



# Statement of Environmental Section 4.55(1A)

ESQ STAGE 3 – BUILDING F AND G  
MULGOA ROAD, PENRITH

16 OCTOBER 2020



### QUALITY ASSURANCE

<b>Project:</b>	<i>Section 4.55(1A)</i>
<b>Address:</b>	<i>'ESQ1818' Stage 3 – Mulgoa Road, Penrith</i>
<b>Lot /DP:</b>	<i>Lots 51 -53 &amp; 55 in DP1246141</i>
<b>Council:</b>	<i>Penrith City Council</i>
<b>Author:</b>	<i>Think Planners Pty Ltd</i>

<b>Date</b>	<b>Purpose of Issue</b>	<b>Rev</b>	<b>Reviewed</b>	<b>Authorised</b>
<i>October 2020</i>	<i>Draft issue for Client</i>	<i>Draft</i>	<i>SK</i>	<i>JW</i>
<i>October 2020</i>	<i>DA Submission</i>	<i>Final</i>	<i>SK/JW</i>	<i>JW</i>

### Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
<b>Concurrence</b>	
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Section 4.55(1A) modification that seeks amendments to the approved plans associated with Building F and G associated with Stage 3 of the ESQ development.

DA18/0999 approved on the 22<sup>nd</sup> August 2019 with the following description of development:

*Mixed Use Residential & Retail Development – One (1) x Five (5) Storey Mixed Use Building comprising 1,225m<sup>2</sup> of Retail Floor Space & 82 Apartments & seven (7) Residential Flat Buildings comprising Four (4) or Five (5) Storeys containing 246 Apartments, Demolition Works, Earthworks & Associated Excavation, New Road, Rehabilitation of Existing Riparian Corridor, Stormwater Drainage and Associated Landscaping*

The current modification is proposing to undertake modifications to the approved design scheme under DA18/0999 including the introduction of common facilities in the basement associated with Building F and Building G, addition of penthouses (through 'merging of units'), changes to the unit mix, and a new communal open space area. The proposal also adjusts the finishes and materials to the buildings to reflect the further design evolution in the progression to the Construction Certificate phase.

The development is substantially the same development and the changes, when considered across the size and extent of the development as approved, are of minimal environmental impact.

For full detail on the changes see the plans that have amendments clouded in red, with the current Section 4.55(1A) modification seeking to alter the following elements of the consent:

- A decrease in the total unit yield from 320 to 316 with modification to the overall breakdown of unit mix to:
  - 1 studio (no change);
  - 111 x 1 beds (+ 1)
  - 158 x 2 beds (-17)
  - 40 x 3 beds (+ 9)
  - 6 x 4 beds (+ 3)
- Addition of common facilities within the basement associated with Building F and Building G
- Introduction of additional communal open space to the south-eastern side of Building F
- Changes to facades to Building F and G to reflect the design development evolution with some louvres and planters to balcony edges.

- Consequential changes to the basement layout to Building F and G (minor increase to northern side depth by approx. 4m) to accommodate the common areas noting total parking in Stage 3 is 192 spaces, being 164 resident and 28 visitor. This is an increase of 10 spaces as compared to the previous approval.

After a review of the amended plans and consideration of the relevant planning controls, it is recommended that Council grant consent to the modification application with appropriate amendment to consent conditions – namely condition 1 of consent to reflect the amended plans.

## SITE AND LOCALITY DESCRIPTION

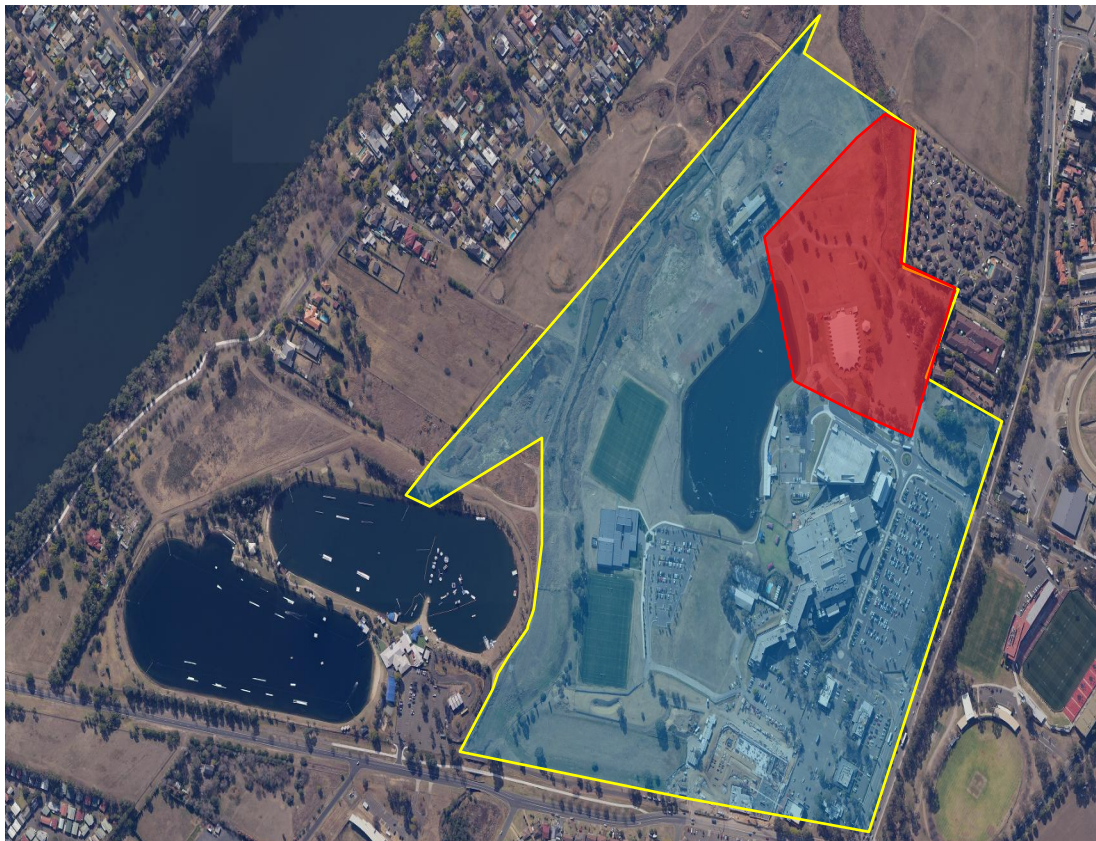
The subject site is legally described as Lots 51-53 & Lot 55 in DP1246141, however it is more commonly known as 2, 8, & 10 Retreat Drive and 123 Mulgoa Road, Penrith.



