



# STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application 02  
(Updated for Division 8.2  
Review – December 2023)

(Part) Lot 3003, Lot 3004, and  
Lot 3005 in DP1184498

Prepared for  
**THORNTON OPERATIONS PTY LTD**  
December 2023

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**We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.**

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# CONTENTS

<b>1.</b>	<b>Introduction .....</b>	<b>1</b>
1.1.	Overview .....	1
1.2.	Consent Authority .....	1
1.3.	Report Structure.....	2
1.4.	Concurrent Development Application .....	2
1.5.	Project Team.....	3
<b>2.</b>	<b>Site and Surrounding Locality .....</b>	<b>5</b>
2.1.	Locality .....	5
2.2.	Site Description .....	5
2.3.	Locality Context .....	7
<b>3.</b>	<b>Project Background .....</b>	<b>8</b>
3.1.	Concept Approval .....	8
3.2.	Planning Proposal.....	9
3.3.	Competitive Design Process.....	10
3.4.	Pre-Lodgement Consultation .....	13
	Planning .....	13
	Environmental Management .....	13
	Engineering.....	13
<b>4.</b>	<b>Proposed Development .....</b>	<b>14</b>
4.1.	Overview .....	14
4.2.	Community Infrastructure Offer .....	15
4.3.	Excavation .....	18
4.4.	Built Form.....	18
4.5.	Gross Floor Area / Floor Space Ratio.....	19
4.6.	Building Height.....	19
4.7.	Landscaping.....	19
	Landscape Concept .....	19
	New Through-Site Link .....	20
	Dunshea Street and Lord Sheffield Circuit Frontages .....	20
	Residential Communal Open Space.....	20
	Private External Open Space .....	22
4.8.	Transport, Parking, and Access.....	22
	4.8.1. Vehicular Access .....	22
	4.8.2. Loading Dock.....	22
	4.8.3. Basement and Podium Car Park.....	23
	4.8.4. Pedestrian Access.....	23
4.9.	Materials and Finishes .....	23
4.10.	Waste Management.....	23
4.11.	Stormwater Design .....	23
4.12.	Infrastructure and Site Services.....	24
4.13.	Development Staging.....	24
<b>5.</b>	<b>Strategic Planning Context .....</b>	<b>25</b>
<b>6.</b>	<b>Statutory Planning Context .....</b>	<b>27</b>
6.1.	Water Management Act 2000 .....	27
6.2.	Statement Environmental Planning Policies .....	27
	6.2.1. State Environmental Planning Policy (Resilience and Hazards) 2021 .....	27
	6.2.2. State Environmental Planning Policy (Planning Systems) 2021 .....	27
	6.2.3. State Environmental Planning Policy (Infrastructure).....	28
	6.2.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021 .....	28
	6.2.5. State Environmental Planning Policy 65 and Apartment Design Guide.....	29

6.2.6.	State Environmental Planning Policy (Building Sustainability Index Basix) 2004 .....	34
6.3.	Penrith Local Environmental Plan 2010 .....	35
6.3.1.	Land Zoning and Permissibility .....	35
6.3.2.	Zoning Objectives .....	35
6.3.3.	Penrith LEP 2010 Provisions .....	36
6.3.4.	Penrith Development Control Plan 2014 .....	39
<b>7.</b>	<b>Assessment of Environmental Effects .....</b>	<b>43</b>
7.1.	Section 4.15(1)(a) – Statutory Planning Considerations .....	43
7.2.	Section 4.15(1)(b) – Environmental, Social and Economic Impacts .....	44
7.2.1.	Natural Environmental Impacts .....	44
7.2.2.	Built Environmental Impacts .....	44
	Podium Design .....	44
	Tower Form .....	45
7.2.3.	Bulk and Scale Impacts .....	45
7.2.4.	Residential Amenity .....	45
	Solar Access .....	45
	Natural Cross Ventilation .....	45
7.2.5.	Overshadowing .....	46
7.2.6.	Visual and View Impacts .....	46
7.2.7.	Accessibility .....	46
7.2.8.	BCA Compatibility .....	47
7.2.9.	Traffic and Parking Impacts .....	47
7.2.10.	Noise Impacts .....	47
7.2.11.	Crime Prevention Through Environmental Design .....	48
	Surveillance .....	<b>Error! Bookmark not defined.</b>
	Access Control .....	<b>Error! Bookmark not defined.</b>
	Territorial Reinforcement .....	<b>Error! Bookmark not defined.</b>
	Space Management .....	<b>Error! Bookmark not defined.</b>
7.2.12.	Social and Economic Impacts .....	48
7.3.	Section 4.15(1)(c) – Suitability of the Site for Development .....	49
7.4.	Section 4.15(1)(d) – Submissions .....	50
7.5.	Section 4.15(1)(e) – The Public Interest .....	50
<b>8.</b>	<b>Conclusion .....</b>	<b>51</b>
	<b>Disclaimer .....</b>	<b>52</b>

## FIGURES

Figure 1	Site Context .....	5
Figure 2	Aerial Photograph of Site .....	6
Figure 3	Overall Landscape for DA01 and DA02 .....	19
Figure 4	Level 02 Communal Open Space .....	20
Figure 5	Level 03 Communal Open Space .....	21
Figure 6	Level 05 Communal Open Space .....	21
Figure 7	Vehicle Access Arrangements .....	22
Figure 8	LEP Land Zoning .....	35
Figure 9	Overshadowing Impacts .....	46

## PICTURES

Picture 1	9am .....	46
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Picture 2 11am.....	46
Picture 3 1pm.....	46
Picture 4 3pm.....	46

## **TABLES**

Table 1 DA Documentation .....	3
Table 2 Numeric Overview of Proposal .....	14
Table 3 Strategic Planning Context .....	25
Table 4 Transport and Infrastructure SEPP Assessment.....	28
Table 5 Assessment against SEPP 65 Design Quality Principles.....	29
Table 6 ADG Compliance Summary .....	33
Table 7 Penrith LEP 2010 Compliance Assessment.....	36
Table 8 DCP Compliance Assessment .....	39



# 1. INTRODUCTION

## 1.1. OVERVIEW

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Pty Ltd on behalf of Thornton Operations Pty Ltd (**the applicant**) to support a development application (**DA**) lodged to Penrith City Council (**Council**) for the construction and operation of a new mixed use development (**the proposal**) at land comprising 41, (part) 184, and 192 Lord Sheffield Circuit Penrith (**the site**). The legal property description of the site is (part) Lot 3003, Lot 3004, and Lot 3005 in DP1184498.

**This report should be read in conjunction with a Division 8.2 Review lodged in response to the recent determination of the application of DA22/0214 or 'DA2' (lodged concurrent with the same Review for DA22/0213 or 'DA1').**

The proposal is described as follows:

- Demolition of all existing site features and improvements;
- Construction and operation of a new mixed use development, comprising:
  - One storey basement, containing a total of 95 x residential car parking spaces, 2 x car wash bays, waste rooms, plant rooms, and other ancillary back-of-house areas;
  - Five-storey commercial podium comprising:
    - Retail tenancies, residential and commercial lobby entries, a loading dock, vehicle access, and back-of-house areas at Ground Level;
    - A commercial tenancy at Level 01;
    - Shared car parking at Ground Level – 04 (providing a total of 161 x residential car parking spaces and 22 x retail car parking spaces);
  - A residential building (referred to as Tower C), with a maximum rise of 14 storeys (Ground Level – Level 13) containing a total of 74 x residential apartments;
  - A residential building (referred to as Tower D), with a maximum rise of 26 storeys (Ground Level – Level 25) containing a total of 163 x residential apartments;
- New landscaping works and other public domain works; and
- Ancillary works, including site services and connections and stormwater infrastructure.
- The application includes community infrastructure as described elsewhere in this report.
- The Community Infrastructure Offer is made in connection with Thornton's two development applications seeking consent for a mixed use development at Lots 3003, 3004, and 3005 in DP 1184498 and known as 41, 184 and 192 Lord Sheffield Circuit, Penrith (**Land**). The Land is identified as 'Key Site 11' on the *Penrith Local Environmental Plan 2010 (LEP)* Key Sites Map. The Offer is made in accordance with clause 8.7 of the LEP and Council's *Community Infrastructure Policy - Policy No CEP 001* adopted on 30 April 2018 (**CI Policy**) to satisfy the obligation to provide community infrastructure in connection with the described development.
- Specifically, as part of this DA (i.e. DA2) the following community infrastructure works are proposed:
  - **Pedestrian through-site link Embellishments:** The CI offers as part of DA2 seek the embellishment of part of the pedestrian through-site link. The pedestrian link will be publicly accessible as a 'right of way' (restricted on title benefiting PCC), open-to-sky and will remain in the ownership of Thornton – with ongoing maintenance and upkeep of the link by Thornton.

## 1.2. CONSENT AUTHORITY

The DA is lodged with Council under Part 4 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**). The Quantity Surveyors Report prepared by Construction Consultants (at **Appendix C**) calculates the total development cost at \$86,931,289 (including GST). As the estimated cost of works exceeds \$30 million, the Sydney Western City Planning Panel (**SWCPP**) will be the relevant consent authority for the DA.

## 1.3. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 2 – Site Context:** identifies the site and describes the existing local and regional context.
- **Section 3 – Project Background:** outlines the approvals background and pre-lodgement discussions with Council and the Design Excellence Panel.
- **Section 4 – Proposed Development:** provides a detailed description of the proposal.
- **Section 5 – Strategic Context:** identifies and analyses the State, regional, and local strategic planning policies relevant to the site and proposed development.
- **Section 6 – Statutory Context:** provides a detailed assessment of the State and local environmental planning instruments and plans relevant to the site and development.
- **Section 7 – Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in Section 4.15 of the EP&A Act.
- **Section 8 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

## 1.4. CONCURRENT DEVELOPMENT APPLICATION

The subject DA is lodged concurrently with a separate development application (hereafter referred to as **DA01**) which seeks consent for a mixed use development on the adjoining site to the south, comprising 184 Lord Sheffield Circuit Penrith (Lot 3003 in DP1184498). This concurrent DA seeks development consent for:

- Demolition of all existing site features and improvements;
- Construction and operation of a new mixed use development, comprising:
  - One storey basement, containing a total of 85 x commercial car parking spaces, a click-and-collect facility, waste rooms, a retail lobby entry, plant rooms, and other ancillary back-of-house areas;
  - Five-storey podium comprising:
    - Retail tenancies, a mainline supermarket, residential and commercial lobby entries, a loading dock, vehicle access, and back-of-house areas at Ground Level;
    - A child care centre and community recreation facility (indoor) at Level 01;
    - Shared car parking at Levels 01 – 04 (providing a total of 327 x residential car parking spaces, 35 x commercial car parking spaces, and 2 x car wash bays);
  - A residential building (referred to as Tower A), with a maximum rise of 27 storeys (Level 05 – Level 31) containing a total of 241 x residential apartments;
  - A residential building (referred to as Tower B), with a maximum rise of 9 storeys (Level 05 – Level 13) containing a total of 75 x residential apartments;
- Creation of new east-west publicly accessible through-site link;
- New landscaping works and other public domain works; and
- Ancillary works, including site services and connections and stormwater infrastructure.

It is anticipated that the two development applications will be assessed and determined concurrently.



## 1.5. PROJECT TEAM

This SEE should be read in conjunction with the following plans and specialist reports.

Table 1 DA Documentation

Document	Consultant	Appendix
Proposed Community Infrastructure (Updated for Division 8.2 Review)	Thornton North Penrith Pty Limited	A
Site Survey	Rygate Surveyors	B
Quantity Surveyors Statement	Construction Consultants	C
Design Excellence Endorsement	Design Competition Jury	D
Design Integrity Panel Report	Design Competition Jury	E
Architectural Drawings (Updated for Division 8.2 Review)	Crone Architects	F
Design Verification Statement & SEPP 65 Compliance Assessment	Crone Architects	G
Landscape Design Report and Drawings (Updated for Division 8.2 Review)	Urbis	H
Civil Engineering Drawings	AT&L	I
BASIX Certificate	IGS (Integrated Group Services)	J
Transport Impact Assessment (Updated for Division 8.2 Review)	Stantec Australia	K
Acoustic Report	Acoustic Logic	L
Preliminary Geotechnical Investigation Report	Douglas Partners	M
Flood Emergency Response Plan	Northrop	N
Infrastructure Services Report	S4B Studio	O
BCA Compliance Report	BCA Logic	P
Access Assessment Report	BCA Logic	Q
Waste Management Plan	Elephants Foot Company	R
Connection to Country Report	Deerubbin Local Aboriginal Land Council	S
Solar Light Reflectivity Report	WindTech	T
Structural Design Report	Northrop	U
Fire Engineering Report	Affinity Fire Engineering	V
Retail Impact Assessment	Location IQ	W
Construction Waste Management Plan	St Hillers for Thornton Operations Pty Ltd	X

Document	Consultant	Appendix
Soil Contamination Report	Prensa Pty Ltd	Y
Pedestrian Wind Environment Statement	Windtech Consultants	Z
Statement of Heritage Impact	John Carr Heritage Design	AA

