

Statement of Environmental Effects

ESQ STAGE 4 & 5 – BUILDING H, J, K
AND L

MULGOA ROAD, PENRITH

17 APRIL 2023



QUALITY ASSURANCE

Project:	<i>Statement of Environmental Effects: Mixed Use Building</i>
Address:	<i>'ESQ1818' Stage 4 & 5 – Mulgoa Road, Penrith</i>
Lot /DP:	<i>Lots 59-60 in DP1246141 + Part of Lot 55 DP 1246141</i>
Council:	<i>Penrith City Council</i>
Author:	<i>Think Planners Pty Ltd</i>

Date	Purpose of Issue	Rev	Reviewed	Authorised
<i>April 2023</i>	<i>Draft issue for Client</i>	<i>Draft</i>	<i>SK/JW</i>	<i>JW</i>
<i>April 2023</i>	<i>DA Submission</i>	<i>Final</i>	<i>SK/JW</i>	<i>JW</i>

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

Coal Mine Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	Yes*
Concurrence	
SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts – Central River City) 2021	No
SEPP (Precincts – Eastern Harbour City) 2021	
SEPP (Precincts – Regional) 2021	
SEPP (Precincts – Western Parkland City) 2021	
SEPP (Biodiversity and Conservation) 2021	

*Works within 40m of a watercourse (Panthers Lake)

CONTENTS

EXECUTIVE SUMMARY	5
BACKGROUND	8
BRIEF HISTORY	11
SITE AND LOCALITY DESCRIPTION	14
PANTHERS PENRITH PRECINCT	14
DEVELOPMENT SITE	15
ZONING CONTROL	16
BUILDING HEIGHT CONTROL	17
DESCRIPTION OF PROPOSAL	18
PLANNING CONTROLS	21
STATUTORY CONTROLS	21
POLICY CONTROLS	21
CONSIDERATION OF PLANNING CONTROLS	22
WATER MANAGEMENT ACT 2000	22
STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004	22
SYDNEY ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT AND THE APARTMENT DESIGN GUIDE	27
PENRITH LOCAL ENVIRONMENTAL 2010	43
PENRITH DEVELOPMENT CONTROL PLAN 2014 PART C – LAND USE CONTROLS	52
PENRITH DEVELOPMENT CONTROL PLAN 2014 PART E – KEY PRECINCTS	61
CONCLUSION	67

TABLE OF FIGURES

Figure 1: DCP Map Extract of the Panthers Penrith Precinct Site (Source: Penrith DCP 2014)	8
Figure 2: Aerial Map Extract of the Panthers Penrith Precinct Site (Source: Penrith DCP 2014).....	9
Figure 3: Aerial Map Extract of the Panthers Penrith Sub Precinct (Source: Penrith DCP 2014).....	10
Figure 4: Aerial Map Extract of the Panthers Penrith Precinct Site (Source: Six Maps)	14
Figure 5: Aerial Map Extract of Subject Site (Six Maps).....	15
Figure 6: Land Zoning Map – Sheet LZN_006 Extract (Source: Penrith LEP 2010)	16
Figure 7: Land Zoning Map – Sheet LZN_006 Extract (Source: Penrith LEP 2010)	17
Figure 8: Land Zoning Map – Sheet LZN_006 Extract (Source: Penrith LEP 2010)	43
Figure 9: Additional Permitted Use Map Sheet APU_006 Extract (Source: Penrith Local Environmental Plan 2010)	44

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that is to undertake the development of Stage 4 & 5 within the ESQ1818 development precinct.

Stage 4 and 5 are the final 2 stages of the broader development noting that demolition works, rehabilitation of existing riparian corridor, major stormwater and construction of new roads and civil infrastructure have been addressed via previous DAs, in particular DA18/0999. The current application is seeking consent to construct a series of mixed use buildings consisting of 18 x retail premises with 2,185m² of floor space and a total of 349 dwelling over a series of 5 to 13 storey buildings. A total of 614 car parking spaces are also provided on-site over a basement level and at-grade, including a total of 15 dedicated garages within the basement level.

The development also includes earthworks and associated excavation, stormwater drainage and associated landscaping within the Stage 4 and 5 area as well some additional works to the lake foreshore within the Penrith Rugby League Club land to create a high quality precinct along the foreshore area.

Staging

Due to the size of the overall project, the development has been approved to be undertaken in 5 distinct stages, with Stage 4 & 5 being the last two remaining stages left to be approved by Council within the North Sub-Precinct associated with the Panthers Penrith Precinct. It is requested that any DA consent is reflective of the desired staging noting a staging diagram has been prepared. A breakdown of the two stages is provided below:

- Stage 4: Construction of Building K & L
 - 171 apartments with the following breakdown:
 - 51 x 1 bed
 - 68 x 2 bed
 - 34 x 3 bed
 - 18 x 4 bed
 - Parking: 354 car parking spaces over a basement level and at-grade
 - Total retail GFA of 1,030m²
- Stage 5: Construction of Building H & J
 - 178 apartments with the following breakdown:
 - 59 x 1 bed
 - 81 x 2 bed
 - 38 x 3 bed
 - Parking: 260 car parking spaces over a basement level

- Total retail GFA of 1,155m²

Retail Premises

The development proposes a total of 18 retail premises with a total retail floor space of 2,185m² comprising of:

- Stage 4: Total retail floor space of 1,030m²:
- Stage 5: Total retail floor space of 1,155m²:

Residential Dwelling

The development proposes a total of 349 residential dwellings comprising of

Total Residential Units:

- 110 x 1 bedroom unit
- 149 x 2 bedroom unit
- 72 x 3 bedroom unit
- 18 x 4 bedroom unit

Parking

The development is to provide a total of 614 car parking spaces including 15 garage parking spaces, 4 EV charging spaces, 8 dedicated car wash bays, 8 motorcycle and 106 bicycle parking spaces (88 residential & 18 visitor) over a basement level and at-grade with 2 HRV vehicular parking spaces at-grade.

The Panthers Penrith Precinct is located approximately 1.5km south west of the Penrith City Centre and is approximately 68.1ha in area and is bonded by Mulgoa Road to the east, aged care accommodation and residential land use to the north east, Council's Carpenter's site to the north, residential lots and Nepean River to the west with Jamison Road to the south.

The development site – comprising of Stage 4 & 5 which is part of the ESQ 1818 site resides within the North Sub precinct associated with the Panthers Penrith Precinct which in turn lies within a larger area known as the Riverlink Precinct.

The ESQ1818 site associated with the Panthers Penrith Precinct can be best described as irregular in shape with a total site area of approximately 66,645m².

Stage 4 & 5 resides towards the western portion of the ESQ1818 site and is located north of the existing lake, south from The Address and from the Stage 2/3 land to the east and Ransley Street extension.

The site interfaces with the approved private road to the north that provides access to the development. The portion of the land to contain Stage 4 and 5 has a site area of approximately 17,767m².

The development site is zoned SP3 – Tourism under the provisions of the Penrith Local Environmental Plan 2010. The development site also subject to Clause 2.5 – Additional Permitted uses which permits particular land referred to in Schedule 1, Clause 22 of the Penrith LEP 2010 including multi dwelling housing, office premises, residential flat buildings, retail premises and senior housing.

The proposal will support the Penrith Panthers Precinct which to provide a vibrant entertainment, leisure, lifestyle and sporting precinct whilst providing new workplace, day and night entertainment, food and beverage opportunities, conferencing and accommodation. Development will also maximise pedestrian activities around the lakeside promenade and within the planned through-site link by retail premises including food and drink premises with outdoor dining spaces.

The proposal will ensure that development of land at Penrith Panthers in particular Stages 4 & 5 will be undertaken in a logical and cost-effective manner, in accordance with the staging plan whilst also being consistent with the intentions of the Riverlink Precinct Plan and the Penrith DCP 2014.

The proposal will assist in providing additional commercial and housing opportunities within the Panthers Precinct that will directly promote pedestrian activity at the street level whilst increasing valuable employment opportunities both during the construction phase and through an increase of commercial space at the completion of the proposal.

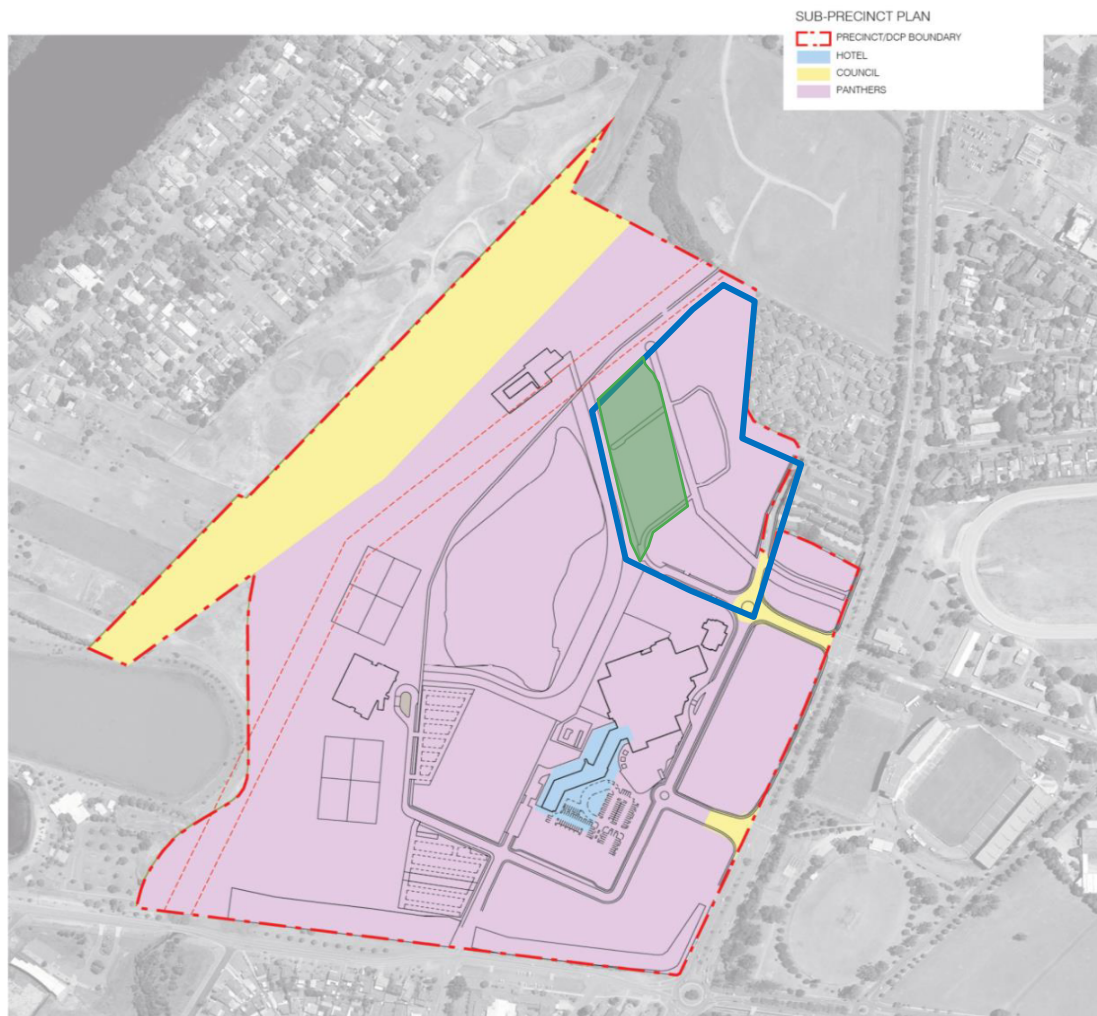
Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



BACKGROUND

The development site resides within the Penrith Panthers Precinct as per Penrith DCP 2014 below.

