



STATEMENT OF MODIFICATION

DA 18/0298: 91 LORD SHEFFIELD CIRCUIT, PENRITH

Prepared by: Mark Boutros

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Introduction

This report has been prepared by Pragma Urban Planning in support of a modification to Development Consent DA 18/0298 relating to 91 Lord Sheffield Circuit, Penrith. The proposed modification seeks minor alterations from the ground floor through to the roof of the mixed use development.

The Site is zoned B2 Local Centre under the provisions of the Penrith Local Environmental Plan 2010 (PLEP 2010). The Site is not identified as being a heritage item or within a heritage conservation area. Figures 1, 2 and 3 demonstrate the zoning and context of The Site.

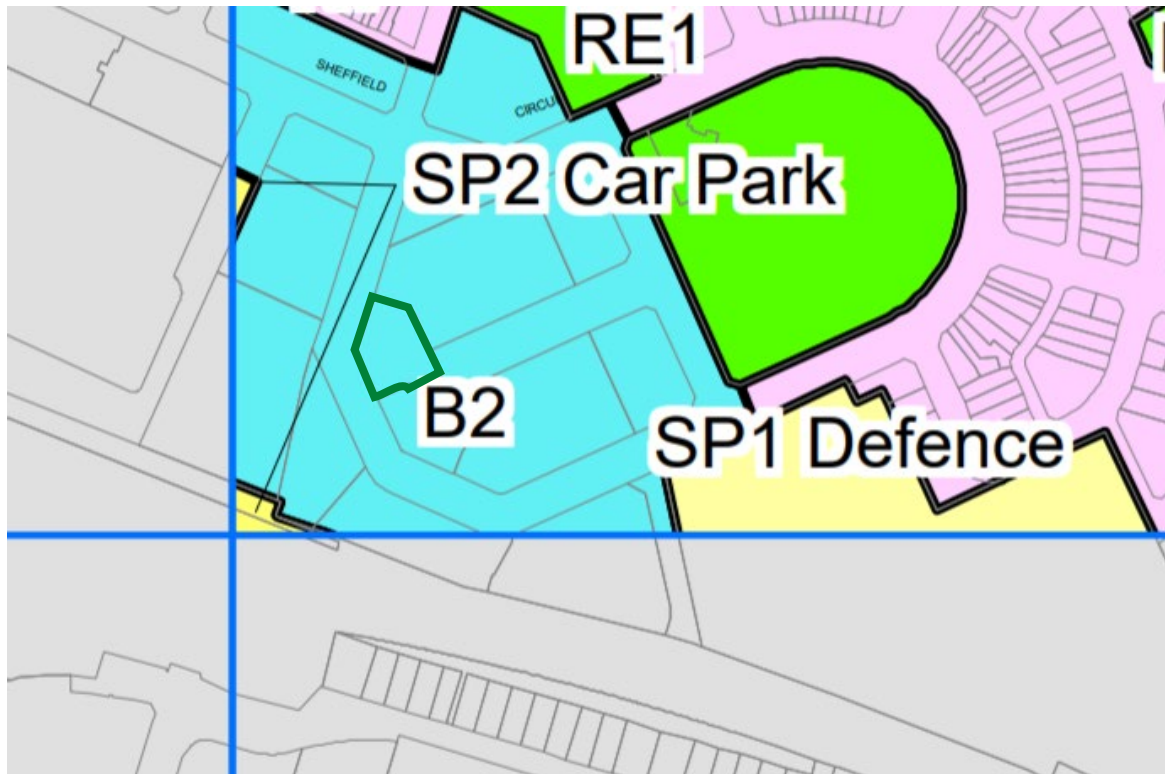


Figure 1. Zoning Map - B2 Local Centre - (Sheet LZN_012), (PLEP 2010)

