

83 Mulgoa Road, Penrith

Western Sydney Conference and Community Centre

Statement of Environmental Effects for Stage 2 Development
Application



December 2018 | Final

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Table of Contents



	Executive Summary	7
1.0	Introduction	10
1.1	Overview	10
1.2	Scope and Format of the Statement of Environmental Effects	10
1.3	Supporting Plans and Documentation	10
1.4	Cost of Works	11
2.0	Site Context and Locality	12
2.1	Site Description	13
2.2	Existing Development on the Site	14
2.3	Surrounding Development and Land Uses	15
3.0	Background	19
3.1	Pre-Development Application Consultation	19
3.2	Staged DA Concept Proposal and Stage 1 Approval	21
3.3	Stage 2 DA and Modifications to Stage DA	21
4.0	Proposed Development	22
4.1	Development Description	22
4.2	Development Statistics	24
4.3	Land Use Mix	24
4.4	Built Form and Siting	25
4.5	External Material and Finishes	25
4.6	Tree Removal	25
4.7	Landscaping and Open Space	25
4.8	Pedestrian Public Access	25
4.9	Public Domain Works	26
4.10	Building Code of Australia (BCA)	27
4.11	Excavation and Remediation	27
4.12	Bulk Earthworks	27
4.13	Infrastructure	27
4.14	Waste Management	28
4.15	Demolition Works	28
4.16	Stormwater Management	28
4.17	Sustainability	28
4.18	Public Art	28
4.19	Cost of Works	29
4.20	Proposed Modifications of Development Consent No. DA18/0340	29
5.0	Statutory Assessment	32
5.1	Section 4.15	32
5.2	Overview of Statutory and Policy Controls	32
5.3	Environmental Planning and Assessment (EP&A) Act 1979	33
5.4	Provision of Relevant Environmental Planning Instruments	34
5.5	Penrith Local Environmental Plan 2010	39
5.6	Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)	51
5.7	Penrith Development Control Plan 2014	51
5.8	Part C1 - Site Planning and Design Principles	60
5.9	Part C2 - Vegetation Management	61
5.10	Part C3 – Water Management	61

Table of Contents



5.11	Part C4 – Land Management	62
5.12	Part C5 Waste Management	63
5.13	Part C6 Landscape Design	63
5.14	Part C8 – Public Domain	64
5.15	Part C10 Transport, Access and Parking	65
5.16	Part C12 – Noise and Vibration	65
5.17	Part C13 – Infrastructure and Services	66
5.18	Policies of Council	66
5.19	Any Matters Prescribed by the EP&A Regulation 2000	66
5.20	Any Submissions made in Accordance with the Act or Regulations	66
5.21	Any Planning Agreement or Draft Planning Agreement	67
6.0	Impacts of the Development	68
6.1	Construction Impacts	68
6.2	Acoustic Impacts	68
6.3	Bulk and Scale	69
6.4	Traffic and Parking	70
6.5	Flood and Stormwater	71
6.6	Flood Evacuation	71
6.7	The Suitability of the Site for the Development	72
6.8	The Public Interest	72
7.0	Conclusion	73

Table of Contents



List of Figures

- Figure 1: Location plan (Source: Google Maps)
- Figure 2: Aerial view of site and locality (Source: SIX Maps)
- Figure 3: View looking south west showing existing at-grade car park and Panthers Club and iFly centre to the west of the site (Source: Google Maps)
- Figure 4: View of the subject site looking north (Source: Google Maps)
- Figure 5: View of the subject site looking east (Source: Google Maps)
- Figure 6: View of car park looking north west from intersection of Retreat Drive and Mulgoa Road
- Figure 7: View of the car park looking south-east
- Figure 8: View showing Mulgoa Road located to the east of the site (Source: Google Maps)
- Figure 9: View showing Panthers Stadium and adjacent playing fields located east of the site (Source: Google Maps)
- Figure 10: View looking west along Ransley Street showing multistorey car park
- Figure 11: View looking west of the site across Retreat Drive showing iFly indoor skydiving centre and Panthers Leagues club beyond (left)
- Figure 12: View looking south showing restaurants and associated car parking (Source: Google Maps)
- Figure 13: Extract of visualisation from architectural drawing package - east view from Panthers Link
- Figure 14: Extract of visualisation from architectural drawing package – north view from Mulgoa Road
- Figure 15: Extract of visualisation from architectural drawing package – west view from Mulgoa Road and Ransley Street intersection
- Figure 16: Extract of PLEP 2010 Zoning Map
- Figure 17: Extract of PLEP 2010 Additional Permitted Uses Map
- Figure 18: Extract of PLEP 2010 Height of Buildings Map
- Figure 19: Mulgoa Road – South Est Elevation
- Figure 20: Panthers Link – North West Elevation
- Figure 21: Ransley Street – North East Elevation
- Figure 22: Extract of FSR map from PLEP 2010
- Figure 23: Extract of PLEP 2010 Flood Planning Land Map
- Figure 24: Clause Application Map extract from Penrith LEP 2010

List of Tables

- Table 1: Plans and Documents prepared to accompany this statement
- Table 2: UDRP Comments
- Table 3: Key Development Statistics
- Table 4: Breakdown of Car Parking
- Table 5: Breakdown of bicycle parking
- Table 6: SP3 Tourist Zone Objectives Assessment Table
- Table 7: Height of proposed buildings for Concept Proposal and Stage 1

Table of Contents



Table 8: Clause 4.3 Height of Buildings Objectives assessment table

Table 9: FSR calculation per Penrith LEP 2010

Table 10: Floor Space Tracking

List of Attachments

- Attachment 1: Site Survey Plan prepared by Matthew Freeburn Surveyors
- Attachment 2: Architectural Plans prepared by Turner Architects
- Attachment 3: Landscape Plans prepared by Oculus
- Attachment 4: Civil Engineering Drawings prepared by Wood & Grieve Engineers
- Attachment 5: Stormwater Management Report prepared by Wood & Grieve Engineers
- Attachment 6: Traffic and Parking Assessment prepared by GHD
- Attachment 7: Access Design Assessment Report prepared by Design Confidence
- Attachment 8: BCA Capability Report prepared by Vic Lilli & Partners
- Attachment 9: Stage 1 Contamination Report prepared by Ground Technologies
- Attachment 10: Utility Servicing Report prepared by J. Wyndham Prince
- Attachment 11: Mechanical, Electric, Hydraulic and Fire Services Report prepared by Wood & Grieve Engineers
- Attachment 12: Waste Management Plan – Operational prepared by Elephants Foot Recycling Solutions
- Attachment 13: ESD Report prepared by Wood & Grieve Engineers
- Attachment 14: Public Art Strategy prepared by Site Image
- Attachment 15: Public Domain Report prepared by Site Image
- Attachment 16: Draft 'Notice of Modification' prepared by SJB Planning
- Attachment 17: VPA Letter of Offer – Stage 2
- Attachment 18: RMS Road Widening Letter
- Attachment 19: Clause 4.6 Variation to Height of Buildings Statement prepared by SJB Planning
- Attachment 20: Planning Agreement – Road Works
- Attachment 21: Flood Impact and Evacuation Assessment prepared by J. Wyndham Prince
- Attachment 22: Panthers Precinct Background Report – Transport Strategy prepared by GHD
- Attachment 23: Acoustic Report prepared by Wood & Grieve Engineers
- Attachment 24: UDRP Response (Ref. UDRP/18/0003) prepared by Penrith City Council
- Attachment 25: CIV Report prepared by Napier and Blakely
- Attachment 26: QS Report prepared by Napier and Blakely

Executive Summary

This Statement of Environmental Effects (SEE) has been prepared in support of the second stage of a Staged Development Application (Staged DA) made by Penrith Rugby League Club Limited under Part 4, Division 4.4 of the *Environmental Planning and Assessment (EP&A) Act 1979*. The proposed mixed use development incorporates hotel, retail premises, car parking and associated landscaping.

This Stage 2 DA is the second stage of the Western Sydney Community and Conference Centre (WSCCC) Staged Concept Development Application No. 2018/0340 (Staged DA). The Staged DA site principally comprises the existing at-grade car park bound by Ransley Street, Mulgoa Road, Panthers Link and Panthers Place within Lot 2 DP 1216321 being 83 Mulgoa Road, Penrith. The Staged DA, incorporating both Concept Proposal and Stage 1 (DA18/0340) were approved by the Sydney West Planning Panel (JRPP) at its meeting of 27 August 2017.

This Stage 2 DA applies to the approved WSCCC building, being Stage 1 of the Staged DA, approved under DA18/0340. A Section 4.55(1A) application has been prepared to modify the Concept Proposal approved under DA18/0340 to ensure consistency between both the Concept Proposal and detailed Stage 2 and 3 DAs. The Section 4.55(1A) application will be lodged concurrently with this Stage 2 DA.

The Stage 2 DA will seek to amend the Stage 1 Western Sydney Community and Conference Centre (WSCCC) approval by way of Section 4.17(1)(b) and Section 4.17(5) of the *Environmental Planning and Assessment Act (EP&A) Act 1979* and Clause 97 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*.

The Stage 2 DA has been prepared in accordance with the *EP&A Act 1979* and the *EP&A Regulation 2000*.

This SEE provides an assessment of the proposal having regard to the heads of consideration under Section 4.15 (1) of the *EP&A Act 1979* and the *EP&A Regulation 2000*, the provisions of the relevant State Environmental Planning policies (SEPPs) and Penrith City Council's LEP, DCPs, Codes, and Policies.

Overview of the Project

The DA seeks consent to undertake the construction of a mixed use development comprising hotel and retail uses as part of the wider Western Sydney Conference and Community Centre (WSCCC) development on the existing at-grade car park on Lot 2 DP 1216321 within the Panthers Penrith Precinct, located at 83 Mulgoa Road, Penrith ('the site').

The proposed development includes:

- Construction of multi-storey building ranging from two (2) to six (6) storeys in height, incorporating retail and hotel uses at ground level and hotel use above;
- Modifications to approved Stage 1 WSCCC building (DA18/0340), including design amendments in accordance with condition No. 2 of Notice of Determination dated 6 September 2018;
- Basement car parking; and
- Landscaping and public domain.

The proposed development is permissible with consent in the SP3 Tourist zone under PLEP 2010 and is consistent with the broad objectives of the zone.

The design of this Stage 2 proposal is the result of a rigorous design process, including consultation with Penrith Council's Urban Design Review Panel (UDRP).

The outcome is a well considered, mixed use development that exhibits a high standard of architectural, urban and landscape design. Stage 2 continues to build on the superior design outcome that was established for Stage 1 of the project and which will continue to be rolled out for the remainder of the WSCCC project.

Staged DA

The Staged Concept DA (DA18/0340) was approved by the SWPP on 27 August 2018 and the consent issued by Council on 6 September 2018 includes the following description for the approved development:

Concept Proposal for Function Centre, Hotel, Retail Premises & Serviced Apartments & Stage 1 Proposal for Function Centre (Western Sydney Community & Conference Centre), Basement & Surface Car Parking, Public Domain Works & Associated Stormwater Drainage, Utility & Landscaping Works.

This Stage 2 DA is consistent with the Concept Proposal approved under the Staged DA as outlined below:

- It reinforces Panthers Penrith Precinct as a destination for tourism and leisure with provision of some 140.88m² retail floor area and 12,020m² hotel floor area;
- It complies with the maximum floor space ratio (FSR) of 1:1 that is applicable to the site under PLEP 2010;
- It generally maintains the six (6) storey scale of the approved building envelopes;
- It allocates GFA for land uses in accordance with the Concept Proposal;
- The building height maintains key view corridors along Ransley Street to the Blue Mountains and between the club and Panthers Stadium;
- It provides opportunities for greater accessibility and permeability across and around the site by way of new open space and upgrading of existing streets;
- It provides for a network of public spaces within and around the site, aligning with the approved landscape masterplan as part of the Concept Proposal, including provision for landscaped interface with the proposed building;
- It responds to approved locations for car park access as well as service/loading docks in accordance with the Concept Proposal;
- It provides on-site car parking in accordance with the approved parking framework and allocation established in the Concept Proposal;
- It creates employment opportunities with the provision of hotel and retail uses; and
- In accordance with the approved concept proposal, the retail floor space is focused at street level at the corner of Mulgoa Road and Retreat Drive to activate this corner of the site. The presence of retail use in this location is identified as the best means of promoting and maintaining activation of this key pedestrian location.

The Merits of the Stage 2 DA

The proposal is consistent with the broad objectives of PLEP 2010. Each of the proposed land uses are permissible within the SP3 Tourist zone, and are consistent with the objectives of the zone. The mixed-use development proposal is appropriate for the site's location at the eastern end of the Panthers Penrith Precinct with excellent access to public transport, surrounding shops and a range of business and other services.

The proposal has an FSR of 0.81:1 which complies with the FSR control of 1:1 under PLEP 2010. A building height control of 24m applies across the site. Parts of the proposal exceed the height controls and a Clause 4.6 Variation has been provided at Attachment 19. The non-compliances do not give rise to any adverse visual or amenity impacts and are reasonable and acceptable in the circumstances.

Furthermore, a modification application has been lodged concurrently to modify the building envelope approved under the Concept Approval to match that sought under this DA.

The proposal substantially complies with the provisions of the Penrith Development Control Plan (PDCP) 2014, with the exception of the wall height, ground and upper level setback controls, which are sought to be varied.

An assessment of the potential environmental impacts of the development concludes that the proposal will not give rise to unacceptable impacts in terms of amenity, traffic and parking, noise, or other environmental impacts. The bulk and scale of the proposal is appropriate for the site's context within the Panthers Penrith Precinct and adjacent Mulgoa Road, and is compatible with the emerging character and scale of the Panthers Penrith Precinct and wider Penrith CBD.

Based on the assessment undertaken, the site is suitable for the proposed development, and approval of this application is sought.

1.0 Introduction

1.1 Overview

This SEE has been prepared in support of a Stage 2 DA for a mixed-use development, incorporating hotel and retail premises, car parking, landscaping and associated works at 83 Mulgoa Road, Penrith (“the site”).

The Stage 2 DA will seek to amend the Stage 1 Western Sydney Community and Conference Centre (WSCCC) approval by way of Section 4.17(1)(b) and Section 4.17(5) of the *Environmental Planning and Assessment Act (EP&A) Act 1979* and Clause 97 of the Environmental Planning and Assessment (EP&A) Regulation 2000.

1.2 Scope and Format of the Statement of Environmental Effects

This statement has been prepared in accordance with the requirements of Schedule 1, Part 1, of the EP&A Regulation 2000, and provides an assessment consistent with the heads of consideration under Section 4.15(1) of the *EP&A Act 1979*, which are relevant to the consent authority’s assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 – provides a background and development history of the proposal;
- Section 4 - describes the proposed development and provides details of all of the proposed works;
- Section 5 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 6 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 7 - provides a conclusion on the proposal.

1.3 Supporting Plans and Documentation

This SEE has been prepared with input from a number of technical and design documents which have been prepared to accompany this DA. These documents are included as Attachments to this statement and are identified in Table 1 below.

Document Name	Prepared by
Site Survey Plan	Matthew Freeburn Surveyors
Architectural Drawing Package	Turner Architects
Landscape Plans	Oculus
Civil Engineering Drawings	Wood & Grieve Engineers
Traffic and Parking Assessment	GHD
Access Design Assessment Report	Design Confidence

Document Name	Prepared by
BCA Capability Report	Vic Lilli & Partners
Stage 1 Contamination Report	Ground Technologies
Utility Servicing Report	J. Wyndham Prince
Mechanical, Electric, Hydraulic and Fire Services Report	Wood & Grieve Engineers
Waste Management Plan - Operational	Elephants Foot
ESD Report	Wood and Grieve Engineers
Public Art Strategy	Site Image
Public Domain Report	Site Image
Draft 'Notice of Modification'	SJB Planning
VPA Letter of Offer – Stage 2	Panthers Group
RMS Road Widening Letter	RMS
Clause 4.6 Variation to Height of Buildings Statement	SJB Planning
Planning Agreement – Road Works	PCC/Penrith Panthers/RMS
Flood Impact and Evacuation Assessment	J. Wyndham Prince
Panthers Precinct Background Report – Transport Strategy	GHD
Acoustic Report	Wood and Grieve Engineers
Stormwater Management	Wood and Grieve Engineers
UDRP Response (Ref. UDRP18/0003)	Penrith City Council
CIV – Stage 2	Napier and Blakely
Quantity Surveyor Cost Estimate Report – Stage 2	Napier and Blakely

Table 1: Plans and Documents prepared to accompany this statement

A 3D digital model will be provided under separate cover.

