

Statement of Environmental Effects

Section 4.56 Application

263 – 281 Pennant Hills Road, Carlingford

Modification to DA/53/2022

Deletion of Condition 48 – Integrated Paint Finish

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PREPARED BY

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1 Introduction

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Karimbla Construction Services (NSW) Pty Ltd to modify the Development Consent DA/53/2022 which granted consent for the mixed-use development at 263-281 Pennant Hills Road, Carlingford.

This modification application proposes to delete Condition 48 – Integrated Paint Finish to allow the application of a high-quality paint finish for the external facades, ensuring the building's long-term aesthetic and durability.

This modification application does not seek to make any other changes to the approved overall built form of the development, or changes to the approved land uses as approved under DA/53/2022.

This application is lodged pursuant to Section 4.56 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*.

1.2 Background

Development consent for the mixed-use development at 263-281 Pennant Hills Road, Carlingford (DA/53/2022) was approved by Land & Environment Court subject to conditions on 7 June 2024.

The description of the development is as follows:

“Construction of five 6-18 storey buildings comprising 336 residential units, childcare centre for 75 children, 1,906sqm of 18 neighbourhood retail shops, 548 basement car parking spaces, publicly accessible open spaces and through site links, and roads, landscaping, and tree removal on the Site.”

1.3 Structure of the Report

This Statement:

- Describes the site and its surrounding area;
- Details the nature of the proposed development; and
- Undertakes an assessment of the proposal under the heads of consideration in Section 4.15(1) and Section 4.56 of the EP&A Act.

The conclusion is reached that the proposal is acceptable with regard to all relevant planning issues.

2 Site and Surroundings

2.1 Site Location and Description

The site is known as 263-281 Pennant Hills Road, Carlingford. The subject site is irregular in shape and is located on the north-western side of Pennant Hills Road and on the southern side of Shirley Street. The location of the subject site is shown edged red in the aerial image provided at **Figure 1** below.



FIGURE 1: AERIAL IMAGE OF THE SUBJECT SITE AND SURROUNDS

Figure 2 shows the zoning of the subject site which includes R4 High Density Residential zoning parallel to the street frontages and RE1 Public Recreation centrally (along the east-west axis) and within the north-western corner of the site adjoining Shirley Street.



FIGURE 2: ZONING OF THE SUBJECT SITE AND SURROUNDS (SOURCE: NSW PLANNING PORTAL)

The site has a total area of 27,987m², which comprises of 22,470m² zoned within the R4 High Density Residential zone and 5,460m² of land zoned RE1 Public Recreation. The subject site is recognised as the

largest (residential) landholding within the Carlingford Precinct. Along the Pennant Hills Road frontage, the site falls from the north-eastern to southwestern corner by approximately 21.1m across its length. Along Shirley Street, the site falls from the northern to western corner by approximately 14m.

2.2 Planning History

Development Applications

DA/53/2022 for the mixed-use development on the site was approved by Land & Environment Court subject to conditions on 7 June 2024. A separate application (DA/57/2024) was approved on 9 May, 2024 for early site works including excavation.

The following modifications have been made to the Development Consent:

DA/57/2024	DA Early Earthworks & excavation Approved on 9 May 2024
DA/57/2024/A	Section 4.56 modification to amend Conditions 1 & 13 to allow a Drained Basement construction Under Assessment
DA/53/2023	Mixed-use development Approved on 7 June 2024
DA/53/2022/A	Section 4.56 modification to amend Conditions 1 & 19 to allow a Drained Basement construction Under Assessment
DA/53/2022/B	Section 4.56 modification to amend Conditions 45 & 181 to provide natural ventilation to all noise affected apartments by installing acoustically treated ventilation system. Under Assessment
PAN-463441	Section 4.56 modification to amend Conditions 1 allow minor changes to the basement floor plans to accommodate detailed structural and BCA requirements. Pending Lodgement

Planning Proposal

At its meeting on 22 July, 2024 Council resolved to adopt a Planning Proposal for the site to:

- i. Reconfigure the existing R4 High Density Residential and RE1 Public Open Space zones.
- ii. Increase the maximum height of buildings on the Pennant Hills Road frontage from 27 metres (9 storeys) to part 65 metres (18 storeys), part 84 metres (22 storeys), part 110 metres (31 storeys)
- iii. Increase the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
- iv. Amend Schedule 1 Additional Permitted Uses to increase the maximum gross floor area of parts of the buildings used for business premises, food and drink premises, recreational facilities (indoor) and shops on the R4 High Density Residential zoned part of the site from 2,000 sqm to 2,600 sqm.
- v. Amending the Land Reservation Acquisition (LRA) Map to include all RE1 Public Recreation land on the site that will be dedicated to Council.

