

27 July 2015

The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Dear Madam/Sir,

Modification of Development Consent - Section 96(1A) | DA14/1181 & DA14/1182 - Thorton Central

1 Introduction

This statement has been prepared by Urbis on behalf of Thornton North Penrith Pty Ltd. It accompanies an application pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) to modify Development Consent of DA14/1181 & DA14/1182.

This statement provides the following:

- Description of the existing site and surrounding area,
- Detailed description of the proposed modifications,
- Assessment of the proposed modifications against relevant planning instruments and policies,
- Considerations of key planning issues associated with the development,
- Assessment of the matters of consideration pursuant to Section 96(1A) and Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act), and
- A summary and conclusion of the issues addressed.

This statement is accompanied by:

- Architectural Drawings prepared by DKO Architecture (**Appendix A**).
- Updated Waste Management Plan prepared Elephants Foot and Correspondence from Penrith City Council (**Appendix B**).
- Correspondence from Penrith City Council regarding stormwater matters (**Appendix C**).

2 Site and Environs

2.1 THE SITE

The subject site is located at Lord Sheffield Circuit and is legally described as Lot 3007 DP1184498. **Figure 1** shows the site location.

FIGURE 1 – SITE LOCATION



Source: Six Maps

2.2 SURROUNDING DEVELOPMENT

The table below provides the predominant land uses that surround the site.

DIRECTION	LAND USE
East	Undeveloped land identified for future development by the applicant as part of a separate and future DA, a public oval and a recreational centre are located to the east of the site.
West	Undeveloped land identified for future development by the applicant as part of a separate and future DA is located to the immediate west of the site. Further west is an existing public car parking.
North	Large areas of cleared land part of the approved north Penrith staging plan, specifically Stage 2B and 2C of the approved concept plan are located to the north of the site.
South	Site of the Thornton North Stage 2 DA. Further south is the Penrith train station and commercial core.

3 Proposed Modification

The proposed modifications include the following changes to the approvals of both DA14/1181 & DA14/1182:

- **Revised design of waste collection rooms, bin handling and storage areas at the Basement Level, as per Architectural Drawings and amended Waste Management Plan.** In accordance with correspondence from Penrith City Council (see **Appendix B**) this has clarified that 1,100L garbage bins (as opposed to 240L bins) can be used, and that compaction of garbage may be done at 2:1 with 1 x 1,100L bin provided per 18 units). Further, a revised Waste Management Plan is attached at **Appendix B**)
- **Amendment to stormwater management requirements.** As confirmed by Council’s engineering staff, on site detention and water sensitive urban design initiatives are not required for the subject site as they have been catered for in the overall communal facilities under construction in the precinct. Refer to correspondence at **Appendix C**.
- **Amendment to the provision of Basement level car wash bay.** It is proposed to modify the consent condition wording to provide clarification that only 1 car-wash bay is required for the whole development as per the attached modification drawings.

The modifications principally involve the amendment of consent conditions and the replacement/inclusion of architectural drawings. The following sub-sections provides the modifications for DA14/1181 and DA14/1182.

3.1 DA14/1181

Table 1 outlines the plans to be replaced for DA14/1181 (DA01).

TABLE 1 – AMENED ARCHITECTURAL PLANS

PLAN TYPE	APPROVED DRAWING NUMBER	PROPOSED DRAWING NUMBER
Basement Plan	DA01-2110 Basement 1 Floor Plan	S96-01.2101 Basement Plan 1
Ground Plan	DA01-2100 Ground Floor Plan	S96-01.2102 Ground Plan
Elevations - Int West & Int East	DA-01-3002 Elevations 3	S96-01.3001 Elevations Int West & Int East
Elevations – North & Int South	DA01-3000 Elevations 1	S96-01.3002 Elevations North & Int South
Elevations – West, East, South & Int North	DA01-3001 Elevations 2	S96-01.3003 Elevations West, East, South & Int North
Section	DA01-3100 Sections	S96-01.3101 Sections

Table 2 outlines the conditions to be modified for DA14/1181.