1.4 Cost of Works

The cost of works for the purpose of determining the DA fee for the proposed development has been calculated in accordance with Clause 255(1) of the EP&A Regulation 2000 and is \$61,581,535.00 including GST. The cost of works is detailed in the Quantity Surveyors Cost Estimate prepared by Napier and Blakeley.

Development the subject of a concept Development Application under Part 4 of the *EP&A Act 1979* is deemed to be Regionally significant development in accordance with Part 4 of the of State Environmental Planning Policy – State and Regional Development (SRD SEPP). Furthermore, the development is deemed to be Regionally significant development as it has a CIV exceeding \$30 million as identified in Schedule 7 of the SRD SEPP. As such, the specified consent authority functions for the application, including the determination of the application, are exercised by the Sydney Western City Planning Panel (SWCPP) and not Penrith City Council.

2.0 Site Context and Locality

The site is located within the Penrith Panthers Precinct, Mulgoa Road, Penrith, which is situated approximately 1.5km south west of the Penrith City Centre.

The Panthers Penrith Precinct is approximately 68.1ha in area and is bound by Mulgoa Road to the east, aged care accommodation and residential to the north-east, Council's Carpenters site to the north, residential lots and Nepean River to the west and Jamison Road to the south.

The proposed development is located towards the eastern boundary of the Panthers Penrith Precinct, generally bound by Mulgoa Road to the east, Ransley Street/Retreat Drive to north, Panthers Link to the west and Panthers Place to the south.

The location of the site in this context is shown in Figure 1.



Figure 1: Location plan (Source: Google Maps)

The land uses currently within the Panthers Penrith Precinct include:

- Panthers Penrith Club and associated facilities;
- Hotel;
- Maintenance buildings;
- Fast food outlets and restaurants;
- iFly Indoor Skydiving Centre;

- Aquagolf driving range;
- NRL Academy and playing fields;
- Panthers Lake; and
- Extensive areas of open space and at-grade car parking.

The existing buildings within the Panthers Penrith Precinct are predominantly located on the eastern portion of the site. The northern boundary of the precinct is formed by Showground Creek. Most of the precinct is flat with the western half occupied by Panthers Lake and vacant grassed areas beneath the overhead transmission easement and Peach Tree Creek. The highest point of the precinct is at the location of the Panthers Penrith Club building. The lake and open space areas dominate the view west from the eastern part of the site, with distant views to the Blue Mountains escarpment.

The following land uses surround the Panthers Penrith Precinct:

- Vacant Council land known as the Carpenters site (situated immediately to the north);
- A retirement village and higher density residential is located north-east and abutting the site;
- The Penrith Showground and Stadium is situated directly to the east of the precinct across Mulgoa Road;
- Ski lakes and Cables Wake Park to the southwest; and
- Low density residential to the south across Jamison Road.

2.1 Site Description

The site is located at 83 Mulgoa Road, Penrith within the wider Panthers Penrith Precinct, and is legally described as Lot 2 DP 1216321.

The location of the site is shown in Figure 2 below.



Figure 2: Aerial view of site and locality (Source: SIX Maps)

The site has a total area of 18,463m². The site is approximately 227m in length north to south along Mulgoa Road and approximately 63m (north minimum) to 88m (south maximum) in depth between Mulgoa Road and Panthers Link.

A Survey Plan prepared by Matthew Freeburn Surveyors is included at Attachment 1.

The topography of the site is relatively flat, however there is an increase in height along Panthers Link, where the levels change from RL of approximately 27.00 within the at-grade car park to RL 29.00 along Panthers Link.

Site access is currently serviced by Panthers Link and Panthers Place. Retreat Drive and Panthers Place provide access to Mulgoa Road, with these key intersections providing access to the Panthers Penrith Precinct. Mulgoa Road is a State classified road and the major north/south artery linking Penrith to and from the M4 motorway to the Penrith CBD and northern suburbs of the Penrith LGA. The portion of Retreat Drive to the north is a public road. Panthers Link and the western half of Panthers Place are private roads. The remaining road infrastructure bounding the site is in public ownership, including Mulgoa Road, Retreat Drive and the eastern half of Panthers Link.

2.2 Existing Development on the Site

Existing development across the site comprises an at-grade car park for approximately 680 vehicles. The car park is owned and operated by Panthers Group used primarily for club customer parking. Vegetation across the site is minimal and generally comprises perimeter tree plantings around the existing at-grade car park.

Images of the site and existing structures are shown in Figures 3, 4 and 5.



Figure 3: View looking south west showing existing at-grade car park and Panthers Club and iFly centre to the west of the site (Source: Google Maps)



Figure 4: View of the subject site looking north (Source: Google Maps)



Figure 5: View of the subject site looking east (Source: Google Maps)

2.3 Surrounding Development and Land Uses

The land uses and development adjoining and surrounding the site are described below.

2.3.1 North

Immediately north of the site is a former at-grade car park providing vehicular parking for approximately 64 vehicles.

This site along with adjoining Lot 1 in DP 1064526 and Lot 1021 in DP 812335 has been recently approved (DA 17/0766) for a residential flat building development, accommodating 152 apartments, basement car parking, landscaping and associated public domain works.

Hoarding currently surrounds the site in preparation for site works in association with DA17/0766.



Figure 6: View of car park looking north west from intersection of Retreat Drive and Mulgoa Road

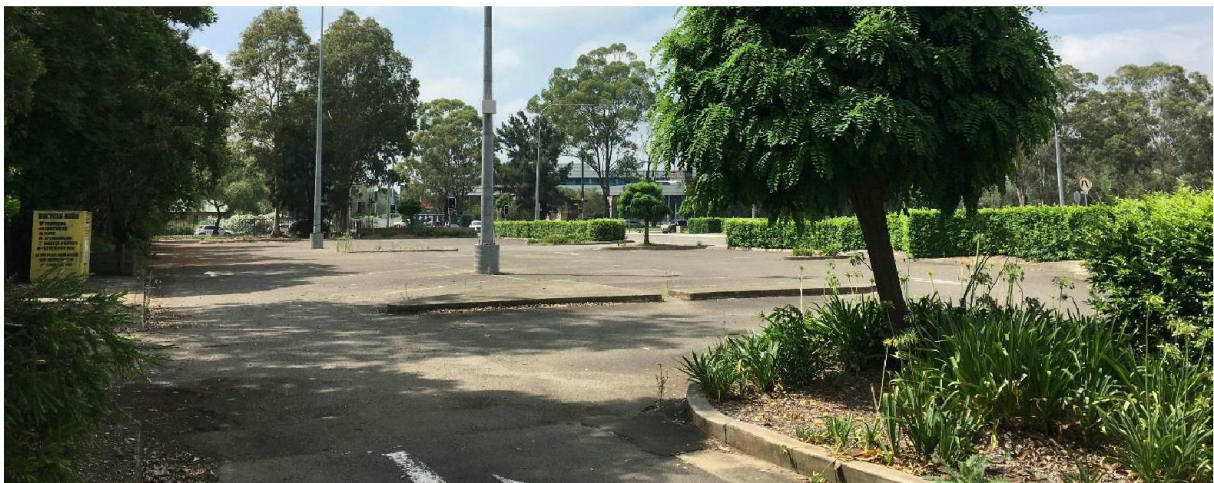


Figure 7: View of the car park looking south-east

2.3.2 East

Located to the east is Mulgoa Road, Penrith Stadium and adjacent playing fields.



Figure 8: View showing Mulgoa Road located to the east of the site (Source: Google Maps)



Figure 9: View showing Panthers Stadium and adjacent playing fields located east of the site (Source: Google Maps)

2.3.3 West

Located to the west is the iFly Downunder indoor skydiving centre, Panthers club and DA approved multi-deck car park and serviced apartment building (DA14/1111).



Figure 10: View looking west along Ransley Street showing multistorey car park

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Figure 11: View looking west of the site across Retreat Drive showing iFly indoor skydiving centre and Panthers Leagues club beyond (left)

2.3.4 South

Located to the south are food and drink premises, including McDonalds and Krispy Kreme restaurants, and associated car parking.



Figure 12: View looking south showing restaurants and associated car parking (Source: Google Maps)

3.0 Background

3.1 Pre-Development Application Consultation

3.1.1 Penrith City Council Urban Design Review Panel

An earlier iteration of the design for the proposed Concept Proposal was presented to Council's Urban Design Review Panel (UDRP) on 14 February 2018. A copy of the UDRP advice is provided with the package. Key items raised by the UDRP are outlined in Table 2. Since then the proposal has undergone detailed design development to ensure the development more appropriately responds to UDRP issues and the sites context.

UDRP Comment	Response/SEE Reference
Landscaping	
The front and side setbacks zones are critical to achieve necessary landscape treatment to the roadways, including sufficient deep soil zones to accommodate tall canopy planting / tree planting that will be lost from future indicated road widening.	Refer to Architectural Plans prepared by Turner Architects. Refer to Landscape Plans prepared by Oculus.
The location and number of suitable consolidated deep soil zones needs to be established to respond to the intended embellishment of the Central open space area.	Refer to Architectural Plans prepared by Turner Architects. Refer to Landscape Plans prepared by Oculus.
It needs to be demonstrated that the quantum of open space is consistent previous masterplan requirements.	Refer to Architectural Plans prepared by Turner Architects. Refer to Landscape Plans prepared by Oculus.
Design	
Built form markers at entry points to the development require activation at these corners	Refer to Architectural Plans prepared by Turner Architects. Refer to Design Statement prepared by Turner Architects.
The proposal does not provide sufficient setback of the basement to the front property boundary and the setbacks to Ransley Street and Panthers Parade.	Refer to Architectural Plans prepared by Turner Architects. Refer to Section 5.7.
Location of exhibition space sleeving the serviced apartments requires further explanation, including space that is isolated and disconnected.	Refer to Architectural Plans prepared by Turner Architects. Refer to Design Statement prepared by Turner Architects.
The upper floor car park decks require sleeving by serviced apartments or useable floor space.	Refer to Architectural Plans prepared by Turner Architects.

UDRP Comment	Response/SEE Reference
	Refer to Design Statement prepared by Turner Architects.
ADG compliance for cross ventilation for proposed serviced apartments.	This will be considered as part of subsequent stages of the development as part of a separate application.
Minor exceedance of maximum permissible height limit within Penrith LEP 2010. A 4.6 variation is required.	Refer to Clause 4.6 Variation to Height of Buildings Statement prepared by SJB Planning (Attachment 19).
	Refer to Section 5.5.3.
The indicated location of sub-stations fronting Mulgoa Road are not suitable and require relocation.	Refer to Architectural Plans prepared by Turner Architects.
	Refer to Design Statement prepared by Turner Architects.
	Refer to Landscape Plans prepared by Oculus.
Presence of port-cocheres for hotel and serviced apartments are discouraged as they compromise landscape opportunities, presentation to the street and force pedestrians off their most direct movement pathways.	Refer to Architectural Plans prepared by Turner Architects.
	Refer to Design Statement prepared by Turner Architects.
Vehicle Access and Servicing	
Location of the loading dock on Ransley Street and Panthers Place is at odds with the design intent to provide built form markers at the entry into the development.	Refer to Architectural Plans prepared by Turner Architects.
	Refer to Design Statement prepared by Turner Architects.
	Refer to Traffic and Parking Impact Assessment prepared by GHD.
The descending and ascending ramps within Retreat Drive (in front of the club) are not suitable and conflict with the opportunities for this space being a pedestrian friendly environment.	Refer to Architectural Plans prepared by Turner Architects.
	Refer to Design Statement prepared by Turner Architects.
Ramp access should descend underneath the built form at 90 degrees to reduce prominence of the ramps and remove potential conflicts.	Refer to Traffic and Parking Impact Assessment prepared by GHD.

Table 2:UDRP Comments

3.2 Staged DA Concept Proposal and Stage 1 Approval

The Staged DA including both Concept Proposal and Stage 1 (DA18/0340) was approved by the SWPP on 27 August 2018 and the consent notice issued by Council on 6 September 2018. It described the development as:

Concept Proposal for Function Centre, Hotel, Retail Premises & Serviced Apartments & Stage 1 Proposal for Function Centre (Western Sydney Community & Conference Centre), Basement & Surface Car Parking, Public Domain Works & Associated Stormwater Drainage, Utility & Landscaping Works.

The Concept Proposal provides approval for:

- Land uses including Function Centre, Hotel, Retail Premises & Serviced Apartments;
- An indicative Gross Floor Area (GFA) of 27,755m²;
- Basement car parking with capacity for approximately 524 vehicles;
- Above ground car parking with capacity for approximately 149 vehicles;
- Vehicular access for car parking from Panthers Link;
- Service vehicular access from Retreat Drive and Panthers Place;
- Building massing envelopes and heights resulting in two (2) buildings varying between two (2) and six (6) storeys;
- Staging of the development across three (3) stages; and
- Public access, infrastructure and servicing.

The Staged DA Concept Approval did not approve any works as this was dealt with under the Stage 1 approval, and will be dealt with under subsequent staged applications.

Stage 1 provides consent for the first stage, this being WSCCC, Basement and Surface Car Parking, Public Domain Works and Associated Stormwater Drainage, Utility and Landscaping Works. Stage 1 was approved concurrently with the Concept Proposal.

3.3 Stage 2 DA and Modifications to Stage DA

To ensure the Stage 2 DA and the Staged DA are not inconsistent, a Section 4.55(1A) modification is being lodged concurrently with the Stage 2 DA to modify the Concept Proposal. The required modifications to the Staged DA, arising from the Stage 2 DA are identified and include additional building envelope at roof level to accommodate areas for roof plant, lift and stair overrun, as well as visual and acoustic screening.

4.0 Proposed Development

4.1 Development Description

This SEE has been prepared in support of a Stage 2 DA which seeks approval for:

- A multi-storey building ranging from two (2) to six (6) storeys in height, with retail and hotel uses at ground level, and hotel uses at above levels;
- Change of use of approved ground level conference exhibition space (140.88m²) to retail space;
- Amendments to approved Stage 1 WSCCC (DA18/0340) to account for design requirements as per Notice of Determination dated 6 September 2018 and proposed Stage 2 works;
- 190 hotel rooms, associated hotel facilities and 140.88m² of retail space;
- Basement car parking with vehicle access from Panthers Link; and
- Site preparations works, including excavation.

The proposal is detailed in the Architectural Design Package prepared by Turner Architects included at Attachment 2.

The proposed development is described in more detail in the following sections. An extract of the visualisations included in the architectural package are provided in Figures 13, 14 and 15 below.



Figure 13: Extract of visualisation from architectural drawing package - east view from Panthers Link



Figure 14: Extract of visualisation from architectural drawing package – north view from Mulgoa Road



Figure 15: Extract of visualisation from architectural drawing package – west view from Mulgoa Road and Ransley Street intersection

4.2 Development Statistics

The key statistics for the proposal are summarised in Table 3 below.