### PANTHERS PENRITH PRECINCT

The development site resides within the Panthers Penrith Precinct associated with the Riverlink Precinct.

The Panthers Penrith Precinct is located within 2km radius of Penrith City centre and is approximately 68.1ha in area. The large site is bounded by Council land (Carpenter's Site) to the north, Mulgoa Road to the east, aged care accommodation and residential land uses to the northeast, Ladbury Avenue residential lots and Nepean River to the west and Jamison Road to the south, as illustrated by an aerial map extract below.

**Figure 1: Aerial Map Extract of the Panthers Penrith Precinct Site (Source: Six Maps)**



-  Panthers Penrith Precinct
-  Development Site

## DEVELOPMENT SITE

Bounding Retreat Drive to the east, Ransley Street to the south, Peachtree Creek to the west and aged care accommodation and residential land uses, the development site can be best described as a large predominantly vacant land parcel with a total area of 39,817m<sup>2</sup>.

The development site is predominantly vacant but includes a pavilion building, gazebo, at-grade car park and access roads.

An aerial extract of the development site is provide below.

**Figure 2: Aerial Map Extract of Subject Site (Six Maps)**



 Development Site

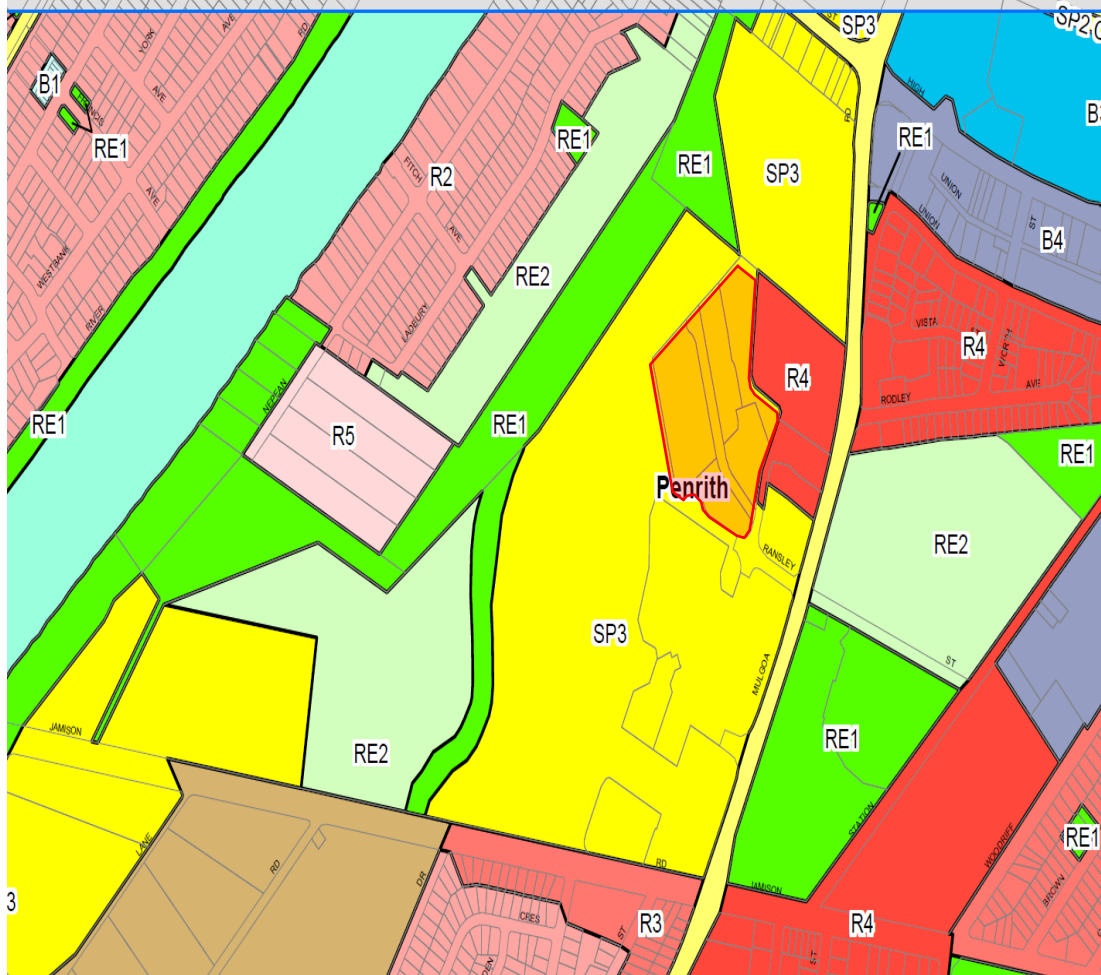
## ZONING CONTROL

As outlined in the following page, the development site is zoned SP3 – Tourism under the provisions of the Penrith Local Environmental Plan 2010 and is subject to a split building height of 15m and 20m and a maximum FSR of 1:1.