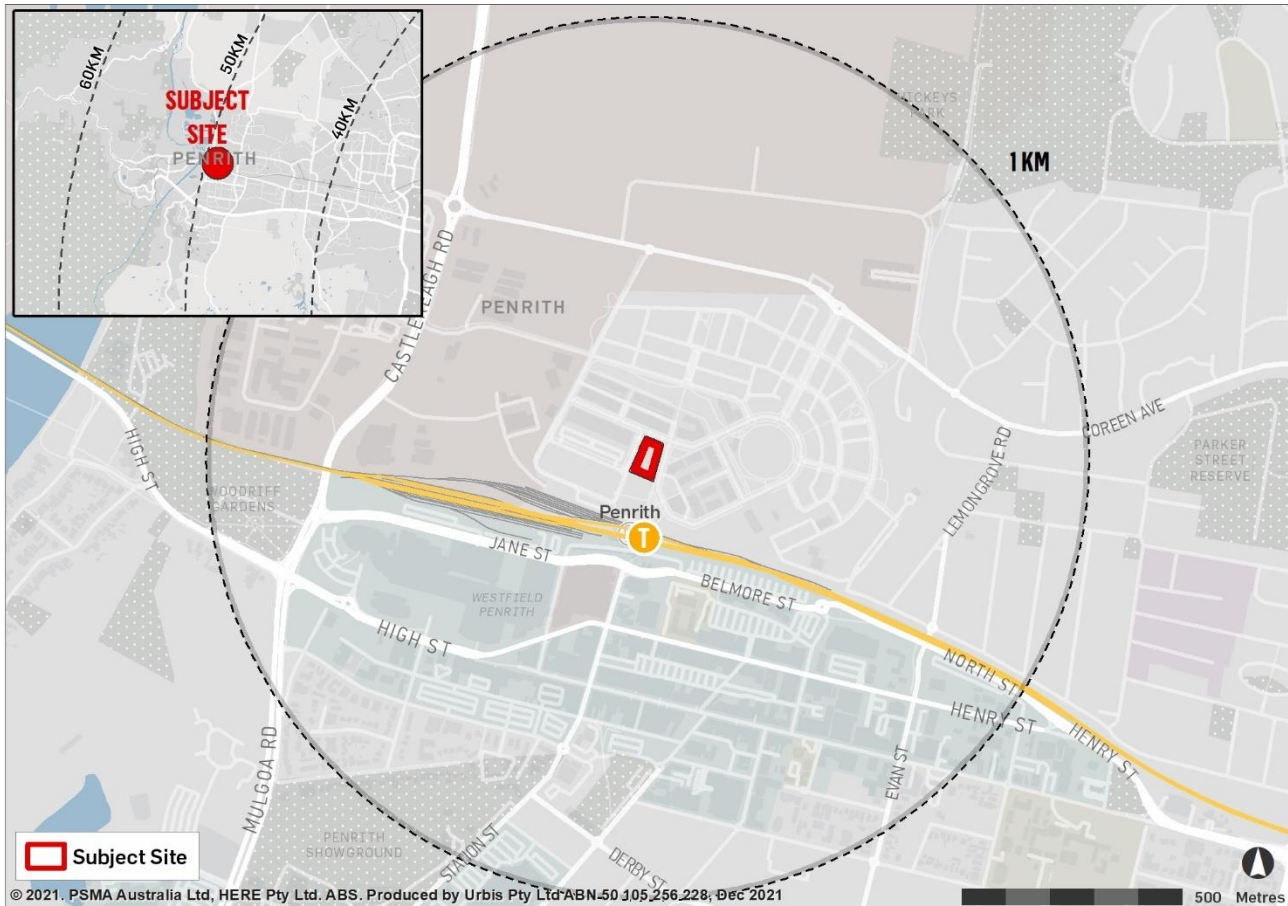
## 2. SITE AND SURROUNDING LOCALITY

### 2.1. LOCALITY

The development site comprises land at 41, (part) 184, and 192 Lord Sheffield Circuit Penrith (**the site**). The site is located within the Penrith Central Business District (**CBD**) in Penrith Local Government Area (**LGA**).

The location of the site within the broader Penrith CBD is shown in **Figure 1** below.

Figure 1 Site Context



Source: Urbis

### 2.2. SITE DESCRIPTION

The legal property description of the site is (part) Lot 3003, Lot 3004, and Lot 3005 in DP1184498.

It comprises an irregular shaped parcel of land and has a consolidated total area of 4,721 sqm.

The development site is largely vacant, with temporary use as a bitumen car park and adhoc storage areas.

The site is generally flat with a very slight slope to from north to south and is situated at an elevation of approximately RL27m (AHD). The Site Survey (at **Appendix B**) provides further topographical details.

The site presents the following boundaries and interfaces:

- Southern boundary – to Lot 3003 in DP1184498 (58.51 metres)
- Western boundary – to Dunshea Street (85.86 metres)
- Northern boundary – to Lord Sheffield Circuit (41.96 metres)
- Eastern boundary – to Lord Sheffield Circuit (86.49 metres)

Aerial photography of the site and immediate surrounding development is provided in **Figure 2**.

Figure 2 Aerial Photograph of Site



Source: Urbis

## 2.3. LOCALITY CONTEXT

The site occupies a prominent location in the Penrith CBD. The urban context of the site is predominantly characterised by recently constructed development associated with the Thornton Estate. The site comprises one of the last remaining substantially undeveloped parcels of land within the Estate.

- North – Immediately to the north on the opposite side of Lord Sheffield Circuit is a recently constructed residential flat building, beyond which lies residential accommodation within the Thornton Estate.
- South – Immediately adjoining the site to the south is Lot 3003 in DP1184498. A separate development application has been lodged for this lot concurrent with the subject DA. Beyond this lot to the south lies the Penrith train station and Penrith Town Centre.
- East – Immediately east of the site lies a number of residential flat buildings which comprise Stages 1, 2 and 3 of the Thornton Estate project. Further to the east is a public oval and a recreational centre and recently developed residential neighbourhoods.
- West – Immediately west lies residential flat buildings fronting Lord Sheffield Circuit and a commuter public car park, beyond which lies the Museum of Fire.

The site is geographically well-positioned to many transport options. It is some 100 metres (walking distance) to Penrith Rail Station and Penrith Bus Terminal, providing services to the Blue Mountains, Hawkesbury, inner-Sydney, and surrounding suburbs. It is positioned within proximity to two arterial roads; Castlereagh Road and Great Western Highway which provide east-west and north-south connectivity to nearby suburbs.

## 3. PROJECT BACKGROUND

### 3.1. CONCEPT APPROVAL

The original Major Projects approval for the Thornton Estate ('the North Penrith Defence Site') was granted by the NSW Minister for Planning and Infrastructure on 9 November 2011. The original Part 3A Concept Plan (MP10\_0075) and Stage 1A Project Application (MP10\_0078) submitted by Urban Growth NSW (formerly Landcom) provided for mixed use and residential precinct development on the 40 hectare site.

The original Major Projects approvals are summarised as follows:

- **Part 3A Concept Plan (MP10\_0075):** Concept mixed use residential development comprising 1,000 new dwellings, a village centre with commercial (10,625 sqm), retail (4,500 sqm), and community land uses, light industrial uses (7,000 sqm), public open space, and heritage conservation.
- **Stage 1 Project Application (MP10\_0078):** First subdivision stage (site preparation works, traffic control measures, bulk earthworks, internal and external road works, landscaping, and staged subdivision).

The Part 3A Concept Plan included Design Guidelines that established standards for urban design, built form and environmental management for the precinct. The Guidelines also included street design and hierarchy, landscape treatments for different types of open space, and public domain materials and treatments.

A State Significant Site listing for the estate was sought concurrently with the Major Projects applications to enable rezoning of the land. With the approval of the State Significant Site listing, the State Environmental Planning Policy (Major Development) Amendment (North Penrith) 2010 was gazetted on 25 November 2011.

The original Part 3A project approvals established the planning approval framework for the subsequent future development, subdivision, infrastructure, and public open space of the Thornton Estate.



## 3.2. PLANNING PROPOSAL

The proposed development is informed by a recently made amendment to the Penrith Local Environmental Plan 2010 (**the LEP**) which introduced an 'incentives clause' provision to certain key sites to permit increased building heights and floor space where development exhibits design excellence and community infrastructure is delivered. This amendment was the subject of a planning proposal referred to by NSW Department of Planning, Industry, and Environment (**DPIE**) as Penrith LEP 2010 Amendment No 14 & 25.

This section provides a summary of the planning proposal insofar as it applies to the proposed development.

In April 2016, following receipt of three separate site-specific planning proposals, Penrith City Council resolved to prepare a planning proposal to introduce an incentives clause applying to certain 'key sites' identified in the LEP 2010. The subject site is identified as part of Key Site 11. The objective of the planning proposal was to coordinate the growth of the Penrith CBD and ensure the delivery of material public benefits.

The planning proposal sought to insert Clause 8.7 into the LEP to allow development with a floor space ratio (FSR) of up to 5:1 on Key Site 11, where the development is subject to an Architectural Design Competition and delivers agreed public benefits. To attain an FSR of up to 5:1 on the site, the insertion of Clause 8.7 would remove the application of Clause 4.3, Clause 4.4, and Clause 8.4(5) of the LEP to development on the site. Upon gazettal of the planning proposal, development subject to Clause 8.7 would have no relevant height control stipulated in the LEP.

On 14 April 2016, as delegate of the Greater Sydney Commission, the Department issued a Gateway Determination to the planning proposal. The planning proposal was publicly exhibited between 9 May to 6 June 2016. Following exhibition it was recommended that no changes be made to the planning proposal.

As part of the Gateway Determination, Council was required to prepare a public benefit policy to inform the planning proposal. Therefore, the planning proposal was exhibited with 'public benefit policy principles' to provide certainty to the community and developers regarding proposed public benefit provision. Following exhibition of the planning proposal, Council resolved to exhibit the draft policy.

Through the drafting and exhibition of the public benefit policy, the description of 'public benefit' was amended to 'community infrastructure' as consistent with similar provisions in other statutory planning instruments. Community infrastructure referred to '*development for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), recreation areas (major), public car parks or public roads*'. Community infrastructure is to be provided on the development site to which the Clause relates.

On 25 July 2016, Council resolved to endorse the planning proposal as exhibited and to request the Minister for Planning to make the amendment in accordance with the provisions of the EP&A Act. Accordingly, the planning proposal was returned to DPIE for assessment and legal drafting on 28 September 2016.

On 21 June 2017 DPIE wrote to Council advising that as a result of preliminary investigation into Penrith CBD flood evacuation, certain Key Sites were to be deferred due to potential flooding and evacuation risks.

On 23 June 2017, Penrith LEP 2010 Amendment No 14 was gazetted and Clause 8.7 was inserted into the LEP. This Clause provided incentive provisions to enable additional FSR controls for development on five Key Sites (**including Key Site 11**) within the Penrith City Centre in return for public benefit.

Penrith LEP 2010 Amendment No 14 deferred consideration of the remaining Key Sites due to unresolved flooding and evacuation issues. These issues were resolved and subject to a follow up amendment referred to as Penrith LEP 2010 Amendment No 25. This amendment sought to apply the 'incentives clause' to the remaining six Key Sites and permit increased building heights and floor space where development exhibits design excellence and community infrastructure is delivered. Accordingly, Penrith LEP 2010 Amendment No 25 was made and published on the NSW legislation website on 20 December 2018.

This DA relies upon the provisions of Clause 8.7 in relation to development on land identified as Key Site 11.

### 3.3. COMPETITIVE DESIGN PROCESS

In accordance with Clause 8.4 of the LEP, an architectural design competition was held in relation to the site at 184 Lord Sheffield Circuit, Penrith (legally described as Lot 3003, Lot 3004, and Lot 3005 in DP1184498).

The applicant invited three practices to participate in the architectural design competition.

The Competition Jury unanimously agreed that the Crone Architects scheme was most capable of achieving design excellence in accordance with the LEP, subject to resolution of matters identified in the Jury Report.

In 2018, the applicant met with Government Architect NSW (**GANSW**) to discuss a range of concerns with being able to deliver the project in its current form. Two very large towers were noted as being very difficult to stage, and there was a strong preference for four smaller towers.

On 21 September 2018 GANSW wrote to the applicant confirming that:

*GANSW does not consider a new competition necessary if the proponent can meet the following criteria:*

- *The proposal does not exceed the maximum 5:1 FSR standard under Penrith LEP 2010.*
- *The same jury assembled for the design competition is reconvened to review the proposed changes in relation to the Crone scheme awarded design excellence.*
- *Detailed plans, elevations, sections and 3D renders are prepared to allow the jury to adequately compare and review the proposed changes with the previous scheme.*
- *Sufficient evidence is provided to demonstrate ADG requirements can be met.*
- *The revised proposal does not compromise any planning or regulatory requirements addressed by the previous scheme.*

*GANSW also supports that Crone architects be retained to undertake this rework to provide continuity and consistency in design approach.*

*If the jury does not consider that the revised proposal achieves design excellence it may request additional information or require an alternative process such as a new design competition.*

Prior to the lodgement of DAs 22/0213 and 22/0214 the applicant worked closely with the Design Integrity Panel (DIP) to provide a resolved scheme the responded to the above feedback.

However, following lodgement of the development application(s), Penrith City Council identified a range of 'threshold' planning issues in their correspondence to the applicant on 11 November 2022.

One key item identified by Council, in light of recent NSW Land and Environment Court decisions relating to the TOGA and Urban Apartments development applications in Penrith City Centre, was a concern as to whether a design competition had been held in relation to the development (as lodged). Obviously a competitive design process had occurred, and an agreed position from the NSW Government Architect with respect to an alternative design process had occurred (hence the prevailing meetings and engagement occurring), but there was concern that the changes that had occurred between the original competition scheme and the current scheme differed considerably.

Accordingly, following this advice the applicant sought a formal design competition waiver from GANSW. This waiver was granted on 6 April 2023 with the following key comments in their correspondence:

*The circumstances relevant to this waiver request are unique – a competitive design process was held in 2016 for a scheme comprising two towers, resulting in the appointment of Crone Architects as the winning design team. Crone Architects have continued to work with the proponents through design development since 2016, including working with a Design Integrity Panel (DIP) chaired by GANSW and comprising members of the original jury (including Brett Newbold as the Council nominee). The design development and design integrity processes have led to development applications for a scheme that is substantially different to the original competition winning scheme from 2016.*

*Notwithstanding this, it is the opinion of GANSW, that the proponent and their design team have worked earnestly towards achieving Design Excellence in accordance with the LEP*



*throughout the period since the 2016 competition. Further, it is the opinion of the Design Integrity Panel that the updated scheme as lodged for assessment is of high quality and is capable of achieving design excellence.*

*Under delegation from the Secretary of the NSW Department of Planning and for the above reasons specific to the circumstances of this project, I (Abbie Galvin) **confirm a design competition waiver is granted for this project.***

Specifically, the conditions of the waiver, as set out in the letter were:

*As conditions of this waiver, the Proponent's team must:*

- *Consult with Council to address remaining threshold issues impacting the assessment of the development applications*
- *Present the current proposal to the DIP prior to determination*
- *Submit a detailed written report from any future DIP meetings to Council's Assessments Team to inform and assist the assessment process*

In response to the above conditions of the waiver above and feedback from Meeting 3, Crone and Urbis (Landscape Architecture) presented to the competition jury again on 21 September 2023 (Meeting 4).