Element	Existing (Stage 1 – DA18/0340)	Proposal
Site Area	21,090m ²	21,090m ²
Gross Floor Area (GFA)	4,419m ²	12,020m ²
Floor Space Ratio (FSR)	0.62:1	0.81:1
Building Height	Two (2) storeys 9.7m / RL 36.9 (top of parapet) 12.2m / RL 39.3 (top of services)	Six (6) storeys 24.65m / RL 51.750 (top of parapet) 27.05m / RL 54.050 (top of services)
Hotel Rooms	Nil	190
Open space	12,210m ² (57% site area)	15,367m ² (73% site area)
Deep Soil	3,939m ² (18.6% of the site area)	4,329m ² (21% of the site area)
Car Parking		
- Conference Centre	286	286
- Community Centre	80	50
- Exhibition Space (Retail)	2	2
- Club Parking	160	Nil
- Hotel	Nil	157
Bicycle Parking	31 spaces	12 spaces

Table 3: Key Development Statistics

4.3 Land Use Mix

The proposal seeks consent for a mix of uses comprising:

- Retail premises; and
- Hotel.

Retail Premises

The approval for Stage 1 WSCC incorporated an area of 140.88m² as exhibition space, provided in association within the conference centre, at the corner of Mulgoa Road and Ransley Street. The inclusion of this use at this location was provided to assist in improving the presentation of the development and activating this prominent street corner, in line with the DCP.

As part of this Stage 2 proposal, this exhibition space is proposed to be changed to retail premises, compliant with the flexible arrangement for land use allocations in this location under the Concept Proposal.

Hotel

The hotel will be located across ground floor level, as well as Levels 1 to 6. The hotel will have a gross floor area of approximately 12,020m².

The hotel will extend across the ground floor to include hotel lobby, reception, back of house areas. First floor will include bar, dining and kitchen areas, which Levels 2 to 6 will incorporate hotel rooms, while Level 6 will also include fitness centre, lounge and pool area.

The hotel will be accessible from ground level via an entrance to a pedestrian forecourt accessible from Panthers Link. This forecourt will adjoin a new drop-off zone for vehicles.

4.4 Built Form and Siting

The proposal involves the modification of the approved WSCCC to include a hotel forming the second stage of development across the site. Specifically, the proposed hotel amends the approved building envelope at ground and first floor level, as well as including a tower form above up to Level 6 between Levels 3 and 6. Proposed land uses, as well as built form will align with the building envelope shown in the Concept Proposal (with the exception of roof top plant). This building is referred to as Building A.

This building will be located within the northern portion of the site, with key frontage to Panthers Link and landscaped open space located within the centre of the site. The general location and siting of the proposed building is described as follows: Building A is located on Lot 2 in DP 1216321, being 83 Mulgoa Road, Penrith. Building A has three (3) street frontages, Mulgoa Road to the east, Retreat Drive to the north and Panthers Link to the west. Building A is adjacent to a future building to be located to the south and will be separated by landscaped open space. Given its prominent location along Mulgoa Road, Building A will address both landscaped frontages and Mulgoa Road.

The proposal seeks consent for a maximum permissible building height of 27.80m.

4.5 External Material and Finishes

Details of the external materials and finishes are included in the architectural drawing package prepared by Turner Architects (included in the DA package).

4.6 Tree Removal

The large stand of trees along Mulgoa Road will remain until such time that they are required for removal as part of the road widening requirements to Mulgoa Road. This will be dealt with in accordance with works triggered under the revised Road Works VPA.

4.7 Landscaping and Open Space

Landscaping

The proposed landscaping is detailed in the Landscaping Plans prepared by Oculus (included in the DA package).

The proposed development will incorporate a number of landscaped treatments and spaces across the site that will take the form of formal public domain spaces and less formal landscaped gardens. Key landscaped spaces are shown in the Landscape Plans included in the DA package.

4.8 Pedestrian Public Access

As part of the approved concept proposal and Stage 1 WSCCC scheme, opportunities are created to increase accessibility and permeability throughout and around the edges of the site. This is achieved through active streets and spaces that connect existing streets, buildings and destinations.

This Stage 2 DA seeks to further embellish these design outcomes by providing for a finer pedestrian and landscaping grain across the site in response to the proposed works. This will create and formalise

pedestrian links along Ransley Street and Panthers Link where the approved building under DA18/0340 is modified to include the hotel.

Consistent with this concept proposal, this Stage 2 DA will improve pedestrian links around the perimeter of the site as well as through the centre of the site with part embellishment of this space along the interface with the hotel and approved WSCCC.

4.9 Public Domain Works

Works within the public domain will include:

- The provision of a vehicle crossing on Panthers Link to facilitate access to hotel drop-off zone;
- Drainage and services works; and
- Planting, pedestrian and cycle paths to Ransley Street and Panthers Link.

4.9.1 Parking, Vehicular Access and Servicing

Details of parking and vehicular access are provided in the architectural drawings, and the Traffic and Parking Assessment prepared by GHD included at Attachment 6.

Car Parking

Use	Existing (Stage 1 – DA18/0340)	Proposed
Hotel	Nil	157
Retail	2	2
Conference Centre	286	286
Community Centre	80	50
Club	160	Nil

Table 4: Breakdown of Car Parking

Bicycle Parking

Use	Existing (Stage 1 – DA18/0340)	Proposed
Conference Centre (incorporating community facility)	31 - 3 staff - 28 visitor (within public domain)	Nil
Hotel / Retail Premises	Nil	12 - 6 staff - 6 visitor (within public domain)

Table 5: Breakdown of bicycle parking

Loading / Servicing

The proposal will utilise the existing approved loading area under Stage 1 for waste collection and servicing. In accordance with Council requirements as part of the Stage 1 assessment and determination, the following requirements have been accounted for as part of the Stage 2 proposal:

- Swept path analysis indicating movements for a HRV for the loading bay and turntable area;
- A minimum of 40m² for waste management and storage areas for the storage of 1100L bins; and

- Bunded waste bin cleaning/wash area.

The proposed waste collection arrangements will incorporate the above requirements as detailed in architectural plans prepared by Turner Architects (Attachment 2) and the Waste Management Plan included at Attachment 12.

Vehicular Access

The proposal will utilise the existing approved vehicular access location and arrangements for basement parking under Stage 1. The Stage 2 proposal will include an additional vehicle access point along Panthers Link to facilitate access to a hotel drop-off zone. This will allow vehicles to access the hotel and move between Panthers Link and driveway for basement car park without disrupting vehicular access associated with the approved WSCCC under Stage 1.

4.9.2 Accessibility

The Access Design Assessment Report, prepared by Design Confidence included at Attachment 7 within the DA package, provides an assessment of the accessibility of the proposal in accordance with the relevant provisions. Further, the BCA Capability Report prepared by Vic Lilli & Partners included at Attachment 8 within the DA package, provides an assessment of the accessibility of the proposal in accordance with the relevant provisions of the Building Code of Australia.

4.10 Building Code of Australia (BCA)

A BCA Capability Report has been prepared for the proposed Stage 2 development by Vic Lilli & Partners Consulting Pty Ltd (refer to Attachment 8).

The BCA Capability Report concludes that the proposed development is capable of achieving compliance with the requirements of the Building Code of Australia (BCA) 2016 and relevant adopted standards without undue modification to the design or appearance of the building.

4.11 Excavation and Remediation

As part of the Stage 1 WSCCC approval, consent was sought for excavation. The proposed extent of excavation across the site is indicative of the proposed building envelopes and incorporates amendments to the approved WSCCC basement level for parking, plant and services. Refer to Civil Engineering Drawings prepared by Wood & Grieve Engineers (refer to Attachment 4) and Architectural Plans prepared by Turner Architects (refer to Attachment 2). Refer also to the geotechnical assessment provided as part of the Stage 1 Contamination Assessment prepared by Ground Technology (refer to Attachment 9).

4.12 Bulk Earthworks

Bulk earthworks, road and drainage works are proposed to facilitate level building platforms for the proposal.

The Stage 1 approval for the WSCCC captured a significant portion of bulk earthworks required across the site. Additional works will be undertaken in accordance with this Stage 2 proposal.

Wood & Grieve Engineers have prepared a general arrangement plan for drainage as part of the Civil Drawings (refer to Attachment 4).

4.13 Infrastructure

A Utility Servicing Report prepared by J. Wyndham Prince (refer to Attachment 10) provides an assessment of existing services and infrastructure across the site, concluding that the site can be relatively easily serviced due to the availability and closeness of existing utility services.

4.14 Waste Management

A Waste Management Plan (WMP) has been prepared by Elephants Foot Recycling Solutions and is provided at Attachment 12. The WMP details the operational phase of the development, including proposed hotel and retail uses together with the approved WSCCC uses.

4.15 Demolition Works

Demolition of all existing structures across the site, including the existing at-grade car park, was approved under Stage 1 (DA18/0340).

Demolition works are to be undertaken in accordance with the provisions of Australian Standard AS 2601-1991.

4.16 Stormwater Management

Stormwater management for the site is detailed in the Stormwater Management Report (Attachment 5) and Civil Engineering Drawings prepared by Wood & Grieve Engineers (Attachment 4).

4.17 Sustainability

The proposed development will be underpinned by sustainable design interventions situated within a functional landscape setting. The proposal will reinforce the already sustainable practices incorporated into the Stage 1 WSCCC. The landscape response has been informed by the site's orientation, solar access and surrounding developments.

In addition to a spatial response, where possible, the use of locally sourced materials, intelligent infrastructure and increased opportunities for deep soil planting has been incorporated to reduce the project's impact on the environment, showcase the project approach to sustainability and create an enduring public domain.

An Ecologically Sustainable Development Sustainability Report has been prepared by Wood and Grieve Engineers and is provided at Attachment 13.

4.18 Public Art

A Public Art Strategy has been developed by Site Image for the Panthers Penrith Precinct (refer to Attachment 14). This strategy is complemented by the Public Domain Report also prepared by Site Image (refer to Attachment 15).

The Public Domain Report and Public Art Strategy do not specifically detail public art as a requirement for being incorporated into the proposed WSCCC and hotel. It does however require public art at its interface with the surrounding public domain, nominating the central open space as a preferred location with a culturally significant theme.

Opportunities are provided for the inclusion of public art, as detailed in the Landscape Plans prepared by Oculus at Attachment 3. This includes an iconic wayfinding art piece located at the corner of Mulgoa Road and Ransley Street.

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.

4.19 Cost of Works

The cost of works for the Stage 2 development is detailed in the Quantity Surveyors Cost Estimate prepared by Napier and Blakeley (Attachment 26).

4.20 Proposed Modifications of Development Consent No. DA18/0340

Any approval of this DA needs to operate in conjunction with Development Consent No. 18/0340, which approved works for the Western Sydney Community and Conference Centre (WSCCC). In this regard, the relevant condition(s) in Development Consent No. 18/0340 is proposed to be modified to ensure that the consents are integrated, and can operate effectively.

Stage 2 will seek to make the following modifications to the Stage 1 WSCCC approval:

- Introduction of Hotel as new land use, incorporating 190 hotel rooms and associated facilities;
- Change of use of approved ground level conference/exhibition space (140.88m²) to retail premises;
- Modification to the Stage 1 building envelope to accommodate hotel as part of a multi-storey building ranging in height from two (2) to six (6) storeys;
- Basement car parking with vehicle access from Panthers Link; and
- Design modifications in accordance with condition 2 of Notice of Determination for DA18/0340, including provision for parent's room, deep soil planting and end of trip facilities; and
- Amendments to public domain and landscaping.

The modification of Development Consent No. 18/0340 by the current DA is possible in accordance with the provisions of Section 4.17(1)(b) and Section 4.17(5) of the *EP&A Act 1979*, and Clause 97 of the *EP&A Regulation 2000*. The relevant sections and clauses are as follows:

EP&A Act 1979: Section 4.17(1) – Imposition of Conditions

“(1) Conditions—generally

A condition of development consent may be imposed if:

- (a) it relates to any matter referred to in section 4.15 (1) of relevance to the development the subject of the consent, or*
- (b) it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates, or*
- (c) it requires the modification or cessation of development (including the removal of buildings and works used in connection with that development) carried out on land (whether or not being land to which the development application relates), or ...”*

EP&A Act 1979 - Section 4.17(5)

“(5) Modification or surrender of consents or existing use rights

If a consent authority imposes (as referred to in subsection (1) (b)) a condition requiring the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11, the consent or right may be modified or surrendered subject to and in accordance with the regulations.”

EP&A Regulation 2000: Clause 97 - Modification or surrender of development consent or existing use right

- “(1) A notice of modification or surrender of a development consent or existing use right, as referred to in section 4.17 (5) of the Act, must include the following information:*
- (a) the name and address of the person by whom the notice is given,*
 - (b) the address, and formal particulars of title, of the land to which the consent or right relates,*
 - (c) a description of the development consent or existing use right to be modified or surrendered,*
 - (d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered,*
 - (e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.*
- (2) A duly signed and delivered notice of modification or surrender of a development consent or existing use right referred to in subclause (1):*
- (a) takes effect when it is received by the consent authority, and*
 - (b) operates, according to its terms, to modify or surrender the development consent or existing use right to which it relates.”*

The above provisions therefore allow for conditions to be imposed in the development consent for the current DA to modify, by notice, Development Consent No. 18/0340, where the merits are considered as part of the application.

Accordingly, we recommend the imposition of a condition requiring the modification of Development Consent No. 18/0340. The condition of consent should outline the following modifications to Development Consent No. 18/0340 and also outline a requirement for a “Notice of Modification” to be signed and delivered to Council in accordance with the provisions of Section 4.17(1)(b) and Section 4.17(5) of the EP&A Act 1979, and Clause 97 the EP&A Regulation 2000.

The proposed modifications to Development Consent No. 18/0340 resulting from the consideration of this application is to undertake Stage 2 (hotel and retail premises) to the approved Stage 1 WSCCC are as follows:

Condition 1

Modify condition 1 by replacing it with the following condition:

“(1) Approved Development

The development shall take place in accordance with the approved development plans containing Council’s approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

In addition, the development shall be carried out in conjunction with and subject to the conditions of Development Consent No. 18/0340.

The development of this consent relates to works to an existing approved building (i.e. the WSCCC) to create a six (6) storey hotel building over basement carparking; change of use of part ground floor from conference/exhibition space to retail premises, public domain, landscaping and associated works. Development relating to the WSCCC shall be carried out in accordance with the conditions and approved plans and documents of Development Consent No. 180340, unless modified by this application.”

The draft form for a “Notice of Modification” has been provided at Attachment 16.

5.0 Statutory Assessment

5.1 Section 4.15

Section 4.15 of the *EP&A Act 1979* sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

“(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

The matters for consideration identified in S4.15(1)(a) of the *EP&A Act 1979* are addressed in the following section. Subsections (b) to (e) of S4.15(1) of the *EP&A Act 1979* are addressed in Section 5 of this SEE.

5.2 Overview of Statutory and Policy Controls

The EPIs and other statutory planning documents and policies which are relevant to the assessment of the proposed development pursuant to S4.15(1)(a) are identified below.

5.2.1 *Environmental Planning and Assessment Act 1979*

- Part 2, Division 2.4 Sydney district and regional planning panels
- Part 4, Division 4.3 Development that needs consent (except complying development)
- Part 4, Division 4.8 Integrated development

5.2.2 State Environmental Planning Policies

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy No.55 – Site Remediation (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan 20 - Hawkesbury Nepean River
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP) 2017

5.2.3 Local Environmental Plans

- Penrith Local Environmental Plan (PLEP) 2010

5.2.4 Proposed Environmental Planning Instruments

- Draft SEPP (Environment)

5.2.5 Development Control Plans

- Penrith Development Control Plan (PDCP) 2014

5.2.6 Policies

- Nil

5.2.7 Provisions of any planning agreement

- Planning Agreement Road Works

5.3 Environmental Planning and Assessment (EP&A) Act 1979

5.3.1 Part 2, Division 2.4 Sydney district and regional planning panels

Under Section 2.12, Division 2.4 of Part 2 of the *EP&A Act 1979*, the Sydney Western City Planning Panel (SWCPP) are nominated as the consent authority for certain types of development listed in Schedule 7 of SEPP (SRD) 2011.