Figure 1: DCP Map Extract of the Panthers Penrith Precinct Site (Source: Penrith DCP 2014)



 ESQ 1818 Development Site

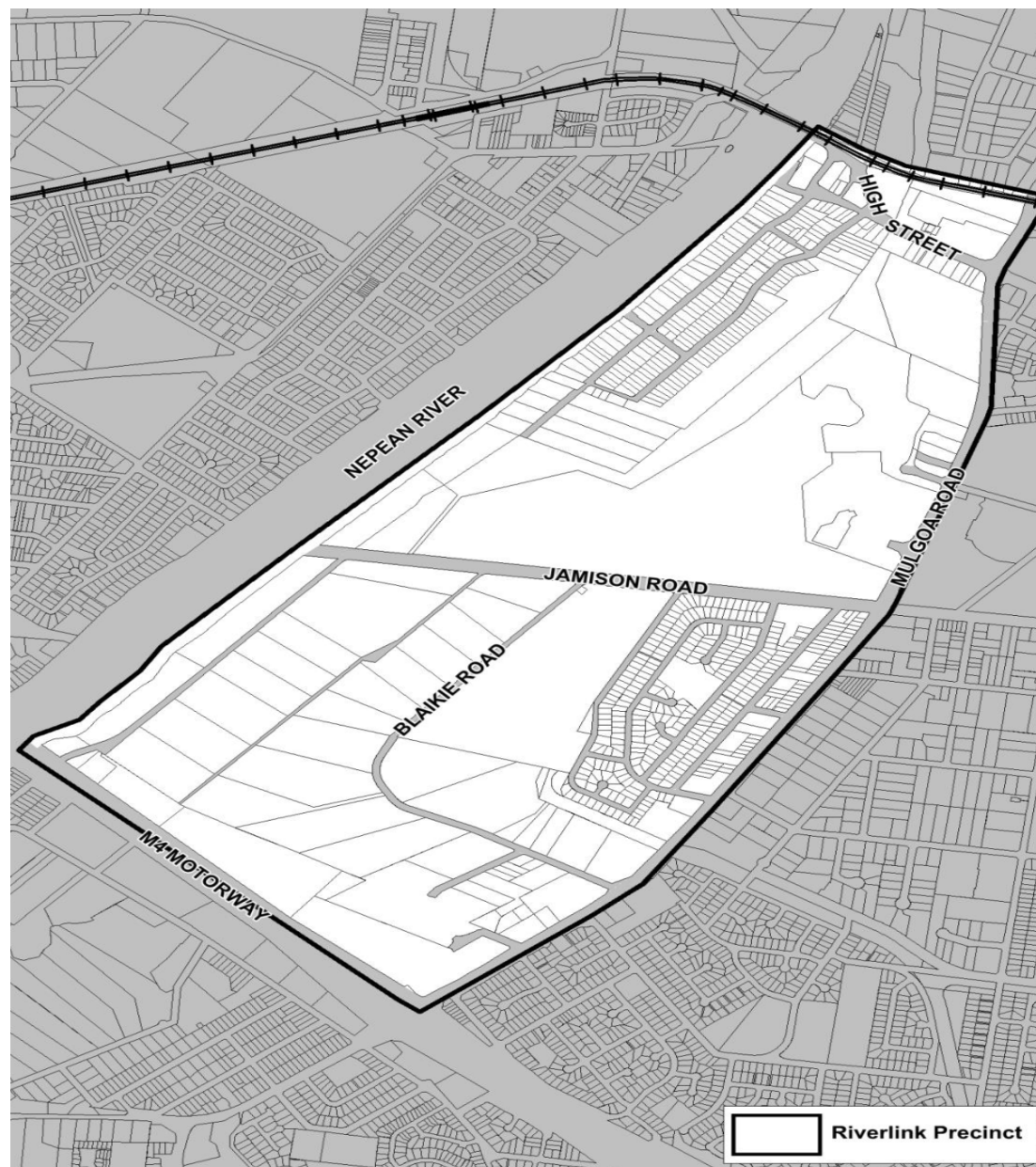
 Stage 4 & 5

The Penrith Panthers Precinct is located within close proximity to Penrith City Centre – approximately 2km and has an area of approximately 68.1ha. The precinct bounds Mulgoa Road to the east, Nepean River, Nepean and Ladbury Avenue residents to the west, Council's Carpenter's site to the north and Jamison Road to the south.

Penrith Panthers Club and associated land and facilities reside within the precinct.

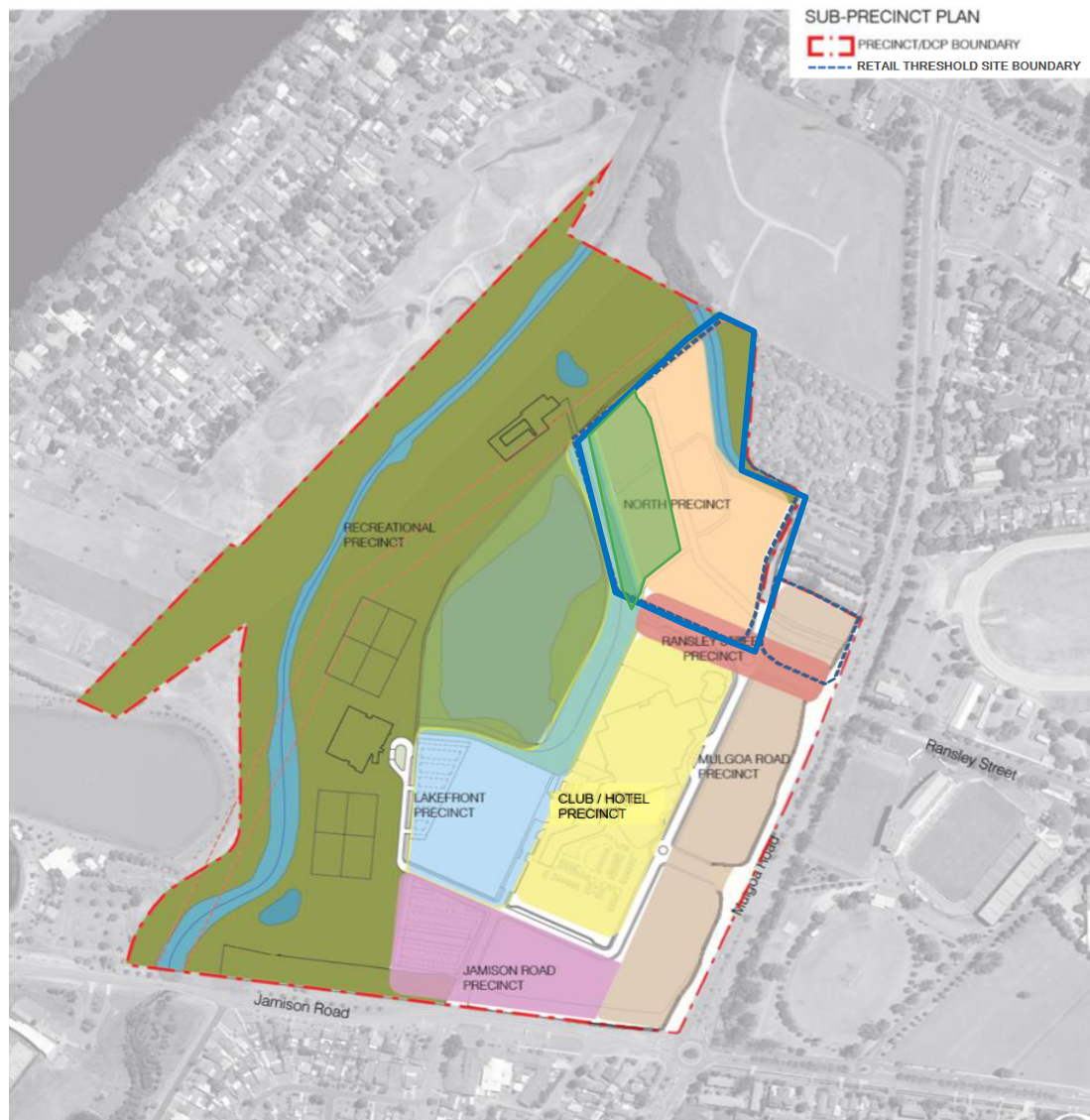
It is envisioned to undertake the redevelopment of the existing Panthers Club as an entertainment, leisure, lifestyle and sporting precinct that is to be surrounded and supported by a mix of residential mixed use developments. The Penrith Panthers Precinct lies within the area considered in the Penrith Riverlink Precinct Plan (Adopted by Council 5 May 2008) – as illustrated by the Riverlink Precinct map extract below:

Figure 2: Aerial Map Extract of the Panthers Penrith Precinct Site (Source: Penrith DCP 2014)



The Riverlink Precinct aims to create a living, entertainment and working hub that is to link the City Centre to the Nepean River. The development site resides within the North Precinct as per Figure E13.15: Sub Precinct Extract as demonstrated below.

Figure 3: Aerial Map Extract of the Panthers Penrith Sub Precinct (Source: Penrith DCP 2014)



 ESQ 1818 Development Site

 Stage 4 & 5

The North Sub Precinct is to support the Precinct by providing additional activity and year around activation of the precinct with option for medium and high density residential development.

BRIEF HISTORY

Planning Proposal & Amendments to the DCP 2014

Clause 9.6 of the Penrith Local Environmental Plan 2010 required the preparation of a development control plan for the Penrith Precinct as such site specific controls are contained within the Penrith Development Control Plan 2014 for the Panthers Penrith Precinct – a sub-section of the wider “Riverlink Precinct” DCP chapter.

A Planning Proposal was lodge to Council on the 12th of April 2016 seeking to amend the Penrith LEP 2010; in particular seeking to increase the maximum permitted building heights to 15m, 20m, 24m, 38m and 50m whilst also reducing building heights in certain locations across the ESQ1818 development site within the broader Panthers Penrith Precinct. The DCP was also to be amended with regard to relevant diagrams, proposed land uses, changes to heights, changes to the layout and structure, including roads, through-site links and building envelopes.

The key criteria of the Planning Proposal was to facilitate the ESQ1818 development site for mixed-use containing residential flat buildings and multi dwelling housing developments.

The scheme was to deliver a combination of lower and taller buildings with a redistribution of heights across the site, with no increase in the maximum FSR sought.

Gateway Determination was issued for the Planning proposal on 20th December 2016 and conditioned the ESQ1818 development site with a maximum of 850 dwellings and 80,400m² of gross floor area.

At the end of the exhibition period, the Planning Proposal and DCP amendment were considered by Council at its meeting of 27 November 2017 where Council approved the Planning Proposal and DCP amendments.

The Planning Proposal was gazetted on 18 December 2020 and set out the following as it relates to density.

[5] Clause 9.7

Insert after clause 9.6—

9.7 Area 5—Maximum residential density

- (1) The objective of this clause is to limit the density of residential development for certain land to which this Part applies.
- (2) This clause applies to land identified as “Area 5” on the Height of Buildings Map.
- (3) Despite clause 4.4, the consent authority may consent to development on land for the purposes of residential accommodation if the consent authority is satisfied that—
 - (a) the total gross floor area of all buildings will not exceed 80,400 square metres, and
 - (b) the land to which this clause applies is not developed for more than 850 dwellings.

Stage 1 DA – DA 17/0766

DA 17/0766 was lodged with Council on 16th August 2017 and approved by the Sydney Western Planning Panel at their meeting on the 29th January 2018.

Stage 1 approved the following:

- Demolition works including the heritage listed dwelling at 65 Mulgoa Road
- Earthworks and associated excavation
- Services and ancillary landscaping and drainage works
- 2 x residential flat buildings ranging in height from 4 to 7 stories comprising of 12,804m² of residential floor space with 152 dwellings and 189 car parking spaces
- Landscaped podium level
- Public domain works including upgrade to existing verge with new pedestrian and cycle paths to Retreat Drive

Subdivision DA – DA 18/0207

DA was lodged to undertake subdivision of Lot 10 DP 1223020 (also known as 123 Mulgoa Road, Penrith) into 5 lots on the 6th of March 2018 and approved by Council on 16th August 2018.

