

# Supplementary Statement of Environmental Effects

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STAGE 2 ASSOCIATED WITH A STAGED DEVELOPMENT APPLICATION (HOTEL) AT 83  
MULGOA ROAD, PENRITH



Prepared by: Think Planners  
Document Date: 5 June 2019  
Consent Authority: Penrith City Council

## QUALITY ASSURANCE

**PROJECT:** Statement of Environmental Effects– Supplementary

**ADDRESS:** Lot 54 DP 1246141 – Retreat Drive, Penrith

**COUNCIL:** Penrith City Council

**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
5 June 2019	DA Lodgement Issue	Final	SK/JW	JW

Integrated Development (under S91 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
Concurrence	
Penrith LEP (Glenmore Park Stage 2) 2009- Director General	No
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP 71 – Coastal Protection	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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## 1. Introduction and Summary

This supplementary Statement of Environmental Effects is prepared as part of the supporting documentation for the second stage of the Staged Development Application under Part 4, Division 4.4 of the Environmental Planning and Assessment Act 1979.

A Concept DA and Stage 1 Detailed Design of the Western Sydney Conference and Community Centre (WSCCC) granted consent under DA18/0340.

The current stage 2 applies to both the approved WSCCC, being Stage 1 and a Section 4.55(1A) application proposed to modify DA18/0340 with an aim to ensure consistency between the Concept Plan and detailed Stage 2 is achieved.

'Hotels' are permissible with consent within the SP3 Tourist Zone under the Penrith Local Environmental Plan 2010.

Stage 2 is seeking consent for the construction of the hotel component of the mixed use development and includes the following:

- A multi storey building ranging from 2-6 storeys in height with a hotel use at the ground level;
- The hotel contains a total of 153 rooms;
- Parking for 466 vehicles associated with the development including:
  - o 192 in B1
  - o 168 in B2
  - o 106 at grade associated with this proposal- with the remaining 146 spaces used for the Club activities.
- Associated landscaping works to the central portion of the site;

This supplementary SEE should be read in conjunction with the 'Statement of Environmental Effects' prepared by SJB Planning which contains further detail regarding the background and history of the development of the site. Therefore this supplementary SEE deals with the hotel component and how it relate to the planning controls.



## 2. Background to WSCCC and Stage 1 Concept DA

### **Stage DA**

On the 27<sup>th</sup> of August 2018, DA18/0340 approved the Staged Concept DA with Council issuing the consent on the 6<sup>th</sup> of September 2018 for the following:

*‘Concept proposal for Function Centre, Hotel, Retail Premises & Serviced Apartments & Stage 1 proposal for Function Centre, Basement & Surface Car Parking, Public Domain Works & Associated Stormwater Drainage, Utility & Landscaping Works’.*

The Concept Plan provides approval for:

- Land uses including Function Centre, Hotel, Retail Premises & Service Apartments
- Basement car parking with capacity for approximately 524 vehicles
- At-grade car parking with capacity for approximately 149 vehicles
- Building massing envelopes and heights resulting in 2 building varying between 2 and 6 storeys
- Staging of the development across 3 stages
- Public access, infrastructure and servicing

### **Stage 1**

DA18/0340 approved Stage 1 which comprise of:

- Western Sydney Conference and Community Centre (WSCCC)
- Basement and surface car parking
- Public domain works and associated stormwater drainage
- Utility and landscaping works

### **Section 4.55(2)**

There is a concurrent 4.55(2) application proposed to modify DA18/0340 with an aim to ensure consistency between the Concept Plan and detailed Stage 2 and 3 DA is achieved.

The fundamental changes are as follows:

- Provision of an additional basement;
- Adjustment to ground & first floor as it relates to the WSCCC and Hotel DA with minor adjustments to building footprint;
- Adjustments to storey levels noting the buildings are maintained below the height limit with the exception of the minor encroachment by the fire stair that exceeds the height limit by 300mm;

### 3. Site Context and Locality

The development site resides within the Penrith Panthers Precinct, which covers 68.1ha in area and is bounded by an existing aged care accommodation and residential land use to the north-east, Council land (Carpenters Site) to the north, residential allotments and the Nepean River to the west and Jamison Road to the south. The mix use building is to be located towards the eastern boundary of the precinct.