Development that has a Capital Investment Value (CIV) over \$30 million is identified in Schedule 7 of SEPP (SRD) 2011. The development comprising Stages 1, 2 and 3 will have a CIV of over \$30,000,000. Accordingly, the Sydney Western City Planning Panel is the consent authority for this application.

5.3.2 Part 4, Division 4.3 Development that needs consent (except complying development)

The Staged 2 DA will seek to amend the Stage 1 Western Sydney Community and Conference Centre (WSCCC) approval (DA18/0340) by way of Section 4.17(1)(b) and Section 4.17(5) of the *Environmental Planning and Assessment Act (EP&A) Act 1979* and Clause 97 of the Environmental Planning and Assessment (EP&A) Regulation 2000.

5.3.3 Part 4, Division 4.8 Integrated development

Section 4.48 of the *EP&A Act 1979* identifies certain types of development that require approvals under other legislation. Having regard to Section 4.46, the development proposal is not considered to be integrated development.

5.4 Provision of Relevant Environmental Planning Instruments

5.4.1 State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

As the proposal has a CIV exceeding \$30 million and is development identified in schedule 7 of the SRD SEPP, it is deemed to be regional development in accordance with Part 4 of the SRD SEPP.

As such, the specified consent authority functions for the application, including the determination of the application, are exercised by the relevant planning panel and not Penrith City Council.

A copy of the CIV Report is provided with the DA package.

5.4.2 State Environmental Planning Policy (Infrastructure) (ISEPP) 2007

ISEPP 2007 provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The aim of the policy is:

- “(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.”*

The SEPP applies to the State and therefore applies to the subject site.

The SEPP is divided into three (3) parts being preliminary, general and development controls.

Development Controls in Part 3 are divided into 25 use based divisions. Each of the divisions have been considered and the proposal is subject to the following:

- Clause 101 - Development with frontage to a classified road; and
- Clause 104 – Traffic Generating Development.

Clause 101 – Development with Frontage to a Classified Road

Objectives of this clause include:

- (a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

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 CAFE 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 – Traffic Generating Development

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.

In addition to taking into consideration any comments provided by the RMS, Clause 104 of the iSEPP requires Council to take into consideration:

- (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

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 WSCCC prior to the issue of an Occupation Certificate.

Each of the other divisions of the SEPP have been considered and are not of relevance to the proposal.

5.4.3 State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55)

SEPP 55 applies to all land in the State and prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Clause 7 of SEPP 55 provides the following:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

A Stage 1 Contamination Assessment has been undertaken by Ground Technologies and is provided in the DA package. The assessment concludes the site is suitable for the proposed uses and that no remediation is required.

Further, in accordance with SEPP 55, assessment of the Stage 1 Contamination Report was undertaken by Council in relation to the Stage 1 WSCCC proposal. This assessment concluded that:

“...the development application has been reviewed against the matters for consideration under Clause 7 of State Environmental Planning Policy No. 55 – Remediation of and is considered to be acceptable for the uses proposed, subject to standard conditions of consent related to unexpected finds and importation and disposal of fill.”

Similar conditions of consent are expected to be imposed on any future determination with regards to this Stage 2 proposal.

5.4.4 State Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No. 2 – 1997)

SREP 20 integrates planning with catchment management to protect the river system. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney Region (except for land covered by State Regional Environmental Plan No. 11 – Penrith Lakes Scheme (SREP 11)) and includes the Penrith LGA.

The proposed subdivision will facilitate future planned urban development consistent with PLEP 2010 and PDOP 2011. The proposal is therefore consistent with the aim of SREP 20. Part 2, Clause 4 requires Council to consider the general planning considerations (Clause 5) and specific planning policies and related recommended strategies (Clause 6) which may be applicable to the proposed development. The proposal is considered consistent with Part 2 on the basis of the following:

- It is generally consistent with the management of the catchment;
- Does not adversely encroach upon environmentally sensitive land;
- Will have no significant impact on water quality and quantity;
- Will have no significant impact on flora and fauna;
- Does not affect the landscape character qualities of the area;
- Does not affect agriculture/aquaculture and fishing;
- Is consistent with the local planning regime for urban development;
- Maintains the recreational and tourism values of the site; and
- Is consistent with the Metropolitan Strategy.

In view of the above, the proposed development is consistent with the provisions of SREP 20.

5.4.5 State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

As the proposal has a CIV exceeding \$30 million and is development identified in Schedule 7 of the SRD SEPP, it is deemed to be regional development in accordance with Part 4 of the SRD SEPP.

As such, the specified consent authority functions for the application, including the determination of the application, are exercised by the relevant planning panel and not Penrith City Council.

5.4.6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP) 2017

Vegetation SEPP 2017 applies to land in the Penrith LGA that is zoned SP3 Tourist, RE1 Public Recreation, and RE2 Private Recreation, and therefore applies to the subject site.

Clause 7 of the Vegetation SEPP details the clearing of vegetation in non-rural areas that requires authority. An extract of clause 7 is provided as follows.

- “(1) A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.*
- (2) A person must not clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval of the Native Vegetation Panel under Part 4. This subclause does not apply to clearing on biodiversity certified land under Part 8 of the Biodiversity Conservation Act 2016.*
- (3) Clearing of vegetation is not authorised as referred to in this clause unless the conditions to which the authorisation is subject are complied with. This subclause extends to conditions that impose obligations on the person who clears the vegetation that are required to be complied with before or after the clearing is carried out.*
- (4) This clause is subject to clause 8.”*

In accordance with Part 3 of the Vegetation SEPP, Council may issue a permit for clearing of vegetation. Part 3 of the SEPP applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.

PDCP 2014, Section 2.1 Preservation of Trees and Vegetation of Part C2 Vegetation Management prescribes details for development consent where tree removal is proposed. The details of these requirements are set out below.

- “1. Development Consent*
 - a) In accordance with Clause 5.9 of Penrith LEP 2010, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation which is prescribed by this Plan without development consent, or a permit granted by Council. The terms ‘ringbark’, ‘top’ and ‘lop’ are defined in Appendix F1 - Definitions.*
- 2. Prescribed Vegetation*
 - c) Where vegetation works (including tree removal) are proposed as part of other works on the site for which consent is required, the works then must be assessed as part of the Development Application.”*

Existing vegetation across the site is minimal, however, vegetation is proposed to be removed. This generally relates to ornamental trees around the perimeter of the site within hardstand areas (i.e. car park). The removal of native existing vegetation along Mulgoa Road is also expected to be removed as an outcome of RMS road widening requirements, in accordance with the revised VPA currently being prepared. As such, the SEPP applies. Accordingly, development consent is sought for the removal of trees across the site in association with proposed works.

5.4.7 Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)

The NSW government has been working towards developing a new SEPP for the protection and management of the natural environment. This is a consolidated SEPP that replaces relevant provisions contained in seven (7) different SEPPs, listed below:

- State Environmental Planning Policy No. 19 - Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
- State Environmental Planning Policy No. 50 - Canal Estate Development (SEPP 50);
- Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment;
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No.2-1997) (SREP 20);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) (SREP (Sydney Harbour)) 2005; and

- Willandra Lakes Regional Environmental Plan No. 1 - World Heritage Property.

The SEPP proposes to deliver consolidated heads of consideration for assessment of DAs that will continue to protect Sydney Harbour Catchment, Hawkesbury-Nepean River Catchment, and Georges River Catchment.

There is also some duplication between SREP 20 and the Standard Instrument local environmental plans, Ministerial Directions, and other SEPPs which now apply in the catchments. Provisions in SREP 20 that are now satisfactorily addressed in other legislation or planning instruments can be repealed without impacting on the protections of the catchment. Provisions to be repealed include Clause 11 (4) - Remediation of contaminated land.

It is not anticipated that any further considerations would arise from the draft SEPP (Environment) further to what has already.

5.5 Penrith Local Environmental Plan 2010

5.5.1 Land Use and Permissibility

The site is located within the SP3 Tourist zone under PLEP 2010 as illustrated in the extract of the Land Zoning Map in Figure 16.

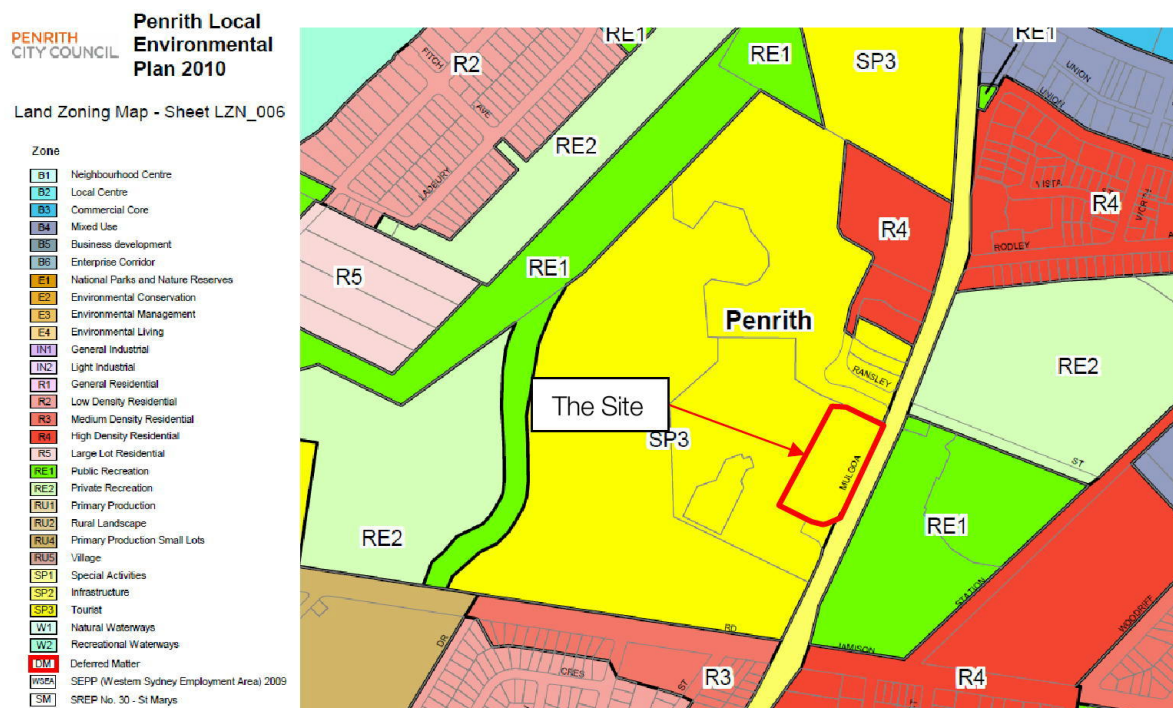


Figure 16: Extract of PLEP 2010 Zoning Map

The proposed development would be categorised as a combination of the following uses:

- Car parks; and
- Tourist and visitor accommodation (hotel accommodation).

Clause 2.3(2) requires the consent authority to have regard to the zone objectives in the consideration of a Development Application. The proposal is consistent with the objectives of the SP3 Tourist zone as detailed in Table 6.

Objective	Comment
<i>To provide for a variety of tourist-oriented development and related uses.</i>	<p>The development will establish uses across the site that assist in strengthening the Panthers Precinct as a destination for entertainment, events and leisure. Proposed uses will complement and support existing tourist-orientated development within the Precinct.</p> <p>The proposed works also include recreational opportunities with the construction of new open space.</p>
<i>To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith.</i>	<p>The provision for and proposed range of land uses, as well as their design and setting within the existing and proposed landscape, will provide for a revitalised and vibrant precinct that will strengthen the role of Penrith as a tourism destination.</p> <p>Specifically, the Stage 2 proposal will provide for a hotel as a form of tourist and visitor accommodation.</p>
<i>To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.</i>	<p>The proposed development will be of an appropriate scale that will ensure important views to and from the Nepean River and Blue Mountains escarpment are retained and enhanced.</p> <p>The proposal will also provide new connections to the Penrith City Centre and Nepean River with increased permeability throughout the site. The finer ground plane and pedestrian linkages will improve accessibility and encourage walking.</p>

Table 6: SP3 Tourist Zone Objectives Assessment Table

It is evident from the analysis of the objectives of the SP3 Tourist zone that the proposed development meets the objectives of the zones.

5.5.2 Additional Permitted Uses

Clause 2.5 and accompanying Schedule 1 includes the site, identified as “21” on the Additional Permitted Uses Map (refer Figure 17).

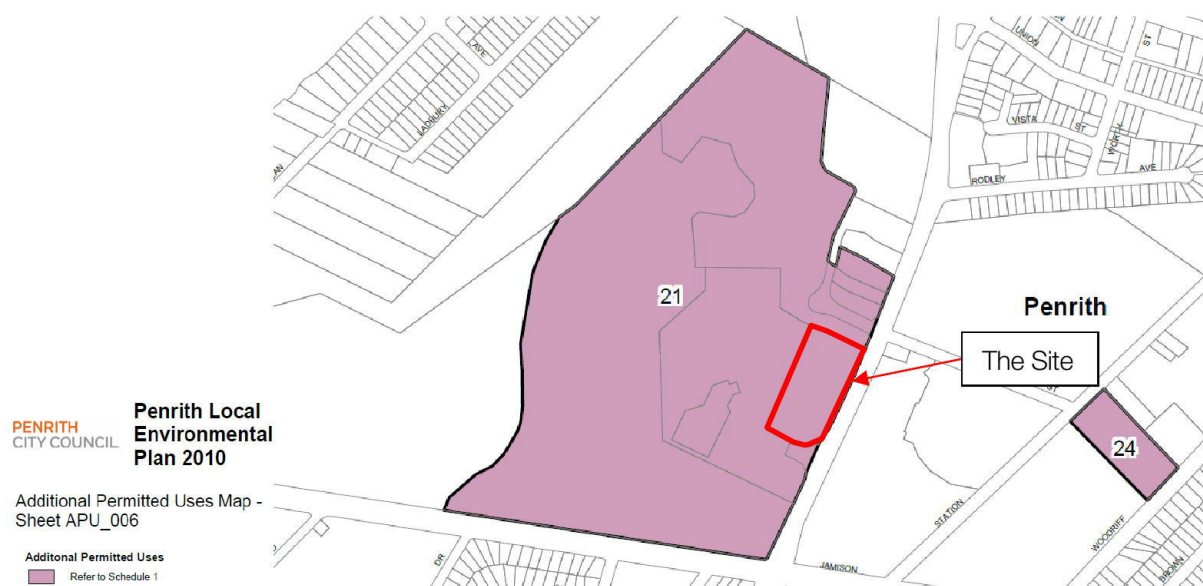


Figure 17: Extract of PLEP 2010 Additional Permitted Uses Map

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Details of Schedule 1 are shown below:

"22 Use of certain land at 65, 73, 83, 109 and 123–135 Mulgoa Road and Lot 1 Retreat Road, Penrith

(1) *This clause applies to those parts of the following land that are in Zone SP3 Tourist at Penrith and that are identified as "21" on the Additional Permitted Uses Map:*

- (a) 65 Mulgoa Road, being Lot 1021, DP 812335,
- (b) 73 Mulgoa Road, being Lot 1, DP 1043008,
- (c) 83 and 109 Mulgoa Road, being Lots 151 and 152, DP 863625,
- (d) 123–135 Mulgoa Road, being Lot Part Lot 13, DP 710086,
- (e) Lot 1 Retreat Road, being Lot 1, DP 1064526.

(2) *Development for the purposes of multi dwelling housing, office premises, residential flat buildings, retail premises and seniors housing is permitted with development consent."*

In accordance with this clause, retail premises are permissible with development consent.

5.5.3 Height of Buildings (Clause 4.3)

Clause 4.3 of PLEP 2010 establishes a 24m maximum building height for the site, as illustrated in the extract of the Height of Buildings Map included in Figure 18.