Stage 2 DA – DA 18/0999

DA 17/0766 was lodged with Council in December 2018 and granted consent by the Planning Panel in August 2019.

Stage 2 & 3 approved the following:

- Demolition works including the existing pavilion structure and at-grade bitumen car park
- Earthworks and associated excavation
- Services and ancillary landscaping and drainage works
- Mixed use development comprising 1,225m² of retail floor space and 28,205m² of residential floor space with:
 - 328 dwellings;
 - 439 car parking spaces including 24 retail spaces (excluding car wash and service vehicle bays)
- 1 x mixed use building (Stage 2A – Building C) with ground level retail and residential flat building 5 storeys in height
- 4 x residential flat buildings (Stage 2B – Buildings D and E; Stage 3 – Buildings F and G) ranging in height from 4-5 storeys
- Landscaped podiums
- Construction of roads
- Landscaping and public domain works
- Restoration works of the existing riparian corridor

DA 18/0999 also undertook the following broader reports for the wider precinct.

- Aboriginal Archaeological Assessment
- Bushfire Protection Assessment
- Flood Impact Assessment and Water Quality
- Geotechnical Report
- Revised Contamination Report

SITE AND LOCALITY DESCRIPTION

PANTHERS PENRITH PRECINCT

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

Figure 4: Aerial Map Extract of the Panthers Penrith Precinct Site (Source: Six Maps)



- Panthers Penrith Precinct
- ESQ 1818 Development Site – Estimation of Boundary
- Stage 4 & 5 – Estimation of Boundary

DEVELOPMENT SITE

Bounding Retreat Drive to the east, Ransley Street to the south, Peachtree Creek to the west and aged care accommodation and residential land uses, the development site can be best described as a large predominantly vacant land parcel with a total area of 17,767m².

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

An aerial extract of the development site is provided below showing the current state of construction on the site.

Figure 5: Aerial Map Extract of Subject Site (Six Maps)



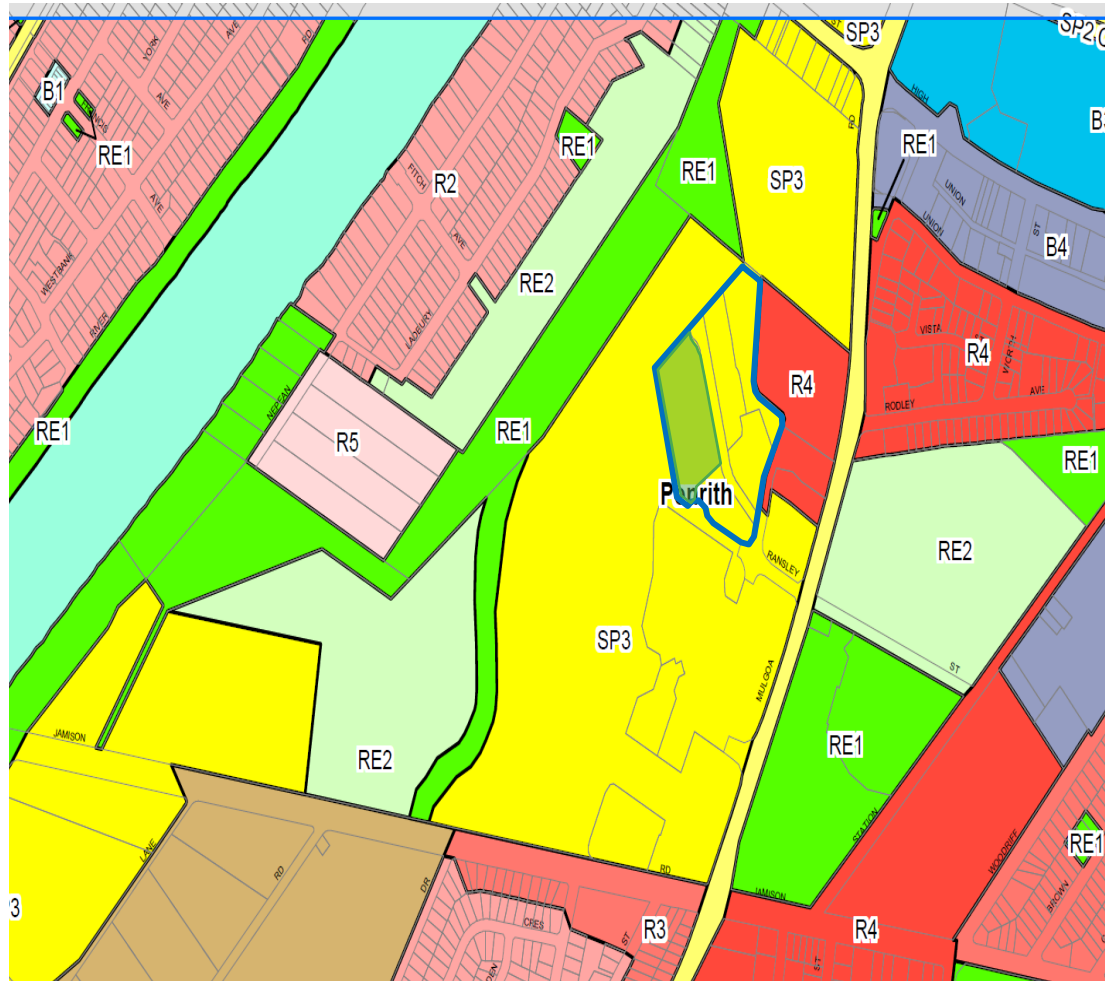
- ESQ 1818 Development Site
- Stage 4 & 5 – Estimation of Boundary

ZONING CONTROL

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

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

Figure 6: Land Zoning Map – Sheet LZN_006 Extract (Source: Penrith LEP 2010)

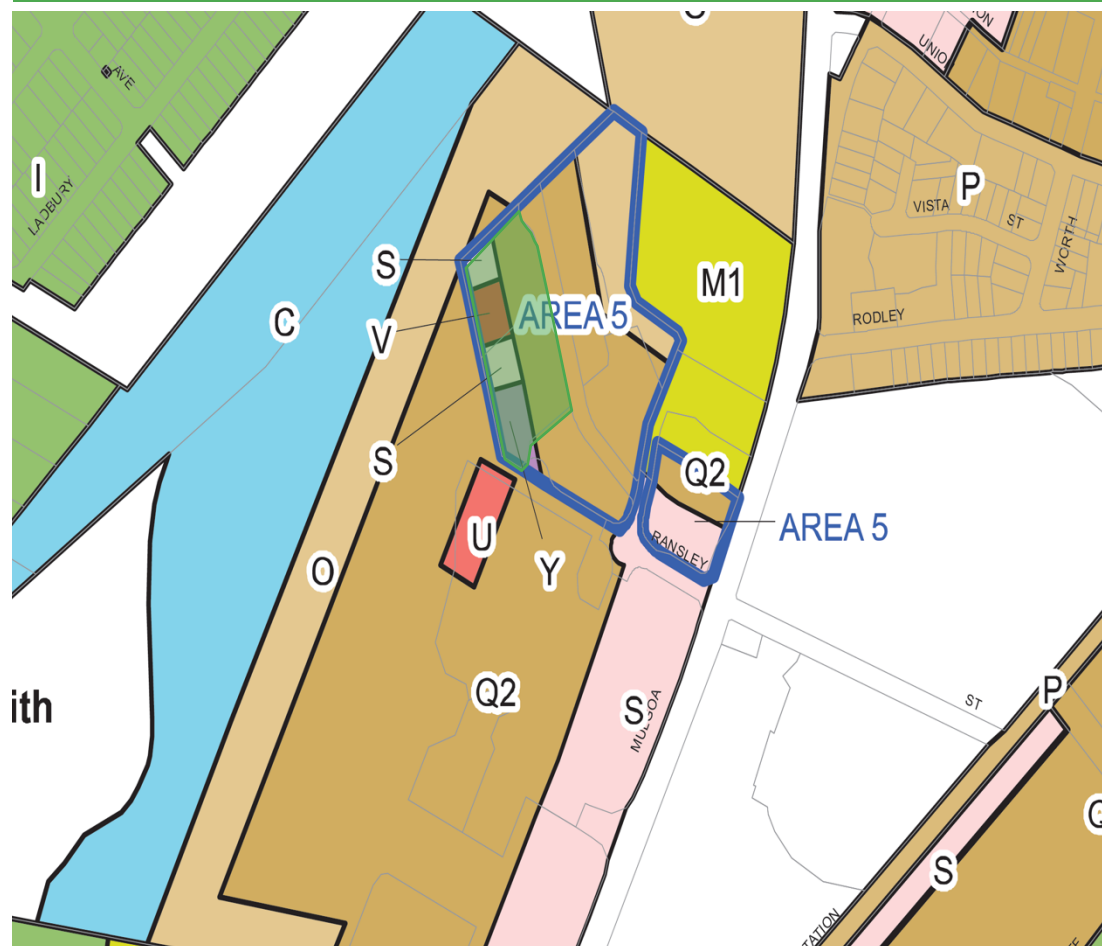







- ESQ 1818 Development Site
- Stage 4 & 5

BUILDING HEIGHT CONTROL

As outlined below, the development site is subject to varying building heights ranging from 24m-50m.

Figure 7: Land Zoning Map – Sheet LZN_006 Extract (Source: Penrith LEP 2010)



-  ESQ 1818 Development Site
 Stage 4 & 5
 Q2 20m
 S 24m
 V 38m
 Y 50m

DESCRIPTION OF PROPOSAL

The development proposes to undertake development of Stage 4 & 5 within the ESQ1818 development precinct. Stage 4 and 5 are the final stages of the broader development noting that demolition works, rehabilitation of existing riparian corridor, major stormwater and construction of new roads and civil infrastructure have been addressed via previous DAs, in particular DA18/0999.

Stage 4 and 5 are the final stages of the broader development noting that demolition works, rehabilitation of existing riparian corridor, major stormwater and construction of new roads and civil infrastructure have been addressed via previous DAs, in particular DA18/0999.

The current application is seeking consent to construct a series of mixed use buildings consisting of 18 x retail premises with 2,185m² of floor space and a total of 349 dwelling over a series of 5 to 13 storey buildings. A total of 614 car parking spaces are also provided on-site over a basement level and at-grade.

The development also includes earthworks and associated excavation, stormwater drainage and associated landscaping within the Stage 4 and 5 area as well some additional works to the lake foreshore within the Penrith Rugby League Club land to create a high quality precinct along the foreshore area.

Staging

Due to the size of the overall project, the development has been approved to be undertaken in 5 distinct stages, with Stage 4 & 5 being the last two remaining stages left to be approved by Council within the North Sub-Precinct associated with the Panthers Penrith Precinct. It is requested that any DA consent is reflective of the desired staging noting a staging diagram has been prepared. A breakdown of the two stages is provided below:

- Stage 4: Construction of Building K & L
 - 171 apartments with the following breakdown:
 - 51 x 1 bed
 - 68 x 2 bed
 - 34 x 3 bed
 - 18 x 4 bed
 - Parking: 354 car parking spaces over a basement level and at-grade
 - Total retail GFA of 1,030m²

- Stage 5: Construction of Building H & J
 - 178 apartments with the following breakdown:
 - 59 x 1 bed
 - 81 x 2 bed
 - 38 x 3 bed
 - Parking: 260 car parking spaces over a basement level
 - Total retail GFA of 1,155m²

Retail Premises

The development proposes a total of 18 retail premises with a total retail floor space of 2,185m² comprising of:

- Stage 4: Total retail floor space of 1,030m²:
- Stage 5: Total retail floor space of 1,155m²:

Residential Dwelling

The development proposes a total of 349 residential dwellings comprising of

Total Residential Units:

- 110 x 1 bedroom unit
- 149 x 2 bedroom unit
- 72 x 3 bedroom unit
- 18 x 4 bedroom unit

Parking

The development is to provide a total of 614 car parking spaces including 4 EV car parking space, 8 dedicated car wash bays, 8 motorcycle and 106 bicycle parking spaces (88 residential & 18 visitor) over a basement level and at-grade with 2 HRV vehicular parking spaces at-grade.