The development site also subject to Clause 2.5 – Additional Permitted uses which permits particular land referred to in Schedule 1, Clause 22 of the Penrith LEP 2010 including multi dwelling housing, office premises, residential flat buildings, retail premises and senior housing.

**Figure 3: Zoning Map Extract (Source: Penrith LEP 2010)**



 Development Site

## DESCRIPTION OF AMENDED PROPOSAL

The current modification is proposing to undertake modifications to the approved design scheme under DA18/0999 including the introduction of common facilities in the basement associated with Building F and Building G, addition of penthouses (through 'merging of units'), changes to the unit mix, and a new communal open space area. The proposal also adjusts the finishes and materials to the buildings to reflect the further design evolution in the progression to the Construction Certificate phase.

The development is substantially the same development and the changes, when considered across the size and extent of the development as approved, are of minimal environmental impact. The '800' series plans show the 'approved' vs 'amended' floor plans for an easy comparison and understanding of the extent of changes.

For full detail on the changes see the plans that have amendments clouded in red, with the current Section 4.55(1A) modification seeking to alter the following elements of the consent:

- A decrease in the total unit yield from 320 to 316 with modification to the overall breakdown of unit mix to:
  - 1 studio (no change);
  - 111 x 1 beds (+ 1)
  - 158 x 2 beds (-17)
  - 40 x 3 beds (+ 9)
  - 6 x 4 beds (+ 3)
  
- Addition of common facilities within the basement associated with Building F and Building G
- Introduction of additional communal open space to the south-eastern side of Building F
- Changes to facades to Building F and G to reflect the design development evolution with some louvres and planters to balcony edges.
  
- Consequential changes to the basement layout to Building F and G (minor increase to northern side depth by approx. 4m) to accommodate the common areas noting total parking in Stage 3 is 192 spaces, being 164 resident and 28 visitor. This is an increase of 10 spaces as compared to the previous approval.
  
- Minor change to the landscape plans to reflect the revised COS, and the common facilities in the basement.

By way of more detailed discussion on the changes:

#### Building F

- Building F Basement: Adjusted layout of accessible bays and waste storage area as well as minor change to services location;
- Building F Ground Floor: Minor change to the internal layout with the same building separation as approved maintained noting addition of some brick elements to the façade;
- Building F Levels 1-3: Minor change to the internal layout with the same building separation as approved maintained noting addition of some brick elements to the façade;
- Building F Level 4: Change to the western building with minor unit layout changes to improve the layouts and the addition of the planters on the edge. Change to the eastern building to provide a second COS area on the rooftop for the use of residents.

#### Building G

- Building G Basement: Provision of common facilities including a gym, pool, wine vault, and yoga studio with resultant changes to the parking configuration and layout. This 'pushes out' the basement wall by around 4m just to the northern side.
- Building G Ground: Changes to reflect the basement facilities with introduction of void areas. Adjustment to unit mix and layouts noting 8 x 1 bed, 5 x 2 bed, and 2 x 3 bed (15 units). This is a reduction from 16 units.
- Building G Level 1-3 : Changes to unit mix and layout noting separation of 12m maintained. Mix is now 5 x 1 bed, 6 x 2 bed, 4 x 3 bed (15 units). This is a reduction from 16 units.
- Building G Level 4: Western building adjusted internal layouts to provide 4 x 1 bed, 2 x 2 bed and 2 x 3 bed units. Eastern building adjusted to provide 2 penthouse style units. Building separation maintained noting planter boxes to terrace edges for privacy.

#### Building Height

No change to the height of the approved buildings within the subject site other than a minor change to the elevations to reflect the floor to floor heights noting the building stays below the height limit of the 20m. There is no change to the building height to the western most building subject to the split 15m/20m height- hence there is no change to the height departure. This is clearly seen on DA-810-0400.

### **Parking & Vehicle Access Arrangement**

Consequential changes to the basement layout to Building F and G (minor increase to northern side depth by approx. 4m) to accommodate the common areas noting total parking in Stage 3 is 192 spaces, being 164 resident and 28 visitor. This is an increase of 10 spaces as compared to the previous approval.

The proposal amends the basement to Building F and G to reconfigure it to provide for the common facilities. The common facilities are a health retreat/recreation space which includes a swimming pool, spa, sauna and steam room, atrium, showers, gym, yoga studio, wine bar which includes seating area, wine vault, kitchen with outdoor bar and sunken plaza. Furthermore the carwash bays and accessible car parking spaces have been relocated.

### **Waste Management**

The waste management areas have been adjusted by the proposal to reflect the basement design amendments.

### **Public Art**

No change to the public art strategy approved under DA18/0999.

### **Stormwater Management**

No change to the stormwater management arrangements approved under DA18/0999.

### **Flooding**

Has been addressed via previous DAs, noting no change to the approved flood mitigation measures approved under DA18/0999 including ensuring minimum habitable floor levels of RL 26.4 AHD.

### **Riparian Corridor Rehabilitation and Restoration**

No change to the riparian corridor rehabilitation and restoration arrangements approved under DA18/0999.

