategy, facades and materials may need further revision based on the recommendations of the revised Visual Impact Assessment.

Feature lighting of the structure and its surrounds is recommended to be altered to be subtle and limited to the lower levels of the structure and subject to operational timeframes preserving the natural darkness of the river precinct and escarpment at other times. Kinetic lighting and signage is considered to be excessive and should be avoided at all times.

iv) Sustainability Considerations

As per Clause 7.4 of the LEP, *“the consent authority must have regard to the principles of sustainable development”*.

It is likely the solar panels will be limited in use along the northern façade as they will be partially shaded by the facade design and required canopy planting. Given the intention to minimise the use of the substation, the solar panel system should be detailed / designed to ensure the cells can operate independently and with inverters if partially shaded.

Further, given the scale of solar power proposed, clarification is sought as to whether the basement has space to accommodate batteries. The application notes batteries are under consideration, however space to accommodate such infrastructure needs to be identified up front in the basement as this could impact on the design and arrangement of the basement and car parking provision.

The scale of energy required to service the development, as outlined in the utility report, is substantial and the resulting size of the substation should be determined up front to ensure there's adequate room for this infrastructure within the setback to Tench Avenue without compromising the landscaped setback treatment and public domain interface treatment.

The ESD Report includes a Green Star Buildings appraisal for the building to demonstrate how the 5-star rating can be achieved. The appraisal indicates the degree of difficulty in achieving the rating. DPI should be satisfied that the snow centre foyer and reception, hotel and all ancillary retail areas shall be designed to achieve the equivalent of a Green Building Council of Australia Green Star 5-star rating.

v) *Traffic Management Considerations*

The traffic report proposes 600 parking spaces across the development which is less than the 741 spaces required if the parking rates were calculated using standalone rates within Council's DCP. However, the report has satisfactorily justified that there will be some shared uses across the site meaning that the parking rates can also be shared across the development and no concern is raised to this arrangement.

While the provided traffic modelling shows that the identified intersections within the local road network do not fail, there are a number of intersections along state roads which fail in the future post development scenario. It is considered necessary that these intersections be upgraded as part of the subject application to accommodate the future traffic volumes at these intersections as a consequence of this development proposal. Details of such upgrade works should be submitted for further assessment.

The proposed service vehicle access driveway is not supported by Council. Safety concerns are raised with regard to conflicting vehicular movements between heavy vehicles entering and exiting the service ramp, and normal vehicles accessing the basement car park. Consideration is to be given to the provision of a separate access ramp for service vehicles to/from the public road.

Consideration should also be given to on-site parking for private coaches once they have dropped off passengers in the porte-cochere so that they do not park on local roads while they wait to collect passengers they have dropped off. If on-site coach parking is not provided, a plan to manage parking for coaches servicing the site should be submitted.

The proposed development does not adequately address pedestrian activity within as well as to and from the site. Pedestrian movements and desire lines from Wilson Lane, Jamison Road and Tench Avenue should be appropriately provided for, including pedestrian access points, pathways and crossing facilities in appropriate locations.

The green travel plan does not commit to implement any actions that have been suggested such as a private bus service to the development site. Such measures should be implemented as part of the development's green travel plan to help reduce car dependency for travel to and from the site.

The Traffic Impact Assessment identifies several matters to be addressed within Appendix B Car Park Design Review, including the following to be addressed:

- a) Gradients (and grade changes) for the access driveway and porte-cochere exceed the maximum allowable in AS2890.2. Long sections shall be provided for both access driveways (measured along the steepest edge) demonstrating compliance with the Standard.
- b) Basement access ramps to be minimum 3 metres width with 300mm kerb on each side free of obstruction. Splay corners on ramps to provide for swept paths.
- c) Long sections to be provided for all basement ramps demonstrating compliance with the relevant Standards.
- d) Insufficient aisle width provided on Basement 3 and Basement 4. All aisles obstructed on one side shall provide a minimum 6.1 metres aisle width.
- e) Café storage on Basement 2 indicates an obstruction to circulation roadway.
- f) Further information to be provided related to Waste Services and Loading Dock areas and associated swept paths.
- g) Swept Path Diagrams are missing for the western portion of Basement 4.

vi) Jamison Road/Tench Avenue Footpath Construction

The development should provide a 1.5 metre footpath along the entire property frontage, including the provision of kerb and gutter (in alignment with the road configuration of the Jamison Road/Blaikie Road intersection).