Lakefront Promenade Works

The proposal provides for the establishment of a new lakefront promenade as set out in the Landscape Plans by Oculus. This includes a series of new timber platforms over the existing Panthers lake area.

Discussions with Penrith City Council Regarding Riverlink Walk

It is noted that discussions are continuing with Penrith Council with a view to realigning the Riverlink Walk (Great River Walk) through the Panthers site to take pedestrian traffic off Nepean Avenue and Ladbury Avenue.

This would run through the Panthers land and connect to the promenade works proposed and then run northwards which would be a positive outcome. Those discussions are continuing with Council and do not form part of this DA.

Waste Management

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

Public Art

No change to the public art strategy approved for the Panthers Penrith Precinct and this will be followed for Stage 4 and 5.

Stormwater Management

No change to the stormwater management arrangements approved under DA18/0999 that established the broader connections to stormwater drainage and a new drainage scheme is proposed that aligns with that strategy and provides for connection into that drainage system.

Flooding

Has been addressed via previous DAs, noting no change to the approved flood mitigation measures approved under DA18/0999 including ensuring minimum habitable floor levels align with the required freeboards.

Riparian Corridor Rehabilitation and Restoration

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

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- Water Management Act
- State Environmental Planning Policy (BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and Apartment Design Guide
- Penrith Local Environmental Plan 2010

POLICY CONTROLS

The applicable policy control documents include:

- Penrith Development Control Plan 2014

CONSIDERATION OF PLANNING CONTROLS

WATER MANAGEMENT ACT 2000

The original proposal involved carrying out of development within 40m of waterfront land including the realignment of an existing creek, however section 91 of the Water Management Act 2000 has been addressed via DA18/0999. Technically this proposal also triggers the provisions of the Act owing to proximity to the Panthers Lake and referral is required to NRAR but it is noted that Panthers Lake is largely an artificially created waterbody used primarily for recreation- including the aqua golf operation on the lake.

STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The application has been assessed and is to be accompanied by a complying BASIX certificate demonstrating a commitment to thermal and water efficiency. It is noted that the final BASIX Certificate is to be submitted to Council under separate cover owing to the timing in the preparation of the final certificate.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

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

A Stage 1 Contamination Assessment has been undertaken as part of the previous DA which concluded that the site was suitable for residential development and that no remediation action plan was required.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application.

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

The subject site resides within the Panthers Penrith Precinct, having historically been used for urban purposes. The development site (ESQ1818) is predominantly devoid of any vegetation with previous DAs including DA 18/0999 permitting the removal of all identified trees on the site. The proposal is to provide appropriate landscape works within an urban context. Refer to attached Landscape Plan for detail.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

Division 17 relates to Development in or adjacent to road corridors and road reservations

The following table discussed the requirements of division 17.

Clause	Response
2.115 Development other than road facilities on public roads (1) Development may be carried out with consent on a public road that is unzoned land for any purpose that may be carried out (either with or without consent) on land adjoining the road. (2) Development for any purpose may be carried out by a public authority without consent on a public road that is unzoned land.	The development is not proposed on part of a public road that is to be reclassified as part of this application. Accordingly no further consideration of this clause is required.
2.116 Highway service centres in road corridors (1) Development for the purpose of a highway service centre may be carried out in a road corridor for a freeway, main road or tollway only with consent	The development is not proposed in a road corridor. Accordingly no further consideration of this clause is required.
2.117 Development on proposed classified road (1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land	The development site is not located on a proposed classified road. Accordingly no further consideration of this clause is required.

is declared to be a classified road) may be granted only with the concurrence of TfNSW—

- (a) subdivision that results in the creation of an additional lot with dwelling entitlements,
- (b) development with a capital investment value greater than \$185,000,
- (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.

2.118 Development with frontage to classified road

(1) The objectives of this section are—

- (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.

(2) The consent authority must not grant consent to development on land that has a 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 development site does not have frontage to a classified road. Accordingly no further consideration of this clause is required.

2.119 Impact of road noise or vibration on non-road development

(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the

The site is well removed from Mulgoa Road and associated road noise.

consent authority considers is likely to be adversely affected by road noise or vibration—

- (a) residential accommodation,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

2.120 Excavation in or immediately adjacent to corridors

(1) This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2)—

- (a) the Eastern Distributor,
- (b) the Cross City Tunnel,
- (c) the Lane Cove Tunnel,
- (d) the Tugun Bypass,
- (e) the Liverpool—Parramatta Transitway,
- (f) the North-West Sydney Transitway Network,
- (g) the Gore Hill Freeway,
- (h) the Western Distributor,
- (i) Southern Cross Drive,
- (j) the Cahill Expressway,
- (k) General Holmes Drive,
- (l) the Hume Motorway,
- (m) the M1 Pacific Motorway,
- (n) the M2,
- (o) the M4,
- (p) the M5,
- (q) the M4—M5 link,
- (r) the M7,
- (s) NorthConnex,
- (t) the Sydney Harbour Tunnel,

The proposal is not located in or immediately adjacent to a corridor. Accordingly no further consideration of this clause is required.

- (u) the King Georges Road Interchange,
- (v) the Pacific Highway.

2.121 Traffic-generating development

- (1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—
- The development does meet the threshold requirements outlined in schedule 3 and accordingly a referral to TfNSW is required.
- (a) new premises of the relevant size or capacity,
 - or
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

The proposal is identified as ‘traffic generating development’ given the proposal incorporates parking for more than 200 vehicles.

Therefore concurrence of the TfNSW is required and it is anticipated that Council will refer the application to the TfNSW for this to occur noting the traffic report which accompanies this application addresses the relevant traffic and parking matters in detail.

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

The development application is accompanied by a design verification statement by Stephen Cox verifying that he has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development.

A description of compliance with the applicable development controls such as setbacks, building heights, etc. is provided in the local planning controls discussion and tables overleaf.

The table overleaf provides a detailed discussion against the relevant provisions of the ADG, noting that a number of these provisions are embodied within the Penrith Local Environmental Plan 2010 and supporting Penrith Development Control Plan 2014.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided.	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct frontage from the street	<p>The development comprises of a series of 4 x mixed use buildings designed to address its multiple frontages with direct access to the residential lobby area to future planned roads.</p> <p>The north-south axis of the site maximises solar access of the apartments and communal open spaces.</p> <p>Solar access to approved buildings within the previous Stages will be unaffected as the proposed 4 buildings and road networks provides generous building separation.</p>	Yes
3C Public Domain	Terraces, balconies should have direct street entry, where appropriate.	The development comprises of a mix use building with a mix of commercial/retail premises on the ground floor with residential units above, with lift core and lobby area situated on the ground floor to provide direct street entrance to the residential units.	Yes

	<p>Furthermore, the residential access points are carefully and appropriately located for legibility for future tenants and visitor. Refer to attached plans for detail.</p> <p>Where appropriate, direct access to ground floor units and townhouses via courtyards are provided within direct street/footpath entry.</p>	
Mail boxes should be located in lobbies, perpendicular to the street alignment	Mail boxes are appropriately located. Complies.	Yes
Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	<p>The waste rooms are enclosed and located in the basement level with any services rooms enclosed to minimise its impact to the streetscape.</p> <p>The development proposes a substation along its frontage to a new road along its southern boundary and a second substation along The Address, however considering the length of both frontage and combine with landscaping, the substation will have negligible impact on the streetscape and the public domain.</p>	Yes
3D Communal and Public Open Space	<u>Design Criteria:</u>	
Communal open space has a minimum area equal to 25% of the site	<p>The development site has an area of 17,769.4m² and as such is required to provide 4,442.35m² of communal open space.</p> <p>The development is to deliver a total of 5,875m² or 33.2% of the site area as communal open space consisting of:</p> <ul style="list-style-type: none"> o Podium Level: - 4325m² of communal open space o Stage 5 – Building J - 1,550m² of communal open space 	Yes

50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	The communal open space areas have been designed to receive adequate levels of sunlight in accordance with the ADG.	Yes
<u>Design Criteria:</u>		
Minimum dimension of 6m	Complies	Yes
Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standards is provided to communal open space areas with a lift core providing direct access from common circulation areas, entries and lobbies on the ground floor and also from every residential level and basement level.	Yes
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	The additional communal open space area is provided within the podium level and also within Level 06 associated with both Buildings. <u>Podium Level</u>	Yes
Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:	Comply.	Yes
<ul style="list-style-type: none"> • seating for individual or groups • barbecue areas • play equipment or play area • swimming pools, gyms, tennis courts or common rooms 		
Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintain privacy	The proposed residential component of the mix use development has been designed with the orientation of balconies and windows to maximise passive surveillance to common areas within the development site and to the public domain.	Yes

	Public open space should be well connected with public street along at least one edge	Multiple access to the proposal is provided. See attached plans for detail.	Yes
3E Deep Soil Zones <u>Design Criteria:</u>			
	A deep soil zone equivalent to 7% of the site must be provided	<p>The overall development site (ESQ1818) complies with the deep soil requirements under the ADG.</p> <p>Regarding the deep soil zones associated with Stage 4 & 5, the development provides a total of 1,675² or 7.6% of the extended site area as deep soil zone.</p> <p>It is noted that the development site is identified to accommodate the more active and urbanised uses with the overall site to comply with the deep soil zone required under the ADG through the riparian land to the north-east of the developable parcels.</p> <p>Furthermore, extensive street planting and other deep rooted planting and inclusion of a boardwalk zone (2,587m²) is to be undertaken within the precinct. Refer to attached Landscape Plans for detail.</p> <p>Given the dense urban context of Stage 4 and 5- always contemplated for the site- the extent of deep soil proposed as part of Stage 4 & 5 is suitable.</p>	Yes
3F Visual Privacy			
Buildings separation up to 4 storeys (up to 12m)	<p>12m between habitable rooms (6m)</p> <p>6m between non-habitable rooms (3m)</p>	<p><u>Up to 4 Storeys</u></p> <p>Stage 4 & 5 is sufficiently separated from the other stages via road networks and as such sufficient building separation will be achieved between the current development and approved development within the North Sub-Precinct associated with the Penrith Panthers Precinct.</p>	Yes

5-8 storeys (up to 25m)	18m between habitable rooms (9m)	Up to 8 storeys the development provides a minimum building separation of 18m between the 4 buildings.	Between the wings, the development provides a mix of blank walls and offset windows to protect privacy impacts between units within each building.
9+ storeys (over 25m)	24m between habitable rooms (12m)	A building separation >25m is provide between Buildings L & K.	
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas.	The building provides a separate and clearly distinguishable entry points to both the commercial/retail premises and the residential component, noting the lobby area provides direct access to residential units above via a lift core.	Yes
		Multiple pedestrian links are provided throughout the site to increase permeability.	
		Pedestrian links are direct, have clear sight lines.	
		Where appropriate, level changes on the ground level are minimised with level changes, ramps and steps integrated into the overall building, public domain and landscape design.	
3H Vehicle Access	Car park access should be integrated with the building's overall façade	The vehicular access point is integrated with the building's overall façade.	Yes
		The retail, loading and residential parking is kept apart with separate entry, circulation and access points for each use.	
		The width of car park entries are minimised and clear sight lines are provided at vehicular crossings.	
	Car park entry and access should be located on secondary streets or lanes where available	Noted.	-