A map extract below illustrates not only the boundaries of the Penrith Panther Precinct, but also where the approved mix use building is to be located in relation to the precinct itself.



**Figure 1: Aerial Map of Subject Site (Source: Six Maps)**

An at-grade car parking accommodating approximately 680 vehicles is located within the development site.

For further detail on the site context and background refer to the original SEE prepared by SJB Planning.

## 4. Description of Proposal

This development application is Stage 2 of the Staged Development Approval.

Stage 2 is seeking consent for the construction of the hotel component of the mixed use development and includes the following:

- A multi storey building ranging from 2-6 storeys in height with a hotel use at the ground level (lounge, lobby, cafe) and the dining and bar areas associated with the hotel at Level 1
- The hotel contains a total of 153 rooms;
- Parking for 466 vehicles associated with the development including:
  - o 192 in B1
  - o 168 in B2
  - o 106 at grade associated with this proposal- with the remaining 146 spaces used for the Club activities.
- Associated landscaping works to the central portion of the site;

A brief description of the various aspects of the development is provided below.

Level	Inclusions
Ground Level	<p><b><u>Access</u></b></p> <p>Direct and separate access to the hotel and cafe component via internal pathway.</p> <p><b>Hotel</b></p> <p>The hotel component of the development comprises of reception and lounge area ,office, back of house and service areas including maid service room, linen storage room, service lift, storage rea, communication and electrical cupboards.</p> <p><b>Cafe</b></p> <p>Café within the lounge area. Also includes toilet facilities. This is associated with the Hotel and is ancillary.</p> <p>3 x lift core and stairwells.</p>
Level 1	<p><b>Restaurant &amp; Bar</b></p> <p>A large restaurant comprising of dining area and kitchen as well as a bar area.</p>

	<b>Staff Room</b>
	Staff areas including staff room, lockers, male and female staff toilet and staff facilities and service lift.
Level 3	3 x lift core and stairwells.
	<b>Hotel</b>
	A total of 39 rooms including 2 rooms designed to accommodate people with a disability.
	Back of house rooms including maid service rooms and service lift.
Level 4	Lobby area including lounge/sitting areas with 3 x lift core and stairwells.
	<b>Hotel</b>
	A total of 39 rooms including 2 rooms designed to accommodate people with a disability.
	Back of house rooms including maid service rooms and service lift.
Level 5	Lobby area including lounge/sitting areas with 3 x lift core and stairwells.
	<b>Hotel</b>
	A total of 36 rooms including 2 rooms designed to accommodate people with a disability.
	Hotel gym.
	Back of house rooms including maid service rooms and service lift.
	Lobby area including lounge/sitting areas with 3 x lift core and stairwells.



## 5. Assessment of Planning Issues

### Compliance with Relevant Planning Controls

#### State Environmental Planning Policy (Infrastructure) 2007

Clause 101 requires consideration of development with frontage to a Classified Road. This was discussed in detail in the original SEE and that commentary is produced below noting the revised Traffic Report by GHD further considers those matters relevant to the Clause 101 provisions.

The clause also states that the consent authority must not grant consent to a development on land that has frontage to a classified road unless it is satisfied that:

- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The site of the proposed development has frontage to Mulgoa Road, which is a classified road. Access to the development is provided by Ransley Street and Panthers Link which are not classified roads. The safety, efficiency and ongoing operation of the classified road (Mulgoa Road) will not be adversely affected by the development as detailed in clause 101(2)(b)(i) through (iii) and (c) for the following reasons:

