

19 October 2023

PENRITH CITY COUNCIL

Att: Wendy Connell

**DA FOR MIXED USE DEVELOPMENT: DA22/0545- ESQ STAGE 4 & 5
RETAIL AREAS**

I refer to Councils most recent letter in relation to the above mentioned development application and the issue of Clause 9.3 Density of Retail Premises for the Penrith Panthers site.

Clause 9.3 sets out that the maximum GFA of all buildings uses the purposes of retail premises will not exceed 12,500m².

As requested, a detailed review of the various elements of the Panthers land has been carried out and the following is provided in relation to retail areas.

Panthers Landholding

Food Outlets Internal- Italian Street Kitchen, CJ's Crab Shack and Grill, Osso Penrith	1,200
Food Outlets External – McDonalds, KFC, Five Guys, Outback Steakhouse and Krispy Kreme	2,900
Harrys Cafe	25
Multi Deck Carpark Retail – Stage 1	184
The Royce Ground Floor Cafe	250
Tori Café – Ground Floor Pullman hotel	300
Marcel Restaurant – Level 1 Pullman Hotel	430
Total Current Retail	5,289sqm

We note that this excludes matters considered ancillary to the club operation including Kelly's Café within Panthers, Squires Bar, and the Merchandise store associated with Panthers as they are not distinct retail components and are fundamental parts of the club.

ESQ Land Retail

Stage 2A Retail Areas	1272
Stage 4 and 5 Retail Areas (this DA)	2185
Total Current	3457sqm

Total Retail Areas Across Panthers Land (Current): 8746sqm.

Therefore the proposal sits below the 12,500sqm cap in Clause 9.3 and complies. In addition the proposal complies with the 3,500sqm cap associated with the DCP provisions for the ESQ Precinct.

Residential Floor Space in ESQ Precinct

We note that the residential floor space cap in the ESQ Precinct is 80,400sqm and the amended FSR calculations require reconsideration of the total GFA. The table below sets out the residential GFA and confirms this is 80,387m² as proposed which includes the breezeway areas.

							GFA					
							Residential		Retail			Total
STAGE	Studio	1Bed	2Bed	3Bed	4Bed	Total	Appr	Prop	Appr	Prop		Note
1	0	59	85	8	0	152	12975					S455 Determined Nov 2018 (original DA=12892)
2A	0	33	36	5	3	77	7040		1225	1315		Determined Aug 2019
2B	1	27	53	16	0	97	8750					Determined Aug 2019
3	0	51	69	19	3	142	12712					Determined Apr 2021
4	0	51	68	36	16	171		20610		1030		
5	0	59	82	37	0	178		18300		1155		
						817	41477	38910		3500	83887	
								80387		2185	80387	-1

Please don't hesitate to contact me should you wish to discuss or clarify any of the above.

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