### ***Modifications to Condition of Consent***

It is requested that relevant conditions of consent be amended with the following Conditions to be amended as follows for the reasons set out below.

#### Condition 1

To be updated to reflect the updated plans submitted with this application

## ASSESSMENT OF PLANNING ISSUES & CONTROLS

### S.4.55(1A) ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Pursuant to S.4.55 of the Act, Council may consider an application to amend a development consent provided that it is of minor environmental impact and is substantially the same development.

The application is substantially the same as the approved development, with the development concept continuing to incorporate a Mixed Use Residential & Retail Development of comparable size and scale to that approved.

The extent of changes are minor in the scheme of the total development, with changes limited to Building F and G (Stage 3) as noted previously in this report the primary changes are:

- A decrease in the total unit yield from 320 to 316 with modification to the overall breakdown of unit mix to:
  - 1 studio (no change);
  - 111 x 1 beds (+ 1)
  - 158 x 2 beds (-17)
  - 40 x 3 beds (+ 9)
  - 6 x 4 beds (+ 3)
- Addition of common facilities within the basement associated with Building F and Building G
- Introduction of additional communal open space to the south-eastern side of Building F
- Changes to facades to Building F and G to reflect the design development evolution with some louvres and planters to balcony edges.
- Consequential changes to the basement layout to Building F and G (minor increase to northern side depth by approx. 4m) to accommodate the common areas noting total parking in Stage 3 is 192 spaces, being 164 resident and 28 visitor. This is an increase of 10 spaces as compared to the previous approval.

These changes are considered to be of minimal environmental impact relative to the approved scheme- and the 'impact' of the changes are not likely to be fundamentally altered relative to what was previously approved. Accordingly they would be considered to be both substantially the same development and of 'minor environmental impact'.

## **WATER MANAGEMENT ACT**

The original proposal involved carrying out of development within 40m of waterfront land including the realignment of an existing creek, however section 91 of the Water Management Act 2000 has been addressed via DA18/0999.

## **STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004**

An updated BASIX Certificate is being prepared and will be submitted to Council under separate cover prior to determination for the application.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

Potential contamination has been addressed via DA18/009 noting that a Stage 1 Contamination Assessment was undertaken by Ground Technology which concluded that the site was suitable for residential development and no remediation action plan was required.

Considering that the current modification is limited to undertaking low-scale changes to the overall design scheme approved under DA18/0999, and as such no further contamination investigation is required.

## **STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON-RURAL AREAS) 2017**

The SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and vegetation.

Considering that the current modification is limited to undertaking low-scale changes to the overall design scheme approved under DA18/0999 there will be no changes to the approved landscape arrangements.

## **STATE ENVIRONMENTAL PLANNING POLICY – (INFRASTRUCTURE) 2007**

Assessment against the Infrastructure SEPP 2007 has been undertaken via DA18/0999.

Considering that the current modification is limited to undertaking low-scale changes to the overall design scheme approved under DA18/0999, no further concurrence with the RMS other than that undertaken as part of the previous DA is required.

## SYDNEY ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT AND THE APARTMENT DESIGN GUIDE

It is noted that the proposal is technically captured by the ADG as it applies to modification applications.

A brief discussion against the ADG matters is provided below, noting that despite the minor reconfiguration to the internal layout to some of the units and changes to the overall unit mix, the development continues to be compliant with the requirements of the ADG.

Part 3 Siting the Development			
<b>3D Communal and Public Open Space</b>	<u>Design Criteria:</u>		
	Communal open space has a minimum area equal to 25% of the site	Development is to provide additional communal open space within the roof level associated with Building F- being approximately 300sqm of addition COS.	<b>Yes</b>
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	Continues to complies as per DA18/0999.	<b>Yes</b>
	<u>Design Criteria:</u>		
	Minimum dimension of 3m	The additional common open space area has a width > 3m. Complies	<b>Yes</b>
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Approved development continues to provide direct, equitable access in line with relevant Australian Standard is provide to communal open space areas from common circulation areas, entries and lobbies.	<b>Yes</b>
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	The additional communal open space area is provided within the roof level associated with Building F.	<b>Yes</b>	
Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:	Additional communal open space area within Building F provides appropriate facilities including seating area and WC.	<b>Yes</b>	

- seating for individual or groups
- barbecue areas
- play equipment or play area
- swimming pools, gyms, tennis courts or common rooms

**3E Deep Soil Zones** *Design Criteria:*

A deep soil zone equivalent to 7% of the site must be provided

The changes marginally impact deep soil which is now 35.2%, a reduction of 1% owing to the basement common facilities.

**Yes**

**3F Visual Privacy**

**Buildings separation up to 4 storeys (up to 12m)**

12m between habitable rooms (6m)  
6m between non-habitable rooms (3m)

Has been addressed via previous DA, noting no change to the building separation arrangements approved under DA18/0999.

**Consistent**

The proposal maintains 12m for the first 4 storeys and 18m for the 5<sup>th</sup> storey between buildings. There is a minor terrace edge to the penthouse that is less than 18m however it is noted that the development is to incorporate GRC planters in-front of balconies, screens, deep planters to the building façade within the 4<sup>th</sup> level associated with Building G, introduction of screens to south-west façade and planters to the new communal open space area within the roof level associated with Building F, to further mitigate potential privacy impacts.