- Subject to future intersection operations and upgrades associated with the draft Voluntary Planning Agreement (VPA), the detailed Stage 2 scheme has been designed to account for the extent of these road works envisaged.  
As the amended planning agreement has not yet been executed, it is expected that Council will impose a condition of consent to any future determination to require that the planning agreement be executed prior to the issue of a construction certificate for the proposed development, incorporating Stage 1 WSCCC and that prior to occupation certificate any requirements of the planning proposal are to be undertaken.  
This will provide assurances to Council that necessary road works will be undertaken prior to the issue of an Occupation Certificate or as otherwise by the VPA.
- In establishing the parameters of future road widening at Mulgoa Road, including intersection upgrades and works to Ransley Street/Retreat Drive and Panthers Place, regard has been given to RMS correspondence dated 25 October 2017. This corresponded notes that:  
*"Following the analysis between CABA and Road and Maritime, a revised cross-section of the Mulgoa Road corridor has been finalised. The width of the mid cross-section in the vicinity of the panthers site is 39.1 metres. This is a reduction of 3.6 metres from the cross-section displayed to the public in April 2017."*  
A copy of this correspondence and associated line-work associated with future road works is provided at Attachment 18.
- Having regard to this correspondence and determined road and intersection requirements, development within the Panthers Penrith Precinct, including Stages 1, 2 and 3, have provided appropriate space in line with the RMS road design plan, and will not compromise the effective and ongoing operation and function of the classified road;
- The proposed land uses are appropriate in their location adjacent to the classified road, and will incorporate appropriate acoustic attenuation measures so as not to be affected by traffic noise or vehicular emissions; and
- The proposed development will not negatively impact the classified road with regard to emissions or smoke. It is expected that standard conditions of consent relating to dust and sediment control during construction will be applied to any future consent.

Clause 104 identifies that development listed in Schedule 3 of the SEPP is considered traffic generating development and is required to be referred to the RMS.

Column 2 of Schedule 3 of the SEPP identifies the types of development on a site with access to any road that are required to be referred to the RMS. Column 2 includes:

- Other development having ancillary parking accommodation for 200 or more vehicles.

Given the proposal seeks approval for a range of uses with ancillary parking for over 200 vehicles, the DA will be required to be referred to the RMS for comment and it is understood that they have provided comments and relevant consent conditions.

Traffic, access and parking associated with the proposed development is able to be adequately accommodated and managed at the site. It is expected that Council will impose conditions of consent to any future determination to appropriately manage this, including conditions of consent that require the VPA to be executed prior to the issuing of a Construction Certificate. It is noted that the Notice of Determination (NoD) for DA18/0340, includes Condition No. 7 which requires an Event Management Plan to be submitted to Council in relation to the WSCC prior to the issue of an Occupation Certificate.

#### **State Environmental Planning Policy No.55 (SEPP 55) – Remediation of Land**

There are no known contaminated sites within the Precinct, and it should be noted that the provisions of SEPP 55 and the need for remediation or otherwise has been previously addressed as part of the broader development applications applying to the site. Further the Phase 1 contamination report confirmed the suitability of the site for the development proposal.

#### **Sydney Regional Environmental Plan No.20 (SREP 20) – Hawkesbury Nepean River**

It is noted that the impact upon the Hawkesbury Nepean River was a key consideration in the Local Environmental Study that preceded the rezoning of the land. Notwithstanding, the Specific Planning Policies and Strategies of the SREP, state in (10) Urban Development –

- (a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.*
- (b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).*

The above matters have been previously considered in the rezoning of the Precinct and the current proposal will not result in any substantive impact on the Hawkesbury Nepean River.

## Penrith Local Environmental Plan 2010

The subject site, to which the development applies, is zoned SP3 Tourist and the proposal maintains the land use permissibility set out in the SP3 Tourist zone and Clause 2.4 Additional Permitted Uses noting the proposal is for 'tourist and visitor accommodation' and the hotel bar and café are ancillary to the hotel itself.