A Planning Agreement and site specific DCP were approved by the Council at the same meeting.

3 Proposed Modifications

3.1 Existing Consent

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in Section 4.56 of the EP&A Act. The changes being minor by nature ensures compliance with the provisions of Section 4.56 of the EP&A Act.

Development Application **DA/53/2022** was approved 7 June 2024 and issued consent for:

Construction of five 6-18 storey buildings comprising 336 residential units, childcare centre for 75 children, 1,906sqm of 18 neighbourhood retail shops, 548 basement car parking spaces, publicly accessible open spaces and through site links, and roads, landscaping, and tree removal on the Site.

3.2 Proposed Modification and Reasoning

This modification application seeks approval to modify the approved mixed-use development at 263-281 Pennant Hills Road, Carlingford. Specifically, the proposal seeks approval to delete **Condition 48 – Integrated Paint Finish** to allow the application of a high-quality paint finish for the external façades, ensuring the building's long-term aesthetic and durability.

Condition 48 mandates the use of integrated colour or off-form finishes. Meriton's experience over the past 60 years has shown that products which "stain" concrete panels with colour have significant drawbacks. Such finishes often last only two years before cracking begins to appear, necessitating unsightly infill patching and eventually requiring a full repaint of the building. This process compromises the building's aesthetic integrity and increases long-term maintenance costs.

Please refer to **Annexure 1** for a letter from Advanced Precast Pty Ltd, outlining the risks and challenges associated with using oxide in concrete panels. Based on these experiences, we no longer use this method.

Instead, we propose the use of Ecotone Finish for the podium and Taubmans paints for the tower, as shown in **Figure 3** below. Ecotone finishes offer consistent appearance, minimal maintenance, and a 25-year limited warranty. The attached letter at **Annexure 2** from Ecotone Coatings provides a detailed comparison between the Ecotone system and traditional coloured concrete. Additionally, MWP Coatings Pty Ltd has provided a letter (**Annexure 3**) offering professional opinions on the performance of traditional paint systems, highlighting their excellent protection without excessive costs or compromising usability.

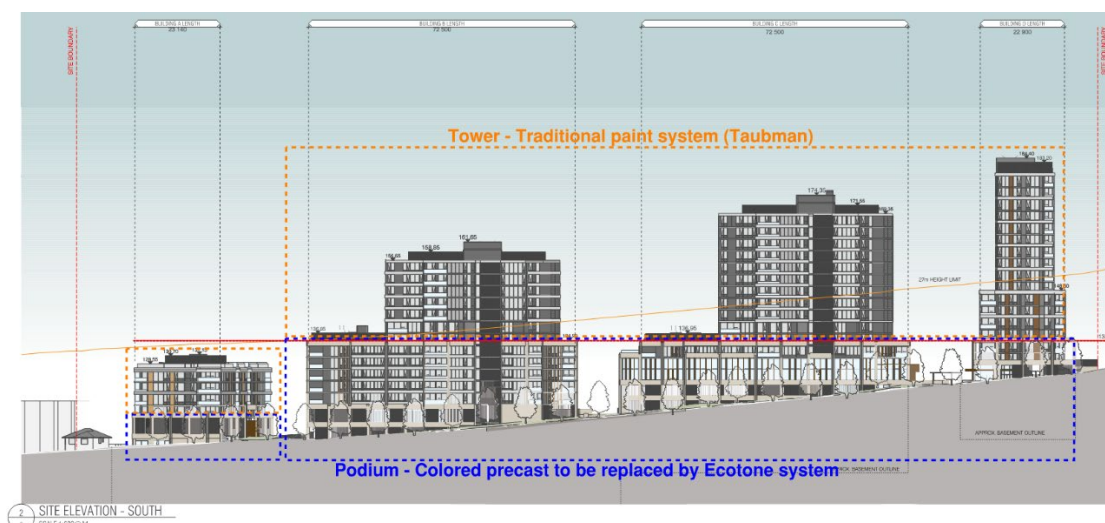


FIGURE 3: PROPOSED FINISHES

It is important to note that the council may not fully appreciate the durability of the paint finishes we utilise, which have proven to last over 15 years, particularly with Taubmans' specialised products for tower applications. A letter from PPG Architectural Coatings is attached at **Annexure 4**, detailing the Armawall product designed specifically for precast concrete.