	Clear sight lines should be provided at pedestrian and vehicle crossing	Clear sight lines are provided at the loading docks and carpark entry/exit points and vehicle crossing to ensure safety of pedestrians.	Yes
	Garbage collection, loading and servicing areas are screened	Garbage rooms are enclosed to ensure that they are adequately screened from the public domain.	Yes
3J Carparking	<p>Design Criteria: Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of:</p> <p>>20 units <u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit 0.9 spaces per 2 bedroom unit 1.40 spaces per 3 bedroom unit</p> <p>1 space per 5 unit for visitor</p> <p><u>Design Guidelines:</u></p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas</p>	<p>The subject site is not located within 800m of a railway station, or a light rail stop, therefore it has been designed to comply with the car parking rates under the Penrith DCP 2013.</p> <p>The loading dock is separated from the carpark entry.</p> <p>Secured undercover bicycle parking spaces are provided within the basement level and at-grade.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Part 4 – Designing the Building			
4A Solar Access	<u>Design Criteria:</u>		
	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	<p>244 out of 349 units or 69.9% of units will achieve the required 2 hours of solar access at mid-winter.</p> <p>Regarding the stages:</p> <p>Stage 4 which comprise of Building L & K: a total of 119 out of 171 Units or 69.6% units achieve the required 2 hours of solar access at mid-winter.</p>	Yes

		<p>Stage 5 which comprises of Building H & J: a total of 125 out of 178 or 70.2% of units will achieve the required 2 hours of solar access at mid-winter.</p>	
	<p>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter</p>	<p>Less than 15% of the total apartments receive no sunlight.</p>	<p>Yes</p>
4B Natural Ventilation	<p><u>Design Criteria:</u></p> <p>60% of units are cross ventilated in a building up to 9 storeys</p>	<p>209 out of 318 units or 65.7% of units achieve natural ventilation. This is confirmed by the natural ventilation statement that accompanies the submission.</p> <p>Regarding the stages:</p> <p>Stage 4 which comprise of Building L & K: a total of 103 out of 156 Units or 66.0% units achieve natural ventilation.</p> <p>Stage 5 which comprises of Building H & J: a total of 104 out of 162 or 64.2% of units will achieve natural ventilation</p>	<p>Yes</p>
	<p>Overall width of cross over or cross through apartments is < 18m</p>	<p>Complies</p> <p>Development has a mix of dual aspect apartments and corner apartments.</p> <p>See attached architectural plans for detail.</p>	<p>Yes</p> <p>Yes</p>
4C Ceiling Height	<p>Design Criteria:</p> <p>3.3 ground and first floor; 2.7m for habitable and 2.4m for non-habitable.</p>	<p>Development provides a minimum floor to ceiling height >3.3m on the ground floor and >3.1m for the remaining levels, noting that the proposed floor to ceiling heights are appropriate within the existing precinct.</p>	<p>Yes</p>

4D Unit Sizes	Design Criteria:		
1 bed	50m ²	All units comply with many units exceeding. Where additional bathrooms have been provided, unit sizes have been increased by at least 5m ² .	Yes
2 bed	70m ²		
3 bed	90m ²		
4 bed	112m ²		
+ 5m ² for each unit with more than 1 bathroom.			
Habitable Room	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%.	Every habitable room is provided with a window.	Yes
Depths	Design Guidelines: Limited to 2.5m x Ceiling Height	N/A as open plan layouts provided.	N/A
Bedroom sizes	10m ²	Comply	Yes
Master	9m ²	Comply	Yes
Other			
Living rooms/dining areas have a minimum width of:			
3.6m			Yes
4m		Comply	Yes
Open Plan Layouts that include a living, dining room and kitchen.	Studio/1 br	Comply	Yes
	2 br/3br		
	8m to a windows	Complies given unit depths and design layouts. Complies.	Yes
4E Private Open Space			
Balcony Sizes			
1 bed	8m ² & 2m depth	Continues to comply	Yes
2 bed	10m ² & 2m depth	Continues to comply	Yes
3 bed	12m ² & 2.4m depth	Continues to comply	Yes
Ground level / podium apartments	15m ² & 3m depth	Continues to comply	Yes

4F Common circulation and space	<u>Design Criteria:</u> 8 – 12 unit per plate	Complies. The breakdown of lifts provided per building is listed below: Stage 4: <ul style="list-style-type: none">- Building K: A total of 2 lift cores or 1 x lift core per wing servicing a maximum of 7.5 (8) units per level/per lift core- Building K: A total of 4 x lift core per wing servicing a maximum of 3.75 (4) units per level/per lift core Stage 5: <ul style="list-style-type: none">- Building H: A total of 2 lift cores or 1 x lift core per wing servicing a maximum of 7.5 (8) units per level/per lift core- Building D: A total of 4 x lift core per wing servicing a maximum of 5 units per level/per lift core	Yes
Common circulation units per plate	Are articulated	N/A	N/A
4G Storage	1 bed 6m ³ 2 bed 8m ³ 3+ bed 10m ³ Min 50% of required storage is within the apartment	The proposal provides: 1 bed: >6m ³ 2 bed: >8m ³ 3+ bed: >10m ³ This is provided within the basement/ground floor and within the units themselves, with a minimum of 50% of storage to be provided within each individual unit. The proposed development is considered to offer storage space that aligns with the provisions of the ADG.	Yes Yes Yes Yes
4H Acoustic Privacy	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Development has provided adequate separation from neighbour buildings/properties in-line with 3F Visual Privacy – design criteria above.	Yes

	Windows and door openings are generally orientated away from noise source.	Where appropriate windows and door openings are orientated away from noise sources.	Yes
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.	Yes
4J Noise and Pollution	<u>Design Guidelines:</u>		
	To minimise impacts the following design solutions may be used:	Retail and residential zones are kept separate with retail areas interacting with the ground floor and public domain areas.	Yes
	<ul style="list-style-type: none"> - Physical separation between buildings and the noise or pollution source - Residential uses are located perpendicular to the noise source and where possible buffered by other uses - Non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces - Non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution sources. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources 	<p>Noisy areas at ground floor are recessed below awnings and/or separated by landscape zones.</p> <p>Satisfactory levels of noise emission from plant will be achieved through appropriate plant selection and location and if necessary, standard acoustic treatments such as duct lining, acoustic silencers and enclosers will be incorporated. Detailed acoustic review is to be undertaken at CC stage to determine acoustic treatment to control noise emission to satisfactory levels- noting an acoustic report accompanies the DA.</p> <p>Loading and waste collection is internal to the building and exhausted via duct riser to roof levels.</p> <p>Dense materials are used in the facades, brick and concrete, providing good noise reduction.</p> <p>Walls, glazing and roofs are designed to meet the requirements of the acoustic report for sound mitigation.</p>	

	<ul style="list-style-type: none"> - Buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer 	<p>The party walls (walls shared with other apartments) are designed to meet the requirements of the acoustic report.</p> <p>Refer to attached Acoustic Assessment for detail.</p>	
4K Apartment Mix	A variety of apartment types is provided	<p>A diversity of apartments is proposed as follows:</p> <ul style="list-style-type: none"> - 110 x 1 bedroom unit - 149 x 2 bedroom unit - 72 x 3 bedroom unit - 18 x 4 bedroom unit <p>The proposed unit mix will offer a variety of housing choice.</p> <p>The proposal is designed with a mix of units to provide a variety of housing choices that responds to market demand, noting that the bedroom numbers and size of units are varied that will provide for a range of sizes to meet the needs of occupants and also provide different pricing points for the alternative sizes which will contribute to affordability.</p>	Yes
4L Ground Floor Apartments		<p>Where appropriate, the majority of ground floor apartments are provided direct street access.</p> <p>Ground floor apartments and lower levels associated with the townhouse are provided with private terraces located at a height above the footpath level to promote privacy while permitting casual surveillance and activation of the streetscape.</p>	Yes
4M Facades	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	<p>The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements.</p> <p>The landscape podiums provide greenery.</p>	Yes

		<p>Building entries are clearly defined and expressed in the façade design and articulation.</p> <p>Residential apartments are clearly identifiable and distinguishable from the retail levels at the podium level.</p> <p>Overall the revised proposed facade is considered a quality design outcome that is compatible within the North Sub-Precinct associated with the Penrith Panthers Precinct.</p>	
4N Roof design	<u>Design Guidelines:</u>		
	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> - Special roof features and strong corners - Use of skillion or very low pitch hipped roofs - Breaking down the massive of the roof by using smaller elements to avoid bulk - Using materials or a pitched form complementary to adjacent buildings 	<p>Roofs are expressed in differing materials to compliment the architectural aesthetic and tie in with local context.</p> <p>Service elements are integrated within the roof and parapet design or set back behind screens.</p> <p>Open space is provided on podium and roof tops with visual, wind mitigation and acoustic privacy, from screens and planters.</p>	Yes
4O Landscape Design	1 large tree or 2 medium trees per 80m ² of DSZ	Appropriate landscaping is provided, noting that the proposal involves extensive planter box within the podium level. Refer to attached Landscape Plan for detail.	Yes
4P Planting on Structure	<u>Design Guidelines:</u>		
	<p>Structures are reinforced for additional saturated soil weight</p> <p>Soil volume is appropriate for plant growth</p>	<p>Podium level and communal open space and private terrace includes planters that are designed to accommodate plants, shrubs and trailing plants.</p> <p>The communal podium and communal open space within Level 6 provides a large area of landscaped open space.</p>	Yes

		Raised planting and street trees is also provided at the retail level.	
		Refer to attached landscaping plan.	
4Q Universal Design		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
20% of the total apartments	Achieve Loveable House Guidelines silver level universal design features	<p>The development provides a total of 10% of the total unit yield as adaptable unit in accordance with Penrith DCP 2014.</p> <p>The development also provides 77 dwellings or 20% of the total unit yield as livable units that achieve silver level standard in Livable Housing Design Guidelines, with the following breakdown:</p>	Yes
4S Mixed Use	<u>Design Guidelines:</u>		
	Mixed use development should be concentrated around public transport and centres	The ground floor is dedicated predominantly to retail uses and communal uses for street activation.	Yes
	<p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> - Development addresses the street - Active frontages are provided - Diverse activities and uses - Avoiding blank walls at the ground level 	<p>The retail tenancies on the ground provides frontages to its boundaries, pedestrian pathway and to the Lakeside Promenade.</p> <p>Plant rooms and vehicular services zones are kept way from facades where possible.</p> <p>When required to extend to facades, service rooms are separated by retail areas and residential lobbies for street and pedestrian safety.</p>	
	- Residential entries are separated from commercial entries and directly accessible from the street	Primary residential foyers are distributed around the perimeter of the development with secure access.	Yes
	- Commercial service areas are separated	Residential car parking and lift access is separated from retail parking at basement	Yes