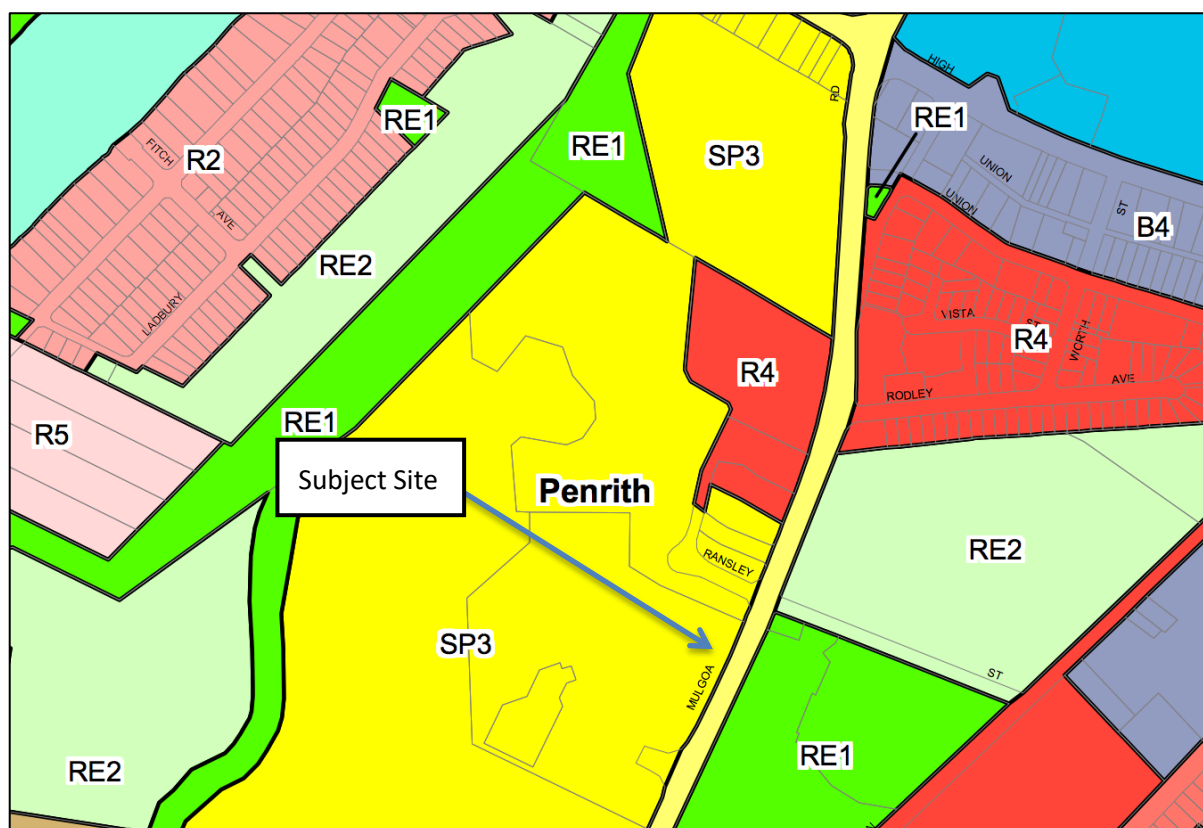


Figure 7: Zoning Extract

The proposal complies with the objectives of the SP3 Tourist Zone insofar as the development facilitates development of the land for Tourist related uses.

The other provisions of the LEP relevant to the proposal are addressed in turn.

### Clause 4.3 Height of Buildings

No change to the height approved within the Concept Plan, noting minor non-compliance to the height control of 300mm to the fire stair. A Clause 4.6 variation request has been prepared to address this and is provided under separate cover.

### Clause 4.4 FSR

The FSR mapped is 1:1 and the proposal has an amended FSR of 0.76:1 which complies with the maximum permitted FSR associated with Lot 2 DP 1216321. It is noted that this includes the existing Panthers Club (33,200sqm) and the multi level carpark (220sqm) as well as the WSCC and the Hotel.

## Clause 7.2 Flood Planning

Clause 7.2 identifies the site as flood prone, noting no change to the RL's approved under DA18/0340 which continue to meet the required freeboard for the site as nominated in the Flood Study prepared by J Wyndham Prince.

## Part 9 Penrith Panther Site

Clause 7.2 identifies Part 9 of the LEP contains specific detail regarding the Penrith Panthers Site and technically applies to the proposal. In this regard:

- Clause 9.3 is not relevant as it relates to retail premises which are not proposed;
- Clause 9.4 is not relevant as the proposal is not a community or strata title subdivision;
- Clause 9.5 relates to the campus style office development which does not apply to the scheme.
- Clause 9.6 requires a DCP to be in force for the Precinct- noting PDCP 2014 contains the requisite DCP provisions for the precinct and this Clause is satisfied.