The following concluding feedback was provided by the Jury following Meeting 4:

- There was support from a quorum 3 members of the Panel on the scheme being capable of achieving design excellence in accordance with Clause 8.4 of Penrith LEP 2010.
- The DIP acknowledged that there were still separate 'threshold' planning issues being resolved separately but the focus of the Panel was directly related to issues of design quality and design excellence.
- There was agreement by the Panel that the feedback provided pre-lodgement had been very clearly and adequately addressed by the applicant's design team.
- There was strong support (from a design perspective) in relation to the proposed on-site community infrastructure. Specifically, the feedback acknowledged:
  - Strong endorsement of the inclusion of community infrastructure within the proposed development.
  - Very positive from a design perspective as:
    - Large corner tenancy with high activation and surveillance
    - Co-location with other civic and 'centre' uses such as child-care, retail, office
    - Close to public transport and Penrith City Centre
    - DDA access provided and a large outdoor balcony space
    - Lobby and entry of tenancy provides a great location for Graham Davis (Local Aboriginal Land Council) artwork provided as part of the design collaboration process.
    - Opinion that such a facility can form a 'firm narrative' and character for the centre.
    - Further landscape embellishment fully supported.
- The Panel requested 'white card' drawings to understand the design resolution of the proposed building facades (i.e. resolution between the elevations and the architectural renders). These were subsequently provided to the DIP members on 26 September 2023.
- The Panel noted the arguments put forward by the applicant in relation to the solar access and shadowing of the public open space at the Plaza area adjacent to the east of the site. The DIP requested the shadow information which has been provided separately to the Council. It was noted by the Panel that Penrith's extreme heat (particularly in summer) does require appropriate mitigation,

in a similar manner to the previous feedback provided in relation to the impact of extreme heat on the building facades.

- The solar access information has subsequently been provided to the DIP members on 26 September 2023 and the Panel is satisfied the outcome proposed is acceptable.

The DIP's feedback was generally positive with the majority of comments from Meeting 3 clearly resolved and addressed.

There was a quorum of the DIP support for the proposal as presented and it was noted that the scheme is capable of achieving design excellence.

Brett Newbold expressed a differing view in relation to the resolution of some of the building facades and seeking further analysis in relation to overshadowing. However, this view was not shared by the other DIP members.

It is noted that the DIP will review the project again prior to the issue of a Construction Certificate and in the event of any modification application having material impact on design quality – ideally, this should be added as a condition of consent to the DA.

Refinements in response to dissenting comments and any other design related matters may be reviewed again at later stages (if required).

It was agreed that GANSW would issue correspondence (following review of the final information and agreement by the DIP) to the Council/Applicant acknowledging that the development application(s) are capable of achieving 'design excellence' subject to Clause 8.4 of Penrith LEP 2010 and that the terms of the competition waiver have been adequately addressed to assist the Sydney West Planning Panel's determination of the applications.

The Final Jury endorsement letter is provided at **Appendix D**.

### **3.4. PRE-LODGEEMENT CONSULTATION**

A formal pre-lodgement meeting was held with Council on 12 October 2021 (via teleconference). This was attended by senior Council staff and representatives of the applicant and project team.

On 19 October 2021, the applicant received Council's pre-lodgement advice. Key matters for consideration discussed in the pre-lodgement meeting and Council's pre-lodgement advice generally related to:

#### **Planning**

- Offer of community infrastructure;
- Floor space, building height, and community infrastructure controls;
- Design excellence and competitive design process;
- Staging of development;
- Referral with relevant railway authority (Sydney Trains);
- Environmental heritage;
- Geotechnical reporting;
- Signage strategy and public art strategy; and
- Landscaping details.

#### **Environmental Management**

- Remediation of land;
- Noise impacts;
- Construction waste management;
- Food fit-out;
- Water features;
- Groundwater; and
- Construction waste management.

#### **Engineering**

- Stormwater;
- Mainstream flooding;
- Local overland flow flooding;
- External works;
- Traffic; and
- Waste.

The key items raised at the pre-DA meeting have been addressed (to the extent relevant) in the proposal, as evidenced in this SEE and accompanying architectural drawings, and specialist technical consultant reports.

## 4. PROPOSED DEVELOPMENT

### 4.1. OVERVIEW

The DA seeks development consent for a new mixed use development at land comprising 41, (part) 184, and 192 Lord Sheffield Circuit Penrith. The proposed development is described as follows:

- Demolition of all existing site features and improvements;
- Construction and operation of a new mixed use development, comprising:
  - One storey basement, containing a total of 95 x residential car parking spaces, 2 x car wash bays, waste rooms, plant rooms, and other ancillary back-of-house areas;
  - Five-storey commercial podium comprising:
    - Retail tenancies, residential and commercial lobby entries, a loading dock, vehicle access, and back-of-house areas at Ground Level;
    - A commercial tenancy at Level 01;
    - Shared car parking at Ground Level – 04 (providing a total of 161 x residential car parking spaces and 22 x retail car parking spaces);
  - A residential building (referred to as Tower C), with a maximum rise of 14 storeys (Ground Level – Level 13) containing a total of 74 x residential apartments;
  - A residential building (referred to as Tower D), with a maximum rise of 26 storeys (Ground Level – Level 25) containing a total of 163 x residential apartments;
- New landscaping works and other public domain works; and
- Ancillary works, including site services and connections and stormwater infrastructure.

Architectural and landscape plans depicting the proposal are provided at **Appendix F** and **Appendix H**.

Key numeric aspects of the proposed development are detailed in **Table 2** and individual components of the proposed development are described in the following sections.

Table 2 Numeric Overview of Proposal

Parameter	Description
<b>Land Use</b>	The proposed mixed use development comprises the following land uses: 'commercial premises'; 'retail premises'; and 'shop top housing' (as defined).
<b>Building Height</b>	Tower C – 48.6 metres (existing ground level of RL27 to top of lift overrun at RL75.6) Tower D – 87 metres (existing ground level of RL27 to top of lift overrun at RL114)
<b>Storeys</b>	Tower C – 14 storeys (Ground Level to Level 13) Tower D – 26 storeys (Ground Level to Level 25)
<b>Gross Floor Area</b>	The proposed gross floor area (GFA) comprises: <ul style="list-style-type: none"> <li>▪ Commercial / retail GFA: 1,126 sqm</li> <li>▪ Residential GFA: 22,479 sqm</li> <li>▪ <b>Total GFA: 23,605 sqm</b></li> </ul>
<b>Floor Space Ratio</b>	Measured against the site area of 4,721 sqm, the proposed floor space ratio ( <b>FSR</b> ) is 5:1.

Parameter	Description
Dwelling Mix	<p>The proposal provides a total of 237 residential apartments, with the following unit mix:</p> <ul style="list-style-type: none"> <li>▪ 4 x studio apartments</li> <li>▪ 43 x one-bedroom apartments</li> <li>▪ 169 x two-bedroom apartments</li> <li>▪ 21 x three-bedroom apartments</li> </ul>
Adaptable Units	24 x adaptable apartments (10.1%)
Silver Units	48 x liveable apartments (20.3%)
Communal Spaces	1,900 sqm (40.2% site area) communal open space
Car Parking	<p>A total of <b>256 x residential</b> parking spaces comprising:</p> <ul style="list-style-type: none"> <li>▪ 232 x residential parking spaces</li> <li>▪ 24 x residential accessible spaces</li> </ul> <p>A total of <b>22 x commercial</b> parking spaces comprising:</p> <ul style="list-style-type: none"> <li>▪ 21 x commercial parking spaces</li> <li>▪ 1 x commercial accessible space</li> </ul> <p>A total of <b>2 x car wash bays</b>.</p>

## 4.2. COMMUNITY INFRASTRUCTURE OFFER

The application includes community infrastructure in accordance with Clause 8.7 of Penrith LEP 2012.

The Offer is made in connection with Thornton's two development applications seeking consent for a mixed use development at Lots 3003, 3004, and 3005 in DP 1184498 and known as 41, 184 and 192 Lord Sheffield Circuit, Penrith (**Land**). The Land is identified as 'Key Site 11' on the *Penrith Local Environmental Plan 2010 (LEP)* Key Sites Map. This Offer is made in accordance with clause 8.7 of the LEP and Council's *Community Infrastructure Policy - Policy No CEP 001* adopted on 30 April 2018 (**CI Policy**) to satisfy the obligation to provide community infrastructure in connection with the described development.

Specifically, as part of this DA (i.e. DA2) the following community infrastructure works are proposed:

- **Pedestrian through-site link Embellishments:** The CI offers as part of DA2 seek the embellishment of part of the pedestrian through-site link. The pedestrian link will be publicly accessible as a 'right of way' (restricted on title benefiting PCC), open-to-sky and will remain in the ownership of Thornton – with ongoing maintenance and upkeep of the link by Thornton.

The key elements of the amended CI offer (overall) are outlined below:

1. Prior to the issue of the occupation certificate for the first DA ('DA1'), provision of a total of 631sqm (GFA) of tenancy space for a recreation facility (indoor) at Level 1 at the north-western corner of the southern portion of the block adjacent to the pedestrian through-site link and the public square will be delivered. (NB: Previously this was proposed within 'DA2').
2. Thornton will construct, fit-out and restrict on title a tenancy, on the southern portion of the Land (identified in the location plan provided – part DA01) at no cost to the PCYC (or similar not for profit body) for use by the public as a recreation facility (indoor) in perpetuity.
3. There is no expectation of any additional commitment from PCC either financially or in the management of the tenancy or the activities being undertaken. A letter of support from the PCYC is attached.

4. It is recommended that the consent authority impose a condition of consent that requires the applicant, prior to the issue of an occupation certificate for the first development application ('DA1'), that a restriction on title is placed on the site (tenancy) the subject of the applications, which requires this arrangement. The following draft condition is suggested:

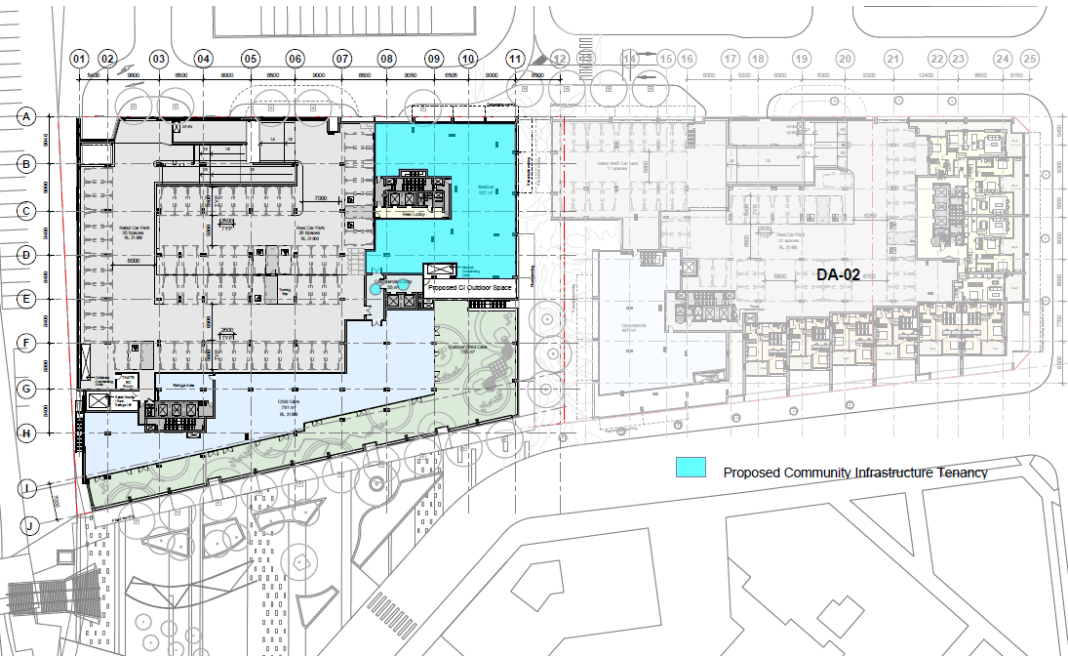
*"Prior to the issue of an occupation certificate for the first development application, a Restriction on Title must be placed on the site (tenancy) the subject of the development applications for the provision of an on-site Recreation facility (indoor) and pedestrian through-site link embellishments (as shown in the 'Community Infrastructure' drawings) as described under the definition of Penrith LEP 2010".*

5. The condition and/or title arrangements would require (at a minimum) that:
- 1.1. The use of the space would have to be for those described under the definition of 'Recreation facility (indoor)' in the dictionary of Penrith LEP 2010.
  - 1.2. The use of the space would be open to the general public and/or residents of Penrith Local Government Area.
  - 1.3. Ongoing ownership and management would remain with the building owner but under a Management Agreement at no cost to a non-for-profit (such as the PCYC or the like).
  - 1.4. Maintenance and outgoings of the facility would be by the building owner in consultation with the future tenant and kept to a high-standard.
  - 1.5. The hours of operation and a plan of management would be agreed by the applicant in consultation with the future operator. This could be provided to Council for their feedback if required.
6. In addition and prior to the issue of the final occupation certificate the applicant will construct and deliver a suite of additional embellishments to the pedestrian through-site link identified in the location plan provided. The pedestrian link will be publicly accessible as a 'right of way' (restricted on title benefiting PCC), open-to-sky and will remain in the ownership of Thornton – with ongoing maintenance and upkeep of the link by Thornton.
7. The value of the embellishment of the thru site link (in DA02) in combination with the dedication of the tenancy (in DA01) will generously exceed the value required under the development FSR uplift under clause 8.2.