Part 4 – Designing the Building

<b>4A Solar Access</b>			
	<u>Design Criteria:</u>		
	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	Despite the minor changes to apartment internal layout and yield, the approved development will continue to provide solar access. In relation to Stage 3 107/142 units receive solar access which equates to 75%	<b>Yes</b>
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	0% achieve no sun.	<b>Yes</b>
<b>4B Natural Ventilation</b>			
	<u>Design Criteria:</u>		
	60% of units are cross ventilated in a building up to 9 storeys	Despite the minor changes to apartment internal layout and yield, the approved development will continue to comply with natural ventilation requirements. In relation to the Stage 3 changes 90/142 units comply which is 63.3%.	<b>Yes</b>
	Overall width of cross over or cross through apartments is < 18m	Continues to comply	<b>Yes</b>
<b>4C Ceiling Height</b>			
	<u>Design Criteria:</u>		<b>Yes</b>
	2.7m for habitable and 2.4m for non-habitable		Complies
<b>4D Unit Sizes</b>			
	<u>Design Criteria:</u>		
<b>1 bed</b>	50m <sup>2</sup>	Notwithstanding the changes to apartment internal layout to some of the units and an overall decrease to the overall unit yield, all 316 units continue to comply with the unit size requirements.	<b>Yes</b>
<b>2 bed</b>	70m <sup>2</sup>		
<b>3 bed</b>	90m <sup>2</sup>		
<b>+5m<sup>2</sup> for each unit with more than 1 bathroom</b>	Every habitable room must have a window in an external wall with a total	Every habitable room continues to be provided with a window.	<b>Yes</b>

	minimum glass area of not less than 10%		
<b>Bedroom sizes</b>			
Master		Continues to comply	Yes
Normal		Continues to comply	Yes
<b>Living room/dining areas have a minimum width of:</b>			
3.6m	10m <sup>2</sup>	Continues to comply	Yes
4m	9m <sup>2</sup>	Continues to comply	Yes
<b>4E Private Open Space</b>			
<b>Balcony Sizes</b>			
1 bed	8m <sup>2</sup> & 2m depth	Continues to comply	Yes
2 bed	10m <sup>2</sup> & 2m depth	Continues to comply	Yes
3 bed	12m <sup>2</sup> & 2.4m depth	Continues to comply	Yes
<b>Ground level / podium apartments</b>	N/A	Continues to comply	N/A
<b>4F Common circulation and space</b>	<u>Design Criteria:</u>		
<b>Common circulation units per plate</b>	8 – 12 unit per plate	No change. Continues to comply with ADG requirements.	Yes
<b>4G Storage</b>	<u>Design Criteria:</u>		
	1 bed: 6m <sup>3</sup>	Continues to comply	Yes
	2 bed: 8m <sup>3</sup>	Continues to comply	Yes
	3 bed: 10m <sup>3</sup>	Continues to comply	Yes
<b>4H Acoustic Privacy</b>	<u>Design Criteria:</u>		
	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Has been addressed via previous DA.	N/A
	Windows and door openings are generally orientated away from noise source		
	Noisy areas within buildings including building enters and corridors		

should be located next to or above each other and quieter areas next to or above quieter areas.

<b>4K Apartment Mix</b>	<u>Design Guidelines:</u>	Modification is to undertake minor changes to the overall unit yield and unit mix, however the development continues to provide a variety of unit types.	<b>Yes</b>
	A variety of apartment types is provided		

**SYDNEY REGIONAL ENVIRONMENTAL PLAN 20 – HAWKESBURY NEPEAN RIVER (NO 2 – 1997)(SREP 20)**

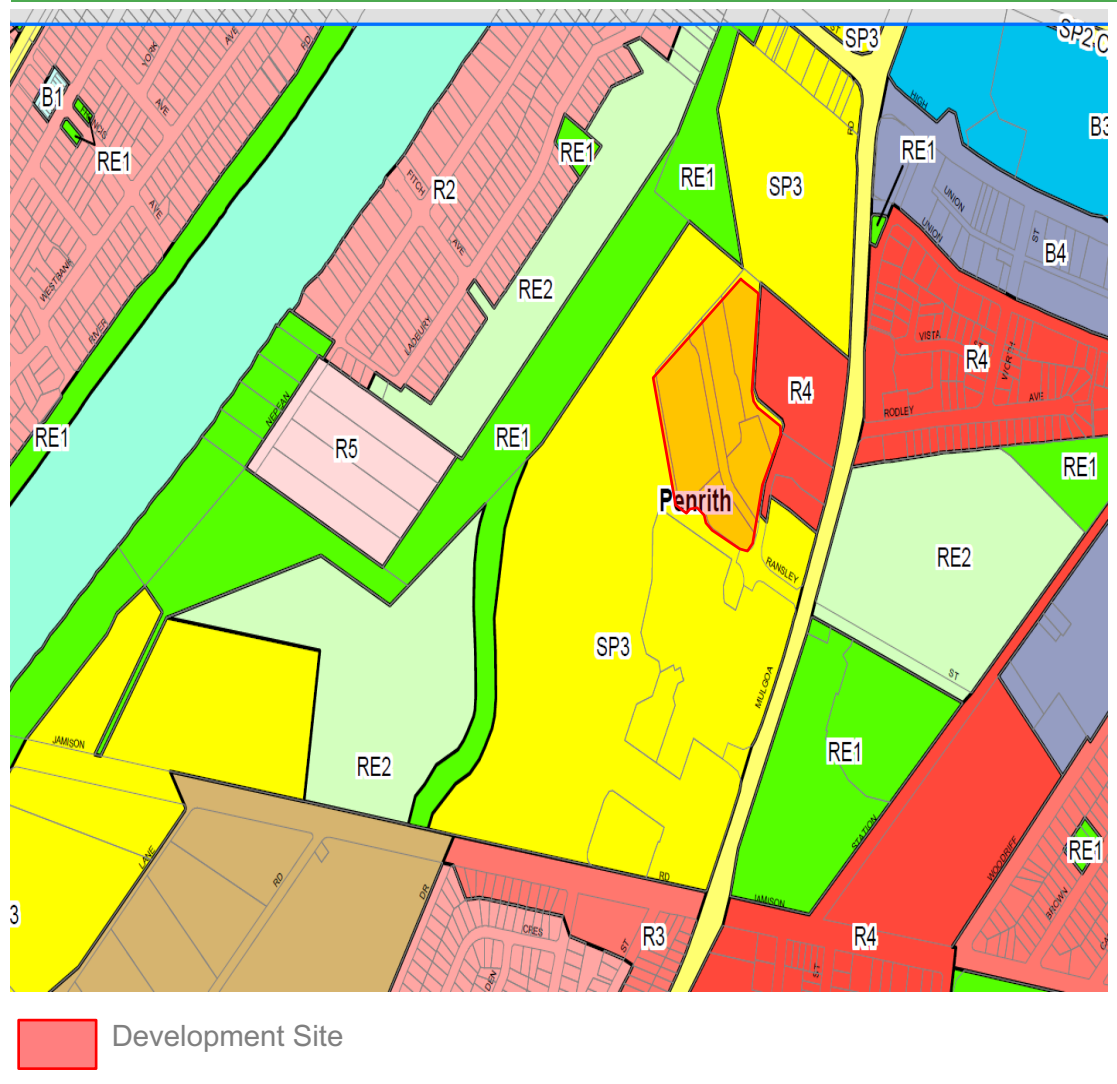
Has been addressed via DA18/0999.