## Penrith Development Control Plan 2014

The application has been assessed against relevant general provisions of the Penrith DCP and the specific provisions of Section E13 of the DCP that relates to the Riverlink Precinct and Panthers Site.

An assessment of the relevant parts of the DCP against the proposal follows in the table below.

Penrith Development Control Plan 2014 – Compliance Table			
Clause	Controls	Comment	Complies
<b>C10 Transport, Access and Parking</b>			
10.2	Traffic Management and Safety	See the traffic report prepared by GHD that contains further detail on this aspect of the proposal.	Yes
10.3	Key Transport Corridors	Not applicable to the current proposal	N/A
10.5	Parking, Access and Driveways	<p>See the traffic report prepared by GHD that contains further detail on this aspect of the proposal noting the intertwined WSCC and the Hotel.</p> <p>As per the GHD report:</p> <ul style="list-style-type: none"> <li>- The WSCC requires 411 spaces + 8 employee spaces= 419</li> <li>- The Hotel requires 154 spaces + 5 employee spaces= 159</li> </ul>	See GHD Report



		<p>Total: 578 required</p> <p>The actual parking provision for the WSCCC and Hotel is 466 spaces.</p> <p>However as detailed in the GHD report:</p> <p><i>The broad conclusions of the parking assessment within the report are as follows:</i></p> <p><i>An assessment of the statutory parking requirement against the Penrith City Council DCP indicates that the development is required to provide 411 (plus for 8 employees) parking spaces for Phase 1 and 154 (plus 5 employees) parking spaces for Phase 2.</i></p> <p><i>The development also refers to the Panthers Precinct Master Plan – Transport Strategy that considers a reduction in parking (notably for the Hotel apartment components) and land mix use demand to provide efficiencies within the parking provision. These include:</i></p> <ul style="list-style-type: none"> <li><i>– Peak functions for the community and conference centre are unlikely to occur concurrently, thereby the parking provision for both facilities could facilitate multi-use.</i></li> <li><i>– Visitors to the conference centre during peak conference events are likely to stay within the hotel facilities, thereby reducing the demand on parking during conference centre parking during such events.</i></li> </ul> <p><i>The development proposed to include 360 spaces (including 21 accessible spaces) within the two basement levels, with 106 spaces (including 2 accessible spaces) in the adjoining at-grade parking area. Notwithstanding the proposed allocated provision, the at-grade parking area can also facilitate up to 250 spaces, thereby providing an opportunity to support up to 610 car spaces within Lot 4 for WSCCC in the event of overflow parking to the total 466 spaces allocated.</i></p> <p><i>The following recommendations are outlined to assist in managing the parking allocation within the proposed parking provision:</i></p> <ul style="list-style-type: none"> <li><i>• – Implementation of a parking identification system within the basement car park to advise motorists of the number of</i></li> </ul>	
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		<p><i>available spaces prior to entry to the basement and direct drivers to the available parking spaces within the basement.</i></p> <ul style="list-style-type: none"> <li>– <i>Implementation of a Parking Management Plan to facilitate in the cross use within each individual land use in conjunction with monitoring to provide real-time efficient parking utilisation and incorporation of a parking booking system in coordinating with the hotel/serviced apartment and community conference centre booking system.</i></li> </ul> <p><i>The Roads and Maritime Services proposed road widening of Mulgoa Road would reduce the existing at-grade parking provision. This in itself would have reduced the available at grade parking from the existing 680 spaces to approximately 570 spaces (a loss of some 110 spaces) despite what development (if any) would have occurred within Lot 4.</i></p> <p><i>The loss of existing general club parking from the at-grade parking are of approximately 680 spaces is proposed to be offset with the implementation of a parking area located in Lots 7, 8, 9 of the Panthers Precinct (under investigation) and the newly constructed multi- storey car park consisting of approximately 500 spaces immediately northwest of the site.</i></p> <p>On the basis of the above the parking for the WSCC is clearly compliant at Stage 1 however there is a numerical non-compliance at the completion of Stage 2 which is considered acceptable for the reasons set out in the GHD report.</p>	
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## **Chapter E13- Riverlink Precinct Part B**

Section 13.6 of PDCP 2014 contains objectives and provisions relating to development within the Panthers Precinct. Most of the objectives are not applicable to the proposed development as the controls relating to 'big picture' matters that have been previously considered.