In summary:

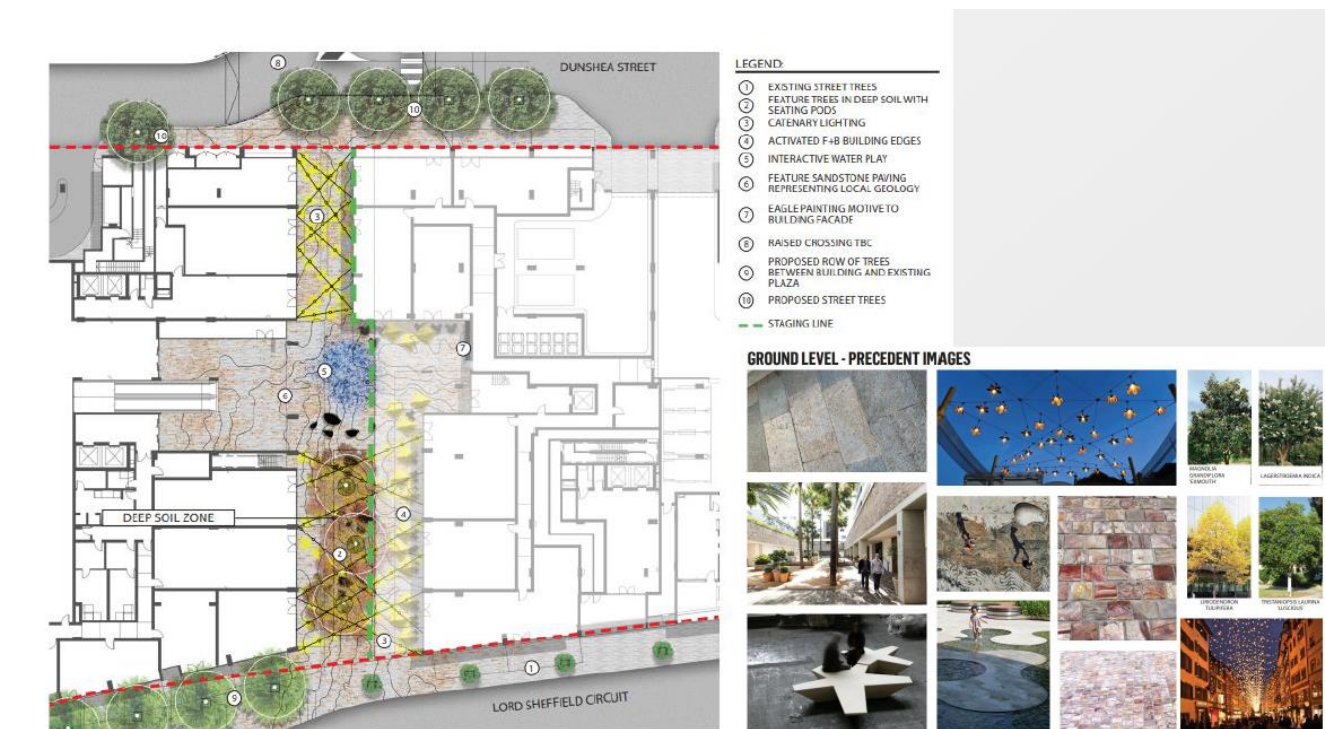
- The site to which the CI offer relates is in the ownership of the applicant.
- The applicant would seek to include these works as part of the current development applications, and physically deliver the works prior to the occupation of the proposed development.
- The value of the works have been the subject of a detailed cost analysis by the applicant and come to an indicative value of **\$10.2 million** (including GST).
- **Land Use:** The applicant is seeking to provide a 'recreation facility (indoor)' within the proposed development as well as additional embellishment of the open-air pedestrian through-site link between the Thornton Station Plaza and the Commuter Car Park. This land use is consistent with the definition of 'community infrastructure' defined in Clause 8.7(6).
- **Nature:** With respect to the 'nature' of the proposed community infrastructure under Clause 8.7(5)(c) of PLEP 2010, the proposal responds positively and aligns to a number of trends and observations in *Penrith Sport and Recreation Strategy 2020* which specifically identify that Penrith LGA (including the City Centre) has a very low provision of public indoor recreation centres, and in particular facilities for 'unstructured activities' such as gym/boot-camp/cross-fit/yoga/pilates/tai-chi.
- **Value:** The value of the proposed community infrastructure to the Penrith City Centre will be 'over and above' the guidance provided in Council's Community Infrastructure Policy. Detailed analysis and costings are provided. The applicant is seeking to deliver and dedicate the proposed works via a formal Planning Agreement (draft to be issued once in principle agreement is reached)

Proposed Indoor Recreation Facility Location (DA1)





## Pedestrian Through-Site Link Embellishment (DA2)



### 4.3. EXCAVATION

The existing ground level varies between RL26.35m to RL27.40m. As detailed in the Geotechnical Report prepared by Douglas Partners (at **Appendix M**) the basement level is anticipated to require bulk excavations to a depth of approximately 4 metres below existing ground level (approximately RL23 m).

The excavation will be supported by basement walls that are keyed into the Penrith Gravel and underlying bedrock. Lateral support will be provided by means of temporary ground anchors. Temporary anchors will be necessary only until the basement slabs and ground floor slabs provide internal support for the walls.

### 4.4. BUILT FORM

The proposed development presents a towers-on-podium built form, generally comprising:

- Integration into the Penrith City Centre public domain through:
  - Streetscape upgrades around Lord Sheffield Circuit and Dunshea Street; and
  - Interface with new publicly accessible through-site-link from Lord Sheffield Circuit to Dunshea Street;
- One storey basement, containing a total of 95 x residential car parking spaces, 2 x car wash bays, waste rooms, plant rooms, and other ancillary back-of-house areas;
- Five-storey commercial podium comprising:
  - Retail tenancies, residential and commercial lobby entries, a loading dock, vehicle access, and back-of-house areas at Ground Level;
  - A commercial tenancy at Level 01;
  - Shared car parking at Ground Level – 04 (providing a total of 161 x residential car parking spaces and 22 x retail car parking spaces);



- A 14-storey residential tower (Ground Level – Level 12) (**Tower C**) comprising a mix of apartment typologies and communal open space on podium levels; and
- A 26-storey residential tower (Ground Level – Level 25) (**Tower D**) comprising a mix of apartment typologies and communal open space on podium levels.

## 4.5. GROSS FLOOR AREA / FLOOR SPACE RATIO

Measured in accordance with the relevant LEP definition, the proposal has total GFA of 23,605 sqm. Calculated against the site area of 4,721 sqm, the proposal has a resultant floor space ratio of 5:1.

## 4.6. BUILDING HEIGHT

The proposal has a maximum building height of RL114 metres to the top of the roof plant on Tower D.

Measured in accordance with the LEP definition of 'building height' (or 'height of building'), the proposal has a maximum building height of 87 metres (based on an existing ground level of RL27 metres).

## 4.7. LANDSCAPING

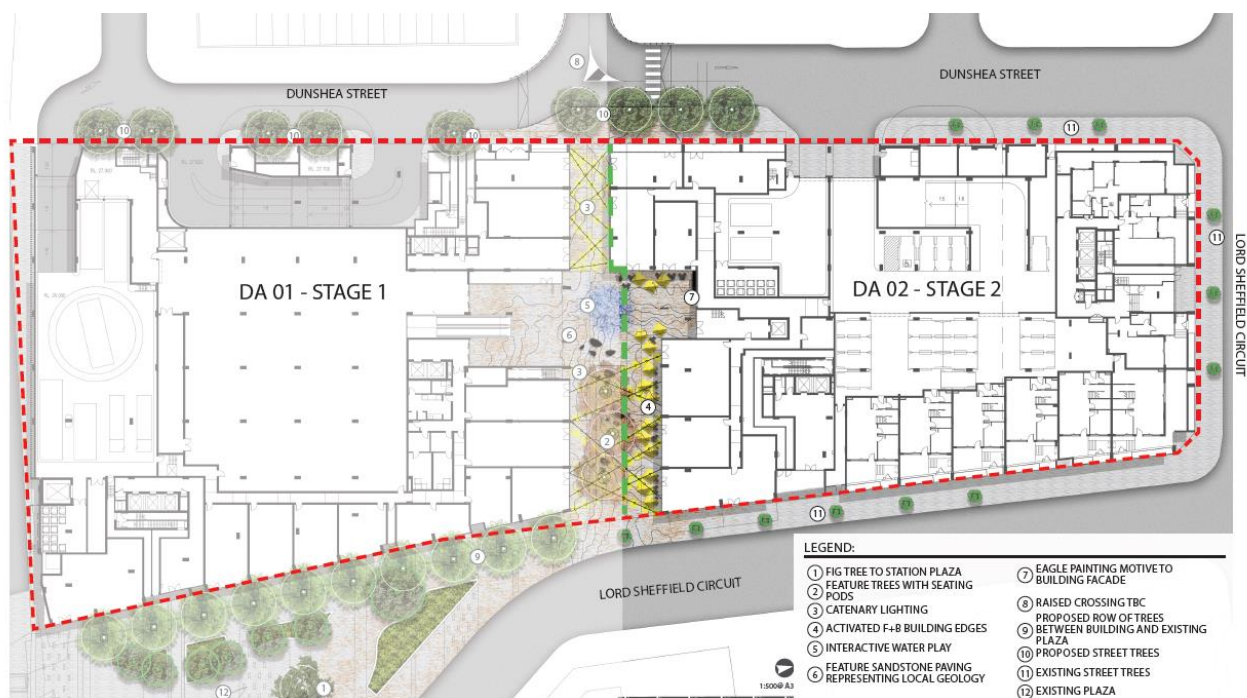
### Landscape Concept

The proposal incorporates a comprehensive landscaping and public domain strategy, as detailed in the Landscape Design Report and accompanying Landscape Plans prepared by Urbis (at **Appendix H**).

The proposed landscape design has been informed by ongoing Connecting with Country consultation and engagement with Deerubbin Local Aboriginal Land Council (**DLALC**). Key themes which emerged through this engagement were connection to the Nepean River and Blue Mountains. The proposal provides further opportunities to incorporate an indigenous narrative, program, and activation of the landscape strategy.

The overall landscape design for the proposal (and concurrent DA01) is illustrated in **Figure 3**.

Figure 3 Overall Landscape for DA01 and DA02



Source: Urbis

Key components of the landscape design are described in the Landscape Design Report as follows.

## New Through-Site Link

The proposal has an interface with a new publicly accessible through-site link (proposed by DA01). This link connects Dunshea Street and Lord Sheffield Circuit and the village centre (refer **Figure 3**). It provides a catalyst to activate the precinct and maintain pedestrian flow from the train station to the commuter car park.

The space is characterised by frontages to a diverse range of retail and commercial uses (such as food and beverage offerings), catenary lighting, informal gathering space (with seating pods), programmable event space, an interactive water feature, and *Connecting to Country* art work. Landscaping provides shade and connection to nature as an integrated response to existing street trees and neighbourhood landscape.

## Dunshea Street and Lord Sheffield Circuit Frontages

The landscaping design for the frontages to Dunshea Street (west-facing) and Lord Sheffield Circuit (east-facing and north-facing) proposes rows of street trees (to match existing trees).

## Residential Communal Open Space

The proposal integrates three private communal open spaces at the rooftop of the podium (Levels 02, 03 and 05) for the private use and enjoyment of residents of the apartments. The design of communal areas allow residents to engage in community events, health and wellbeing, recreation, and play areas for children.

Figure 4 Level 02 Communal Open Space



Source: Urbis

The Level 02 communal open space features include balustrade planters, raised planters with trees, integrated seating benches, and Astro turf with flexible seating.

Figure 5 Level 03 Communal Open Space



Source: Urbis

The Level 03 communal open space is split between two separate areas. The features across both portions include covered seating arbours, raised planters with trees and integrated seating benches, stepping stones, balustrade planters, covered barbecue pavilions, passive relaxation lawns, and outdoor cinema lawn.

Figure 6 Level 05 Communal Open Space



Source: Urbis



The Level 05 communal open space features include a children's sculptural play area, raised planters with trees and integrated seating benches, seating arbours, balustrade planters, covered barbeque pavilions, and passive relaxation lawns.

## Private External Open Space

Each of the residential apartments benefits from external open space. The balcony areas are commensurate with the size of the apartments and comply with minimum sizes prescribed in the Apartment Design Guide.

## 4.8. TRANSPORT, PARKING, AND ACCESS

### 4.8.1. Vehicular Access

The proposal has two vehicular access points and crossovers from Dunshea Street, described as follows:

- Northernmost crossover (shown in orange) – provides access to the residential and retail / commercial car parking on the Ground Floor and upper levels.
- Southernmost crossover (shown in green) – provides access to the loading dock.

A portion of residential parking will be accessed via the basement level proposed in DA01 (shown in blue).

The proposed vehicle access arrangements are indicated in Figure 7.

Figure 7 Vehicle Access Arrangements



Source: Stantec

### 4.8.2. Loading Dock

The proposal provides a loading dock at ground level with access via Dunshea Street (refer **Figure 6** above).

The loading dock accommodates two loading bays suitable for vehicles up to 6.4 metre small rigid vehicles (**SRVs**). These will primarily serve the retail and commercial tenancies using smaller delivery vehicles, such as vans. Removalist activity associated with the residential apartments using vehicles up to 6.4 metre SRVs will be accommodated in the loading dock. Larger removalist vehicles will utilise the loading dock proposed as part of DA01, which provides four loading bays which generally accommodate the following vehicle types:

- Two bays to accommodate vehicles up to and including 12.5 metre heavy rigid vehicles (**HRVs**)
- Two bays to accommodate vehicles up to and including 8.8 metre medium rigid vehicles (**MRVs**)

Residential waste collection will occur using the loading dock proposed as part of DA01, where waste will be transported from the basement to the loading dock when required. General retail waste from the loading dock proposed by the subject DA will be collected by private contractors utilising 6.4 metre SRVs.

### 4.8.3. Basement and Podium Car Park

The basement and podium level parking areas provide a total of 278 parking spaces comprising:

- A total of 256 x residential parking spaces comprising:
  - 232 x residential parking spaces
  - 24 x residential accessible spaces
- A total of 22 x commercial parking spaces comprising:
  - 21 x commercial parking spaces
  - 1 x commercial accessible space
- A total of 2 x car wash bays are provided at Basement Level.

The basement provides a total of 237 storage cages to serve the residential apartments.

### 4.8.4. Pedestrian Access

Pedestrian access to the ground level retail tenancies is provided from Lord Sheffield Circuit, Dunshea Street, and the through-site link. Pedestrian entry to the upper level podium car park, commercial tenancies, and residential apartments is provided lobbies, lift cores, and stairwells located around the site frontages.

## 4.9. MATERIALS AND FINISHES

A detailed schedule of external building materials, colours, textures, and finishes is provided in the architectural drawings (**Appendix F**). Selected materials and finishes are summarised as:

- White brick;
- Ash brick;
- Concrete / masonry (+ with white paint finish and paint finish to match ash brick);
- Light cladding bronze finish;
- Lightweight board (+ with concrete texture finish, white paint finish, and dark concrete texture finish);
- Aluminium anodise vertical louvre;
- Shopfront clear glazing; and
- Residential glazing tinted.

## 4.10. WASTE MANAGEMENT

The DA is supported by an Operational Waste Management Plan prepared by Elephant Foot (at **Appendix R**). This describes waste management practices for the commercial and residential uses in relation to:

- Waste generation estimates;
- Chute discharge equipment;
- Waste disposal procedures;
- Waste collection procedures; and
- Bulky waste procedures.

## 4.11. STORMWATER DESIGN

Stormwater infrastructure and erosion and sediment control will be implemented as per the Stormwater Management Plan (at **Appendix I**). Key stormwater infrastructure strategies relate to stormwater drainage, hydrology, hydraulics, rainwater tanks, and sedimentation and erosion control.

## 4.12. INFRASTRUCTURE AND SITE SERVICES

Services including electricity, telecommunications, gas, water, and sewage infrastructure are available to the site. As detailed in the Infrastructure Services Report (at **Appendix O**), existing services will be extended, expanded, and augmented as required in order to meet the demands and requirements of the proposal.

## 4.13. DEVELOPMENT STAGING

As discussed elsewhere in the SEE, the application is lodged concurrently with a separate development application to adjoining land parcel to the south.

While the intention is to ideally construct the entire super-lot at the same time, the applicant is seeking to embed flexibility in the approval by providing two separate applications to enable the potential for a staged approach should this be required. Accordingly, the arrangement of the basement, towers and public domain areas have been carefully designed in a manner which allows each to have the flexibility to be staged if this is required.