**PENRITH LOCAL ENVIRONMENTAL 2010**

As outlined below, the subject site is zoned SP3 Tourist under the provisions of the Penrith Local Environmental Plan 2010 and is subject to a split building height of 15m and 20m and a maximum FSR of 1:1.

The development site continues to be subject to Clause 2.5 – Additional Permitted uses which permits particular land referred to in Schedule 1, Clause 22 of the Penrith LEP 2010 including multi dwelling housing, office premises, residential flat buildings, retail premises and senior housing.

**Figure 4: Zoning Map Extract (Source: Penrith LEP 2010)**



The table below provides detail on the development standards relevant to the current proposal.

Penrith Local Environmental Plan 2010			
Clause	Control	Comment	Complies
<b>Zoning</b>	SP3 – Tourist	The approved land uses continues to be permissible as per Clause 2.5 – Additional Permitted uses which permits particular land referred to in Schedule 1, Clause 22 of the Penrith LEP 2010 including multi dwelling housing, office premises, residential flat buildings, retail premises and senior housing.	<b>Yes</b>
Part 2 Permitted or Prohibited Development			
<b>2.3</b>	Zone Objectives and Land Use Table	The proposal remains consistent with the zone objectives of the SP3 – Tourist zone and will provide additional retail and residential opportunities within the Penrith Panthers Precinct.	<b>Yes</b>
<b>2.7</b>	Demolition	No additional demolition works proposed.	<b>N/A</b>
Part 4 Principal Development Standards			
<b>4.3</b>	Height of Buildings	<p>Penrith Local Environmental Plan 2011 Maximum Building Height Map Sheet HOB_006 indicates that the site is subject to a split maximum building height of between 15m-20m.</p> <p>No changes to the height of the approved building that would increase the building height beyond the height or that approved.</p>	<b>Yes</b>
<b>4.4</b>	Floor Space Ratio	<p>Penrith Local Environmental Plan 2011 Maximum FSR Map Sheet FSR_006 indicates that the site is subject to a maximum FSR of 1:1.</p> <p>. Total GFA for Stage 2 and 3 is 29980. This equates to 0.75:1.</p> <p>When adding back Stage 1, per the assessment of the original the total GFA is now:</p> <ul style="list-style-type: none"> <li>- Stage 1: 12975</li> <li>- Stage 2 + 3: 29980</li> <li>- Total: 42955</li> </ul> <p>The total land area is 48486 and this gives an FSR of 885:1. Stage 4 + 5 will need to comply with the residual GFA.</p>	<b>Yes</b>

Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	Has been addressed via previous DAs.	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	Minor additional earthworks to expand proposed amenities within the basement level associated with Building G, however it is noted that the additional excavation will have minimal adverse environmental or amenity impacts.	N/A
7.2	Flood Planning	Has been addressed via previous DAs, noting no change to the approved flood mitigation measures approved under DA18/0999 including ensuring minimum habitable floor levels of RL 26.4 AHD.	N/A
7.3	Development on Natural Resource Sensitive Land	The site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfied the LEP in that:</p> <p><i>(a) conserving energy and reducing carbon dioxide emissions,</i>  <i>(b) embodied energy in material and building processes,</i></p> <p>Has been addressed via previous DAs.</p> <p><i>(c) building design and orientation</i>  <i>(d) passive solar design and day lighting,</i>  <i>(e) natural ventilation</i></p> <p>The current modification is to undertake minor changes to the approved design scheme associated with the approved mixed use development, noting that there will be no change to the solar access and natural ventilation approved under DA18/0999.</p> <p><i>(f) energy efficiency and conservation,</i>  <i>(g) water conservation and water reuse,</i></p> <p>Has been addressed via previous DAs.</p> <p><i>(h) waste minimisation and recycling</i></p> <p>Has been addressed via previous DAs, noting no change to the existing waste management arrangements.</p>	N/A