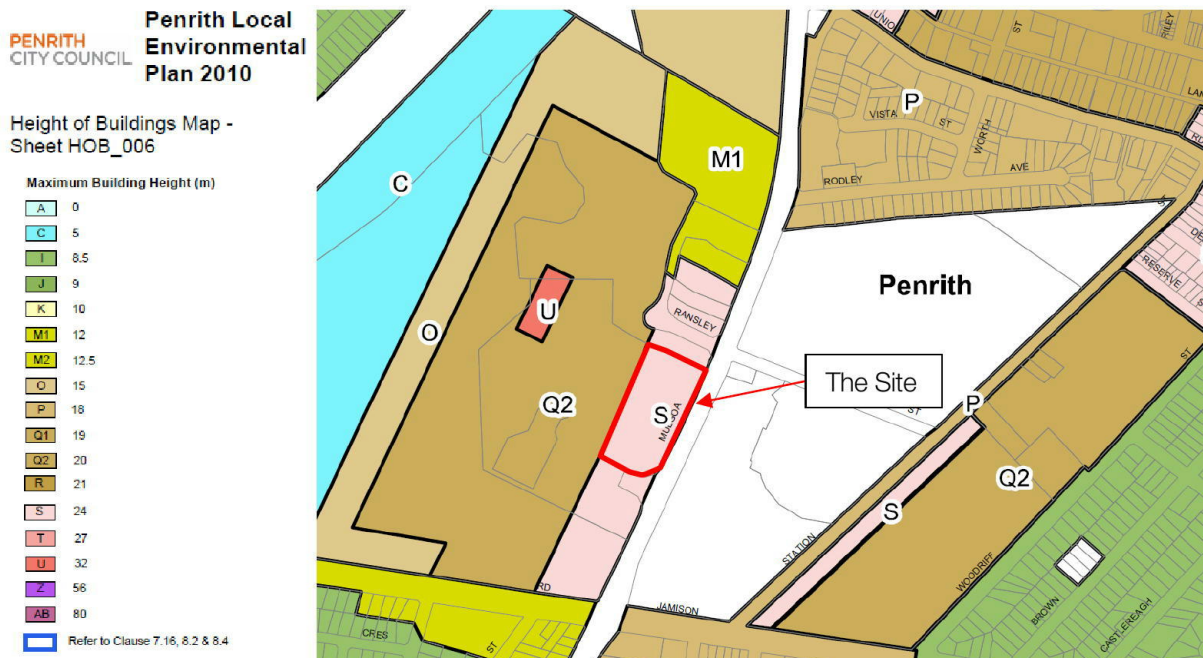


Figure 18: Extract of PLEP 2010 Height of Buildings Map

The height of the proposed development is described in Table 7.

The proposed building envelopes detailed within the concept proposal will exceed the maximum permissible building height of 24m. This exceedance is created due to increased floor to ceiling heights, the presence of lift overrun and services and is described in Table 7.

Proposed Building	Control (m)	Approved Concept Proposal Height	Proposed Height (RL)	Proposed Height (m above ground)	Variation	Compliance
Stage 2						
<i>Building A Hotel</i>	24m	RL50.980 24m (top of parapet)	RL 51.750 (top of parapet)	24.61 – 24.65m (top of parapet)	0.61-0.65m (2.5%-2.7%)	No
			RL 54.050 (top of services)	26.76 – 27.05m (top of services)	2.76-3.05m (11.5%- 12.7%)	No

Table 7: Height of proposed buildings for Concept Proposal and Stage 2

Architectural plans prepared by Turner Architects in support of the Stage 2 proposal (included with the DA package), demonstrate the degree of non-compliance with the relevant height controls which, at the same time, identify the degree that the proposal is below the height controls for other portions of the buildings.

It is evident from Table 7 that the development proposal seeks to vary the existing height controls of PLEP 2010.



Figure 19: Mulgoa Road – South Est Elevation



Figure 20: Panthers Link – North West Elevation



Figure 21: Ransley Street – North East Elevation

The proposal responds to the desired character of the locality and substantially complies with the height control standard. The exceedance in the height control is attributed to a limited number of roof-top structures, including the lift and stair overruns, plant as well as visual and acoustic screening. These structures being centrally located, will affect a small area of the roof and overall building. For those portions of the building exceeding the control, a Clause 4.6 Variation has been prepared and is included in the DA package (Attachment 19).

The resultant heights are based on:

- A distribution of height to allow for increased opportunities for land use mix across the site;
- Heights of buildings more compatible with the emerging character and scale of the Panthers Penrith Precinct;
- A density of development that will support the proposed and existing land use offerings within the Panthers Precinct and contribute to the vibrancy of the wider Penrith city area;
- Achieving a balance between respecting and maintaining the visual prominence of the Blue Mountains and the framing of those views;
- Enabling the site to deliver an activated ground plane and strong urban planning outcomes; and
- Road widening constraints.

The proposal is consistent with the objectives of the height standard outlined in subclause 4.3(1), as detailed in Table 8.

Objective	Comment
(a) <i>To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	The site is within the Panthers Precinct and is an appropriate location for increased height.
(b) <i>To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes.</i>	<p>The areas of increased height have been sited to respect the public domain and views to blue mountains and across the site to Panthers Stadium, as well as maintaining adequate daylight to key areas of public domain.</p> <p>The minor exceedance of the height controls does not result in any direct impacts to adjoining properties.</p>
(c) <i>To minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance.</i>	The proposed heights do not impact on heritage items or conservation areas.

Objective	Comment
	The areas of increased height are minor and are sited within the centre of proposed building envelopes, eliminating their impact on established view corridors through the site and beyond.
(d) <i>To nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.</i>	<p>The proposal responds to the desired character of the precinct and substantially complies with the height standards.</p> <p>The proposal provides a transition in scale from surrounding development, having regard to a range of existing and proposed buildings at varying heights.</p>

Table 8: Clause 4.3 Height of Buildings Objectives assessment table

Having regard to the above, a variation to the height control is sought in accordance with Clause 4.6 Exceptions to development standards of the PLEP 2010 and is included at Attachment 19. The clause 4.6 variation application demonstrates that the variation is justified in and compliance with the height standard is unreasonable and unnecessary in the circumstances for the following reasons:

- The proposal remains consistent with the objectives of the SP3 Tourist zone, despite the non-compliance with the height control;
- The proposal remains consistent with the objectives of the height standard, despite the non-compliance;
- The proposal does not give rise to impacts associated with increased height, including overshadowing, view loss or loss of privacy;
- The proposed non-compliances with the height controls are minor and do not contribute to a discernible increase in the overall bulk and scale of the proposed buildings. Structures are well-setback from the edge of the building with obscured visibility from the building. Where structures are visible, appropriate screening is proposed to ensure their integration with the building and continued attainment of design excellence;
- The proposed development substantially complies with the controls and their intent contained in PLEP 2010 and PDCP 2014 and satisfies the intent of these controls;
- Proposed heights will assist in establishing a density of tourist accommodation that will support the retail and commercial offerings of the Panthers Precinct and Penrith City Centre, whilst contributing to the vibrancy of the Precinct and city;
- The proposal will achieve a balance between respecting and maintaining the visual prominence of the Blue Mountains as a skyline setting, and the framing of those views;
- The proposal will enable strong urban planning outcomes. The proposed non-compliances allow a sixth storey (inclusive of ground floor) to be achieved, facilitating GFA outcomes for a mixed-use building envisaged under the approved Concept Proposal; and
- The development as proposed is consistent with the provisions of an orderly and economic development.

5.5.4 Floor Space Ratio (Clause 4.4)

Clause 4.4 of PLEP 2010 specifies a maximum floor space ratio of 1:1 as being applicable to the site, as illustrated in the extract of the Floor Space Ratio Map included in Figure 22.

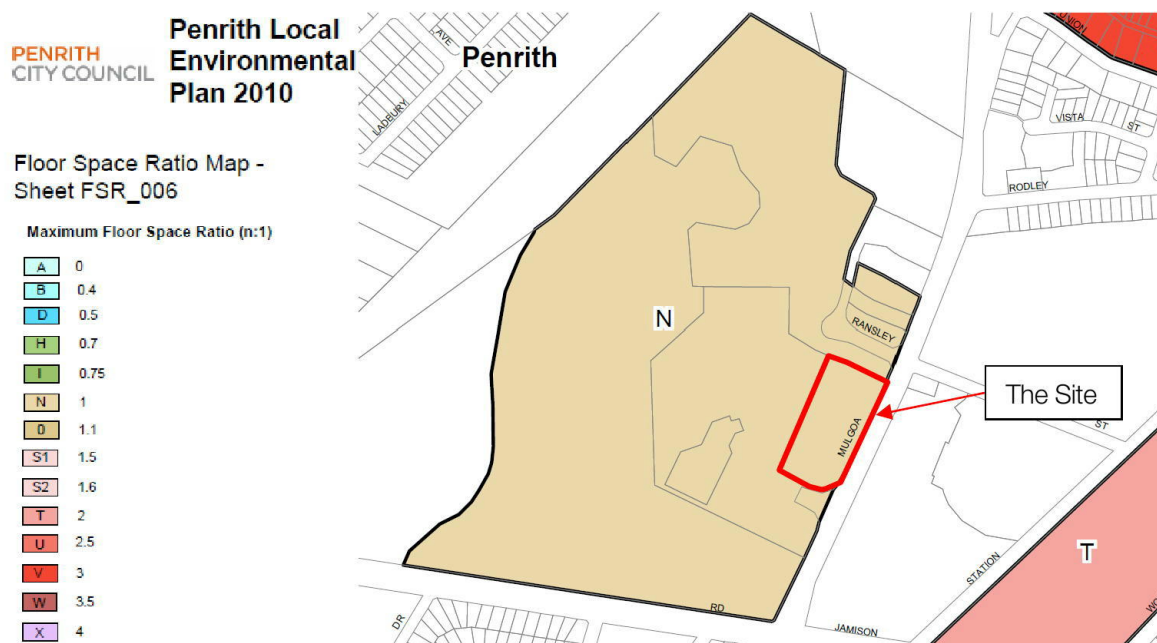


Figure 22: Extract of FSR map from PLEP 2010

The maximum permissible FSR is 1:1 across the Panthers Penrith Precinct.

The objectives of this clause are as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
 - (b) *to minimise the adverse impact of development on heritage conservation areas and heritage items,*
 - (c) *to regulate density of development and generation of vehicular and pedestrian traffic,*
 - (d) *to provide sufficient floor space for high quality development.*

Clause 4.5 of PLEP 2010 details calculation methods for floor space ratio (FSR) and site area. The definition of FSR is provided as:

- (1) *Definition of "floor space ratio"*
*The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area."*

For the purpose of applying floor space ratio, site area is taken to be:

- (a) *if the proposed development is to be carried out on only one lot, the area of that lot, or*
- (b) *if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out."*

Whilst the area of the proposed development is 18,463m², for the purposes of calculating FSR, the site must include the area of the whole of the lot to which the DA applies and any other buildings on such lots. Table 9 provides details of the site area and FSR calculations in accordance with clause 4.5 of Penrith LEP 2010.

Lot	DP	Site Area (m ²)	Building(s)	GFA (m ²)
2	1216321	61,200	Approved Stage 1 (WSCCC)	4,419
			Club	33,200
			Multi-level car park	220
			Hotel	12,020
Total		61,200		49,859
FSR		0.82:1		

Table 9: FSR calculation per Penrith LEP 2010

The gross floor area (GFA) of the proposal is 49,884m² including approved GFA of 4,419m² under DA18/0340 and proposed 12,020m² under Stage 2.

Table 9 demonstrates that the proposed development complies with the 1:1 FSR control applicable to the site, inclusive of existing development on the applicable land. The proposal is consistent with the objectives of the FSR standard as provided at clause 4.4(1) below:

- “(a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (c) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (d) to provide sufficient floor space for high quality development.”*

The proposed development maintains the following planning outcomes:

- Respects the form and scale of existing buildings within and surrounding the Panthers Precinct;
- Maintains key view corridors to Blue Mountains and Panthers Stadium, and does not dominate the views available from public places;
- Delivers a mix of land uses;
- Delivers a built form compatible with the desired future character; and
- Protects the amenity of adjoining developments.

The allocation of FSR across the site enables a superior development outcome in terms of the relationship with surrounding buildings and the provision of public spaces and pedestrian linkages throughout the site.

This is consistent with the approved Concept Proposal under DA18/0340 and the objectives of the FSR controls, in that the overall density of development is consistent with the scale and massing permitted in the Panthers Penrith Precinct and that the distribution of FSR across the lot and Precinct makes a positive contribution towards the desired built form.

5.5.5 Earthworks (Clause 7.1)

Clause 7.1 establishes consent requirements for earthworks. Clause 7.1 seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

It is noted that earthworks associated with Stage 1 WSCCC was considered and approved under DA18/1340. As the Stage 2 proposal will amend the Stage 1 approval, particularly having regard to the area nominated for basement parking, a Civil Drawings and Stormwater Management Report prepared by Wood and Grieve Engineers, is submitted in support of the application. A Stage 1 Contamination Assessment prepared by Ground Technologies is also resubmitted in support.

5.5.6 Flood Planning (Clause 7.2)

Clause 7.2 establishes consent requirements for floor planning. The objectives of this clause are as follows:

- “(a) to minimise the flood risk to life and property associated with the use of the land*
- (b) to limit uses to those compatible with flow conveyance function and flood hazard,*
- (c) to manage uses to be compatible with flood risks,*
- (d) to enable safe and effective evacuation of land,*
- (e) to ensure the existing flood regime and flow conveyance capacity is not compromised,*
- (f) to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.”*

Clause 7.2 applies to land at or below the flood planning level, or land identified as “Flood planning land” on the Flood Planning map. It is noted that the site is not identified as “Flood planning land” on the Flood Planning Land Map (refer to Figure 23).

Note: Flood planning level means the level of a 1:100 ARI (average recurrence interval) flood event plus 0.5 metres freeboard.



Figure 23: Extract of PLEP 2010 Flood Planning Land Map

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In determining consent, the consent authority must be satisfied that the development:

- “(a) is compatible with the flood hazard of the land, and*
- (b) if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and*
- (c) is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (d) is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and*
- (e) is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and*
- (f) is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of river banks or waterways, and*
- (g) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and*
- (h) incorporates appropriate measures to manage risk to life from flood, and*
- (i) is consistent with any relevant floodplain risk management plan.”*

The matter of flood planning was considered across the site with regards to the Concept Proposal under DA18/0340. This Stage 2 application is again supported by a Flood Impact Assessment that has been prepared by JWP. The assessment provides a review of the concept layout of the proposed development with respect to the current flood study for the Panthers Penrith Precinct and to support the Concept Proposal. This same document also provides an assessment of flood evacuation timing to Panthers Place, Retreat Drive and Mulgoa Road.

This assessment has been prepared to inform and support the proposed development and address Penrith City Council's requirements for assessing flood impacts across the Panthers Precinct (included in the DA package).

The assessment tests the outcomes for a future development scenario on the Panthers Penrith Precinct having regard to development approved to date, which involves the (NRL Academy, MSCSA, ESQ1818 Stage 1 and Seniors Living, plus the proposed development scheme together with the likely anticipated development within the remainder of the Panthers Penrith Precinct.

The results of this flood assessment conclude that the Concept Proposal and Stage 2, together with all other approved developments within the Panthers Penrith Precinct, will result in achieving a similar flood level outcome as presented in the Panthers Precinct Master Plan Flood Impact Assessment Report prepared in September 2016 by JWP.

5.5.7 Sustainable Development (Clause 7.4)

Clause 7.4 requires that the consent authority in deciding whether to grant consent, must have regard to the following principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following:

- “(a) conserving energy and reducing carbon dioxide emissions,*
- (b) embodied energy in materials and building processes,*
- (c) building design and orientation,*
- (d) passive solar design and day lighting,*
- (e) natural ventilation,*
- (f) energy efficiency and conservation,*

- (g) *water conservation and water reuse,*
- (h) *waste minimisation and recycling,*
- (i) *reduction of vehicle dependence,*
- (j) *potential for adaptive reuse."*

The proposed development will incorporate sustainable practices through its design and operation. An Ecologically Sustainable Development Report prepared by Wood & Grieve Engineers is included at Attachment 13. Redevelopment of the site will see greater efficiencies of the land in accommodating proposed uses close to jobs, transport, services and facilities.