Importantly, each development application will comply with the maximum FSR of 5:1 under Clause 8.7.4(c) of PLEP and maintain general compliance with the Apartment Design Guidelines (ADG) and other relevant development controls such as car parking.

During pre-lodgement discussions, Council identified the need for a well-considered publicly accessible through-site link not to be compromised if the first stage of the development proceeded, but the remaining stage was deferred to a later date. In particular, there was concern raised about unsightly hoardings remaining along the through-site link for prolonged periods.

In response to this feedback, the applicant has proposed an 'interim' staging solution for the public domain. This includes the ability for some additional paving and embellishment of the through-site link beyond the DA boundary that would extend to the future glazing line of the future retail zone on the northern side of the link. This would be a matter which we plan to engage more closely with the Council on, to ensure that there are safeguards in place for this interim solution.

## 5. STRATEGIC PLANNING CONTEXT

The following strategic planning policies are applicable to the subject site and the proposed development.

Table 3 Strategic Planning Context

Strategic Planning Policy	Comment	Consistency
<b>A Metropolis of Three Cities – the Greater Sydney Region Plan</b>	<p>The Greater Sydney Region Plan is the NSW Government's plan for the Sydney Metropolitan Area over the next 20 years. It includes key directions and actions to encourage the Sydney's continued growth, particularly in Western Sydney.</p> <p>Penrith is identified within the Region Plan as a key metropolitan centre that will be connected to new suburbs and employment areas in and around the future Western Sydney Airport.</p> <p>The proposal will help connect Penrith residents to future employment opportunities through providing high density living within proximity to established transport hubs and the city's commercial core.</p>	Yes
<b>Western City District Plan</b>	<p>The Western City District Plan provides a 20-year plan to manage growth and achieve a 40-year vision, while enhancing Greater Sydney's liveability, productivity, and sustainability into the future.</p> <p>Key objectives of the District Plan include:</p> <ul style="list-style-type: none"> <li>▪ Responding to plans for the Western Sydney Airport and Badgerys Creek Aerotropolis jobs creation;</li> <li>▪ Delivering a 30-minute city through major transport initiatives like the North-South Rail connection;</li> <li>▪ Providing housing supply, affordability, and choice, with access to jobs and services; and</li> <li>▪ Creating liveable communities.</li> </ul> <p>The proposal can make a valuable contribution to the future of Penrith within the Western City District, by providing significant housing and retail floor space, with access to many jobs and services. The site is situated in close proximity to the Penrith CBD. Facilities and amenities within the CBD offer aspects of a liveable environment with access for residents to culture and recreation.</p>	Yes
<b>Penrith Local Strategic Planning Statement</b>	<p>The Local Strategic Planning Statement (LSPS) identifies Penrith's economic, social, and environmental land use needs over the next 20 years. The LSPS demonstrates how Council's vision aligns with and gives effect to actions of the Greater Sydney Region Plan and Western City District Plan. It indicates how these actions can be implemented at a local level through strategic and statutory plans.</p> <p>The proposal aligns with key LSPS planning priorities, including:</p> <ul style="list-style-type: none"> <li>▪ to provide new homes to meet the diverse needs of the growing community;</li> </ul>	Yes

Strategic Planning Policy	Comment	Consistency
	<ul style="list-style-type: none"> <li>▪ to improve the affordability of housing;</li> <li>▪ to facilitate sustainable housing; and</li> <li>▪ to ensure social infrastructure meets the changing needs of communities.</li> </ul>	
<b>Economic Strategy Development</b>  <b>Penrith City Council</b>	<p>The Economic Development Strategy (<b>EDS</b>) sets out a strategic framework to support economic growth, foster greater investment, and deliver jobs. Council's goal for Penrith is to achieve an increase in local jobs between 42,000 and 55,000 by 2031. This target will incorporate new jobs in a range of areas from health, education, tourism, arts, and culture and will be complemented by growth in the night-time economy and residential services. The proposal contributes to this target by providing additional high density residential and retail services, increasing investment in the CBD.</p> <p>Penrith is experiencing significant growth across education, health, construction, transport, and logistics. Complementing these growth areas is the transformation of the city centre and development of the night time economy, through the EDS and Council's Night Time Economy Strategy. The proposed retail tenancies will contribute to night time economy through provision of food and drink premises.</p> <p>In 2015, under 10% of Penrith's population lived within close proximity (800m) of major public transport. The proposal will provide additional high density residential development within a walkable distance of high frequency public transport.</p>	Yes
<b>Community Strategic Plan 2017</b>  <b>Penrith City Council</b>	<p>The Community Strategic Plan is Council's plan for Penrith for the next 20 years. It reflects the community's vision for Penrith to be a sustainable and prosperous city with a harmony of urban and rural qualities and a strong commitment to environmental protection and enhancement.</p> <p>The proposal is consistent with the following strategies outlined in the Community Strategic Plan:</p> <ul style="list-style-type: none"> <li>▪ attract investment to grow the economy and increase the range of businesses operating in the region;</li> <li>▪ facilitate development in the City that considers the current and future needs of the community;</li> <li>▪ help build resilient, inclusive communities;</li> <li>▪ facilitate development in the City that considers the current and future needs of the community;</li> <li>▪ ensure services, facilities and infrastructure meet the changing needs of the City; and</li> <li>▪ provide parking to meet the needs of the City.</li> </ul>	Yes



## 6. STATUTORY PLANNING CONTEXT

This section provides an assessment of the environmental impacts of the proposed development to the approved development against the relevant statutory planning framework including Acts, environmental planning instruments, draft environmental planning instruments, and development control plans.

The relevant State and Local planning instruments that apply to the site and the proposal include:

- Water Management Act 2000;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Penrith Local Environmental Plan 2010.

### 6.1. WATER MANAGEMENT ACT 2000

The objectives of the Water Management Act 2000 are to provide for the sustainable and integrated management of the water sources across NSW.

The DA is accompanied by a Geotechnical Report (**Appendix M**). This identifies the existing ground level variation between RL26.35m to RL27.40m. The Report assesses that the basement level is anticipated to require bulk excavations that penetrate to a depth of approximately 4 metres below existing ground level at approximately RL23m (AHD). The development proposes a single level of basement and as such it is not anticipated to impact ground water. Therefore the development will not require approval from the NSW Department of Primary Industries under the Water Management Act 2000.

### 6.2. STATEMENT ENVIRONMENTAL PLANNING POLICIES

#### 6.2.1. State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 provides that a consent authority must not consent to carrying out development on land unless it has considered whether the land is suitable (or can be made suitable) for the purpose for which the development is proposed to be carried out.

The DA is accompanied by a Soil Contamination Assessment (**SCA**) prepared by Prensa Pty Ltd (at **Appendix Y**) to assess the soil contamination conditions of the site. The SCA concludes that the ongoing use of the site has a lay down / storage area for unknown equipment and potential soil stockpiles has the potential to cause contamination from spills, materials movement, and storage of equipment. As such, further assessment and surface sampling was undertaken to assess the soil conditions.

Based on the findings of the SCA, chemical analysis of spoil samples did not identify concentrations of contaminants of potential concern (**CoPC**) above the adopted health investigation and screening levels for a residential land use and as such the reported concentrations are unlikely to preclude the redevelopment of the site for mixed use development (including high-density residential with basement car parking).

#### 6.2.2. State Environmental Planning Policy (Planning Systems) 2021

Part 4 of State Environmental Planning Policy (Planning Systems) 2021 requires referral to a regional planning panel for “development that has a capital investment value of more than \$30 million”.

As detailed in the Quantity Surveyors Report (at **Appendix C**), the estimated Capital Investment Value (**CIV**) of the development is \$86,931,289 (including GST). Therefore Part 4 of the SEPP applies and the relevant consent authority for the determination of the DA is the Sydney Western City Planning Panel.

### 6.2.3. State Environmental Planning Policy (Infrastructure)

State Environmental Planning Policy (Transport and Infrastructure) 2021 aims to facilitate effective delivery of infrastructure by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure and prescribing consultation requirements for certain development.

The below assesses relevant provisions of Transport and Infrastructure SEPP that apply to the proposal.

Table 4 Transport and Infrastructure SEPP Assessment

Transport and Infrastructure SEPP	Response	Referral Agency
Division 5 Electricity transmission or distribution  Subdivision 1 (Development likely to affect an electricity transmission or distribution networks)	The development is likely to affect an electrical transmission or distribution network. Therefore a new electricity substation will be constructed.	Ausgrid
Part 3 – Division 17 Roads and traffic	The proposal is categorised as traffic generating development for the reason that it provides: <ul style="list-style-type: none"><li>▪ 200 or more car parking spaces.</li></ul> The Traffic Impact Assessment (at <b>Appendix K</b> ) assesses the level of traffic generation resulting from the development and potential impacts on the surrounding road network.	RMS

### 6.2.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (**Biodiversity and Conservation SEPP**) aims to protect the environment of the Hawkesbury / Nepean River area by ensuring that the impacts of future land uses are considered in a regional context. The SEPP prescribes requirements for the assessment of development in terms of stormwater quality.

The DA is accompanied by a stormwater management and erosion and sediment control plan (at **Appendix I**). The proposal incorporates adequate erosion and sediment control measures to ensure sediment resulting from the development is not deposited into the Hawkesbury/Nepean River system. Furthermore, the proposed development has been designed to comply with the Council's Stormwater Drainage Policy.

The Biodiversity and Conservation SEPP also aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. It applies to land in the City of Penrith. There are no existing tree plantings on the site or any adjoining land.

## 6.2.5. State Environmental Planning Policy 65 and Apartment Design Guide

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (**SEPP 65**) aims to improve the design quality of residential flat buildings and residential components of mixed-use developments. It applies to any building that comprises 3 or more storeys and 4 or more dwellings.

In determining a development application for residential flat development, a consent authority is to consider:

- (a) *the advice (if any) obtained from the design review panel, and*
- (b) *the design quality of the development when evaluated in accordance with the design quality principles, and*
- (c) *the Apartment Design Guide.*

The Architectural Report prepared by the project architect (Crone Architects) (at **Appendix G**) describes how the proposal satisfies the design quality principles of SEPP 65 and the objectives of Parts 3 and 4 of the Apartment Design Guide (**ADG**). Overall, the proposal achieves a high level of compliance with the relevant provisions of the ADG. Further discussion regarding the residential amenity is provided at **Section 7**.

Table 5 Assessment against SEPP 65 Design Quality Principles

Design Principle	Proposal
<p><b>Principle 1: Context and neighbourhood character</b></p> <p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The site is located within the heart of Penrith, adjacent to the train station and across from Penrith Town Centre.</p> <p>The neighbouring buildings around the site are multi-residential buildings, and a large public commuter carpark located to the west of the site. The site enjoys 180° views to the Blue Mountains to the west, while to the east, it looks over the district with distant views to the Sydney CBD.</p> <p>Thornton is rapidly developing with several nearby developments completed or under construction. Thornton Central Village will form a key hub within this evolving residential neighbourhood. It will provide an improved connection between the station and the commuter parking area, offering a range of retail facilities including a large supermarket, specialty shops, childcare, commercial space, and residences.</p> <p>Social, health and economic benefits are achieved through local employment, provision of health and wellness facilities and providing diverse dwelling opportunities for a socially cohesive neighbourhood.</p>
<p><b>Principle 2: Built form &amp; scale</b></p> <p><i>Good design achieves a scale, bulk and height appropriate to the existing or future desired character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type,</i></p>	<p>The building form responds conceptually to the essence of the Blue Mountains and was developed through a unique urban strategy. Tall towers are located at the north and south perimeters of the site and provide appropriate urban markers to the city and Penrith Station. Lower towers are situated adjacent to the village centre with a more domestic scale and design language.</p> <p>A central village retail centre and through site link act as a catalyst to activate the site maintaining pedestrian flow from</p>

Design Principle	Proposal
<p><i>articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>the train station to the commuter parking and providing a diverse range of F&amp;B opportunities.</p> <p>The podium articulation have been designed to step down to the through site link and an adjacent park on Lord Sheffield Circuit, providing a human scale interface.</p> <p>Terraces are located to create a contextual green ribbon to drive activation across multiple podium levels.</p>
<p><b>Principle 3: Density</b></p> <p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The proposed development is consistent with the DCP requirements, to achieve the objectives and goals set in the Apartment Design Guide.</p> <p>Proximity to public transport networks with the adjacent Penrith station and walking distance to the city centre, support the proposed density and urban mix.</p> <p>Direct access to the Village Centre, childcare, medical and health and wellbeing facilities support the needs of the resident community and surrounds. A diverse range of common public and private spaces within the precinct give residents, commuters, and the neighbourhood opportunities for different types of activities and needs.</p>
<p><b>Principle 4: Sustainability</b></p> <p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</i></p>	<p>Through design we aim to reduce the environmental impact of our proposal. Areas are identified to minimize the buildings' environmental footprint as well as using design to shift long-term behavioural habits of the residents.</p> <p>The design response includes:</p> <ul style="list-style-type: none"> <li>▪ Facade invites winter sun access whilst controlling low summer sun angles.</li> <li>▪ Natural ventilation to 60.5% of residential apartments.</li> <li>▪ Solar access to 70% of residential apartments</li> <li>▪ Bicycle parking</li> <li>▪ Low energy fixtures and appliances</li> <li>▪ Generous communal areas on podium roof top gardens.</li> </ul>
<p><b>Principle 5: Landscape</b></p> <p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p>	<p>Landscape design has been integrated into the proposal to enhance the quality of outdoor spaces. This includes:</p> <ul style="list-style-type: none"> <li>▪ The Ground floor through site link and village centre contain various uses including F&amp;B options, programmable event space, a centralised plaza with water feature and connecting to country art work.</li> <li>▪ Landscaping within this plaza provides shade and connection to nature as an integrated response to existing street trees and neighbourhood landscape.</li> </ul>