For our recent project at 100 Talavera Road, Macquarie Park, the City of Ryde Council accepted the Taubmans paint finish for the external façade. Please refer to **Annexure 5** for the approved finishes plan.

Furthermore, the façade of this development is predominantly glazed, with minimal exposed concrete. This should alleviate any concerns regarding the use of precast concrete surfaces. Meriton is committed to maintaining the highest standards in our finishes and buildings. Poor quality would not only jeopardize our brand but also our product reputation.

The proposed modifications are considered negligible in nature and are not expected to have any adverse environmental or amenity impacts.

3.3 Modification to Amendments to Conditions of the Consent

The proposed modification will require amendments to references included in the consent. Changes are shown by a ~~strike through~~ for the deleted text and **red** text for new text.

Integrated Paint Finish

~~48. The Materiality Schedule of the Façade Typology Drawing SK-0202.2 shall be amended to show Cf01 and Cf03 as an integrated colour or off-form finishes. This requirement is to be indicated on amended façade plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.~~

~~Reason: To ensure the long-term aesthetic and durability of the building in accordance with the SEPP (Housing).~~

4 Environmental Planning Assessment

4.1 EP&A Act Section 4.56 – Modification of Consents

Section 4.56 of the EP&A Act contains the provisions applying to minor modifications and is considered below.

4.1.1 Section 4.56(1)(a) – substantially the same development

Section 4.56(1)(a) of the EP&A Act states that the consent authority may grant consent to modify the development if, *“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).”*

The proposed modifications will result in substantially the same development as originally approved under DA/53/2022. The proposed modifications will not have any impact on the nature, scale, location, or form of the approved buildings.

The modified development does not propose any changes to the approved gross floor area (GFA), height or quantum of car parking provided on site. The nature of uses contained within the building remains entirely consistent with DA/53/2022. The development's compliance with Council's policies and controls does not change as a result of the proposal.

The proposed changes are justified on the following grounds:

1. Overall, the changes in the context of the development are minor and insignificant. The modification will not change any external aspect other than the paint finish of the approved development including the approved maximum building height, or envelope.
2. The proposed modification retains the approved mix of unit types and land uses to uphold the intended character and zone objectives for the locality.
3. The proposed modification will not have any impact on the nature of the intended use for the site (mixed-use development) or the scale, location or overall form.
4. The modification will retain a compatible built character and urban form to that approved.
5. The proposed changes will result in a development that continues to comply with the relevant planning controls applicable to the site.
6. The external design and appearance of the development will be consistent with that originally approved with the proposed modification providing a long-term solution to retain design quality on the site.
7. The nature of impacts of the proposed development is comparable to those of the approved development.

The use and function of the site remains materially and substantially the same as approved and will continue to provide a diverse mix of residential and retail within the development. The development's compliance with Council's policies and controls does not change because of the proposal and therefore satisfies Section 4.56 of the EP&A Act by being substantially the same development.

4.2 EP&A Act Section 4.15 – Evaluation

The proposed development has been assessed in accordance with the matters of consideration listed in Section 4.15 of the EP&A Act.

4.2.1 Parramatta Local Environmental Plan 2023

The site is located within the boundaries of the City of Parramatta Local Government Area (LGA) and is subject to the provisions of the Parramatta Local Environmental Plan 2023. The relevant provisions are addressed below.

Zoning and Permissibility

The site is zoned R4 – High Density Residential under the Parramatta Local Environmental Plan 2023. The proposed modification will facilitate the approved mixed-use development on site; therefore, it is permissible with consent.

The modification will not alter the approved development's compliance with the relevant LEP controls.