		(i) <i>reduction of vehicle dependence,</i> Has been addressed via previous DAs.	
		(j) <i>potential for adaptive reuse.</i> Has been addressed via previous DAs.	
<b>7.5</b>	Protection of Scenic Character and Landscape Values	Has been addressed via previous DAs.	<b>N/A</b>
<b>7.6</b>	Salinity	Has been addressed via previous DAs.	<b>N/A</b>
<b>7.7</b>	Servicing	Has been addressed via previous DAs.	<b>N/A</b>
<b>Part 9 Penrith Panthers Site</b>			
<b>9.1</b>	Objectives	The approved development continues to be consistent with the objectives of Part 9 in that it will continue to deliver a mix of retail and residential land uses within the precinct.	<b>Yes</b>
<b>9.3</b>	Density of Retail Premises	Has been addressed via previous DA, noting that the development will continue to deliver 1,225m <sup>2</sup> of retail floor space as per DA18/0999.	<b>N/A</b>
<b>9.4</b>	Minimum Lot Size for Outlet Centres for Community Title Schemes or Strata Plan Schemes	Not applicable to the current application.	<b>N/A</b>
<b>9.5</b>	Campus Style Office Development	Not applicable to the current application.	<b>N/A</b>
<b>9.6</b>	Development Control Plan for Land to which this Part Applies	Part B, Section E13 of the Penrith DCP 2014 has been adopted.	<b>Yes</b>

## PENRITH DEVELOPMENT CONTROL PLAN 2014 PART C – LAND USE CONTROLS

All relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014 Part C – Land Use Controls Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<u>1.1.1 Site Analysis</u> A Site Analysis has been prepared as part of the previous DA.	N/A
		<u>1.1.2 Key Areas with Scenic and Landscape Values</u> The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	N/A
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u> Has been addressed via previous DA, noting that an Ecologically Sustainable Development Report accompanied the previous DA which addressed provision relating to energy efficiency in the built form.	N/A
		<u>1.2.3 Building Form – Height, Bulk and Scale</u> No change to the height, bulk or scale of the existing buildings on site, noting that the current modification is to undertake minor changes to the approved design scheme approved under DA18/0999.	Yes
		<u>1.2.4 Responding to the Site's Topography and Landform</u> Has been addressed via previous DA, noting that the that the current modification is to undertake minor changes to the approved design scheme approved under DA18/0999.	N/A
		<u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u> No change to the safety measures adopted under DA18/0999.	N/A
		<u>1.2.6 Maximising Access and Adaptability</u> The development will continue to provide appropriate equitable access to the site in accordance with the relevant controls and Australian Standards.	Yes



Clause	Controls	Comments	Complies
<b>C2 Vegetation Management</b>			
2.1	Preservation of Trees and Vegetation	No change to the landscape scheme approved under the previous DA.	Yes
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	Subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	Has been addressed via previous DA.	N/A
<b>C3 Water Management</b>			
3.2	Catchment Management and Water Quality	No change to the approved stormwater arrangements approved via previous DA.	Yes
3.5	Flood Planning	Has been addressed via previous DA, noting no change to the approved flood mitigation measures approved under DA18/0999 including ensuring minimum habitable floor levels of RL 26.4 AHD.	N/A
3.6	Stormwater Management and Drainage	No change to the approved stormwater arrangements approved via previous DA.	N/A
3.9	Water Sensitive Urban Design	No change to the approved stormwater arrangements approved via previous DA.	N/A
<b>C4 Land Management</b>			
4.1	Site Stability and Earthworks	Minor additional earthworks to expand proposed amenities within the basement level associated with Building G, however it is noted that the additional excavation will have minimal adverse environmental or amenity impacts.	Yes
4.3	Erosion and Sedimentation	Minor additional earthworks to expand proposed amenities within the basement level associated with Building G, however it is noted that the additional excavation will have minimal adverse environmental or amenity impacts.	Yes
4.4	Contaminated Lands	Has been addressed via previous DA.	N/A
4.5	Salinity	Has been addressed via previous DA.	N/A

Clause	Controls	Comments	Complies
<b>C5 Waste Management</b>			
		Waste continues to be designed to comply with the required Council standards despite the minor changes.	<b>Yes</b>
<b>C6 Landscape Design</b>			
		Revised landscape plans reflect the minor changes	<b>Yes</b>
<b>C7 Cultural and Heritage</b>			
<b>7.1</b>	Heritage	Has been addressed via previous DA.	<b>N/A</b>
<b>7.2</b>	Aboriginal Cultural and Heritage	Has been addressed via previous DA.	<b>N/A</b>
<b>7.3</b>	Significant Trees and Gardens	Has been addressed via previous DA.	<b>N/A</b>
<b>C8 Public Domain</b>			
<b>8.1</b>	Pedestrian Amenity	Has been addressed via previous DA.	<b>N/A</b>
<b>8.5</b>	Public Art	No change to the public art strategy approved under DA18/0999.	<b>N/A</b>
<b>C9 Advertising and Signage</b>			
		Not relevant to the current application	<b>N/A</b>
<b>C10 Transport, Access and Parking</b>			
<b>10.2</b>	Traffic Management and Safety	Minor changes but continues to comply	<b>Yes</b>
<b>10.3</b>	Key Transport Corridors	Has been addressed via previous DA.	<b>N/A</b>
<b>10.5</b>	Parking, Access and Driveways	<p>The changes to the basement have altered the basement but it continues to follow relevant standards.</p> <p>Stage 3 is provided with 192 spaces, being 164 resident and 28 visitor. This is an increase of 10 spaces as compared to the previous approval.</p> <p>In terms of the DCP rates:            51 x 1 bed = 51            69 x 2 bed= 69            19 x 3 bed= 38            3 x 4 bed= 6            Total= 164 resident spaces            140/5= 28 visitor</p> <p>Hence the proposal complies.</p>	<b>Yes</b>