Design Principle	Proposal
<p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks.</i></p> <p><i>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, and provides for practical establishment and long-term management.</i></p>	<ul style="list-style-type: none"> <li>▪ The Podium Roof Terraces provide communal open space designed to allow residents to engage in community events, health and wellbeing, recreation and play areas for children.</li> <li>▪ The landscape design has been informed by our Connect with Country process with Deerubbin Local Aboriginal Land Council (DLALC).</li> </ul> <p>Refer to Landscape Design report for more further information.</p>
<p><b>Principle 6: Amenity</b></p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and services areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The proposed design takes into consideration the following aspects:</p> <ul style="list-style-type: none"> <li>▪ Improved amenity by providing residents large private open space provide for garden living in a city lifestyle.</li> <li>▪ Access to daylight by orienting the apartments to face North, East or West. It provides amenity for both living and balcony spaces.</li> <li>▪ Significant views to the local Blue mountain escarpment and surrounds.</li> <li>▪ Better amenity to corridors at the end of circulation spaces with windows to allow daylight and ventilation access.</li> <li>▪ An interaction lounge area is provided for residents where apartments exceed 8 residences per floorplate.</li> <li>▪ Enhance community living by designing landscaped outdoor areas across the site.</li> <li>▪ Activation of frontages at ground floor through retail frontages, residential lobbies and terrace home courtyards fronting the street.</li> </ul>
<p><b>Principle 7: Safety</b></p> <p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.</i></p> <p><i>Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>Safety and security to the precinct results from considered design of both the private and public realm. The proposal uses established design principles for the interface between the public and private domain.</p> <p>The initiatives incorporated in the design are:</p> <ul style="list-style-type: none"> <li>▪ Activated street edges on Lord Sheffield Circuit, the village centre and the pedestrian link allow for street activation during day and night.</li> <li>▪ Building entrances clearly distinguish different uses.</li> <li>▪ Providing visual connectivity between circulation areas, indoor and outdoor spaces.</li> </ul>

Design Principle	Proposal
	<ul style="list-style-type: none"> <li>▪ Generous balconies and private spaces promote passive surveillance of the public domain.</li> <li>▪ Well lit indoor &amp; outdoor communal areas .</li> </ul>
<p><b>Principle 8: Housing diversity and social interaction</b></p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>Different types of apartment typologies have been designed to accommodate households with different needs, particularly suited to the local market. Different apartments that offer diverse lifestyles are provided, including:</p> <ul style="list-style-type: none"> <li>▪ Two storey townhouses with direct street access via generous courtyards.</li> <li>▪ Apartments at podium levels with deep courtyard that provide privacy and sunlight protection and direct podium access.</li> <li>▪ Generous studio, 1, 2 and 3 bedroom apartments with access to views of the Blue Mountains.</li> <li>▪ Universal design features have been incorporated into the apartment design to provide flexible and livable housing to accommodate a range of lifestyle needs.</li> </ul>
<p><b>Principle 9: Aesthetics</b></p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The proposed development uses a variety of aesthetic languages, united by a consistent material palette to express the different apartment typologies and building uses. Various coloured concrete, white and ash coloured brick, glass and lightweight cladding panels create a warm, light and textural palette.</p> <p>Landscaping is used to enrich the façade design through planter boxes as balustrades and climbing plants to the car park facades.</p> <p>A concrete colonnade wraps the residential facades, expressing the structural grid and framing recessed balconies. A colonnade of varying height and scale front Lord Sheffield Circuit and extent to the Village Centre, providing scale and proportion to the pedestrian realm as an interface to the street.</p>

The proposal complies with key requirements of Parts 3 and 4 of the ADG as outlined in **Table 6** below.

Table 6 ADG Compliance Summary

ADG Objective	Proposal
<p><b>Objective 3D-1</b></p> <p><i>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</i></p> <p><b>Design criteria</b></p> <ol style="list-style-type: none"> <li>1. Communal open space has a minimum area equal to 25% of the site.</li> <li>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).</li> </ol>	<p>The proposal provides 1,900 sqm communal open space at Levels 02, 03, and 05. This provision is equal to 40.2% of the total site area. At least 50% of the useable part receives 50% direct sunlight for two or more hours on 21 June.</p> <p>Communal open areas provide a variety of spaces and uses for both communal engagement and private use.</p>
<p><b>Objective 3E-1</b></p> <p><i>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</i></p>	<p>Due to the configuration of the site and urban nature of the proposal, significant alternative planting is provided within the deep soil zone of plaza and across podiums with sufficient soil volumes to support healthy landscape.</p>
<p><b>Objective 3F-1</b></p> <p><i>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</i></p> <p><b>Objective 3F-2</b></p> <p><i>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</i></p>	<p>Buildings are offset to each other allowing apartments distant district views with minimal overlap to view aspect.</p> <p>Visual privacy allows residents within adjacent buildings to use their private spaces without being overlooked. It balances the need for views and outlook with the need for privacy. Building elements are positioned to respect required setbacks and separation distances and ensure adequate privacy and daylighting are achieved.</p>
<p><b>Objective 3J-1</b></p> <p><i>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</i></p>	<p>The proposed car parking provision is assessed in the Traffic Impact Assessment prepared by GTA Consultants (at <b>Appendix K</b>).</p>
<p><b>Objective 4A-1 Solar Access</b></p> <p><i>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</i></p>	<p>A total of 160 apartments (68%) receive 2 hours direct sunlight in mid-winter. The proposal is designed to optimise the number of apartments receiving sunlight to habitable rooms, primary windows, and open spaces.</p>
<p><b>Objective 4B-3 Natural Cross Ventilation</b></p> <p><i>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</i></p>	<p>A total of 65 apartments within the first 9 storeys achieve natural cross ventilation (62%). Apartments above nine storeys have balconies with suitable open areas.</p>

<b>ADG Objective</b>	<b>Proposal</b>
<p><b>Objective 4C-1 Floor to Ceiling Heights</b></p> <p><i>Ceiling height achieves sufficient natural ventilation and daylight access.</i></p>	<p>Minimum ceiling heights of the proposed apartments are:</p> <ul style="list-style-type: none"> <li>▪ 2.7 m for habitable rooms; and</li> <li>▪ 2.4 m for non-habitable rooms.</li> </ul>
<p><b>Objective 4D-1 Minimum Apartment Sizes</b></p> <p><i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</i></p>	<p>The proposed residential apartments significantly exceed the following minimum apartment sizes required by the ADG:</p> <ul style="list-style-type: none"> <li>▪ 1-bedroom apartments: between 50 – 54 sqm</li> <li>▪ 2-bedroom apartments: between 75 – 86 sqm</li> <li>▪ 3-bedroom apartments: between 95 – 104 sqm</li> </ul>
<p><b>Objective 4D-3 Minimum Room Sizes</b></p> <p><i>Apartment layouts are designed to accommodate a variety of household activities and needs.</i></p>	<p>The proposed apartments are consistent with ADG requirements for the minimum size of rooms.</p>
<p><b>Objective 4E-1 Private Open Space</b></p> <p><i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</i></p>	<p>All apartments have primary balconies that satisfy the minimum private open space requirements of the ADG.</p>
<p><b>Objective 4F-1 Core/Circulation</b></p> <p><i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i></p>	<p>The proposal is consistent with ADG requirements regarding common circulation spaces.</p>
<p><b>Objective 4G-1 Storage</b></p> <p><i>Adequate, well designed storage is provided in each apartment.</i></p>	<p>The proposal is consistent with ADG storage provisions.</p>

## 6.2.6. State Environmental Planning Policy (Building Sustainability Index Basix) 2004

A BASIX Certificate is included at **Appendix J**. The certificate confirms that the proposed development will meet the NSW government's requirements for sustainability. The BASIX assessment indicates that the proposed development achieves the water and thermal performance ratings required.



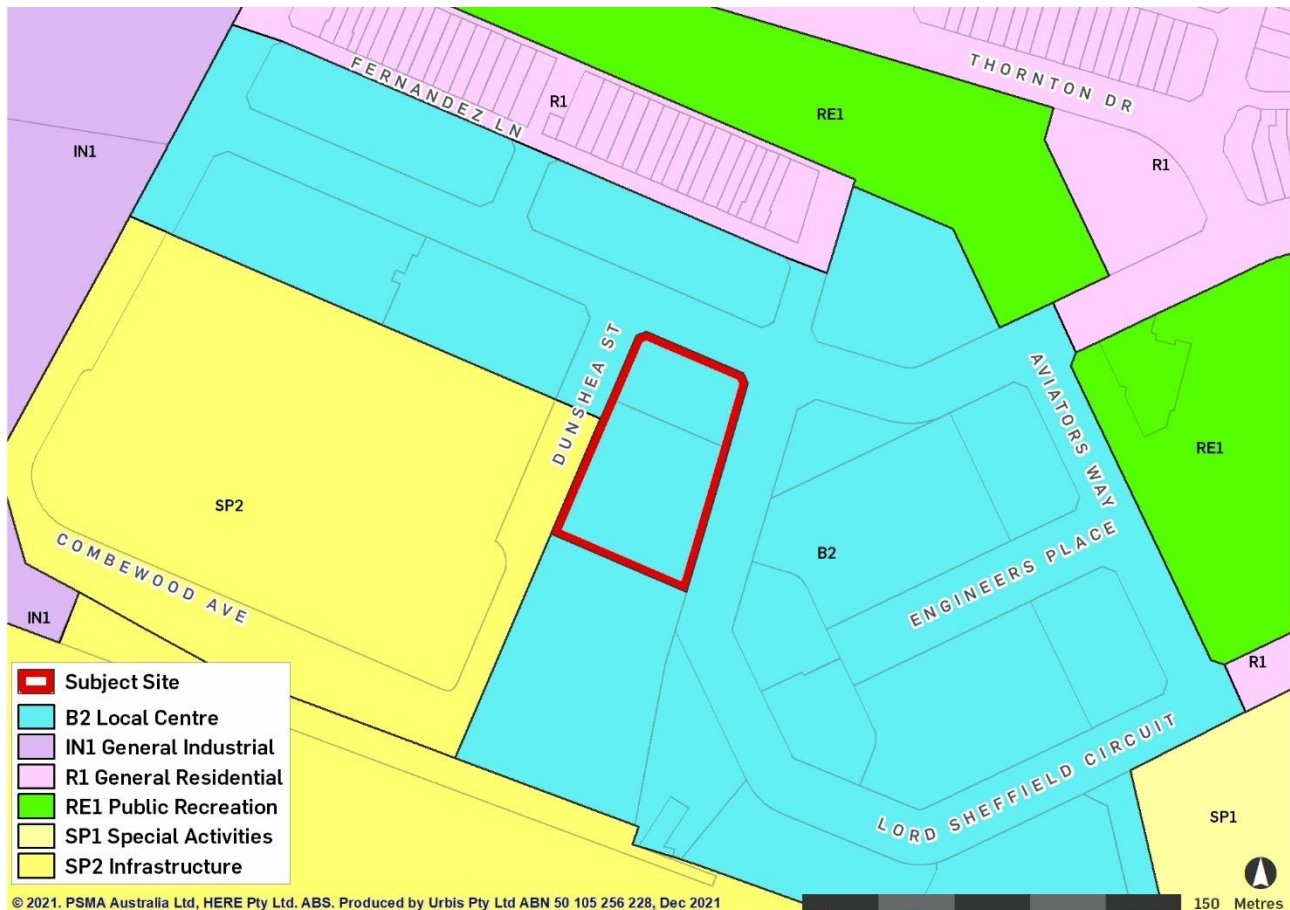
## 6.3. PENRITH LOCAL ENVIRONMENTAL PLAN 2010

### 6.3.1. Land Zoning and Permissibility

The site is zoned B2 Local Centre under Penrith Local Environmental Plan 2010 (LEP) (refer **Figure 8**).

The proposal is for mixed use development comprising 'shop top housing' and 'retail premises' and 'business premises' (as a form of 'commercial premises'). These uses are permissible with consent in the B2 Zone.

Figure 8 LEP Land Zoning



Source: Urbis

### 6.3.2. Zoning Objectives

The proposal is consistent with the stated objectives of the B2 Local Centre Zone in that:

- It provides a mix of compatible land uses, including retail, and business, and community uses that serve the needs of people who live in, work in, and visit the local area;
- It facilitates employment generation in a highly accessible location within the Penrith CBD;
- It maximises public transport patronage and encourage walking and cycling opportunities;
- It delivers retail tenancies that suit a range of tenants and future operators and which are commensurate with the role of Penrith CBD in the local and regional retail hierarchy; and
- It proposes residential land uses with a diversity of typologies and which is compatible with the economic and employment functions of the CBD and reflects the desired future character and density of the area.

### 6.3.3. Penrith LEP 2010 Provisions

The following table an assessment of the proposal against relevant provisions and clauses of the LEP.

Table 7 Penrith LEP 2010 Compliance Assessment

LEP Clause	Provision	Proposal	Complies
<b>Clause 4.3</b> <b>Building Height</b>	32 metres	Maximum building height is 87 m (measured from existing ground level at RL27 m to top of Tower D at RL27 m).	<b>No.</b> Refer to Clause 8.7
<b>Clause 4.4</b> <b>Floor Space Ratio</b>	N/A	5:1	<b>No.</b> Refer to Clause 8.7
<b>Clause 5.10</b> <b>Heritage Conservation</b>	The site is opposite the following heritage items: <ul style="list-style-type: none"> <li>Station Master's House (former) (ID: 187);</li> <li>Penrith Railway Station group (ID: 188).</li> </ul>	The DA is supported by a Statement of Heritage Impact ( <b>HIS</b> ) prepared by John Carr Heritage Design ( <b>Appendix AA</b> ).  The HIS assesses that the development has minimal impact on the significance of nearby heritage items due to the distance between the site and the items and the screening of existing buildings and landscaping to their surroundings.	<b>Yes</b>
<b>Clause 7.4</b> <b>Sustainable Development</b>	Development must have regard to the principles of sustainable development.	The BASIX Certificate (at <b>Appendix J</b> ) and BCA Assessment (at <b>Appendix P</b> ) assess the proposed development against the relevant provisions of the BCA and Australian Standards.  As detailed in the Urban Design Report (at <b>Appendix G</b> ), sustainable design principles are incorporated into the proposal, including façade design, energy fixtures and appliances, and landscaped communal areas.  The proposal provides a site responsive design with quality solar access and opportunities for natural ventilation. The site is located in close proximity to Penrith Railway Station, a bus interchange, and local bicycle networks.	<b>Yes</b>
<b>Clause 7.7</b> <b>Servicing</b>	Development of land is to reflect the availability of services (including water supply and sewage facilities).	Services are available to the site including electricity, telecommunications, gas, water, and sewage infrastructure.  Services will be extended, expanded, and augmented to meet the demands and requirements of the development.	<b>Yes</b>