However the relevant provisions associated with this modification are addressed in turn.

### **13.6.1 Panthers Precinct Vision**

The proposal continues to contribute towards the Penrith Panthers Vision noting the alignment and form of the development retains the green spine and 2 building footprints.

### **13.7.2 Landscape Structure**

The proposal enhances the landscape structure and landscaped open space as per Figure E13.14 and in relation to the controls:

- a) The detailed landscape design and public domain design is provided;
- b) The landscape treatment is suitable;
- c) The approved development will continue to maintain the existing surface carpark tree plantings;
- d) The approved development will continue to maintain the required landscape buffer to Mulgoa Road;
- e) The approved development will continue to provide appropriate water management.

### **Ransley Street**

Approved development will continue to present a suitable façade treatment and interface to the Ransley Street frontage as per DA18/0340 with the lobby space and first floor hotel bar/dining to activate and provide passive surveillance over Ransley Street with the hotel rooms above.

### **Mulgoa Road**

The approved development will continue to maintain the 5m setback to the Mulgoa Road frontage at the ground level and above noting the basement setbacks are suitable and do not impact on the achievement of suitable landscaping and deep soil plantings to this frontage and they are clear of the 5m setback required.

### **Public Art Strategy**

The approved development will continue to maintain the public art strategy set out by Site Image.

### **Traffic Parking and Site Access**

The approved development will continue to maintain the existing approved site access point from Ransley Street, which whilst non-compliant with the DCP was previously found to be acceptable.

### ***Sub Precincts (13.7.3)***

The proposed development is nominated in Figure E13.15 Sub-Precincts as being within 'Ransley Street Precinct' and 'Mulgoa Road Precinct'.

Compliance with the intended outcomes of each sub precinct is outlined below.

#### **General (13.7.3.C.1)**

- The proposed design and massing of the final building along Ransley Street will ensure that sightlines are maintained to the lake and Blue Mountains. This view corridor has been a guiding principle in the design and concept of the development scheme.
- Formalised pathways with landscaped treatment will provide for an attractive streetscape taking pedestrians between the Panthers Penrith Precinct and the Stadium to the east.

#### **Mulgoa Road sub precinct (13.7.3.C.2)**

- In accordance with the DCP, the proposed hotel and retail uses, and final building design will address the Mulgoa Road frontage, with built form that reinforces the landscaped setback;
- Proposed land uses that will attract and sustain a vibrant and active day and night time economy; and
- Provision for open space between the Club and Mulgoa Road to enhance the clubs address, defined by strong built edges to the north and south.

#### **Views (13.7.4)**

The proposed design and massing of the final building under Stage 2 will ensure that sightlines are maintained to:

- The lake and Blue Mountains; and
- Between the Club and Mulgoa Road.

These view corridors have been a guiding principle in the design and concept of the development scheme.

Compliance with the long-distance view corridor in Figure E13.16 is achieved.

#### **Public Art Strategy (13.7.5)**

A Public Domain Report (refer to Attachment 15) and accompanying Public Art Strategy (refer to Attachment 14) have been prepared by Site Image, which identifies public art locations and themes across the Panthers Penrith Precinct.

The Public Art Strategy addresses:

- The context of the Panthers Precinct in relation to Penrith and Western Sydney more broadly;
- Opportunities for community engagement with and accessibility of public art;

- Opportunities for the incorporation of public art in developments within the precinct;
- The themes for public art; and
- Potential for permanent and temporary art.

The Public Art Strategy identifies an area within the nominated central open space as a location for public art (5B Building Forecourt).

Alternative and/or additional opportunities for public art in line with the Public Art Strategy are expected to be further consulted and negotiated with Council as part of the DA assessment and post determination process.

### *Connectivity (13.8)*

#### **Street Design and Character (13.8.1)**

Figure E13.17 provides an understanding of the existing and proposed street hierarchy within the precinct.