TABLE 2 – MODIFICATIONS TO CONSENT (DA14/1181)

CONDITION	MODIFICATION
<p>Condition 15</p> <p>Waste Management – see amended Waste Management Plan (Appendix B)</p>	<p>The Construction Certificate plans shall demonstrate compliance with the following waste management requirements:</p> <p>a) the bin collection bay located on the ground floor shall be large enough to accommodate 77 x 240 litre 10 x 1,100L garbage bins and 10 x 1,100L recycling bins. The bin collection bay should not provide access to residents.</p> <p>b) The development shall provide a bulky waste storage area of 23sqm.</p> <p>c) The recycling chute shall achieve adequate fire safety measures.</p> <p>d) Garbage compaction is permitted at 2:1, and 1x1,100L garbage bins shall be provided per every 18 units.</p>
<p>Condition 35</p> <p>Car wash bay</p>	<p>At least only one car wash bay is to be provided. Details are to be provided as part of the Construction Certificate application.</p>
<p>Condition 41</p> <p>Stormwater Management</p>	<p>The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by LP Consulting, reference number DA – STW01 to STW06, issue B, dated 18 June 2014.</p> <p>Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Development and Water Sensitive Urban Design Policy.</p>
<p>Condition 44</p> <p>Stormwater Management</p>	<p>Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference 9470Rpt1B, dated 17 October 2012.</p> <p>Details on the location and sizing of rainwater tanks for the proposed development, including harvested rainwater reuse information, is to be submitted to Council the Principle Certifying Authority prior to Construction Certificate in line with the requirements of Council's Water Sensitive Urban Design Policy 2013 and should comply with BASIX requirements.</p>

3.2 DA14/1182

Table 3 outlines the plans to be replaced for DA14/1182 (DA02).

TABLE 3 – AMENED ARCHITECTURAL PLANS

PLAN TYPE	APPROVED DRAWING NUMBER	PROPOSED DRAWING NUMBER
Basement Plan	DA02-2110 Basement 1 Floor Plan	S96-02.2101 Basement Plan 1
Ground Plan	DA02-2100 Ground Floor Plan	S96-02.2102 Ground Plan
Elevations – West, East, South & Int North	DA02-3001 Elevations 2	S96-02.3001 Elevations West, East, South & Int North
Elevations - Int West & Int East	DA02-3002 Elevations 3	S96-02.3002 Elevations Int West & Int East

Table 4 outlines the conditions to be modified for DA14/1182.

TABLE 4 – MODIFICATIONS TO CONSENT (DA14/1182)

CONDITION	MODIFICATION
<p>Condition 15</p> <p>Waste Management – see amended Waste Management Plan (Appendix B)</p>	<p>The Construction Certificate plans shall demonstrate compliance with the following waste management requirements:</p> <p>a) the bin collection bay located on the ground floor shall be large enough to accommodate 77 x 240 litre 8 x 1,100L garbage bins and 8 x 1,100L recycling bins. The bin collection bay should not provide access to residents.</p> <p>b) The development shall provide a bulky waste storage area of 23sqm.</p> <p>c) The recycling chute shall achieve adequate fire safety measures.</p> <p>d) Garbage compaction is permitted at 2:1, and 1x1,100L garbage bins shall be provided per every 18 units.</p>
<p>Condition 33</p> <p>Stormwater Management</p>	<p>The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by LP Consulting, reference number 0295000, revision B, dated 18.09.2014.</p> <p>Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Development and Water Sensitive Urban Design Policy.</p>

CONDITION	MODIFICATION
<p>Condition 37</p> <p>Car wash bay</p>	<p>At least Only one car wash bay is to be provided for each development DA01 and DA02. Details are to be provided as part of the Construction Certificate.</p>
<p>Condition 41</p> <p>Stormwater Management</p>	<p>Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:</p> <p>a) Stormwater management systems (including on-site detention and water sensitive urban design).</p> <ul style="list-style-type: none"> ▪ Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent. ▪ Have met the design intent with regard to any construction variations to the approved design. ▪ Any remedial works required to been undertaken have been satisfactorily completed. <p>Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.</p>
<p>Condition 42</p> <p>Stormwater Management</p>	<p>Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:</p> <p>Stormwater management systems (including on-site detention and water sensitive urban design).</p> <p>Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.</p>
<p>Condition 43</p> <p>Stormwater Management</p>	<p>Prior to the issue of Construction Certificate the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B – 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference 9470Rpt1B dated 17 October 2012.</p> <p>Details on the location and sizing of rainwater tanks for the proposed development, including harvested rainwater reuse information, is to be submitted to Council the Principle Certifying Authority prior to Construction Certificate in line with the requirements of Council's Water Sensitive Urban Design Policy 2013 and should comply with BASIX requirements.</p>

4 Section 96(1A) Assessment

The appropriate means of administering this application is under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*.