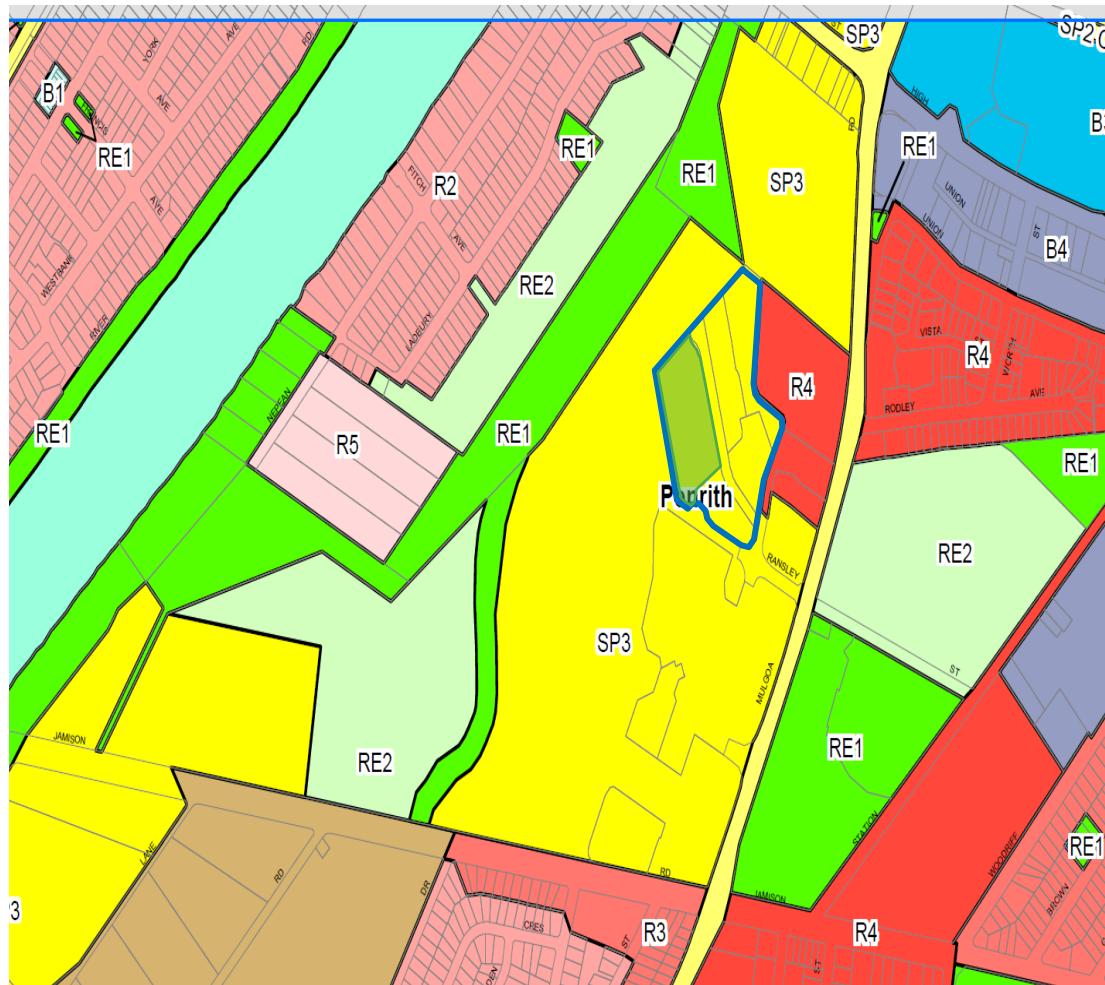
	from residential components		
	- Residential car parking and communal facilities are separated or secured		
4T Awnings and Signage	<u>Design Guidelines:</u> Awnings should be located along street with high pedestrian activity and active frontages	Appropriate awning is to be provided. Refer to attached plans for detail.	Yes
	Signage should be integrated into the building design and response to the scale, proportion and detailing of the development	No signage is proposed as part of this application, noting signage will be subject to future DAs.	N/A
4U Energy Efficiency	<u>Design Guidelines:</u> Adequate natural light is provided to habitable rooms	Natural light is provided to habitable rooms where appropriate.	Yes
		<p>The proposed development will incorporate the following measures:</p> <ul style="list-style-type: none"> - Maximised openable windows - Sensors to control artificial lighting in common circulation spaces - VRV condensers - 4 star hydraulic fixtures - 3 star appliances - PV cells - Rainwater tanks <p>The design development includes passive solar design measures including thermal insulation, overhands for shading, insulated walls, roofs and floors, and seals on windows and external door openings.</p> <p>The residential development has been provided with BASIX certificate indicating energy efficiency for each residential unit provided.</p>	

4V Water Management and Conservation	Reduce mains consumption and reduce the quantity of storm water runoff.	The residential development has been provided with BASIX certificate indicating energy efficiency for each residential unit provided.	Yes
4W Waste Management	<u>Design Guidelines:</u>		
	Supply WMP	Provided, noting communal waste chute will be provided for residents in convenient and accessible locations related to each vertical core.	Yes
	Allocate storage area	Appropriate waste storage areas are provided, noting that the garbage collection loading areas is internal to the building and is separated from public and residential areas. Separate retail and residential garbage rooms are provided.	Yes
4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed material is considered durable which may be easily cleaned.	Yes

PENRITH LOCAL ENVIRONMENTAL 2010

As outlined below, the subject site is zoned SP3 Tourist under the provisions of the Penrith Local Environmental Plan 2010 and is subject to a split building height of 50m and 20m and a maximum FSR of 1:1.

Figure 8: Land Zoning Map – Sheet LZN_006 Extract (Source: Penrith LEP 2010)

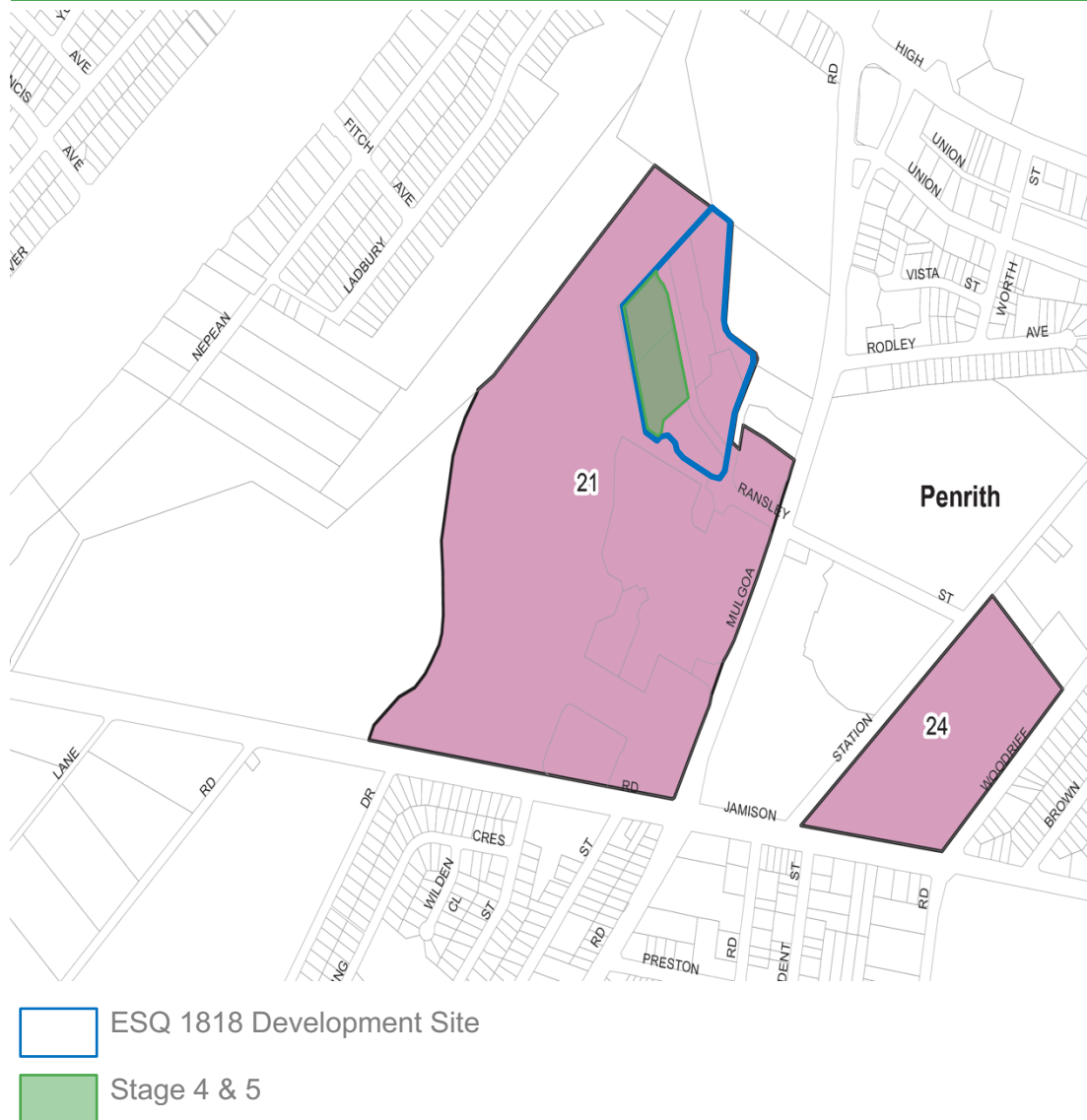


- ESQ 1818 Development Site
- Stage 4 & 5

The development site is identified as “21” on the Additional Permitted Use Map as demonstrated via the Additional Permitted Use Map Sheet in the following page.



Figure 9: Additional Permitted Use Map Sheet APU_006 Extract (Source: Penrith Local Environmental Plan 2010)



Clause 22 (2) under Schedule 1 – Additional Permitted Uses permits the following land uses within land identified as “21” under the Additional Permitted Use Map Sheet APU_006:

- Multi dwelling housing
- Office premises
- Residential flat buildings
- Retail premises
- Seniors housing

As such the proposed multi dwelling housing development comprising of ‘*multi dwelling housing*’, ‘*residential flat buildings*’ and ‘*retail premises*’ are permissible land uses within the development site and the proposal is consistent with the definition contained within the LEP:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and including any of the following:

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premise,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

The proposed development will continue to facilitate the redevelopment of the Panthers Penrith Precincts and will comprise of commercial land uses and multi-dwelling housing within the ground floor with a podium level and towers providing residential units.

The development incorporates a contemporary design that achieves good presentation to the sites multiple frontages and to the lake and pedestrian pathways.

The proposal will not only contribute to a variety of housing types (units and townhouses) but will also contribute towards increasing valuable retail, premises that will positively activate the street level.

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

Penrith Local Environmental Plan 2010			
Clause	Control	Comment	Complies
Zoning	SP3 – Tourist	<p>Residential Accommodation, Multi Dwelling Housing and Commercial Premises are not permissible within the SP3 – Tourist zone.</p> <p>However, Clause 2.5 – Additional Permitted Use stipulates that development on particular land that is described or referred to in Schedule 1 can be carried out with development consent.</p> <p>Schedule 1 Additional Permitted Uses Clause 22 stipulated that land zoned SP3 Tourist in Penrith identified as 21 on the Additional Permitted Uses Map permits the following land use with development consent:</p> <ul style="list-style-type: none"> - Multi dwelling housing - Office premises - Residential flat buildings, - Retail premises - Seniors housing <p>Residing within Penrith, the development site is zoned SP3 Tourist and identified as 21 on the Additional Permitted Use Map and as such the proposed mixed use development comprising of retail premises, multi dwelling housing and residential flat buildings are permissible with consent under the Penrith LEP 2010.</p>	Yes

Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the SP3 – Tourist Zone and will provide additional retail and residential opportunities within the Penrith Panthers Precinct as per Clause 22 under Schedule 1 of the LEP.	Yes
2.7	Demolition	All demolition works have been approved as part of previous DAs.	N/A
Part 4 Principal Development Standards			
4.3	Height of Buildings	<p>Penrith Local Environmental Plan 2011 Maximum Building Height Map Sheet HOB_006 indicates that the site is subject to a split maximum building height of between 15m-50m.</p> <p>The development has been designed to comply with the split height control as demonstrated by attached architectural plans and sections. This is with the exception of the lift over-run and a Clause 4.6 variation request has been prepared.</p>	Yes- Minor Variation to Lift Over-run
4.4	Floor Space Ratio	<p>Penrith Local Environmental Plan 2011 Maximum FSR Map Sheet FSR_006 indicates that the site is subject to a maximum FSR of 1:1.</p> <p>However, this Clause is not relevant as Clause 9.7 prevails and adopts a maximum number of units of 850 and a maximum residential GFA of 80,400m² which the proposal complies with as set out against Clause 9.7.</p>	N/A
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	Has been addressed via previous DAs.	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area will have minimal adverse environmental or amenity impacts.	N/A

		<p>It is considered that the proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	
7.2	Flood Planning	Has been addressed via previous DAs, noting no change to the approved flood mitigation measures approved under DA18/0999 and the amended civil design plans have informed the amended scheme as it relates to flooding.	Yes
7.3	Development on Natural Resource Sensitive Land	The site is not identified on the Natural Resources Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfied the LEP in that:</p> <p>(a) <i>conserving energy and reducing carbon dioxide emissions,</i></p> <p>(b) <i>embodied energy in material and building processes,</i></p> <p>Proposal incorporates design elements to increase energy efficiency and reduce the consumption of natural resources.</p> <p>(c) <i>building design and orientation</i></p> <p>(d) <i>passive solar design and day lighting,</i></p> <p>(e) <i>natural ventilation</i></p> <p>(f) <i>energy efficiency and conservation,</i></p> <p>(g) <i>water conservation and water reuse,</i></p> <p>Proposal incorporates appropriate design features including windows size and location that will permit adequate solar penetration as well as natural ventilation to the development, noting compliance to the minimum solar access and natural ventilation requirements under the ADG.</p> <p>(h) <i>waste minimisation and recycling</i></p> <p>Waste management and recycling can be addressed through waste management plan.</p> <p>(i) <i>reduction of vehicle dependence,</i></p> <p>Proposal is within walking distance to local bus stops with regular services between Glenmore Park and Penrith that give alternative means of transport.</p>	Yes