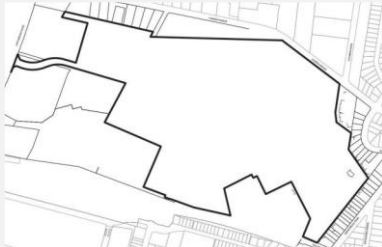
LEP Clause	Provision	Proposal	Complies
<b>Clause 8.1 Local Provisions</b>			
<b>Clause 8.2 Sun Access</b>	Despite clauses 4.3, 5.6 and 8.4, development consent may not be granted to development on land to which this Part applies if the development would result in overshadowing of public open space to a greater degree than would result from adherence to the controls indicated for the land on the Height of Buildings Map.	Shadow diagrams are provided with the architectural design set prepared by Crone.  This analysis demonstrates that the proposed development casts less shadow on the Penrith Station Plaza compared to a compliant height scheme.	<b>Yes</b>
<b>Clause 8.4 Design Excellence</b>	Development must, in the opinion of the consent authority, exhibit design excellence. An architectural design competition is required in relation to the following:  (a) development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,  (b) development that has a capital value of more than \$1,000,000 on a key site identified on the Key Sites Map,  development for which the applicant has chosen to have an architectural design competition.	As detailed in <b>Section 3.3</b> , the proposed design has resulted from an Architectural Design Competition and is capable of achieving design excellence.  Following lodgement of DAs 22/0213 and 22/0214, a formal design competition waiver was sought from the NSW Government Architect in response to feedback from Penrith City Council.  The applicant has engaged closely with GANSW and the Design Integrity Panel (DIP) for the project, with formal correspondence issued in September 2023 confirming the scheme was capable of achieving design excellence.  Further, the Sydney Western City Planning Panel were supportive that design excellence had been achieved in DAs 22/0213 and 22/0214.	<b>Yes</b>
<b>Clause 8.5 Building Separation</b>	Buildings on must be erected so that the separation distance: <ul style="list-style-type: none"><li>▪ from neighbouring buildings,</li><li>▪ between separate parts or other separate raised parts of the same building,</li></ul>	The building separation and distance controls that apply to the site are prescribed in DCP Part E (Key Precincts) – Chapter E11: Part B (North Penrith).  Refer to <b>Section 6.3.6</b> which provides a detailed assessment of the proposal against the applicable building separation controls of the ADG.	<b>Yes</b>

LEP Clause	Provision	Proposal	Complies
	is not less than that the DCP.		
<b>Clause 8.7 Community Infrastructure on Certain Key Sites</b>	<p>The consent authority may consent to development that exceeds the maximum height shown for the land on the Height of Buildings Map or the floor space ratio for the land shown on the Floor Space Ratio Map, or both, if the proposed development includes community infrastructure.</p> <p>The consent authority must not consent to the erection of a building if the FSR exceeds 5:1 in relation to development on land identified as Key Site 11.</p>	<p>The DA site is identified as part of 'Key Site 11'. The DA utilises the provisions of Clause 8.7 and seeks development consent for a 5:1 FSR scheme through the provision of a proposed community infrastructure (CI) offer to Council.</p> <p>In accordance with Clause 8.7(5), the relevant matters for consideration that the consent authority must have regard to are:</p> <ol style="list-style-type: none"> <li>1. the objectives of the Clause;</li> <li>2. Whether the development exhibits design excellence; and</li> <li>3. The nature and value of the community infrastructure to the City Centre</li> </ol> <p>The objectives of the Clause 8.7 are to "allow higher density development on certain land in the City Centre where development includes community infrastructure" and "to ensure that the greater densities reflect the desired character of the localities in which they are allowed and minimise adverse impacts on those localities".</p> <ol style="list-style-type: none"> <li>4. The DA is accompanied by a formal CI offer at Appendix A.</li> </ol>	<b>Yes</b>
<b>Additional Permissible Uses</b>	<p>Use of certain land at Lord Sheffield Circuit, Penrith (Additional Permissible Use Site 22)</p> <p>Development for the purposes of exhibition villages, high technology industries, multi dwelling housing, residential flat buildings and seniors housing are permitted with consent.</p>	<p>Noted.</p> <p>The proposal does not rely on the additional permissible uses that apply to the site.</p>	<b>N/A</b>
<b>Other LEP Provisions</b>	The site is not subject to other LEP provisions in relation to: active street frontages; urban release areas; land reservation acquisition; scenic and landscape values; natural resources sensitivity; maximum GFA of commercial premises; or miscellaneous permissible uses.		

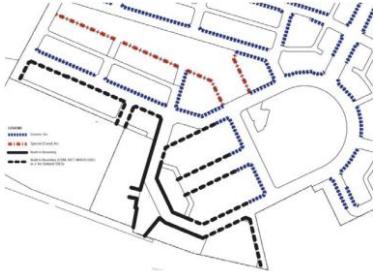
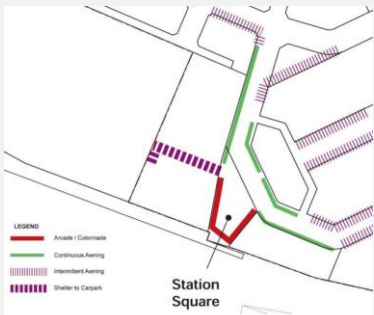

### 6.3.4. Penrith Development Control Plan 2014

The table below provides a compliance assessment of the proposal against relevant controls and provisions of the Penrith Development Control Plan 2014 (DCP).

Table 8 DCP Compliance Assessment

Penrith DCP 2014	Provision	Proposal	Compliance
<b>Part E – Key Precincts (E11 Part B North Penrith)</b>			
<b>11.8.1 Preliminary</b>			
11.8.1.2 Land to Which this Section Applies	<p>This Section applies to the North Penrith Precinct, as shown below.</p> 	<p>The proposal is consistent with the overall objectives of this Section of the DCP to facilitate the development of retail, commercial, and residential land uses within the North Penrith Precinct in accordance with the North Penrith Concept Plan approval.</p>	Yes
<b>11.8.2 Concept Plan</b>			
11.8.2.1 Vision	<p>Development of North Penrith is to:</p> <ul style="list-style-type: none"> <li>create well-designed spaces that engage and activate its community for living and working;</li> <li>provide well-connected linkages, nodes and destinations that integrates with a significant water body;</li> <li>create diverse, yet cohesive, housing products that allow capability to ever changing household needs and formations;</li> <li>provide a business/employment centre that is complementary and an extension to the Penrith CBD.</li> </ul>	<p>The proposal achieves the following:</p> <ul style="list-style-type: none"> <li>a mix of compatible land uses, including retail, and business, and community uses that serve the needs of people who live in, work in, and visit the local area;</li> <li>employment generation in a highly accessible location within the Penrith CBD;</li> <li>maximise public transport patronage and encourage walking and cycling opportunities;</li> <li>retail tenancies that suit a range of tenants and future operators and which are commensurate with the role of Penrith CBD in the local and regional retail hierarchy;</li> <li>residential land uses with a diversity of typologies and which is compatible with the economic and employment functions of the CBD and reflects the desired future character and density of the area.</li> </ul>	Yes

Penrith DCP 2014	Provision	Proposal	Compliance
<b>11.8.3 Residential Development</b>			
11.8.3.10 Specific Provisions - Residential Flat Buildings	<b>Objectives</b> <ul style="list-style-type: none"> <li>To establish high quality residential flat developments that have a good level of amenity.</li> <li>To provide additional guidance with respect to the urban design outcomes for residential flat buildings in the precinct.</li> </ul>	The proposal has been assessed against SEPP 65 and the ADG. The proposal achieves compliance with key numerical aspects of amenity affecting the dwellings in relation to solar access and cross ventilation.	Yes
	Residential flat development is to be generally consistent with the guidelines set out within the NSW Residential Flat Design Code and the development controls. If there is any inconsistency, the development controls below prevail.	<p>The Architectural Report prepared by the project architect (Crone Architects) (at <b>Appendix G</b>) describes how the proposal satisfies the design quality principles of SEPP 65 and objectives of Parts 3 and 4 of the Apartment Design Guide (<b>ADG</b>).</p> <p>Overall, the proposal achieves a high level of compliance with the relevant provisions of the ADG. Further discussion regarding the residential amenity is provided at <b>Section 7</b>.</p>	Yes
	Minimum lot size – 650 sqm	The site area exceeds 650 sqm.	Yes
	Maximum building height – 6 storeys	The proposal is for a part-14 storey and part-26 storey development.	No. Relies on LEP Clause 8.7.
	Residential: <ul style="list-style-type: none"> <li>Studio – 0.5 space per dwelling</li> <li>1-2 bed – 1 space per dwelling</li> <li>3 bed – 2 spaces per dwelling</li> <li>Visitors – On-street only</li> </ul>	<p>The proposal requires a maximum 256 spaces for residents in line with the DCP rates. The proposal provides 256 spaces for residential parking.</p> <p>Parking provisions is assessed further in the Traffic Impact Assessment.</p>	Yes
<b>11.8.4 The Village Centre</b>			
11.8.4.1 Built Form Controls	The Village Centre is all land that is zoned B4 Mixed Use.	The site is zoned B2 Local Centre under the LEP. The proposal is for mixed use development comprising 'shop top housing' and 'retail premises' and 'business premises' (as a form of 'commercial premises').	Yes

Penrith DCP 2014	Provision	Proposal	Compliance
		These uses are permissible with consent in the B2 Zone.	
	Building heights with the Village Centre are to be a minimum of 2 storeys, excluding the supermarket, and a maximum of 6 storeys.	The building has a five-storey podium and residential towers with maximum rises of 9 storeys (Level 05–Level 13) and 21 storeys (Level 05–Level 25).	Yes
	<p>The ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use.</p> <p>Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential.</p>	<p>The proposed land uses satisfy these minimum floor-to-ceiling heights:</p> <ul style="list-style-type: none"> <li>Ground floor uses – 3.6m.</li> <li>Commercial office – 3.3m.</li> <li>Active public uses, such as retail and restaurants) – 3.6m.</li> <li>Residential – 2.7m.</li> </ul>	Yes
	<p><b>Village Centre build to lines</b></p> 	The proposal is built to the street alignment at the podium levels along the eastern and northern boundaries to Lord Sheffield Circuit.	Yes
	<p><b>Village Centre frontage types</b></p> 	Retractable awnings are provided above the retail tenancies fronting Lord Sheffield Circuit to the eastern boundary.	Yes
	<p><b>Village Centre active frontages plan</b></p> 	The retail tenancies along the eastern boundary activate the frontage to Lord Sheffield Circuit and will integrate with the new publicly accessible through-site link.	Yes

Penrith DCP 2014	Provision	Proposal	Compliance
11.8.4.2 Access, Parking and Servicing	<p><b>Maximum parking rates</b></p> <p><u>Commercial / retail</u></p> <ul style="list-style-type: none"> <li>▪ 1 space per 50 sqm GFA</li> </ul> <p><u>Residential</u></p> <ul style="list-style-type: none"> <li>▪ Studio – 0.5 space per dwelling</li> <li>▪ 1-2 bed – 1 space per dwelling</li> <li>▪ 3 bed – 2 spaces per dwelling</li> <li>▪ Visitors – On-street only</li> <li>▪ Car wash bay – 1 space for every 50 units (maximum 4 spaces)</li> </ul>	<p>The site is within the North Penrith Precinct which has specific maximum car parking requirements. Whilst the site is located within 800 metres of a railway station and therefore SEPP 65 parking requirements would typically apply, the DCP rates in this instance are maximums. As such, only the DCP rates have been utilised.</p> <p>The proposal presents a maximum DCP requirement of 279 car parking spaces, including 256 spaces for residents and 23 spaces for the retail/ commercial uses. The proposed provision of 278 parking spaces, including 256 spaces for residents and 22 spaces for retail/ commercial uses satisfies this requirement.</p>	Yes



## 7. ASSESSMENT OF ENVIRONMENTAL EFFECTS

In determining the development application, the consent authority is required to consider the matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Each of the relevant matters for consideration is addressed below.

### 7.1. SECTION 4.15(1)(A) – STATUTORY PLANNING CONSIDERATIONS

Section 4.15(1)(a) of the Act requires the consent authority, in determining a development application, to take into consideration the following matters as relevant to the development:

“(a) the provisions of –

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*(v) (Repealed)*

*that apply to the land to which the development application relates”*

In relation to **Section 4.15(1)(a)(i)** and **(iii)**, the development has been assessed in accordance with relevant state, regional and local environmental planning instruments, and development control plans, as follows:

- Environmental Planning and Assessment Act 1979
- Water Management Act 2000
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Building Sustainability Index Basix) 2004
- State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

This SEE demonstrates that the proposed development is generally consistent with the relevant state, regional and local policies and environmental planning instruments and achieves the objectives of relevant provisions. Where the development is not compliant with the relevant statutory provisions, it has been demonstrated that the non-compliant proposal results in a superior outcome than a compliant proposal.

In relation to **Section 4.15(1)(a)(ii)**, there are no draft environmental planning instruments relevant to the site or the proposed development.

In relation to **Section 4.15(1)(a)(iiia)**, the proponent proposes a community infrastructure offer pursuant to Clause 8.7 of the LEP.

In relation to **Section 4.15(1)(a)(iv)**, clause 92(1)(f) of the Regulations relevantly provides as follows:

*“(1) For the purposes of section 4.15(1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application –*

...

*(f) in the case of a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department of Planning and Environment on 28 June 2019.”*

The DA is accompanied by a Flood Emergency Response Plan provided at **Appendix N**.

## **7.2. SECTION 4.15(1)(B) – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS**

Section 4.15(1)(b) of the Act requires the consent authority to consider:

*“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*

The relevant matters are addressed below.

### **7.2.1. Natural Environmental Impacts**

The site is highly urbanised, having an established history of use as car parking [since defence site?]. The proposal will have minimal impact on the natural environment insofar as no significant trees are to be removed and new tree plantings will be provided as part of a comprehensive landscape scheme.

As detailed in the accompanying Landscape Plans (at **Appendix H**), the comprehensive landscaping design includes new tree planting within the public domain, interface with the new through-site link, and communal open spaces at Levels 02, 03, and 05. New landscaping provides a positive contribution to the streetscape and public domain, particularly along Dunshea Street and Lord Sheffield Circuit.

No threatened species or endangered flora or fauna will be affected by the proposed development and there will be no significant environmental impacts on biodiversity.

### **7.2.2. Built Environmental Impacts**

The site is largely vacant. The proposal to deliver a well-modulated part 14-storey, part 26-storey mixed use development of high quality design and appearance. The proposal will have a positive impact on the built environment, in the context of the desired future character of the Thornton Estate and wider Penrith CBD.

The proposed development has been designed to reflect strategic and statutory built environment planning objectives and development standards that apply to the site and the prevailing urban environment. The proposal is consistent with Council’s vision for a vibrant high-density development within the Penrith CBD.

As outlined in **Section 3**, the proposed built form has been refined through detailed pre-DA discussions with Council and the Design Integrity Review evaluation process. These refinements have sought to mitigate built environment impacts of this significant new development and ensure that the development provides a high quality, positive contribution to the architectural character and amenity of the Penrith CBD.

Potential built environment impacts including solar access, view sharing, overshadowing, and reflectivity are mitigated through the considered siting, articulation, and detailed design of the development.

The potential impacts to the built environment as a consequence of the proposal are appropriate in light of the form and density of development envisaged on the site by the relevant statutory planning controls.