4.3 Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments

On 22 July, 2024 Council adopted a Planning Proposal for the site to:

- i. Reconfigure the existing R4 High Density Residential and RE1 Public Open Space zones.
- ii. Increase the maximum height of buildings on the Pennant Hills Road frontage from 27 metres (9 storeys) to part 65 metres (18 storeys), part 84 metres (22 storeys), part 110 metres (31 storeys)
- iii. Increase the Maximum Floor Space Ratio control for the R4 High Density Residential zoned land from 2.3:1 to 3.6:1.
- iv. Amend Schedule 1 Additional Permitted Uses to increase the maximum gross floor area of parts of the buildings used for business premises, food and drink premises, recreational facilities (indoor) and shops on the R4 High Density Residential zoned part of the site from 2,000 sqm to 2,600 sqm.
- v. Amending the Land Reservation Acquisition (LRA) Map to include all RE1 Public Recreation land on the site that will be dedicated to Council

The proposed modification is permissible with consent within the reconfigured R4 zone and is consistent with the draft LEP controls.

4.4 Section 4.15(1)(a)(iii): Development Control Plans

4.4.1 Parramatta Development Control Plan 2023 (PDPC2023)

The *Parramatta Development Control Plan 2023* applies to the subject site. The proposal as modified does not affect the development's compliance with the relevant provisions of the DCP.

No material changes in the building form or building footprint approved under DA/53/2022 are proposed by this application. Accordingly, there will be no change to the development's consistency with the relevant provisions of the DCP compared to those envisaged in DA/53/2022.

A Draft DCP for the site was adopted by the Council on 22 July 2024. The modification will not result in a non-compliance with the site-specific DCP.

4.5 Section 4.15(1)(a) (iiia): Planning Agreements

The site is subject to a Planning Agreement (PA). The proposed development does not affect the details of the PA or the Applicant's ability to deliver the requirements of the agreement.

4.6 Section 4.15(1)(a)(iv): Regulations

The Development Application has been made in accordance with the requirements contained in Clause 23 and 24 of the *Environmental Planning and Assessment Regulation 2021*.

4.7 Section 4.15(1)(b): Likely Impacts

The proposed modifications will not result in any environmental impacts and do not alter the character of the approved development.

The proposed modifications to DA/53/2022 will not result in changes to the approved gross floor area (GFA) of the development or the approved building height.

Further, the proposal as modified does not intensify the built form and scale of the development and will not result in any additional shadowing, privacy or other amenity impacts to surrounding neighbours. The proposal as modified allows the development to remain consistent with the locality context and deliver housing in a highly accessible area.

The proposed modification will improve the long-term aesthetic quality of the approved development and minimised maintenance requirements.

The proposal as modified is consistent with the objects of the EP&A Act by promoting the orderly and economic use and development of the land and promoting and delivering good design and amenity of the built environment.

Overall, the proposal as modified will have a positive social and economic impact through the provision of a good quality residential development that will provide new housing opportunities in the short term.

4.8 Section 4.15(1)(c): Suitability of the Site

There are no environmental constraints of the proposed modification that would render the façade modifications unsuitable for the site.

4.9 Section 4.15(1)(d): Submissions

Should notification be required for the proposal, Council will consider submissions at the close of the notification period.

4.10 Section 4.15(1)(e): The Public Interest

For the reasons set out in this Statement, it is considered that the public interest would be best served by approval of the Section 4.56 under consideration, particularly, given the absence of any demonstrable adverse impacts resulting from the proposal.

5 Conclusion

This Section 4.56 proposal seeks to modify the approved mixed-use development at 263-281 Pennant Hills Road, Carlingford. This modification application proposes to delete *Condition 48 – Integrated Paint Finish* to allow the application of a high-quality paint finish for the external facades, ensuring the building's long-term aesthetic and durability.

The proposed modification satisfies the relevant heads of consideration under Section 4.15 of the *EP&A Act*. It is considered that the proposal as modified provides an appropriate response to the planned development of the site and will assist in the orderly and economic development of the land.

The development as modified is substantially the same as when originally approved for the purposes of Section 4.56 of the *EP&A Act* and will have no implications upon the public domain.

Accordingly, the application should be recommended for approval.

Meriton

August 2024

Annexure 1: Letter by Advanced Precast Pty Ltd

Annexure 2: Letter by Ecotone Coatings

Annexure 3: Letter by MWP Coatings Pty Ltd

Annexure 4: Letter by PPG Architectural Coatings

Annexure 5: Approved external finish plan at 100 Talavera Road, Macquarie Park