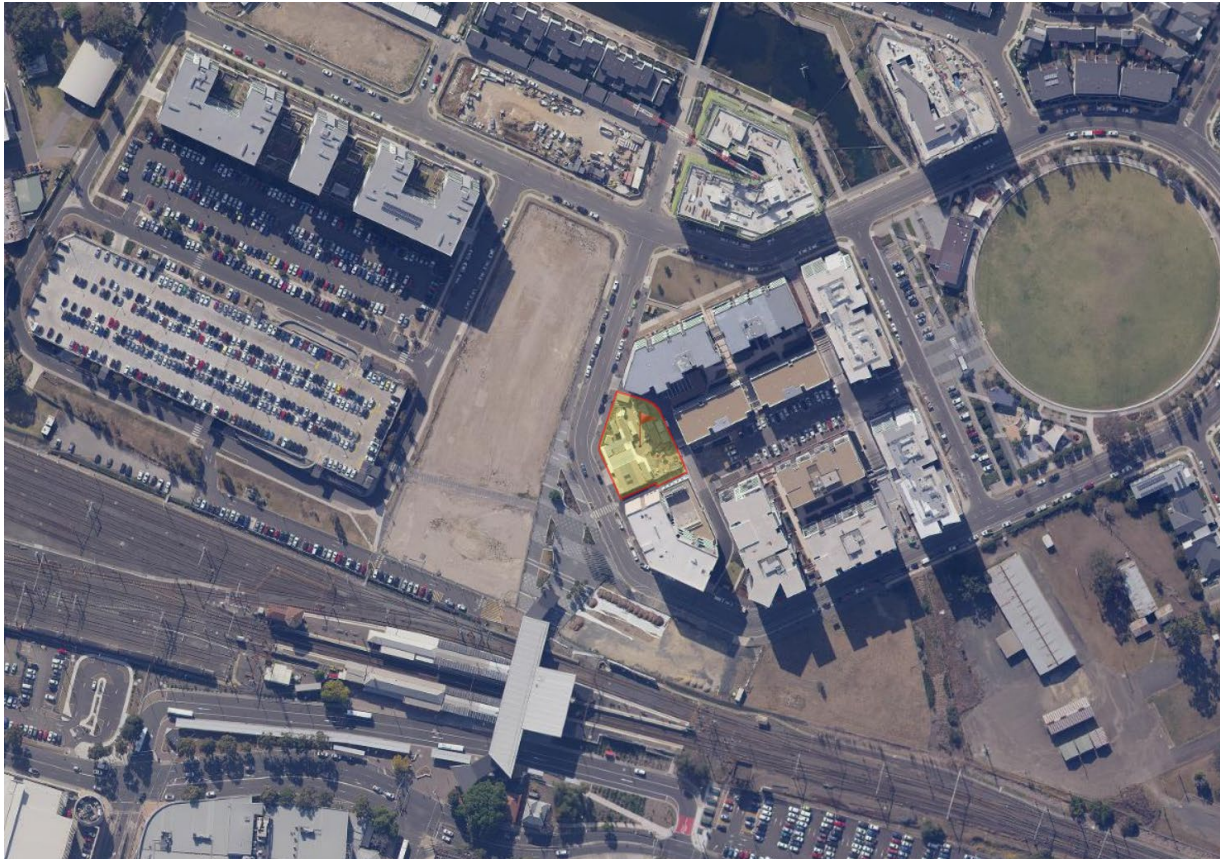


Figure 2. Aerial Map of The Site (Six Maps)