The provision of any stormwater pipelines within Jamison Road are to be located under kerb with kerb inlet pits to be provided, including on the northern side of Jamison Road in the location of the proposed pipe road crossing, in accordance with Council's Design Guidelines for Engineering Works.

The proposed development is to relocate underground the existing overhead power lines and telecommunications cables for the frontage of the development site.

vii) Voluntary Planning Agreement Obligations

The development application does not address the requirements of the executed Voluntary Planning Agreement (VPA) regarding the upgrade of the Jamison Road/Blaikie Road intersection. The application must be supported by Civil Design Plans for the provision of intersection upgrade works in accordance with the Scope of Works detailed in Schedule 1 and the concept plan of the VPA. A copy of the VPA is available on Council's website at the following link:- <https://www.penrithcity.nsw.gov.au/building-development/planning-zoning/planning-controls/voluntary-planning-agreements>

viii) Stormwater Management Considerations

The stormwater concept plan has not demonstrated that downstream stormwater systems have adequate capacity to accommodate flows generated from the development. This should be addressed by the applicant and may require the provision of on-site detention to reduce stormwater flows or upgrade of stormwater infrastructure to increase capacity.

Insufficient information has been provided regarding the proposed external stormwater design. Pipe long-sections shall be provided for all external stormwater infrastructure from the development site to the downstream discharge connection. A Hydraulic Grade Line analysis shall be provided and shall appropriately consider tailwater conditions in the design.

Insufficient information has been provided with regard to the proposed internal site drainage system, including the design of basement car park drainage.

ix) Water Sensitive Urban Design Considerations

While water conservation measures and a rainwater tank is proposed, a minimum of 80% non-potable water use is to utilise harvested rainwater. As a result, the following matters require further information and address:

- a) The proposed 2.5 million litre rainwater tank has not been included in the MUSIC model and the water reuse has not been calculated.
- b) The impact of overflow from the rainwater tank on stormwater treatment devices has not been provided.
- c) Confirmation on where the melted snow discharges to, i.e. sewer or stormwater is required and potential impacts assessed.
- d) The rainwater tank shall be identified within the basement given a sizeable area will be required for it.

A Draft Operation and Maintenance manual should also be provided of for the proposed stormwater treatment measures.

x) Earthworks

As the groundwater table is to be considered at ground level, the basement must be permanently tanked.

xi) Public Health Considerations

The applicant should be requested to provide further information to address the following:

1. Demonstration that proposed food and drink outlets associated with proposal meet the requirements of the Food Standards Code and AS4674:2004: *Design, construction, and fit-out of food premises*.

2. Further detail confirming that regulated systems associated with snow and ice making and climate control, such as cooling towers or warm systems, are installed and operated in accordance with NSW Public Health Act 2010 and NSW Public Health Regulation 2022.
3. Clarification that pools and spas are intended to be installed and operated in accordance with the NSW Public Health Act 2010, NSW Public Health Regulation 2022, and NSW Health Pool Operators Handbook (2022).

Regarding the proposed stormwater harvesting and reuse, as well as the reuse of water from snow and ice melt, the applicant should be requested to ensure that specific risk assessments are completed for both of these involving relevant stakeholders including from NSW Health and Council. Any reuse should comply with relevant Australian and NSW guidelines and requirements of the Public Health Act 2010 and NSW Health Regulation 2022.

xii) Crime Prevention Through Environmental Design and Space Planning

The operational management plan outlines several measures that are supported, including 24/7 staffing and extensive CCTV. Council recommends that the entire perimeter of the site is monitored through CCTV and regular patrols and access to the southern landscaped setback in particular is restricted.