		(j) potential for adaptive reuse. Noted.	
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map. Not applicable.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not applicable.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	N/A
7.8	Active Street Frontages	The site is not identified on the Active Street Frontage Map. However, the proposal will contribute towards activating its frontages.	Yes
7.9	Development of Land in the Flight Paths of the Site Reserved for the Purpose Second Sydney Airport	The development site is not within the vicinity of the Badgery's Creek Airport.	N/A
7.30	Urban Heat	<p>The LEP provides as follows:</p> <p>(3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that planning and design measures are incorporated to reduce the urban heat island effect that—</i></p> <p>(a) <i>maximise green infrastructure, and</i></p> <p>(b) <i>retain water in the landscape, and</i></p> <p>(c) <i>use design measures to ensure the thermal performance of the development achieves a high degree of passive cooling, and</i></p> <p>(d) <i>use building, paving and other materials that minimise heat impacts, and</i></p> <p>(e) <i>reduce reliance on mechanical ventilation and cooling systems, to conserve energy and to minimise heat sources.</i></p> <p>(4) <i>In this clause—</i></p> <p>green infrastructure <i>means the network of green spaces, natural systems and semi-natural systems including waterways, bushland, tree canopy, green ground cover, parks and open spaces, that—</i></p> <p>(a) <i>supports sustainable communities, and</i></p>	Yes

(b) is strategically designed and managed to support a good quality of life in an urban environment.

urban heat island effect is a result of conditions that contribute to higher temperatures in urban areas, including—

(a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and

(b) activities that generate heat, including waste air from mechanical cooling systems, and

(c) reduction in green infrastructure.

The proposal is designed to:

- Meet the deep soil landscaped area control and provides additional tree canopy and new landscape plantings;
- Adopts good passive design given the orientation
- Meets SEPP 65 and ADG principles applying to this built form typology.

Part 9 Penrith Panthers Site

9.1	Objectives	<p>The last stage of the large project will be undertaking in accordance with the staging plan and will deliver a mix of retail and residential land uses within the precinct.</p> <p>Compliance with Clause 9.3 -as addressed below will also limit the overall density of retail premises within the Precinct.</p>	Yes
9.3	Density of Retail Premises	<p>The LEP has put a maximum cap on the total gross floor area for retail premises to 12,500m².</p> <p>DA18/0999 which approved Stages 2 & 3 approved a total of 1,225m² of retail floor space.</p> <p>The development proposes a series of mix use building with a total of 18 x retail premises with 2,185m² of floor space.</p> <p>The total retail floor space within the Penrith Panthers Site would total 3,410m², and thus be consistent with Clause 9.3 of the LEP.</p>	Yes

9.5	Campus Development	Style	Office	Not applicable to the current application.	N/A
9.6	Development Control Plan for Land to which this Part Applies			Part B, Section E13 of the Penrith DCP 2014 has been adopted.	Yes
9.7	Area 5 – Maximum Residential Density			<p>The development site including Stage 4 & 5 is identified as “Area 5” on the <i>Height of Building Map</i> extract.</p> <p>Clause 9.7 (3) permits development on land for the purpose of residential accommodation if the total gross floor area of all buildings will not exceed 80,400m² with residential dwelling capped at 850 dwellings.</p> <p>Stage 1 is to deliver a total of 152 dwellings with Stages 2 & 3 to deliver a total of 316 units- based on the most recent MODs.</p> <p>The current proposal is to deliver a total of 349 dwellings comprising of 325 residential units and 8 townhouses which will result in a total dwelling yield associated with the ESQ1818 to 815 and as such complies with the requirements of Clause 9.7.</p> <p>Being the final stage of the Penrith Panthers site, the overall development (comprising of all the various stages), will deliver a total gross floor of less than 80,400m² with maximum dwelling being less than 850 dwellings.</p> <p>The running GFA for the various stages is: Stage 1: 12,975 Stage 2/3: 29,817 Stage 4/5: 37,223</p> <p>Total: 80,015m²</p> <p>Therefore, the proposal is compliant.</p>	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014 PART C – LAND USE CONTROLS

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

Penrith Development Control Plan 2014 Part C – Land Use Controls Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<u>1.1.1 Site Analysis</u> A Site Analysis has informed the proposal. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.	Yes
		<u>1.1.2 Key Areas with Scenic and Landscape Values</u> The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	N/A
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u> The proposed development is designed to maximise energy efficient. A BASIX certificate is attached to this statement. It is noted that the development follows ESD principles. The massing, orientation and internal apartment planning have been organised to maximise natural daylighting and solar access to the primary living spaces, external living areas, communal courtyards and public open space. The proposal achieves the natural cross ventilation and solar access under the ADG.	Yes
		<u>1.2.3 Building Form – Height, Bulk and Scale</u> It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site, noting that the site predominantly complies with maximum height that applies for the site under Penrith LEP 2010.	Yes

Clause	Controls	Comments	Complies
		<p>The development along with the anticipated approved building will present and deliver an appropriate skyline in accordance with the Penrith Panthers Precinct.</p> <p>The development appropriately engages and address its road, footpath and lake interface with an activated ground floor comprising predominantly of retail premises.</p> <p><u>1.2.4 Responding to the Site's Topography and Landform</u></p> <p>The development site appropriate address its topography and will deliver a series of 4 x mix use building of varying heights.</p> <p><u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u></p> <p>The proposed development incorporates an active façade that will permit casual surveillance of the street frontages as well as driveway, pedestrian pathway, lake and internal common areas.</p> <p>The delineating the retail and residential components of the development optimises activation of the public domain.</p> <p>Retail land uses within the ground floor will contribute towards pedestrian traffic on the ground floor whilst the proposal has incorporated open space and landscaped areas that will contribute to activity and natural surveillance of the area. Direct street access to the ground floor units and townhouses creates an activated street frontage along the length of the streetscape.</p> <p>Development is to utilise a security system at entry points with the podium communal areas only accessible to residents.</p> <p>The proposed landscaping is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p>	<p>Yes</p> <p>Yes</p>

Clause	Controls	Comments	Complies
		<p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p> <p><u>1.2.6 Maximising Access and Adaptability</u></p> <p>The development has been designed to provide appropriate equitable access to the site in accordance with the relevant controls and Australian Standards.</p> <p>This includes direct access to the ground floor retail premises and the use of lifts to ensure equitable access to all levels is achieved.</p>	Yes
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	<p>The subject site is predominantly cleared of vegetation of any significance.</p> <p>The development is to provide appropriate landscaping within the Penrith Panthers Precinct that will soften the built form and integrate with the site's context.</p>	Yes
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	Subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	Has been addressed via previous DAs.	N/A
C3 Water Management			
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	Subject site is not located within proximity to a watercourse, wetland or riparian corridor. Not applicable.	N/A
3.4	Groundwater	The development proposes a series of mixed use building as sure therefore the risk of site contamination occurring during construction and future use of the site is low.	N/A

Clause	Controls	Comments	Complies
3.5	Flood Planning	Has been addressed via previous DA, noting no change to the approved flood mitigation measures and the proposal has been designed to align with the provisions of the prior approved floor report established for the precinct.	Yes
3.6	Stormwater Management and Drainage	<p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p> <p>Refer to attached Stormwater Management Plans for detail.</p>	Yes
3.9	Water Sensitive Urban Design	<p>The proposed development incorporates Water Sensitive Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>Refer to attached Stormwater Management Plans for detail.</p>	Yes
C4 Land Management			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes
4.3	Erosion and Sedimentation	This application seeks Council consent for the excavation of the site as per the attached plans.	Yes

Clause	Controls	Comments	Complies
		<p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	
4.4	Contaminated Lands	<p>Site contamination has been dealt by previous DAs.</p> <p>Should any contamination be encountered in the development, appropriate response to the matter will be undertaken in accordance with relevant legislation and guidelines.</p>	N/A
4.5	Salinity	<p>Due to the nature and location of the site it is not likely to be affected by Saline Soils. Not relevant.</p>	N/A
C5 Waste Management			
		<p>A Waste Management Plan will be attached to the overall DA package. Notwithstanding it is noted that waste is to be appropriately managed during the construction stages of the development.</p> <p>Appropriate waste storage rooms are to be provided for all components of the development.</p> <p>Refer to attached Waste Management Plan for detail.</p>	Yes
C6 Landscape Design			
		<p>A Landscape Plan will be attached to the overall DA package.</p> <p>The landscape plan details the landscape embellishment works proposed and these works will substantially improve the streetscape presentation of the Penrith Panthers site</p>	Yes
C7 Cultural and Heritage			
7.1	European Heritage	<p>The site is not within proximity to any heritage items.</p>	N/A

Clause	Controls	Comments	Complies
7.2	Aboriginal Cultural and Heritage	Has been addressed via previous DA.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is of cultural, historical, scientific or aesthetic significance. Not relevant.	N/A
C8 Public Domain			
8.1	Pedestrian Amenity	<p>The delivery of pedestrian pathways including a through-site link within the central portion of the site combined with retail premises at the ground floor level including along lakeside promenade will provide activation and surveillance of the public domain.</p> <p>Furthermore, the residential uses including ground floor dwelling and within the upper levels will also contribute towards providing passive surveillance of the public domain.</p> <p>The development is to also connect into and expand the pedestrian network within the Panthers Penrith Precinct.</p>	Yes
8.5	Public Art	Has been addressed via previous DA.s, not applicable to the current proposal.	N/A
C9 Advertising and Signage			
		Not relevant to the current application. Signage will be subject to future DAs.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	<p>It is considered that the multiple vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>Refer to attached Traffic Plans for detail.</p>	Yes

Clause	Controls	Comments	Complies
10.3	Key Transport Corridors	The subject site is not located with a key transport corridor.	N/A
10.5	Car Parking Requirements	The development proposes a series of mix use building over 2 distinct stages with the following:	
	Residential flat building:	<u>Residential Flat Building</u> The dwelling breakdown associated with the residential flat building component of the mixed use building is provided below:	Yes
	- 1 space per 1/2 bedroom units (259 spaces)	- 110 x 1 bedroom unit	
	- 2 space per 3/4 bedroom units (180 spaces)	- 149 x 2 bedroom unit	
	- 1 visitor space per 5 dwellings (69.8 spaces)	- 72 x 3 bedroom unit	
		- 18 x 4 bedroom unit	
	422 resident	The development is required to provide:	
	67 visitor	- 439 residential	
	Total: 489	- 69.8 visitor	
		- Total: 508.8 (509)	
		The proposal provides:	
		- 450 resident	
		- 71 visitor	
		Therefore the proposal complies.	
	- 1 space per 40 units for service vehicles – 8.325 (9 spaces)	The development is to provide a total of 4 service bays with 2 bays for Council waste services and 2 SRV with a total of 4 car wash bays which is considered appropriate for the current proposal. Refer to attached Traffic and Parking Assessment for detail.	Yes
	- 1 space for car wash for every 50 units – 6.66 (7 spaces)		
	Retail premises		
	- 1 space per 30m ² GFA / 2,185m ² = 72.8 (73)	<u>Retail Premises</u> The development proposes a total of 18 retail premises with a total GFA of 2,185m ² . This equates to 73 required spaces and the proposal makes provision for 78 spaces and complies. It is noted that the provision of parking is provided to cater for likely future food and beverage offerings to the development and to avoid future parking 'shortfalls' for those uses with subsequent fit-out and use applications.	Yes
		<u>Bicycle Parking</u> Penrith DCP 2014 provides the bicycle parking suggested rate be in accordance with 'Planning Guidelines for Walking and Cycling (NSW 2004):	