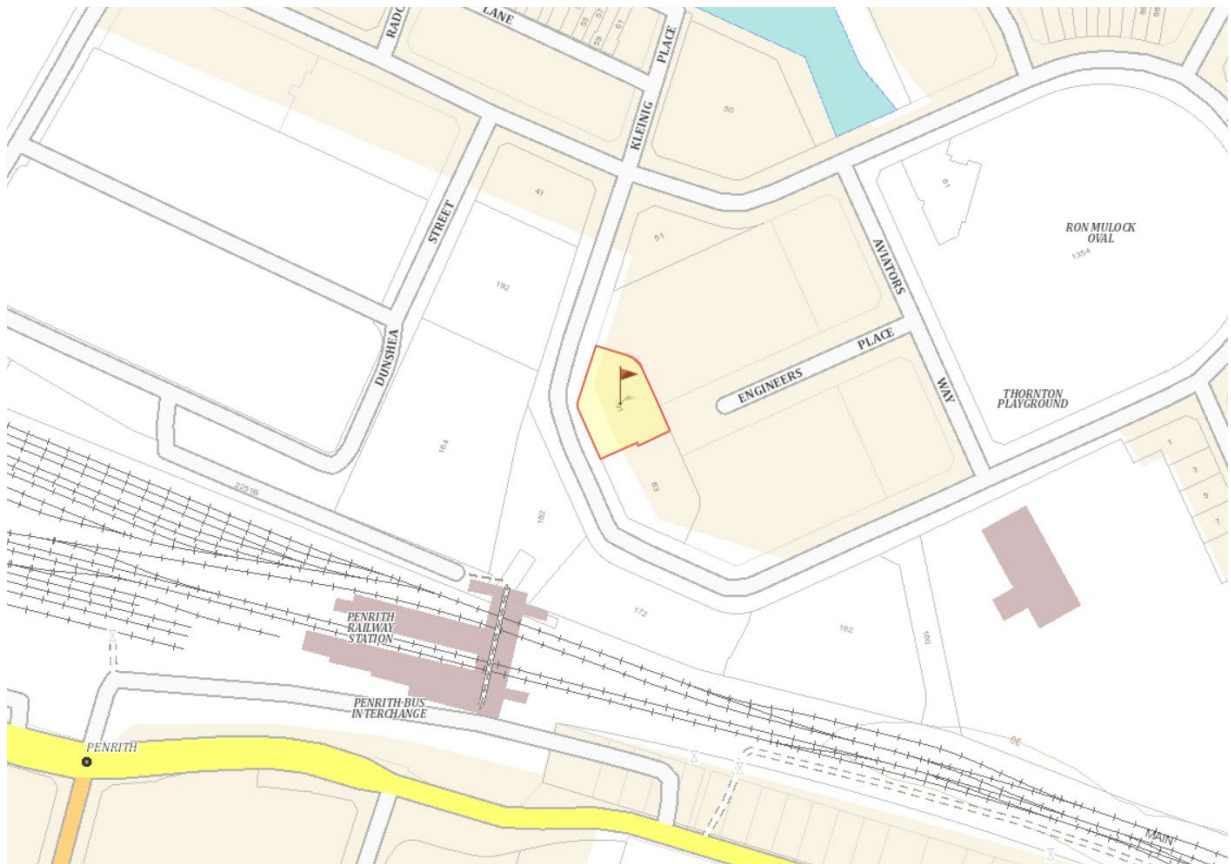


Figure 3. Road Map of The Site (Six Maps)

Site Context

The Site is known as 91 Lord Sheffield Circuit, Penrith having the legal description of Lot 2 in DP 1240166. The Site is an irregular lot with a frontage to Lord Sheffield Circuit. The Site has an area of approximately 1354m².

Construction is currently occurring on the Site pursuant to Development Consent DA 18/0298 to which this modification relates. The greater locality is currently in transition from vacant allotments to newly constructed high-density mixed-use and residential developments.

Proposal

This proposal seeks to modify Development Consent DA 18/0298 which operated from 9 August 2018. The consent is described as:

Construction of a Nine (9) Storey Mixed Use Development including Two (2) Ground Floor Commercial Tenancies, 48 Residential Apartments & Ground, Level 1 & Level 2 Car Parking

The modification will not alter the description of the development as it relates to minor internal alterations throughout the resulting building:

Ground Level:

- 1) Amended layout for Pump room, Retail storage and Retail WC on ground level.
- 2) Residential and Commercial garbage storeroom relocated to achieve head height clearance and based of approved WMP.
- 3) Commercial tenancies subdivided, and service corridor added to suit.
- 4) Additional commercial entries to subdivided tenancies.
- 5) Perforated metal panel removed.