The proposed development will rely on the existing street network, this being Ransley Street, Panthers Link and Panthers Place. The proposed development will ensure a clear hierarchy of street types (existing and proposed) is maintained.

#### **Pedestrian and Cycle Network (13.8.2)**

The proposed development is consistent with the provisions of the DCP with regard to pedestrian and cycle network. Additional through site links, will be established by the proposed development, including connections through the site between Mulgoa Road and Panthers Link.

#### **Public Transport (13.8.3)**

The proposed development will utilise the existing public transport network provided. This includes a bus stop in front of the club (eastern frontage) and bus stop located on the north side of Ransley street (off site). Both stops are within a 400m walking distance. Refer to Traffic and Parking Impact Assessment at Attachment 6.

#### **Traffic, Parking and Site Access (13.8.4)**

##### **Traffic and Access**

In accordance with the DCP, a Traffic and Parking Impact Assessment is provided in support of this application. In accordance with Figure E13.24, the nominated vehicle access points for parking have been designated to Panthers Link. An additional access point is proposed along Ransley Street for loading and servicing requirements.

## Parking

In accordance with the DCP, car parking and service vehicle entries, as well as servicing areas, have been designed to be screened from and well-integrated with the public domain.

Provision for parking in association with the Concept Proposal, as well as consideration to the provision of displaced on-grade parking across is detailed in the Traffic and Parking Assessment prepared by GHD and as discussed previously.

### *Built Form (Section 13.9)*

#### Street Alignment, Wall Height and Setbacks (13.9.1)

##### Figure E13.25 - Setbacks

The proposal will achieve compliance above ground level with the 3m setback to Ransley Street and Panthers Link, however a minor non-compliance will occur with regards to portions of the awning along Panthers Link. This is considered acceptable as it relates only to the awning and not the building façade and is in line with the approved Stage 1 WSCC proposal.

The proposed basement will make a number of encroachments into this setback at points along each street, however these variations are considered appropriate as given the street building alignment will continue to comply with the 3m setback as required under the DCP.

Further, these basement encroachments will not inhibit the opportunities for planting relative to the landscaped outcomes envisaged for each of these streets, including additional gains in deep soil in accordance with DA13/0340.

##### Figure E13:26 – 14m Maximum street wall with 3m setback

The proposed building envelope demonstrates compliance with the approved envelope detailed in the Concept Proposal. It is noted that the envelope for Building A (hotel and WSCC) approved under the Concept Proposal make a departure from the 14m wall height along Ransley Street and Panthers Link with proposed walls heights up to six (6) levels above ground. The departures to this control are considered acceptable due to the following:

- The building will provide for increased setbacks, in part, along each street edge, rather than a continuous street wall along the nominated setback boundaries. This will allow for greater opportunities in architectural detailing and final built form, that will in turn respond to greater opportunities in the design of street and building interface at ground level.

Furthermore, these increased building setbacks will provide additional opportunities for landscaping and public domain spaces within the street setback, assisting with improved streetscape outcomes as well as assisting with the activation and pedestrian emphasis of these spaces.

- The proposed building envelope will allow for greater variation and articulation in the design of the street façade, allowing for greater diversification in open space and landscaping within the streetscape.
- Building edges exceeding this 14m wall height occur only in certain locations and allow the built form in these locations to become features within the streetscape.

Where components of the proposed building above the 14m wall height make minor encroachments to the 3m setback, these are limited to small portions of the building façade along Panthers Link and Ransley Street.

These variations are considered acceptable due to the following:

- Encroachments of building facade elements, will allow for architectural embellishment and detailing of building design in these locations.
- The prominence of the hotel at the corner of Ransley Street and Panthers Link and its relationship to existing and proposed surrounding built form and the envisaged commercial character of this part of the Panthers Precinct.
- The encroachment of the hotel at this prominent corner will respond to proposed setbacks for other buildings surrounding this intersection, including 3m and nil setbacks.
- The setback encroachment will not diminish the buildings relationship to the street or impact on landscaping and public domain, nor will it impact on its relationship with other buildings (existing and proposed).
- The arrangement of building envelopes across the site is constrained due to the proposed RMS road widening at Mulgoa Road. This has required Buildings to be moved west towards Panthers Link to accommodate the encroachment of Mulgoa Road into the site.
- The proposed development will achieve compliance with the objectives of the control, including:
  - Providing consistent building alignments to the street;
  - Providing established desired spatial proportions for both Ransley Street and Panthers Link, whilst defining the street edge; and
  - Ensuring the protection of views to the Blue Mountains escarpment.