5.5.8 Salinity (Clause 7.6)

The objectives of this clause are as follows:

- "(a) to protect natural hydrological systems by minimising soil disturbance and ensuring appropriate land use management,*
- (b) to avoid the adverse effects of rising salinity on land, including damage to infrastructure and buildings, loss of productive agricultural land and other adverse environmental effects."*

Clause 7.6 requires that development consent must not be granted for development unless the consent authority has considered:

- "(a) whether or not the proposed development is likely to have an impact on salinity processes, and*
- (b) whether or not salinity is likely to have an impact on the proposed development, and*
- (c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b)."*

Significant earthworks, including excavation, will be required as part of the proposed development. A preliminary salinity assessment has been undertaken by Ground Technologies as part of Stage 1 Contamination Assessment, which notes that the site is in an area of moderate salinity risk.

The scheme has been developed having detailed consideration for both overland and ground water flows, particularly given the site's susceptibility to flooding.

Appropriate locations and methods for earthworks will ensure the proposed development does not impact on salinity processes. Salinity is not likely to have an impact on the proposed scheme.

5.5.9 Servicing (Clause 7.7)

The objective of clause 7.7 is to ensure that development on the subject site reflects the availability of services.

Clause 7.7 requires that development consent must not be granted for development unless the consent authority is satisfied that:

- "(a) the development will be connected to a reticulated water supply, if required by the consent authority, and*
- (b) the development will have adequate facilities for the removal and disposal of sewage, and*
- (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and (d) the need for public amenities or public services has been or will be met."*

The matter of servicing was addressed as part of DA18/0340 with regards to the Concept Proposal and Stage 1 WSCCC. A Utility Servicing Report was prepared by JWP at Attachment 10 and is again submitted

in support of the Stage 2 proposal. Further, a Mechanical, Electric, Hydraulic and Fire Services Report has been prepared Wood & Grieve Engineers and is provided at Attachment 11.

5.5.10 Part 9 Panthers Penrith (Clauses 9.1 – 9.6)

Part 9 applies to land identified as “Panthers” on the Clause Application Map (refer to Figure 24). Clause 9.3 establishes a range of site specific controls for the Panthers site relating to retail premises. Clause 9.6 requires the consideration of PDCP 2014, specifically Part B Panthers Penrith Precinct of Part E13 Riverlink Precinct.

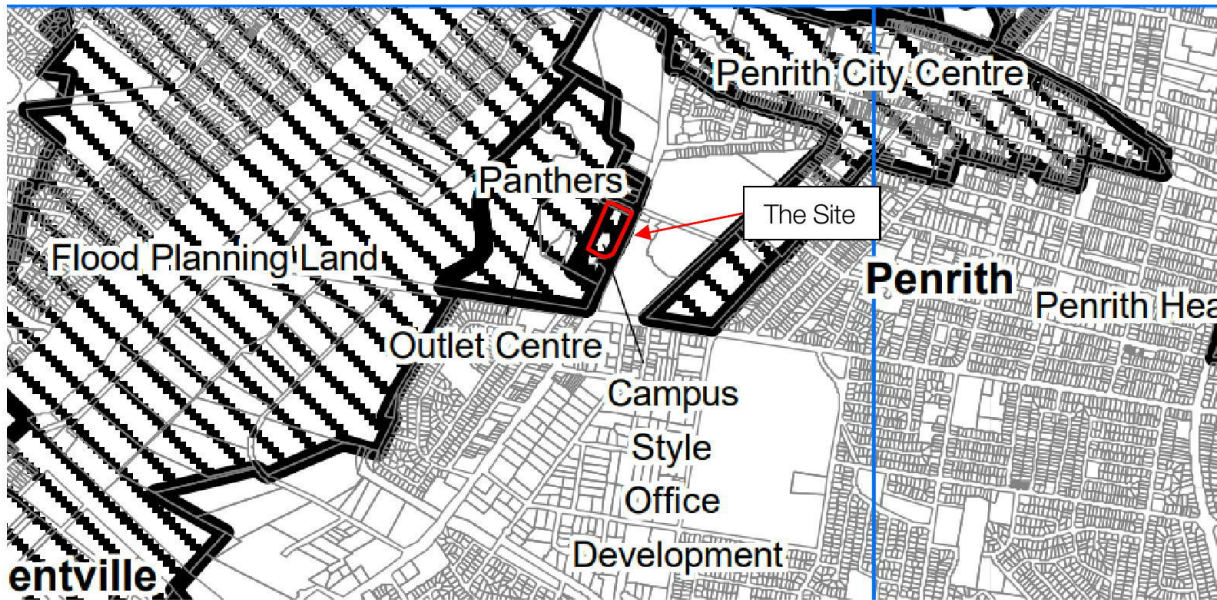


Figure 24: Clause Application Map extract from Penrith LEP 2010

The “Key Precincts – Panthers Penrith Precinct” section of PDCP 2010 applies to the proposed development. This provides for all the matters specified under the clause. The proposed development is consistent with the clause and the DCP in this regard.

Clause 9.3 Density of retail premises (including outlet premises)

Clause 9.3 Density of retail premises, stipulates that development consent must not be granted for development for the purpose of retail premises unless the consent authority is satisfied that the total gross floor areas (GFA) will not exceed 12,500m², and any part of the development used for retail premises will be integrated with other development on the land, and the development will result in a maximum GFA of 1m² if GFA for retail premises for every 10m² of GFA used for any other purpose.

The total GFA for the retail component is 140.88m² and the total GFA of all buildings, including the proposed development, club, car park and approved Stage 1 WSCCC, is 49,859m² which complies with the requirements of the clause ($49,859 \div 10 = 4,985.9$). The retail premises is adequately integrated into the proposed development of the site and surrounding development, both existing and approved.

Cause 9.6 Development control plan for land to which this part applies

Clause 9.6 states that development consent must not be granted for development on land to this this part applies unless a Development Control Plan that provides for the following matters has been prepared for the land:

- “(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,*
- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) a network of active and passive recreation areas,*
- (e) stormwater and water quality management controls,*
- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- (g) detailed urban design controls for significant development sites,*
- (h) measures to encourage higher density living around transport, open space and service nodes,*
- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking, (k) the protection and enhancement of the amenity of residents in the vicinity of the development.”*

Part B, Section E13 of PDOP 2014, has been adopted and is inclusive of the above matters. Section E13 includes objective, a structure and landscape plan, controls and objectives related to the various future precinct, urban design and built form, views, connectivity, parking, street hierarchy, public transport, pedestrian and cycle network plans. The Section also includes staging, utilities, flooding and drainage control and objectives.

5.6 Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)

A Draft SEPP for the protection and management of the natural environment has been developed. This draft SEPP is a consolidation of existing SEPPs, including those that currently cover a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Under this draft SEPP, these environmental policies will be accessible in one (1) location, and updated to reflect changes that have occurred since the creation of the original policies. It is noted that the draft SEPP incorporates the provisions of SREP 20 that affects the subject site and which was addressed in Section 5.7 of this report.

The main changes that the Draft SEPP is proposing to bring to SREP 20 is to:

- Simplify the proposed SEPP by removing duplication with other legislation;
- Transfer local plan making provisions to a Ministerial Direction; and
- Update remaining provisions and transfer them to the SEPP (Environment), including provisions regarding aims and objectives, heads of consideration and prohibitions for certain development types including potentially hazardous or offensive industries, and intensive animal industries if carried out within a floodway.

Accordingly, having regard to the draft SEPP, the proposed development complies with the relevant proposed provisions of the draft SEPP.

5.7 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (Penrith DCP 2014) is the primary development control plan applicable to development within the Penrith Local Government Area.

The proposed Stage 2 development scheme will ensure consistency with the approved Concept Proposal under DA18/0340, as well as the outcomes of Penrith DCP 2014 in terms of land uses, spatial relationship of buildings across the site, public domain and landscaped outcomes, as well as access and servicing.

An assessment of the proposed development against the relevant provisions of E13 Part B – Panthers Penrith Precinct is provided in Section 5.7.1 below.

The key provision of the DCP applicable to this site is:

- Part B – Panthers Penrith Precinct

The following provisions of the DCP also apply:

- C1 Site Planning and Design Principles
- C2 Vegetation management
- C3 Water Management
- C4 Land Management
- C5 Waste Management
- C6 Landscape Design
- C8 Public Domain
- C10 Transport, Access and Parking
- C12 Noise and Vibration
- C13 Infrastructure and Services

5.7.1 Part B – Panthers Penrith Precinct

Panthers Penrith Precinct Vision (Section 13.6)

Section 13.6 of PDCCP 2014 contains objectives and provisions relating to development within the Panthers Penrith Precinct. The below assessment addresses provisions relating specifically to the Panthers Penrith Precinct.

Panthers Penrith Precinct Vision (13.6.1)

Proposed land uses and final building envelope is generally consistent with the Concept Proposal shown as Lot 4. The proposed development meets the objectives of the precinct as follows:

- The proposed development will incorporate sustainable practices through its design and operation. Redevelopment of the site will see greater efficiencies of the land in accommodating commercial densities close to jobs, transport, services and facilities. Building and landscape design will demonstrate best practice methods for energy and water consumption and management.
- Building upon the approved Stage 1 WSCCC, the proposed Stage 2 development will create high quality landscape and public domain spaces and increase access and connectivity throughout the site. The regeneration of existing public domain spaces, will ensure symbiotic relationships between the development, its land uses and the public domain.
- The proposed development encompasses quality urban design, architectural excellence and environmental sustainability.
- The public domain is enhanced by the proposed development as set out in the Landscape Design Plans prepared by Oculus.

- The proposed development encourages direct integration of the existing Panthers Club with proposed land uses, pedestrian connectivity to Panthers Link and improved access to transport facilities.
- The proposed development is consistent with the desired future character of the precinct and the Mulgoa Road sub precinct.
- Clear connectivity is provided. Land uses proposed at ground level will connect directly to the open space and the public domain, while lobbies and floor space at upper levels will address the surrounding streets and open space.
- View corridors will be maintained and enhanced by the proposed development.
- The use of public transport, safe pedestrian, cycle and vehicular movement is supported by the proposed development. Bicycle parking spaces are provided as part of the proposed parking concept for Stage 2. These are integrated with the parking requirements for Stage 1 WSCCC.
- The inclusion of landscaped treatments, appropriate building heights and siting of land uses will ensure the proposed development relates appropriately with adjoining uses, including approved Stage 1 WSCCC.

Urban Framework (Section 13.7)

Structure Plan (13.7.1)

The proposed Stage 2 development builds upon the Stage 1 WSCCC approval, responding to the Structure Plan by:

- Acknowledging Mulgoa Road as a regional roadway, with high quality architectural and landscape design;
- Ensuring the built form responds to existing view corridors from the public domain and between the Club and Mulgoa Road; and
- Providing for a mix of uses that attract and sustain a vibrant and active day and night time economy.

The Stage 2 development is consistent with Figure E13.13 in that:

- The proposal will continue to provide a public domain created around the development block and site edges;
- Maintaining view corridors; down Ransley Street to the lake front and the Blue Mountains beyond;
- Maintaining view corridors across the site between the existing club and Panthers Stadium; and
- Provision for active edges and associated land uses at ground floor level along the street edge.

Landscape Structure (13.7.2)

The proposed development responds to the Landscape Structure by:

- Addressing planting to Mulgoa Road;
- Responding and recognising nominated land axis running along Ransley Street to the Blue Mountains Escarpment; and
- Provision for landscaped open space centrally located within the site.

General (13.7.2.C.1)

The proposed extent of works will incorporate the removal of trees and detailed landscaping to create public and private landscaped areas. Landscaping will include provision for a 5m landscape buffer along Mulgoa

Road, as well as design amendments as an outcome of the determination of Stage 1 WSCCC to gain additional areas for deep soil. Refer to Landscape Plans prepared by Oculus (Attachment 3).

Several water management principles will be included in the proposed scheme, including mechanisms for rainwater and stormwater management. Outcomes for stormwater management reflect feedback and requirements of Council in response to the determination of Stage 1 WSCCC. Refer to Stormwater Management Report prepared by Wood & Grieve Engineers (Attachment 5).

Street Design (13.7.2.C.2)

The Landscape Plans prepared by Oculus (Attachment 3) provides details on the proposed landscaping treatments to be applied to Ransley Street, Mulgoa Road, Panthers Link and Panthers Place. As per these documents, planting and paving is proposed to all streets.

Future site wide landscaping works will introduce tree planting, pathways and lighting. Such landscaping works will provide a strong contribution to the landscaped character of the site (a guiding principle of the scheme) as detailed in the Landscape Plans prepared by Oculus.

Ransley Street (13.7.2.C.4)

The Landscape Plans prepared by Oculus provide details on the proposed landscaping treatments to be applied across the site, including Ransley Street.

The proposed development and public domain design will respond to the provisions of this section as follows:

- The proposed public domain is consistent with the Figure E13.14 Landscape Structure of Penrith DCP 2014 in that it will formalise land axis while addressing planting.
- The provision of wide pavements with appropriate planting will comply with the desired treatment to Ransley Street. The portion of Ransley Street between Mulgoa Road and Retreat Drive will be activated by ground floor retail and hotel lobby.
- The existing view corridor to Blue Mountains Escarpment will be preserved and enhanced with formalised public domain spaces as well as new building to frame the existing view corridor and focus views west.

Mulgoa Road Frontage (13.7.2.C.6)

The Landscape Plans prepared by Oculus, and Architectural Drawings prepared by Turner Architects, provide details on the proposed landscaping treatments and setbacks to be applied to Mulgoa Road.

The proposed development responds to the provisions of this section with the inclusion of mass planting to the Mulgoa Road street frontage that will provide for filtered views into the site and of the architecturally designed buildings.

Compliance with the required 5m landscaped setback is obtained under the current site boundaries, however, when the proposed RMS road widening to Mulgoa Road is applied, the development makes a number of minor encroachments into this 5m setback at basement level. These encroachments however will not continue above ground level.

These variations are considered acceptable due to the following:

- The development will ensure a high degree of planting along this boundary as a buffer between the development and Mulgoa Road;
- As an outcome of the determination for Stage 1 WSCCC, additional areas for deep soil have been incorporated into the Stage 2 proposal. These occur along Panthers Link and Mulgoa Road;
- The proposed development will continue to provide for a green landscaped edge to Mulgoa Road, strengthened with a well-defined built form in line with proposed envelopes within Figure E13.12;
- The proposed development will achieve a character of lawns, grasses and low native planting, as well as native trees. Further, proposed planting will provide for framed and filtered views, and exposure to new buildings along this road frontage; and
- The proposed development will achieve compliance with the objectives of the control, including:
 - Ensuring landscaping is integrated into the design of the precinct and development site;
 - Reinforcing and enhancing the site as an entry and gateway from Mulgoa Road; and
 - Ensuring that the proposed landscaping contributes to the amenity of Mulgoa Road (refer to Landscape Plans prepared by Oculus).

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'.

As part of this SEE, full consideration is provided for the desired future character of each precinct with regard to Penrith DCP 2014 and the proposed development. 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).

Opportunities are provided for the inclusion of public art, as detailed in the Landscape Plans prepared by Oculus at Attachment 3. This includes an iconic wayfinding art piece located at the corner of Mulgoa Road and Ransley Street.

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 (refer to Attachment 6). 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. Refer to Architectural Drawings prepared by Turner Architects (Attachment 2) and Landscape Plans prepared by Oculus (Attachment 3).

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.

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 WSCCC 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 WSCCC) 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.

Delivery (Section 13.10)

Flooding and Drainage (13.10.1)

The site of proposed works is not located on land identified as 'Flood Planning Area' in PLEP 2010. Nevertheless, due to the site's incorporation into the Panthers Penrith Precinct, consideration for flooding and drainage has been made. The proposed development with consideration to flooding and drainage is detailed in the flood assessment prepared by J. Wyndham Prince (Attachment 21) and in the Stormwater Management Report prepared by Wood & Grieve Engineers (Attachment 5).