The ground floor design limits natural surveillance between the internal lobby/cafe areas and both Wilson Land and Jamison Road. The kitchen and café locations, if swapped, may allow for adequate surveillance to Jamison Road, noting the crevasse for climbing into the basement may also warrant relocation in this regard. The extent of the covered porte cochere may also need to be scaled back to ensure sightlines can be retained between the lobby and Wilson Lane.

Good visibility and site lines are important within the hotel foyer, lobby and forecourt areas as well as toward the porte-cochere. The current plans do not depict what materials will be used to partition the hotel foyer and general lobby and forecourt areas. Permeable materials such as glass etc are recommended.

Council recommends the crevasse climbing to only be accessed to and from the climbing gym within the basement.

Crime prevention through environmental design is warranted for positive external amenity for all developments in accordance with Clause 7.29 of the LEP, in addition to the aims of the LEP in relation to safeguarding residential amenity and committing to safe communities.

xiii) Landscape Design

The DCP 2014 does not require the setback to Jamison Road to be activated but rather to comprise deep soil (refer to Section E13.4.2.1.3.3 of the DCP)). The scale of hardstand surfaces lends itself to activation and compromises the setback's primary landscape function. Further, the DCP also requires the setback to Tench Avenue to be a deep soil zone, except for pathways, providing an attractive edge, shade to the footpath and screen and soften the bulk and scale of the façade.

It is recommended that the consent authority further consider the suitability of the landscape design scheme and pursue the following amendments:

- Meandering deep soil landscaping is recommended for at least 4m of the Jamison Road setback to support the healthy growth of trees, noting canopy cover spread can overhang the Jamison Road verge to ensure adequate separation is provided to the proposed building;
- A greater proportion of the Tench Avenue setback be provided with canopy tree planting and other landscaping embellishment;
- soil cells under proposed paving to increase number and maturity size of proposed trees.
- A landscape maintenance plan to demonstrate the long-term viability of the extensive rooftop landscaping proposed given the high maintenance requirements likely.
- The undergrounding of wires will be required to ensure adequate canopy cover can be achieved.
- Any on-site detention necessary shall not compromise the landscape design.
- Alter earthworks to ensure no retaining walls are required within the street frontages.
- Ensure all vegetation within the site must be high canopied or low level to enhance sight lines and visibility and minimise opportunities for concealment or scaling as per the applicants CPTED report.

There are some inconsistent details between the architecture and landscape documents regarding how the landscape mounds will be achieved, maintained and managed. Some podium areas are shown with soils on a very steep in gradient (Detail D-1, sheet LP-20.2 of the landscape package).

Additional details should address stability (heavy rain events, in establishment phase), irrigation, construction access, establishment and long-term maintenance specifications, maintenance access, asset renewal and the like.

xiv) Public Domain Interface

The DCP states recycled water shall be used for landscape irrigation and yet water features are proposed within the front setback. These features would need to be barricaded if using recycled water and they would not be sustainable if relying on potable water. Such required barricade/fencing would result in an inappropriate interface with the public domain and therefore such water features are to be removed. This is to ensure the proposal delivers the important gateway approach to the river and retain the landscaped open character and vistas to the west as required by Clause 7.5 and 7.29 of Penrith Local Environmental Plan 2010 and E13 of the DCP.

It is anticipated that the development will create informal parking along Jamison Road. It is suggested that parking restrictions be placed in these areas as part of this development such as no stopping line marking.

xv) Privacy and Amenity

The application proposes to conceal the protrusion of the development in the southern setback via landscaping mounds as viewed from the adjacent Nepean Shores development and public road interface. This purposeful design outcome is undermined by the proposed activation of the top of the landscape setback zone which is the most sensitive interface of the development. The elevated nature of the southern setback zone necessitates a landscape design treatment without externalized swimming pools and congregation / walking areas that can look directly into the adjacent private open space areas of the southern adjoining development. It is considered necessary that the elevated southern setback zone is limited to landscaping only and the proposal amended accordingly.