4.1 MINIMAL ENVIRONMENTAL IMPACT

The potential impacts of the proposed modifications are minimal and can be considered under the provisions of Section 96(1A).

4.2 SUBSTANTIALLY THE SAME DEVELOPMENT

The modifications can be considered to be substantially the same development, for the following reasons:

- The proposed modified development does not propose any changes to the approved land uses on site.
- The proposed modified development is consistent with the approved development of 'Residential Flat Buildings with Associated Basement Car Parking & Landscaping'.
- The overall bulk, scale and height of the buildings remain unchanged.
- The modified development does not represent a significant departure from the approved plans.

It is in our opinion that the development as proposed to be modified will be substantially the same development for which consent was originally granted.

5 Section 79C Assessment

5.1 ENVIRONMENTAL PLANNING INSTRUMENTS

The modified proposal is consistent with the relevant provisions of *Penrith Local Environmental Plan 2010* (the LEP).

5.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instrument is relevant to this proposal.

5.3 DEVELOPMENT CONTROL PLAN

Table 3 provides an assessment of the relevant section of the Penrith Development Control Plan 2014 (the DCP).

TABLE 5 – PENRITH DCP 2014 ASSESSMENT

CONTROL	COMMENT	COMPLIANCE
E11 Penrith – Part B North Penrith		
Car parking (maximum) Studio - 0.5 spaces per dwelling	The proposed modification deletes the 2 nd level car park and as such deletes 61 car spaces from the approved plans.	Yes

CONTROL	COMMENT	COMPLIANCE
<p>1 – 2 bedrooms - 1 space per dwelling</p> <p>3 + bedrooms - 2 spaces per dwelling</p> <p>Car wash bay - 1 space for car washing for every 50 units up to a maximum of 4 spaces per building.</p>	<p>The modified development results in a total of 141 car spaces (including 14 disabled). The maximum allowable car park provision is 157 – therefore the development as modified complies with the maximum parking provision.</p> <p>The proposed modified development results in only one car wash bay. Therefore the development as modified complies with the maximum car wash bay provision.</p>	

5.4 PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

5.5 REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *EP&A Regulations*.

5.6 LIKELY IMPACTS

The proposed modification will not result in any discernible environmental impacts.

5.7 SUITABILITY OF THE SITE

The site's landform and environmental conditions were considered in the approved design and given this modification is not a significant departure from that design, the site remains suitable for the modified development.

5.8 PUBLIC INTEREST AND SUBMISSIONS

Given the proposal will not result in any adverse impacts and is in accordance with the relevant publically exhibited planning controls, it is considered to be in the public interest.

6 Conclusion

This statement has been prepared by Urbis on behalf of Thornton North Penrith Pty Ltd. It accompanies an application pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) to modify Development Consent of DA14/1181 & DA14/1182.

The proposed modifications include the following changes to the approvals of both DA14/1181 & DA14/1182:

- **Revised design of waste collection rooms, bin handling and storage areas at the Basement Level, as per Architectural Drawings and amended Waste Management Plan.** In accordance with correspondence from Penrith City Council (see **Appendix B**) this has clarified that 1,100L garbage bins (as opposed to 240L bins) can be used, and that compaction of garbage may be

done at 2:1 with 1 x 1,100L bin provided per 18 units). Further, a revised Waste Management Plan is attached at **Appendix B)**

- **Amendment to stormwater management requirements.** As confirmed by Council's engineering staff, on site detention and water sensitive urban design initiatives are not required for the subject site as they have been catered for in the overall communal facilities under construction in the precinct. Refer to correspondence at **Appendix C.**
- **Amendment to the provision of Basement level car wash bay.** It is proposed to modify the consent condition wording to provide clarification that only 1 car-wash bay is required for the whole development as per the attached modification drawings.

The potential impacts of the proposed modifications are minimal and the resultant modified development will be substantially the same development for which consent was originally granted.

In light of above, it is recommended that the application be approved. Please feel free to contact me should you have any questions regarding this application.

Yours sincerely,



Andrew Harvey

Associate Director - Urbis

Appendix A: Modified Architectural Drawings

Appendix B: Updated Waste Management Plan and
Correspondence from Penrith City Council

Appendix C: Correspondence from Penrith City Council regarding stormwater matters