Clause	Controls	Comments	Complies
C11 Subdivision			
		No subdivision is proposed as part of this application and as such the controls contained under C11 Subdivision does not apply to the current development.	N/A
C12 Noise and Vibration			
		Has been addressed via previous DA noting that an Acoustic Report accompanied the previous DA which concludes that the development comply with all applicable regulations in regard to noise.	N/A
C13 Infrastructure and Services			
		Has been addressed via previous DA noting that a Utility Servicing Report accompanies the previous DA.	N/A

## PENRITH DEVELOPMENT CONTROL PLAN 2014 PART E – KEY PRECINCTS

All relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014 Part E – Key Precincts Compliance Table			
Clause	Controls	Comments	Complies
E13 Riverlink Precinct: Part B - Panthers Penrith Precinct			
13.6	Panthers Penrith Precinct Vision	The approved development will continue to be consistent with the vision for the Panthers Penrith Precinct in that it will provide a mix of retail and residential land uses whilst delivering high quality landscape and public domain scapes and continue to achieve architectural excellence.	Yes
13.7	Urban Framework	<u>13.7.1 Structure Plan</u> No change has been addressed via previous DAs noting that the current application is limited to undertaking minor changes to the design scheme of an approved mixed use development.  The development will continue to maintain view corridors down Ransley Street to the lake front and the Blue Mountains beyond whilst also maintaining view corridors across the site between the existing club and Panthers Stadium, as per DA18/0999.	N/A
		<u>13.7.2 Landscape Structure</u> No change to the landscape scheme approved under the previous DA. It is noted that the current application will have no impact on the riparian corridor rehabilitation and restoration arrangements approved under DA18/0999.	N/A
		<u>13.7.3 Sub Precincts</u> Has been addressed under the previous DA, noting that current modification will have no change to the envisaged character, range of indicative uses and key controls relevant to both the 'Ransley Street Precinct' and 'Mulgoa Road Precinct'.	N/A
		<u>13.7.4 Views</u> Has been addressed under the previous DA, noting that no changes to the bulk or scale of the approved buildings as per D18/0999,	N/A

Clause	Controls	Comments	Complies
		<p>noting that the development will continue to maintain view corridors down Ransley Street to the lake front and the Blue Mountains beyond whilst also maintaining view corridors across the site between the existing club and Panthers Stadium, as per DA18/0999.</p> <p><u>13.7.5 Public Art Strategy</u> No change to the public art strategy approved under DA18/0999.</p>	N/A
13.8	Connectivity	<p><u>13.8.1 Street Design and Character</u> Has been addressed as per DA18/0999, noting that the current application is limited to undertaking minor changes to the approved design scheme.</p>	N/A
		<p><u>13.8.2 Pedestrian and Cycle Network</u> Has been addressed via previous DA.</p>	N/A
		<p><u>13.8.3 Public Transport</u> Has been addressed via previous DA.</p>	N/A
		<p><u>13.8.4 Traffic, Parking and Site Access</u> Has been addressed via previous DA, noting that the current application is limited to undertaking minor changes to the approved design scheme.</p>	N/A
13.9	Built Form	<p><u>13.9.1 Street Alignment, Wall Height and Setbacks</u> No change to the street alignment, wall height and setback approved under the previous DA, noting that the current application is limited to undertake minor changes to the approved design scheme approved under DA18/0999</p>	N/A
		<p><u>13.9.2 Active Street Frontages</u> Has been addressed under DA18/0999, noting that the current application is limited to undertake minor changes to the approved design scheme.</p>	N/A
		<p><u>13.9.3 Awnings</u> Has been addressed under DA18/0999, noting that the current application is limited to undertake minor changes to the approved design scheme.</p>	N/A

Clause	Controls	Comments	Complies
		<p><u>13.9.4 Building Depth and Bulk</u> Has been addressed under the previous DA, noting that no changes to the bulk or scale of the approved buildings as per D18/0999</p>	N/A
		<p><u>13.9.5 Building Articulation</u> Has been addressed under the previous DA, noting that no changes to the design scheme including façade presentation and articulation of the built form of the approved buildings as per D18/0999.</p>	N/A
		<p><u>13.9.6 Architectural Excellence</u> No change, noting that the current application is limited to undertake minor changes to the approved design scheme.</p>	N/A
13.10	Delivery	<p><u>13.10.1 Flooding and Drainage</u> Has been addressed under the previous DA, noting no changes to the approved stormwater management scheme nor any changes to the approved flood mitigation measures approved under DA18/0999 including ensuring minimum habitable floor levels of RL 26.4 AHD.</p>	N/A
		<p><u>13.10.2 Utilities</u> Has been addressed via previous DA, noting that the current application is limited to undertake minor changes to the approved design scheme under DA18/0999.</p>	N/A
		<p><u>13.10.3 Staging</u> Has been addressed via previous DA.</p>	N/A

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed modification application is an appropriate outcome on site and remains consistent with the design intent of the original proposal.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the modification including the amendment of relevant conditions identified previously in this statement.