Level 1-2:

- 6) Proposed 1400mm high solid railing to North Eastern facade to reduce impact of headlights and lighting to satisfy DA18/0298.02 Condition 3C.

Level 3:

- 7) Unit 307 living room balcony access opening size reduced to achieve spandrel protection.
- 8) Window added next to balcony access door.

Typical Level 4-8:

- 9) Unit 408-808 layout updated no impact to external facade.

Level 8 and Roof:

- 10) Proposed skylights added to 6 units

Please refer to Schedule of Amendments prepared by Urban Link Architecture accompanying this submission for further details relating to the modification sought.

Section 4.55 of the Environmental Planning and Assessment Act

Matters relating to Section 4.55(1A) of the EP&A Act considered below as the Proposal involves the modification of Development Consent DA 18/0298:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: It is considered that given the nature of the proposal to alter the internal fixtures and layouts, the proposed modification is minor in nature and will ultimately result in a development that is 'substantially the same' as what was previously approved.

- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

Comment: It is anticipated that given the minor nature of the alterations, the proposal may not require notification by Penrith City Council.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment: The proposal is not considered to be undermine any reasons given for the approval of the Development Application.

State Environmental Planning Policy No. 65

Please refer to the SEPP 65 Statement prepared by the nominated Architect.

Penrith Local Environmental Plan 2010

The Site is zoned B2 Local Centre under the provisions of the Penrith Local Environmental Plan 2010 ('PLEP 2010'). The proposal seeks a modification to a mixed use development which is permissible with Development Consent in the B2 Local Centre Zone.

The relevant PLEP 2010 controls have been considered in the compliance table below.

Table 3 – Penrith Local Environmental Plan 2010 Compliance Table

Penrith Local Environmental Plan 2010	
Clause	Comment
Zoning – B2 Local Centre	Development for the purposes of a mixed-use building is permissible with Council consent in the B2 Local Centre zone.
4.3 Height of Buildings 32m	The proposal will not alter the maximum height approved on the Site.
4.4 Floor Space Ratio	N/A
8.4 Design Excellence	It is considered that the modification sought will not alter the design to an extent that would undermine the design excellence achieved.

Penrith Development Control Plan 2014

The applicable controls which relate to Proposed Development in the Penrith Development Control Plan 2014 are addressed in the following table:

Table 4 – Penrith Development Control Plan 2014 Compliance Table

Provision	Comment
E11 Penrith – Part B North Penrith	
Building Design and Articulation	Complies The Proposal is considered to maintain design excellence and will be generally consistent with that of the original development consent which this application seeks to modify.

Section 4.15 Evaluation – Matters for Consideration

Context and Setting

It is considered that the Proposed Development is sympathetic to the existing character of the locality while ensuring consistency with the intended character while the area transition to higher density uses.

Social, Environmental and Economic Impacts

The finalisation of the construction process will assist in stimulating the local economy by providing a variety of jobs within the locality. Moreover, the construction of the dwellings will ultimately create housing strategically located to provide great access to retail and commercial amenities within the locality and as such is likely to increase expenditure within the local economy over the longer term.

The Suitability of the Site for the Development

The Proposed Development is a permissible development under the relevant zoning and the proposed modification maintains compliance with the fundamental planning controls for the

Site as detailed in this statement. As such it is considered that the proposal is suitable for the site.

Any submissions made in accordance with the Act
It is anticipated Penrith City Council will consider any submissions in its assessment of the proposal if it is considered that notification is required.

The Public Interest

As stated in this report, it is considered that the Proposed Development is consistent with the objectives of the public interest as it provides social, environmental and economic benefits and results in a proposal that enhances the streetscape and the greater locality.

Conclusion and Recommendation

Following a review of the relevant planning controls, it is concluded that the Proposed Development is generally consistent with the objectives, planning strategies, public interest and detailed controls of the relevant environmental planning instruments.

Careful consideration has been given to the potential environmental and amenity impacts and in the absence of undue adverse impacts the application is submitted to Penrith City Council for its assessment.