Utilities (13.10.2)

In accordance with the DCP, the provision of existing and proposed services/utilities to the site has been considered. The outcome of the Utility Servicing Report prepared by J. Wyndham Prince and provided in the DA package (Attachment 10) provides details on arrangements for services and utilities as they apply to the site.

Staging (13.10.3)

The Traffic and Parking Impact Assessment prepared by GHD, identifies parking and traffic generation associated with the proposed development, and its relationship with the VPA. The site of the proposed development is located within Lot 2 DP 1216321 within the Panthers Penrith Precinct. Lot 2 has a total site area of 61,200m².

The floor space tracking table (Panthers Penrith Precinct) has been updated to include the Stage 1 WSCCC, with a total GFA of 4,419m² for the Penrith Panthers Precinct (refer to Table 10). This equates to an FSR of 0.32:1 over the whole of the Panthers Penrith Site Area being 403,495m² (refer to Table 10). The floor space tracking is a requirement of the Penrith DCP 2014, E13 Riverlink Precinct, Part B Panthers Precinct.

Buildings	GFA(m ²)	Comments
Existing		
Club	33,200	
Hotel	11,500	
Pavilion	1,900	

Buildings	GFA(m ²)	Comments
Admin Office	n/a	Demolished as part of Western Sydney Community Sports Centre (WSCSC) DA
Tennis Club House	n/a	Demolished as part of Multi-Deck Carpark and Serviced Apartments (MDCSA) DA
Food Outlets	2,500	
iFly	800	
Harry's Café	25	
"The Willows" Cottage	n/a	Demolished as part of ESQ1818 Stage 1 DA
Approved		
NRL Academy	3,200	
Corporate Office	700	
MDSCA	6,955	
WSCSC	12,926	
Seniors Housing	25,488	
ESQ1818 - Stage 1	12,804	
External Gaming	-	No additional GFA
Stage 1 (WSCCC)	4,419	
Proposed		
Stage 2 (hotel)	12,020	
Total	128,437	
FSR	0.32:1	

Table 10: Floor Space Tracking

5.8 Part C1 - Site Planning and Design Principles

Design Principles (Section 1.2)

Built Form – Energy Efficiency and Conservation (1.2.2)

The existing context of the proposed development is addressed at Section 2 of this report. An Ecologically Sustainable Development Report has been prepared by Wood & Grieve Engineers (refer to Attachment 13) and is considered to address the provisions relating to energy efficiency in the built form. Refer also to Architectural Drawings at Attachment 2.

Responding to the Site's Topography and Landform (1.2.4)

The proposal is able to demonstrate compliance with the provision of section 1.2.4.

The site is relatively flat with minor changes in topography across the site. Excavation works are proposed as part of this application with regard to new buildings, drainage, public domain and landscaping. In support of this application, Civil Drawings are provided with the DA package (Attachment 4).

Given the relatively flat terrain of the site's proposed excavation, cut and fill will be minimised to ensure the natural topography of the landform is retained.

Safety and Security (Principles of Crime Prevention through Urban Design) (1.2.5)

The design of the proposal demonstrates an understanding of the potential crime risks of the development and is consistent with the principles of Crime Prevention through Environmental Design (CPTED). Design measures to ensure safety and security through the development include:

- Active retail frontages;
- Good surveillance through the location of proposed open space and landscaped areas within the site and along all primary frontages;
- Land uses that act as activity generators to create high use public spaces to increase overlooking and reduce opportunities for crime;
- Public spaces that attract rather than discourage people from gathering;
- Full height windows to frontages to facilitate surveillance down towards the ground plane;
- Ensure public areas are overlooked by surrounding uses, including hotel, allowing for passive surveillance by the guests;
- High quality architectural lighting throughout the development will assist in securing the area at night;
- Secure access points to the site and car park entries; and
- Clear delineation of public and private space through landscaping elements.

The Stage 2 scheme ensures consistency in a design outcome that will see the public areas and through links utilises employ all of these measures to ensure that a safe and secure development will be achieved.

Maximising Access and Adaptability (1.2.6)

Section 1.2.6 sets out the accessible design requirements for development. Refer to the Access Design Assessment Report prepared by Design Confidence at Attachment 7.

5.9 Part C2 - Vegetation Management

Preservation of Trees and Vegetation (2.1)

Section 2.1 relates to the preservation of trees and vegetation. There are no significant trees or vegetation within the existing site. Refer to Landscape Plans prepared by Oculus at Attachment 3.

While a number of ornamental trees are proposed to be removed, a significant number will also be planted across the site as part of landscaping works to support the development. Refer to Landscape Plans prepared by Oculus (Attachment 3).

5.10 Part C3 – Water Management

Part C3 seeks to address matters relating to water management, including:

- Catchment Management and Water Quality (3.2);
- Watercourses, Wetlands and Riparian Corridors (3.3);
- Groundwater (3.4);
- Flood Planning (3.5);
- Stormwater Management and Drainage (3.6); and
- Rainwater / Storage Tanks (3.8).

Importantly, Part C3 establishes objectives to minimise water consumption, promote sustainable practices of water use, protect water catchments and environmental systems as well as integrating stormwater, drainage and flood conveyancing requirements.

Detailed response to Part C3 is provided in the following reports and documentation:

- Flood Assessment Report prepared by J. Wyndham Prince (Attachment 21); and
- Stormwater Management Report, including Civil Drawings, prepared by Wood & Grieve Engineers (Attachment 5).

5.11 Part C4 – Land Management

Part C4 seeks to address matters relating to land management, including:

- Site Stability and Earthworks (4.1);
- Erosion and Sediment (4.3);
- Contaminated Lands (4.4); and
- Salinity (4.5).

Key objectives established under Part C4 relate to the control of erosion, sedimentation and dust to maintain soil and water quality and reducing the likelihood of salinity and its impact on the proposed development.

Detailed response to Part C4 is provided in the following reports and documentation:

- Stormwater Management Report, including Civil Drawings prepared by Wood and Grieve (Attachment 5); and
- Stage 1 Contamination Assessment prepared Ground Technologies (Attachment 9).

The proposed development seeks to undertake both excavation and filling, in excess of 1m, to create new basement and ground surface levels.

Given the site's relatively flat topography, excavation more than 1m is required in order to create basement height levels to match those approved for Stage 1 under DA18/0340. This will assist in providing a smooth transition between the ground level of the development and the natural ground levels surrounding the site. It will ensure approved basement under Stage 1 aligns with that proposed for Stage 2.

Erosion and sediment control measures will be provided on site before the commencement of any earthworks or other development activity. These will be maintained throughout the course of construction until disturbed areas have been revegetated and the soil stabilised.

The subject site is within land classified as 'Moderate Salinity Risk' according to the 'Department of Infrastructure Planning and Natural Resources salinity map'. While excavation will be more than 1m, it is expected that the proposed earthworks will have no impact on salinity, given procedures put in place will ensure proper management of displaced water.

A Stage 1 Contamination Assessment has been prepared by Ground Technologies. As an outcome of this assessment, the report makes the following conclusions:

- The site was used previously for rural residential purposes with light agriculture / grazing;
- A review of aerial photography suggests that the neighbouring properties are residential and not considered to have posed a risk for potential contamination to the site;
- A search of the NSW EPA Contaminated Land Management record of notices revealed that there were no notices issued to the subject site. No history of dangerous manufacturing utilizing heavy chemicals or metals was documented;

- No industrial facilities undertaking heavy manufacturing are located within 500m of the subject site. Therefore, the risk of contamination migration caused by surface run-off from adjoining sites is minimal; and
- The site is in a region of no known acid sulphate soils.

Given the above, the report concludes that the site is suitable for residential use and that no remediation action plan is required.

5.12 Part C5 Waste Management

Part C5 sets out the waste management requirements relevant to all stages of development from demolition to construction, through to ongoing use stages. Part 5C establishes objectives for achieving sustainable waste management, waste hierarchy and waste minimisation. Specific requirements are established for the submission of Waste Management Plans (WMP), siting and design of waste storage areas, as well as waste management and minimisation at the demolition and construction stages.

To demonstrate compliance with Part C5, an Operational WMP has been prepared by Elephants Foot Recycling Solutions (Attachment 12) in support of the application.

The Operational WMP provides detailed estimates for volumes of waste and recyclables that will be generated by the development. Further, this WMP describes the proposed waste access and pathways, management systems, on-site storage areas and related facilities that will comply with the requirements of the Penrith DCP 2014, BCA and any other relevant Australian Standards.

Further, the Operational WMP describes the proposed methods for ongoing management, including signage, feedback from site cleaners to site management, reporting of waste volumes for monitoring, as well as training programs and demonstration from contractors how the management of the waste system will be carried out.

5.13 Part C6 Landscape Design

Part C6 sets out the landscape design requirements relating to:

- Protection of the Environment (6.1.2);
- Neighbourhood Amenity and Character (6.1.3); and
- Site Analysis (6.1.4).

Importantly, Part C6 establishes objectives to promote landscape design as well as ensuring landscape design considers the site's context, landscape and visual character, existing landscape features and amenity.

The proposed landscaping has been designed by Oculus, who are appropriately qualified landscape designers according to Council requirements.

The proposed development is a Category 3 development and will require the following information, which has been provided as part of this development application:

- Site Analysis provided as part of the Architectural Plans prepared by Turner Architects and Landscape Plans prepared by Oculus, and
- Landscape Plans prepared by Oculus.

Additional supporting information relating to access standards, excavation and filling, and management of site soil is provided in the Civil Drawings (Attachment 4) and Stormwater Management Report (Attachment 5), prepared by Wood & Grieve Engineers.

Details of plantings corresponding to location are provided with a detailed schedule of plants within the Landscape Plans prepared by Oculus (Attachment 3).

To ensure the landscape design can be maintained to a high standard, the choice of species within each distinct space takes into account solar access, micro-climate, soil depths and character. A mix of low water use native and hardy exotic species have been selected based on the varied conditions in which they will be planted, ranging from full sun to part/full shade and locations on natural ground and on structure. Refer to planting schedule for details on species as part of Landscape Plans prepared by Oculus.

Excavation and filling works proposed as part of the development will generally be contained to the area within the proposed building envelope and basement. Gains have been made in areas of deep soil in response to Council requirements relating to the determination of Stage 1 WSCCC (DA18/0340). Further, management of site soil as part of the cut and fill process will encompass appropriate sediment and erosion control techniques, as details in supporting Civil Drawings prepared by Wood and Grieve Engineers.

Automatic irrigation will be provided to all garden beds, raised planters and turf areas. Other general landscape areas and street tree planting will be un-irrigated, apart from the initial establishment period. The approach to landscaping will be to provide for native species that are both drought –tolerant and common to the Penrith region. Planting will be provided amongst a native landscaped setting.

The proposed landscape design references a contemporary character and responds to the scale of the site and buildings through breaking down materials and adding variety while keeping a consistent theme throughout the development. The various spaces hold a varying degree of ‘urbaneness’ and the materials and planting respond to this appreciation. Different experiences are created within the site by using differing form, textures, colours and planting.

The integration of landscape into the built form is demonstrated through the provision of extensive deep soil zones, upgraded public domain, open spaces, landscaped buffers zones and landscaped interface to Mulgoa Road, Ransley Street, Panthers Link and Panthers Place.

The landscape for the public domain is designed to integrate with the architecture and to soften building edges to form a transition from soft to hard elements. Lighting is an essential component of the landscape design for both functional and aesthetic reasons. The new road will have street lighting to meet Australian Standards. Adequate lighting will also be provided to ensure suitable visibility and surveillance of key landscape areas.

Specifically, a Landscape Buffer Zone identified in the DCP is required along Mulgoa Road. Within this area, significant landscaping works are proposed. For details on landscaping and proposed planting in this area, refer to Landscape Plans prepared by Oculus.

The proposed development will provide for a range of open spaces across the site. These spaces will cater for a variety of different uses.

5.14 Part C8 – Public Domain

This section of PDCP 2014 outlines requirements for shared urban areas and spaces and the structures and infrastructure that relate to those spaces. Public domain works relating to this application will encompass upgrade works to Ransley Street and Panthers Link.

Pedestrian Amenity (8.1)

The proposal will provide greater activation and surveillance of the public domain with the provision of ground level residential premises, with individual points of access directly onto the street. The orientation of dwelling balconies overlooking the adjoining streets further improves surveillance of the public domain. Increased

activation and surveillance along streets assists in discouraging and reducing opportunities for anti-social behaviour and crime. Refer to Section 5.10 of this report for CPTED analysis of the proposed development.

The proposed development is designed to connect into and expand the pedestrian network with a new upgraded public domain to Ransley Street, Panthers Link and Panthers Place, as well as Mulgoa Road, providing better connection of the site to the greater Panthers Penrith Precinct and areas beyond.

Lighting is an essential component of the landscape design for both functional and aesthetic reasons. Adequate lighting will be provided to ensure suitable visibility and surveillance of key landscape areas.

Further details on the landscape and architectural concepts that support the public domain are provided in the following documents:

- Landscape Plans prepared by Oculus; and
- Architectural Drawings prepared by Turner Architects.

Public Art (8.5)

A Public Art Strategy has been developed by Site Image (Attachment 14) for the Panthers Penrith Precinct as required for the first major DA submitted in the precinct. This has been developed with Council's Senior Cultural Development Officer. Refer to this Strategy prepared by Site Image.

This Public Art Strategy identifies site-specific art opportunities across the Panthers Penrith Precinct. An area within the site is identified as a location for public art (5B Club/Commercial/Retail). This is identified for an area of open space located centrally within the site.

No specific details for public art are provided with this development proposal, however 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.

5.15 Part C10 Transport, Access and Parking

Part C10 of PDCP 2014 outlines requirements in relation to transport, access and parking.

A Traffic and Parking Impact Assessment prepared by GHD which addresses traffic, parking and access arrangements. It also has consideration for impacts associated with the proposed development, including intersection analysis.

In accordance with PDCP 2014, the Traffic and Parking Impact Assessment together with Architectural Drawings prepared by Turner Architects, demonstrates the proposal's compliance with Part C10, including provision for safe entry and exit for vehicles, minimisation of pedestrian and vehicle conflicts, provision for off-street parking and analysis of road works required in association with amended Road Works Planning Agreement (VPA).

5.16 Part C12 – Noise and Vibration

The Acoustic Report prepared by Wood & Grieve Engineers (Attachment 23) discusses the likely noise impact of the proposed development upon the potentially nearest most-affected noise sensitive receivers and also the potential impacts of external noise sources within the proposed development.

The assessment for Stage 2 concludes that the development is expected to comply with all applicable regulations with regards to noise.

5.17 Part C13 – Infrastructure and Services

Utility and Service Provision (13.2)

Section 13.2 ensures that proposed land uses are suitable for a site and assessment of whether the appropriate utilities and services are available on the site to service the proposed development have been undertaken. This section aims to ensure that development consent is only granted where a proposal can be appropriately serviced, either through the existing system having sufficient capacity or being upgraded.

In response, a Utility Servicing Report has been prepared by J. Wyndham Prince (Attachment 10) for the site and is provided in support of this application. Details in response to provision for water, electricity, telecommunications and gas has are provided by J. Wyndham Prince as part of this assessment.

5.18 Policies of Council

5.18.1 Waste Water Urban Design (WSUD) Policy

The aim of Council's WSUD Policy is to provide developers and Council with a framework to facilitate WSUD into new development and redevelopment within the City of Penrith. The Policy presents requirements for Water Conservation; Water Quality and Water Quantity Flow.

In response to these requirements refer to the Stormwater Management Report prepared by Wood & Grieve Engineers.