Clause	Controls	Comments	Complies
		<ul style="list-style-type: none"> - Residential: Residents: 20-30% of the proposed number of units Visitor Parking: 5-10% of the proposed number of units - Retail: Staff parking: 3-5% of the proposed number of staff Visitor parking: 5-10% of the proposed number of staff <p>Information on staff parking provision has yet to be established, therefore, to assist in the guidance of the retail bicycle parking component, it has been based on Austroads Cycling Aspects of Austroads Guides, which outlines for shops as:</p> <ul style="list-style-type: none"> - Staff parking: 1 space per 300m² GFA, and - Visitor parking: 1 space per 500m² GFA <p>The development proposes a total of 349 residential dwelling with 2,185m² of retail floor space.</p> <p>As per the Traffic and Parking Assessment, a total of 67 -101 residential bicycle parking spaces and 29-34 retail bicycle parking spaces are to be provided.</p> <p>The development is to provide a total of 344 residential bicycle parking spaces in the form of individual storage cages with 34 retail bicycle parking spaces accommodating a total of 68 bicycles.</p> <p><u>Motorcycle Parking</u> Penrith DCP 2014 does not have specific parking rates for motorcycles; however the development is to provide a total of 8 motorcycle parking spaces to aid in alternative transport options.</p> <p><u>Electrical Parking Spaces</u> The development is to provide a total of 4 motorcycle parking spaces to aid in alternative transport options.</p>	
C11 Subdivision			
		No subdivision is proposed as part of this application and as such the controls contained under C11 Subdivision does not apply to the current development.	N/A

Clause	Controls	Comments	Complies
C12 Noise and Vibration			
		<p>An Acoustic Assessment accompanies this application and has found that provided that the treatment recommended in the attached report are adhered to, internal noise level shall comply with the requirements below:</p> <ul style="list-style-type: none"> - Penrith DCP 2014 - NSW Department of Planning and Environment's document – 'Development near Rail Corridors or Buys Road – Interim Guideline 2009' - NSW Department of Planning and Environment's document – 'Stage Environmental Planning Policy (Infrastructure) 2007' - Australian and New Zealand AS/NZ 2107:2016 'Recommended design sound levels and reverberation times for building interiors' <p>External noise emission criteria have been setup in this report to satisfy the requirements from the following documents:</p> <ul style="list-style-type: none"> - Penrith DCP 2014 - NSW Department of Environment and Heritage, Environmental Protection Authority document – 'Noise Policy for Industry 2017' <p>Construction noise emission management levels have been setup based on requirements of the NSW Interim Construction Noise Guidelines and AS2436:2010 and detailed noise controls are to be determined at CC stage.</p> <p>Construction vibration limits have been setup in Section 8 based on requirements of DIN 4150, EPA document Assessing Vibration: A technical guideline. Detailed vibration safeguard systems will be determined at CC stage.</p> <p>Refer to attached Acoustic Assessment for more detail.</p>	N/A
C13 Infrastructure and Services			
		<p>Key infrastructure and service provision for the ESQ site has been addressed via previous DAs noting that the development site is well serviced by electricity, water and sewer and the required utility clearances will be obtained prior to works commencing on site.</p>	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014 PART E – KEY PRECINCTS

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

Penrith Development Control Plan 2014 Part E – Key Precincts Compliance Table			
Clause	Controls	Comments	Complies
E13 Riverlink Precinct: Part B - Panthers Penrith Precinct			
13.6	Panthers Penrith Precinct Vision	The approved development will continue to be consistent with the vision for the Panthers Penrith Precinct in that it will provide a mix of retail and residential land uses whilst delivering high quality landscape and public domain scapes and continue to achieve architectural excellence.	Yes
13.7	Urban Framework	<p><u>13.7.1 Structure Plan</u> Has been addressed via previous DAs – in particular DA18/0999 in regard to the delivery of new roads, noting that the development will deliver new pedestrian pathways including a new centrally located pedestrian linkage as per the Penrith Structure Plan.</p> <p>The development will have no impact on the view corridor from Ransley Street to the Blue Mountains.</p> <p>The ground floor retail premises which is to direct address the lake via the Lake Boulevard will positively contribute towards activating the lake's edge and to The Address.</p>	Yes
		<p><u>13.7.2 Landscape Structure</u> Development is to deliver appropriate landscaping embellishment works in accordance with the accompanying Landscape Plan. It is noted that the current application will have no impact on the riparian corridor rehabilitation and restoration arrangements approved under DA18/0999.</p>	Yes
		<p><u>13.7.3 Sub Precincts - North Sub Precinct</u> The ground floor retail premises including future food and drink premises will positively contribute to the activation of Ransley Street Precinct and the lakefront through the day and into the evening.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The development provides opportunities for outdoor dining and open area shopping/retailing with retail premises to front the new through-site pedestrian link planned along the central portion of the site and also retail premises to address the lake will achieve a strong relationship to both the lake and The Address road network.</p> <p>The residential component of the mix use building will also provide additional activity and year around activation of the Precinct and adjoining Precincts.</p> <p>The medium and high density residential component will promote high architectural quality and diversity with strongly defined streets and pedestrian spaces and to be appropriately landscaped within an emerging urban precinct.</p> <p>The podium level and tower elements are to also address the lake, Ransley Street activity zone and The Address road network which is to run along the site's eastern boundary of Stage 4 & 5.</p> <p>The development will continue to provide appropriate new public open space and landscape embellishment works within a self-contained precinct.</p> <p>At the end of the project, the development would have delivered new pedestrian central active through-site link and lakefront promenade supported by retail premises including food and drink premises along with new expansive open forecourts and retail plaza that will providing new public space and social interaction opportunities along a water-body.</p> <p>Stage 4 & 5 are appropriate separated from each other with planned road networks to separate the proposed building from development associated with Stages 1 to 3 combined with landscaping buffer works to ensure the amenity of future residents and future neighbouring residents are considered and protected.</p>	

Clause	Controls	Comments	Complies
		<p><u>13.7.4 Views</u> The development will continue to maintain view corridors down Ransley Street to the lake front and the Blue Mountains beyond with the deliver of central through-site link to protect identified visual corridor within the Northern Precinct.</p> <p><u>13.7.5 Public Art Strategy</u> Has been addressed under DA18/0999.</p>	<p>Yes</p> <p>N/A</p>
13.8	Connectivity	<p><u>13.8.1 Street Design and Character</u> The current application is limited to undertaking redevelopment of Stage 4 & 5, which will have no impact on the approved street layout approved under DA18/0999</p> <p><u>13.8.2 Pedestrian and Cycle Network</u> Has been addressed via previous DA, noting that the development is to deliver a new centrally located through-site link that will facilitate new pedestrian network supported by retail activities.</p> <p><u>13.8.3 Public Transport</u> Has been addressed via previous DA.</p> <p><u>13.8.4 Traffic, Parking and Site Access</u> A Traffic Report has been prepared and accompanies this application.</p> <p>Potential pedestrian/vehicle conflict is minimising by limiting the width and number of vehicle crossings, ensuring clear site lines at pedestrian and vehicle crossing and separating pedestrian and vehicular accessways.</p> <p>Parking is to be located within a basement level and at-grade, with loading facilities located at-grade, noting that the at-grade parking is located within the building and appropriate screened from the public domain.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
13.9	Built Form	<p><u>13.9.1 Street Alignment, Wall Height and Setbacks</u> As per Figure E13.26: Setbacks: the development is only subject to a 0m setback along its frontage to the lake along its western boundary.</p>	Yes

Clause	Controls	Comments	Complies
		<p>The development provides appropriate setbacks to its frontages, noting that Stage 4 & 5 resides within its own island and as such won't impact upon the setback configuration and building alignment of other developments within the precinct. The proposed setback will not only will reinforce the urban character and improve pedestrian accessibility amenity but will permit opportunities for landscaping along the front frontages.</p> <p>At the completion of the project, the development is to provide an appropriate front building line.</p> <p>Furthermore, the siting of the proposed building will continue to maintain view corridors down Ransley Street to the lake front and the Blue Mountains beyond with the delivery of a central through-site link to protect identified visual corridor within the Northern Precinct.</p> <p>As per Figure E13: 27 Street Wall Height, the development site is not subject to any street wall height. The development, however, proposes an active ground floor with a podium level with tower elements above to permit sunlight access to streets and pedestrian areas and achieve an appropriate building scale for pedestrians.</p> <p><u>13.9.2 Active Street Frontages</u></p> <p>The development has been identified by Figure E13.33 Active Frontage to provide an active frontage along its western boundary to the lake.</p> <p>The development provides an activate frontage to its frontage to the lake via retail premises including food and drink premises with outdoor dining areas fronting the Lakeside Promenade.</p> <p>The development is to also activate a planned centrally located through-site link and The Address to its western boundary also via ground floor retail premises, which will promote pedestrian activity and safety in the public domain whilst also creating vibrant streetscape and attractive public domain through the day and into the evening.</p>	Yes

Clause	Controls	Comments	Complies
		<p><u>13.9.3 Awnings</u></p> <p>Continuous awnings are providing along the site's frontage to the lake along its western boundary as per Figure 3.</p> <p>The awnings have a minimum width of 3m with awning lighting provided to achieve appropriate luminance levels for pedestrians.</p>	Yes
		<p><u>13.9.4 Building Depth and Bulk</u></p> <p>The commercial floor plate continues to comply with the maximum retail floor space provision under Clause 9.7 or the Penrith LEP 2010.</p> <p>No office space proposed as part of this application.</p> <p>The development complies with the solar access and natural ventilation requirements under the ADG.</p>	Yes
		<p><u>13.9.5 Building Articulation</u></p> <p>The proposed series of 4 x mix use buildings addresses its frontages with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting and receding walls and balconies, framed elements and a mixed palette of materials, colours and finishes.</p> <p>The palette of materials and finishes provides an appropriate continuity throughout the development whilst providing a sense of individual address for each residence whilst contributing towards reducing the overall bulk and mass of the buildings.</p> <p>Each building incorporates distinct wings to minimise bulk and scale whilst also increasing visual permeability.</p> <p>The underlying design methodology for the elevations are to break each building volume up into smaller masses in order to provide greater articulation, separation and variety. These component masses become a series of taller and slender elements on each building that reduce the apparent horizontal scale of the development.</p>	Yes N/A

Clause	Controls	Comments	Complies
		<p>The development is also divided horizontally through the podium base with tower elements above to create an upper and lower form.</p> <p>This design expression contributes towards defining the street edge and distinguish the non-residential use at ground level from the residential levels above.</p> <p>This division is further highlighted with a change in materiality and character expression, with the unifying material language of the podium creates an identity to the development within its uses.</p> <p>Furthermore, the residential entries are defined by breaks within the façade with half arches to create identity along the street.</p> <p>The materials and finishes to be used will be consistent with that existing in the area while also being contemporary in character.</p> <p><u>13.9.6 Architectural Excellence</u> See the Urban Design Report by Turner for commentary on this part of the DCP.</p>	Yes
13.10	Delivery	<p><u>13.10.1 Flooding and Drainage</u> Has been addressed under the previous DA, noting no changes to the approved stormwater management scheme nor any changes to the approved flood mitigation measures approved under DA18/0999.</p> <p><u>13.10.2 Utilities</u> The development site is well serviced by electricity, water and sewer and the required utility clearances will be obtained prior to works commencing on site.</p> <p><u>13.10.3 Bushfire Risk Management</u> Has been addressed via previous DA.</p> <p><u>13.10.3 Staging</u> Has been addressed via previous DA. The development is to be undertaking in accordance with the previous staging plan.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>

CONCLUSION

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

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the development application subject to appropriate conditions of consent that reflect the proposal and the desired staging.