The projection into the wall height setback from proposed building envelope is considered acceptable. The areas of encroachment reside at prominent street locations where the architectural assembly of the building has been designed to embody the setbacks and prominence of buildings located in these locations within the Panthers Penrith Precinct.

While not designated as a gateway/ landmark location, the projections above the 14m wall height will form a key element to the architectural design and detailing of proposed building. This minor non-compliance therefore assists in establishing streetscape and the prominence of this intersection.

### Building Articulation (13.9.5)

The proposal has been developed with consideration of the surrounding context, massing, articulation, amenity, public domain and landscape integration. Refer to Architectural Plans prepared by Turner Architects and Landscape Plans prepared by Oculus.

The Architectural packages in support of the Stage 2 proposal responds to the proposed development and methods of building articulation, demonstrating that:

- The building characterisation approach to the site seeks to link the building with the future Stage 3 building by applying a familial approach, while creating diversity through variations in composition and materiality;
- The proposed façade design generates shadow throughout the day as a result of building articulation;
- Entries to the buildings are clearly defined in the building composition with recessed facades, allowing building function to be expressed by the façade;
- Active edges will be pulled to the façade line to encourage interaction with the external environment;
- The envelope will allow for facades to be broken down in scale, with the introduction of double-height scaled elements and unique roof and base expressions; and
- Materials and finishes vary across the proposed buildings but maintain a familiarity across the site to a set of distinctive forms.

Further information regarding the finishes, materials and elevational composition can be found in the elevations and perspective images provided in relating to Stage 2 as part of the Architectural Drawings prepared by Turner Architects.

### Architectural Excellence (13.9.6)

The proposed building envelope has been designed with a number of different architectural strategies in order to achieve a well-balanced aesthetic and an appropriate visual presence across the site and within the Panthers Penrith Precinct acknowledging the presence of these forms along Mulgoa Road.



## Planning Agreement

As detailed in the original submitted SEE:

*Section 4.15 of the EP&A Act 1979 requires that a consent authority is to take into consideration "any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F."*

*A Voluntary Planning Agreement (VPA) for the Panthers Development has been signed by representatives of Roads and Maritime Services (Roads and Maritime), Penrith City Council and Panthers Rugby League Club on the 28th November 2012 which outlines triggers for road upgrades associated with staging developments within the Panthers Penrith Precinct.*

*The VPA is currently being reviewed and amended to incorporate changes to the land uses within the Panthers Penrith Precinct including Lot 4 that incorporates the Concept Proposal, including WSCC approved under DA 18/0340 and future Stages 2 and 3 to be sought under subsequent DA's.*

*The VPA that is currently being revised includes an agreed set of traffic modelling parameters including land use trip generation, traffic distribution for the developments within the precinct and land use Gross Floor Areas (GFA), dwelling or mixed uses.*

*The applicant has previously agreed to enter into an agreement with Council and RMS to fulfil the requirements of the revised VPA as they relate to the approved works. The determination of DA 18/0340 responds accordingly to this agreement with corresponding conditions of consent. The proposed modifications will not alter this arrangement.*

Condition 3 of the original DA consent states:

- 3 The amended Voluntary Planning Agreement in accordance with the letter of offer from Panthers Rugby League Club, dated 15 August 2018 known as 'Planning Agreement - Road Works' is to be executed **prior to the issue of the Construction Certificate** related to the construction of the Western Sydney Community and Conference Centre (WSCC) and a copy of the signed and executed Planning Agreement is to be provided to the Principal Certifying Authority prior to the issue of that Certificate.

The modifications do not alter the need for the Draft VPA to be formally entered into prior to the issue of a Construction Certificate.

## 6. Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents. Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

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 application, subject to necessary, relevant and appropriate conditions of consent.