5.19 Any Matters Prescribed by the EP&A Regulation 2000

Clause 92 the Environmental Planning and Assessment Regulation 2000 prescribes matters that Council must take into consideration prior to the determination of a development application, including:

- (1) *For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*
 - (a) *in the case of a development application for the carrying out of development:*
 - (i) *in a local government area referred to in the Table to this clause, and*
 - (ii) *on land to which the Government Coastal Policy applies,**the provisions of that Policy,*
 - (b) *in the case of a development application for the demolition of a building, the provisions of AS 2601.*

The Penrith Local Government Area is not listed within the table provided at clause 92, however the application does seek consent for demolition. Accordingly, the prescribed matters for consideration within clause 92, will be adhered to and conditioned accordingly by the Consent Authority.

5.20 Any Submissions made in Accordance with the Act or Regulations

The application will be notified in accordance with Council's notification policy, including notification requirements pertaining to integrated development. Any submissions received will be considered by the consent authority.

Amendments to the existing VPA relating to the Panthers site will be in agreement of all parties signed to the VPA, providing in writing. The agreement will be notified accordingly by Council, including the preparation of an explanatory note.

5.21 Any Planning Agreement or Draft Planning Agreement

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) known as Planning Agreement – Road Works 2012, was entered into between Penrith City Council, Panthers Rugby League Club and Road and Maritime Services (RMS) on 28 November 2012. The VPA sets out the following:

- (i) The carryout out and delivery of the Roads Works in accordance with the VPA and applicable Works Authorisation Deed; and
- (ii) The dedication of the Road Works Land in accordance with the agreement.

The Panthers Precinct master plan (diagram of land uses agreed for the site), adopted as part of the VPA, includes a variety of uses and building envelopes across the precinct with trigger points or works largely based on volumes of Gross Floor Area (GFA) achieved, confirmed by the issue of a Construction Certificate for each stage or building.

The Panthers Precinct master plan has since been amended, including the location and mix of uses and building envelopes across the precinct. The amended master plan requires the VPA to be amended to allow trigger points for road works to be realigned with the new uses and gross floor areas proposed. The amended VPA has not been signed by all parties, however the final traffic modelling has been endorsed by RMS. The traffic modelling will assist in confirming the allocation of trigger points for road works within the amended VPA.

Although the amended VPA has not been executed, the development proposal should be supported with sufficient conditions of consent being applied by Council to ensure compliance with the VPA (as amended) and letter of offer provided by Panthers Rugby League Club to enter into the planning agreement (refer to Attachment 17).

Proposed land uses and building envelope as part of the Stage 2 development is consistent with the amended masterplan for the Panthers Penrith Precinct. Further, supporting documents, including architectural plans, confirm that the proposal is clear of land identified by RMS to set aside for the purposes of future road widening. Refer to RMS correspondence dated 25 October 2017 (RMS Reference SF2014/150686) (Attachment 18) which confirms that the area indicated for road widening, aligns with RMS requirements.

6.0 Impacts of the Development

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under S4.15(1)(b) to (e) of the *EP&A Act 1979*.

6.1 Construction Impacts

Construction impacts are managed through the implementation:

- Installation of sediment and erosion control measures;
- Dust control measures;
- Public and property protection;
- Appropriate demolition and construction hours;
- Noise controls; and
- Traffic and pedestrian management.

Construction impacts will be managed through the preparation of detailed Construction Management Plan and through the imposition of the appropriate conditions of consent.

6.1.1 Stormwater and Other Services

Stormwater generated from the proposal will be collected, stored and discharged in accordance as detailed in the Stormwater Management Report and Civil Drawings prepared by Wood & Grieve Engineers.

6.1.2 Solar Access and Overshadowing

Shadow diagrams for the Stage 2 proposal have been prepared by Turner Architects at hourly intervals between 9:00am and 3:00pm on 21 June (winter solstice) and are included in the Architectural Drawings Package at Attachment 2.

The shadow diagrams indicate that the proposal development will not have unacceptable overshadowing impacts on adjoining development or proposed open space and areas of public domain.

6.2 Acoustic Impacts

Noise impacts associated with the proposed development are likely to be limited to:

- Servicing vehicles and associated traffic;
- Mechanical noise emissions;
- People within the public domain; and
- Construction noise.

The servicing of the site is proposed to be accommodated through on-site facilities. An Acoustic Report has been prepared by Wood and Grieve Engineers which addressed the above noise impacts. This assessment makes the following conclusions:

Glazing for the Hotel has been provided to achieve internal noise levels in accordance with the requirements of the DoP Interim Guideline, and AS 2107:2016 where required.

An assessment of the noise level increase due to the traffic generation on the surrounding roads was conducted. The post Phase 2 traffic noise levels are expected to meet the requirements of the NSW RNP in regards to the 2dB increase.

Provided the maximum sound power levels for mechanical plant equipment presented in this report and the acoustic mitigation measures implemented, the noise emissions are expected to meet the requirements based on the project noise trigger levels established in Section 5.2.2 (of the Acoustic Report).

The hotel in association with the approved conference centre has the potential to create noise impacts on surrounding properties. It is expected that operational conditions will be imposed on any future consents for these facilities. Construction noise will be addressed through the appropriate conditions of consent.

6.2.1 Economic Impacts

The redevelopment of the site for a mixed use development will have a positive impact on the Panthers Penrith Precinct and greater Penrith City area in the form of:

- Providing opportunities for Penrith City Centre to link to surrounding areas;
- Providing opportunities for the Panthers Penrith Precinct to grow and expand;
- Delivering a variety of land uses that reflect the changing demographic and consumer demands;
- Improved access and connectivity; and
- Providing for future employment growth.

6.3 Bulk and Scale

Building envelopes approved under the Concept Proposal range between two (2) and six (6) storeys. This provides a building volume in which future DAs will sit within. The six (6) storey envelope is generally consistent with the 24m height control that applies to the site, despite minor non-compliances relating to roof height, plant and servicing at roof level.

The scale of the proposed building envelopes is in keeping with the scale of the recently approved ESQ1818 – Stage 1 development (DA Consent No.17/0766) located immediately to the north of the site on the northern side of Ransley Street and is considerably smaller in both bulk and scale than that of the existing Penrith Panthers Club immediately to the west. Furthermore, the scale is well below that of the future ten (10) and 14 storey residential development earmarked as part of the subsequent ESQ1818 development stages proposed to the north-west of the site which were supported by the recently endorsed Planning Proposal.

In terms of the bulk of the proposed building envelope, the envelope will allow for an irregular shaped six (6) storey building for the hotel surrounded by a lower two storey envelope for the conference centre. The bulk of the buildings is consistent with the approved envelope under the Concept Proposal. It is also generally consistent with the scale of the footprints identified in the site-specific provisions under Section 13 Part B of the Penrith DCP 2014. The building is proposed within large landscaped surrounds that will ameliorate any perceived concerns in relation to building bulk from the wider area.

6.4 Traffic and Parking

A Traffic and Parking Assessment has been prepared by GHD and accompanies this statement at Attachment 6.

The Traffic and Parking Assessment notes the following with regards to the proposed development in association with Stages 1 and 3:

6.4.1 Traffic Impact

- *"The traffic generation of the proposed development (Stages 1, 2 and 3) based on the agreed trip generation rates is 539 trips, which generally aligns with the 543 trips assessed as part of the VPA analysis. Therefore the intersection operation and required roadworks are to align with the VPA requirement.*
- *Reference is to be made to the VPA for any required road upgrades to support additional traffic generation resulting from the WSCCC, surrounding future development proposals within the Panthers Precinct and background traffic growth."*

6.4.2 Parking Provision and Layout

- *An assessment of the statutory parking requirement against the Penrith City Council DCP indicates that the development is required to provide 418 (plus for 8 employee) parking spaces for Phase 1, and 191 (plus 5 employee) parking spaces for Phase 2... The development also refers the Panthers Precinct Master Plan – Transport Strategy that considers a reduction in parking (notably for the Hotel and Serviced apartment components).*
- *At the completion of Phase 2, the development proposes to provide a total of 495 spaces. It is noted that the hotel component of the proposed development meets the Panthers Precinct Master Plan – Transport Strategy, which considers the reduction of the parking provision for these uses to 80% of the rooms.*
- *While it is noted the DCP has identified the requirement for 609 spaces (plus a requirement of 13 spaces for employees) for the proposed land uses of both Phase 1 and 2, the following recommendations are outlined to assist in managing the parking allocation within the proposed provision of 495 spaces:*
 - *Implementation of a parking identification system within the basement car park to advise motorists of the number of available spaces prior to entry to the basement and direct drivers to the available parking spaces within the basement.*
 - *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. This can include but not limited to:*
 - *Advance booking parking in conjunction with hotel room bookings or allocation of parking space bookings during conference activities*
 - *Mix use of the parking provision for each land use in real time, notably when the parking demand for each land use is not coinciding."*
- *The RMS 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 across the site.*
- *The loss of existing general club parking from the at-grade parking area 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). This area was originally allocated for the Western Sydney Community and Sports Centre that is proposed not to be proceeding.*
- *The layout of the car park is generally in accordance with AS2890.1 and AS2890.6.*

- Service vehicle parking areas (loading docks) are located within the development, separate from the car park access. Access from Phase 1 and 2 loading dock is via Retreat Drive and can facilitate vehicles up to 12.5 m in length.

Having regard to the above, the Traffic and Parking Impact Assessment concludes that:

“Based on the assumptions and investigations undertaken by GHD and the conclusions drawn above, it is considered that the proposed development satisfies the planning requirements on traffic engineering grounds with consideration to reduce parking rates and mitigation measures outlined. The reduction of parking rate applied could be supplemented with the consideration of cross facility use of the parking provision and implementation of Transport Access Guide to encourage sustainable transport options and reducing parking demand and Parking Management Plan to facilitate efficient utilisation of parking. Furthermore, the forecast traffic generation associated with the proposed development aligns with the VPA analysis.”

Further to the above assessment, the approved multi-deck car park (DA14/1111), will provide for an additional 500 spaces (approx.) across the Panthers Penrith Precinct. The delivery of this parking facility is the first step in consolidating car parking specific for the use of the Panthers Club and forms part of the strategy for the future displacement of the existing parking within the Mulgoa Road sub precinct, resulting from future development of the Mulgoa Road sub-precinct area.

6.5 Flood and Stormwater

A Flood Assessment has been prepared by J. Wyndham Prince (JWP) to inform and support the Concept Proposal and address Penrith City Council's requirements for assessing flood impacts.

As part of this assessment, J. Wyndham Prince has reviewed the architectural drawings of the Concept Proposal and Stage 1 development which is to be located at the front of the Panthers Site on Mulgoa Road, Penrith.

The flood assessment undertaken by JWP tests the outcomes for a future development scenario on the Panthers Precinct having regard to development approved to date, the proposed development scheme as outlined in the Concept Proposal, together with the likely anticipated development within the remainder of the Panthers Penrith Precinct. This ensures that the staged development of the Panthers site provides an accumulative assessment of the flood impact within the bounds of the flood model used.

This flood assessment determines that the proposed development is considered to be relatively consistent with the “future conditions” flood impact assessment in the *Panthers Precinct Master Plan Flood Impact Assessment Report* prepared in September 2016 by J. Wyndham Prince. It is therefore expected that the development scenario and layout as detailed in the Concept Proposal will achieve similar flood level outcomes as presented in the JWP 2016 assessment.

The assessment anticipates that some local flooding adjacent to the development will occur in the 1% AEP local + 5% AEP regional flood event, and as such habitable floor levels will need to be 0.5 m above the adjacent flood levels. One of the proposed basement carpark entry points is flood affected in the 0.5% AEP event. However, both entries are flood free in the 1% AEP event and as such freeboard requirements to the driveway crest are not applicable.

6.6 Flood Evacuation

An assessment of flood evacuation has been undertaken by J. Wyndham Prince as part of the flood assessment. This flood assessment notes existing regional and local flood evacuation routes from the Panthers Penrith Precinct, being:

Regional Flood Evacuation routes:

- Eastbound on the M4 Motorway;
- East on The Great Western Highway; and
- South along The Northern Road to the M4 Motorway.

Local evacuation routes:

- South along Mulgoa Road to the M4 Motorway;
- North along Mulgoa Road to the Great Western Highway; and
- East along Jamison Road to The Northern Road.

The development sought under the Concept Proposal is expected to provide 673 car parking spaces, which is less than the existing 686 space carpark that it is replacing. JWP have assessed the flood evacuation timing of vehicles within the Panthers Precinct via both Retreat Drive and Panthers Place to the regional flood evacuation route along Mulgoa Road.

JWP conclude that the proposal will not place any additional burden on traffic evacuating the site in a regional flood event.

6.7 The Suitability of the Site for the Development

The suitability of the site for the proposal has largely been demonstrated in the zoning of the site as SP3 Tourist and application of Schedule 1 Additional permitted uses under the Penrith Local Environmental Plan 2010 and through the various consultant reports accompanying the application and discussed in this report.

Furthermore, the proposal aligns to the outcomes for development across the site as indicated in the Concept Proposal approved as part of DA18/0340, including land uses, building envelopes, open space, access and infrastructure with the proposed development site.

The DA seeks consent for a mixed use development, along with associated works. The site is considered suitable for the proposed development given the following:

- The land is zoned SP3 Tourist;
- Provision for land use permissibility are made by way of Schedule 1; and
- The proposed works are consistent with the objectives and controls of PLEP 2010 and PDCP 2014.

In this respect, the site is considered suitable for the proposed development and will have no impact on the amenity of surrounding properties.

6.8 The Public Interest

The redevelopment of site for a mixed-use development is considered consistent with the zone objectives, and provides opportunities to locate a variety of permissible land uses within proximity to the Penrith CBD and public transport nodes.

The proposal will increase the patronage of the existing and proposed public transport facilities, increasing the viability and amenity of such facilities.

The redevelopment of the site presents one of the catalysts for the transformation and activation of the Panthers Penrith Precinct with opportunity to deliver a vibrant precinct that reinforces the Precinct as a tourist and events destination. The redevelopment of the site is in the public interest.

7.0 Conclusion

This Stage 2 application, incorporating the approved Stage 1 WSCCC, will provide a high quality mixed use development that is in keeping with the objectives and permissible land uses of the SP3 Tourist Zone, and additional permitted uses of Schedule 1 within PLEP 2010. The proposal further responds adequately with the intentions of the Riverlink Precinct Plan and PDCP 2014 in that it will:

- Contribute to the growth and character of Panthers Penrith Precinct by creating a cohesive core of entertainment, leisure and lifestyle uses around the existing club and across the Precinct that will contribute to the Penrith City; and
- Delivering a balanced social, economic and environmental outcome whilst protecting and enhancing the public domain.

The development is generally in line with the approved concept proposal under DA18/0340 and will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well designed, high amenity facilities together with high quality and active public domain that allows for a variety of uses and user groups.

The proposal does not result in unreasonable environmental, social, economic, or amenity impacts on the neighbourhood, when considered against the broader regional benefits.

The proposal generally complies with the principal development standards contained in PLEP 2010, including the FSR. Whilst it is noted that the development includes a variation to building height, these variations are appropriate given the context of the site in its surroundings and anticipated future redevelopment of the Panthers Precinct. Further, the distribution of height across the site and associated allocation of floor space, seeks to achieve a permitted density in a more skilful manner.

The non-compliance with the required setbacks is a result of providing a strong built form identity at key points of the Panthers Precinct that is crucial in achieving a superior outcome in terms of transition and consistency in scale with the approved Stage 1 WSCCC and future surrounding development, without undue impact on surrounding sites.

The scale and corresponding built form is considered to satisfy the zone objectives, resulting in a building form that is consistent with the intended future character and urban design outcomes for the site as approved under the Concept Proposal and across the wider Panthers Precinct envisaged under the PLEP 2010 and the PDCP 2014.

The contribution to the upgrade and activation of the area both from a physical consideration and ongoing land use perspective is desirable and consistent with the intended development outcomes for the area under PLEP2010 and PDCP 2014. The proposal provides an appropriate response to the site's changing context.

It is a catalyst for urban renewal.

Based on the assessment undertaken approval of the DA is warranted.