#### **Podium Design**

As detailed in **Section 3**, the built form and massing of the podium has been subject to detailed evaluation and refinement during the Architectural Design Competition and subsequent detailed design development.

The podium and siting of the development enhances street activation and pedestrian movement around the site. The proposal facilitates vehicular accessibility and circulation around the local street network.

## Tower Form

The slender towers are designed such that it does not dominate or have an overbearing effect on the surrounding streetscape. The built form has been well designed in response to the site topography and the surrounding context. The scale and form of the tower allows for maximum solar access retention to adjoining land to the south and minimises overshadowing by providing for longer shadows that move more quickly.

The towers are well articulated and present attractive design features and architectural elements, contributing to the high-density character within the Thornton Estate and the Penrith CBD. The use of contemporary materials, colours, and finishes to the tower provide visual interest from the streetscape and reduce the perceivable scale, mass, and prominence of the built form. The overall bulk of the development is balanced with sufficient open space, landscaping, tree plantings, and connection with the public domain.

### 7.2.3. Bulk and Scale Impacts

The impact of the proposed bulk and scale on the street level and potential pedestrian amenity impacts have been considered in detail with the five-storey podium providing a contextually appropriate ground plane that delivers a human scale to the development and massing that relates to the prevailing urban environment.

The podium and siting of the development enhances street activation and pedestrian movement around the site. The proposal facilitates vehicular accessibility and circulation around the local street network.

### 7.2.4. Residential Amenity

The proposal has been assessed against SEPP 65 and the accompanying ADG. The proposal achieves significant compliance with key numerical aspects of amenity affecting the proposed residential dwellings.

#### Solar Access

The ADG requires that living rooms and private open space of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9 am and 3 pm in mid-winter. The ADG also seeks to ensure that a maximum of 15% of apartments receive no direct sunlight between 9am and 3pm at mid-winter.

The proposal is designed to optimise the number of apartments receiving sunlight to habitable rooms, primary windows, and open spaces. A total of 160 out of 237 apartments (68%) for the subject DA achieve the required direct solar access for two hours in mid-winter.

However taking into account the apartments in the residential buildings proposed by the concurrent development application (referred to as 'DA01'), a total of 387 apartments out of 553 achieve direct solar access for two hours in mid-winter. **This equates a total 70% across all residential apartments.**

#### Natural Cross Ventilation

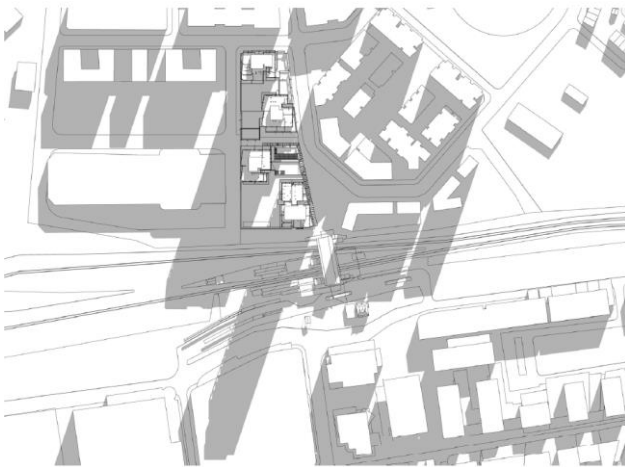
A total of 65 apartments within the first 9 storeys of the development achieve natural cross ventilation (62%).

Natural cross ventilation is achieved using dual aspect corner apartments and townhouses minimising building indentations, with apartments above nine storeys having balconies with suitable open areas.

### 7.2.5. Overshadowing

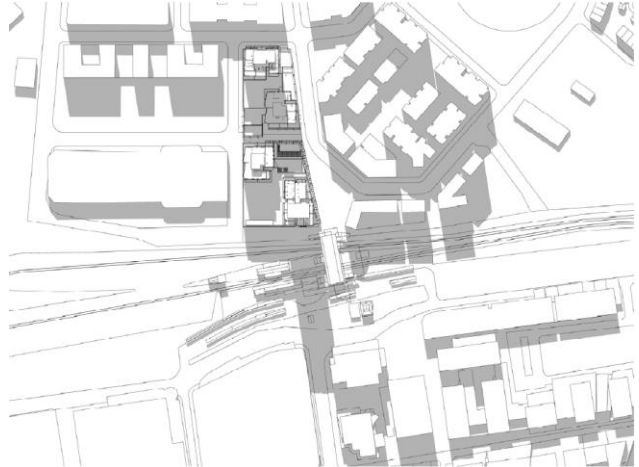
The Architectural Report (at **Appendix G**) contains shadow diagrams to assess the impact on solar access to neighbouring land uses. Select mid-winter shadows are illustrated in **Figure 9** below.

Figure 9 Overshadowing Impacts



Picture 1 9am

Source: Crone Architects



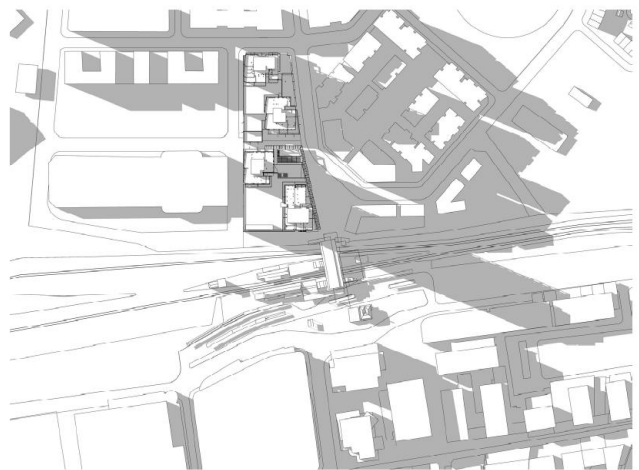
Picture 2 11am

Source: Crone Architects



Picture 3 1pm

Source: Crone Architects



Picture 4 3pm

Source: Crone Architects

Overall, the proposal is designed to minimise overshadowing of adjacent land as far as reasonable. Shadow impacts from the proposal are mitigated through generous tower setbacks and slender tower form.

Notwithstanding the built form or building heights of the proposal, the proposed massing and modulation of the tower appropriately mitigates overshadowing impacts on surrounding land uses and the public domain.

### 7.2.6. Visual and View Impacts

The proposed development does not interrupt existing views or vistas to or from the public domain, or from other surrounding buildings to any significant extent. It will have a high quality appearance when viewed from the perspective of Penrith CBD and surrounding vantage points. The architectural plans (at **Appendix F**) contain a visual analysis of the proposed development from selected surrounding vantage points.

### 7.2.7. Accessibility

The development has been designed to allow ease of access for all residents, staff, and visitors by through the provision of continuous paths of travel, circulation spaces and appropriate gradients. The residential

accommodation and commercial tenancies will be accessible via entrances and the public domain at ground floor level, and the main paths of travel will be accessible and continuous throughout.

The Access Statement (at **Appendix Q**) assesses access of the development and recommends strategies to maximise reasonable provisions of access for people with disabilities. It concludes that the proposal complies with relevant statutory guidelines, including access provisions of the BCA, The DDA Access To Premises Standard, AS1428 suite of Standards, AS2890.6 (for car parking), AS1735.12 (for lifts), AS4299 (Adaptable Housing), SEPP 65 (Part 4Q), and Council's DCP relating to Access for People with a Disability.

### 7.2.8. BCA Compatibility

The BCA Assessment provided at Appendix P confirms that the proposed development is capable of compliance with the Building Code of Australia (**BCA**) and relevant Australian standards.

### 7.2.9. Traffic and Parking Impacts

The Traffic Impact Assessment (at **Appendix K**) assesses the potential impacts of the development relating to traffic movement, congestion, parking, and servicing. The Assessment includes the following conclusions:

- The car parking provision requirements for the development are set out in the DCP. The site is within the North Penrith Precinct which has specific maximum car parking requirements. Whilst the site is located within 800 metres of a railway station and therefore SEPP 65 parking requirements would typically apply, the DCP rates in this instance are maximums. As such, only the DCP rates have been utilised.
- The proposal presents a maximum DCP requirement of 279 car parking spaces, including 256 spaces for residents and 23 spaces for the retail / commercial uses. The proposed provision of 278 parking spaces, including 256 spaces for residents and 22 spaces for retail / commercial uses satisfies this requirement.
- The crossovers proposed to Dunshea Street will provide separate access for the car parking areas and loading respectively. The parking crossovers have been designed to simultaneously accommodate two 99th percentile cars travelling in opposite directions; which exceeds Australian Standard requirements.
- Vehicle crossovers are set back into the site, away from Dunshea Street, to ensure that vehicles are positioned perpendicularly when exiting and have clear sight lines to oncoming cars and pedestrians. Sight line triangles are also provided at these crossovers to further enhance pedestrian safety.
- The proposed car parking layout generally complies with AS/NZS2890.1:2004 and AS/NZS2890.6:2009 and DCP requirements, with the car park areas meeting the following minimum requirements:
  - Residential: 2.5m x 5.4m (with a 5.8m wide aisle)
  - Staff parking: 2.4m x 5.4m (with a 5.8m wide aisle).
- Blind aisles have been designed with aisle extensions and a formal turnaround area to allow cars to enter and exit each aisle in a forward direction where required.
- Ramps have generally been designed with grades which accord with Australian Standard requirements.
- The ramp to Level 01 and the associated staff parking area has been designed with a maximum grade of 1:5, whereas the residential ramps have been designed with a maximum grade of 1:4. Both ramps have also been designed with appropriate transitions to avoid vehicle scraping/ bottoming-out.
- The internal intersections have been designed to allow two vehicles to pass as far as practicable. In some situations, however, this design standard cannot be achieved, and one vehicle may accordingly need to stop to allow another to pass. This arrangement is acceptable and not uncommon.

In light of the above assessment, it is considered that the proposed development will not result in any significant impacts on traffic, vehicle congestion, car parking, or pedestrian safety in the locality.

### 7.2.10. Noise Impacts

The Noise Impact Assessment (at **Appendix L**) provides an acoustic assessment of potential noise impacts associated with the development.

The Assessment addresses noise impacts associated with the following:

- Noise intrusion to the project site from the adjacent rail corridor and road network
- Vibration impacts to the project site from the adjacent rail corridor;
- Noise impacts from additional vehicle movements generated from the project site;
- Noise emissions from proposed tenancies;
- Noise emissions from the mechanical plant to service the building; and
- Noise and vibration generated by construction activities with the proposed development.

The Noise Impact Assessment recommends acoustic attenuation measures to minimise acoustic amenity impacts of surrounding and future residents and occupants of the development. These recommendations are mostly administrative in nature and therefore a condition of consent is invited to this effect.

Overall, it is considered that detailed design development can appropriately mitigate potential noise and vibration impacts and that the site is suitable for the proposed development from an acoustic perspective.

## **7.2.11. Crime Prevention Through Environmental Design**

The proposed development has been designed to incorporate the principles of Crime Prevention Through Environmental Design (CPTED). The CPTED principles include the following:

### **Surveillance**

- The development has been designed to ensure that the development adheres to the principles of maximising 'eyes on the street' in that:
  - Residential balconies and primary living areas are located and orientated to front street frontages.
  - The proposed retail tenancies at street level ensure passive surveillance of the surrounding public domain, particularly Dunshea Street, Lord Sheffield Circuit, and the pedestrian through-site link.
    - The proposed retail mix seeks a variety of uses including food and beverage across an 18 hour day to increase activity and opportunities for passive behavioural monitoring.
    - The retail shopfronts feature high levels of glazing and a retail fit-out guide will be implemented which restricts the use of large decals to ensure more opportunities for staff and customer surveillance of the streets and public spaces when inside stores.
- All street entries have been designed to reduce pedestrian blind spots, providing clear sightlines from the street and into the development and vice versa. Further, all street entries to residential buildings will have appropriate levels of lighting to avoid poorly lit dark spaces.
- Communal open space will have adequate lighting to ensure a safe environment for future occupants.
- The basement car parking level will be adequately lit and signed to ensure safe access.
- The public domain works proposed as part of the development is designed to ensure that the finishes and landscape elements maintains 'whole of life' integrity and that vandalism is discouraged.
- The pedestrian through-site link is open in design and will be lit to minimise anti-social behaviour in the later hours of the night.
- The pedestrian through-site link is accessible 24/7 and will not be controlled by gates or have shutters or security bars (much like a retail strip dominated by roller shutters, the perception of the need for security structures can drive a negative image and often ends up becoming the problem in itself)
- The pedestrian through-site link will be patrolled by security after hours at a frequency deemed appropriate

### **Access Control**

- All pedestrian entrances to the development will be appropriately lit and clearly defined from the street to the lobbies and access lifts. Access into the site will be controlled by electronic pass security devices.

- Access to the communal open space area will be restricted to residents of the development only.
- Access to the upper level podium parking will be controlled by electronic pass security devices and intercom systems linked to the residential apartments.
- The basement will be accessible for visitor and residential parking. To ensure security for residents, the basement will be accessed via boom gates or similar.

#### **Space Management**

- The development will be managed by a strata body. There will be a split between the responsibilities for landscape maintenance obligations between the strata and the individual property owners.
- A building manager will be employed and part of their duties will be to 'walk the beat' daily to ensure spills, graffiti, vomit or other unsavoury sites are reported and/or removed in a timely fashion.
- The development will include vandalism management to ensure the prompt removal of graffiti.

### **7.2.12. Social and Economic Impacts**

The proposal will deliver diverse social and economic benefits. These can be summarised as follow.

- Many and varied employment opportunities (direct and indirect jobs) will be generated during marketing, construction, fit-out, and operation of the development.
- The inclusion of retail uses fronting Lord Sheffield Circuit and adjoining the new through-site link will add to the overall provision within Penrith CBD. The extension of choice will promote greater competition, with possible benefits in terms of more competitive prices and better quality.
- The site is located within Penrith LGA. The 2016 census data indicates that the LGA has an existing household structure comprising the following:
  - Couples with children – 48.8%
  - Couples without children – 30.3%
  - One parent families – 19.3%
  - Other family – 1.5%
- These household demographics suggest that Penrith requires a significant mix of 2+ bedroom units in order to accommodate couples and families, and some 1-bedroom units in order to accommodate remaining single persons. The proposed development will achieve a range of unit typologies and sizes which will improve the supply of housing for residents and families.
- Future residents of the development will benefit from excellent amenity with ready access to public transport, local services and facilities, and employment opportunities.
- Significant public domain works are proposed, including integration with the new through-site link will improve pedestrian accessibility and connectivity from the Penrith CBD to the Dunshea Street car park.
- The proposed development incorporates CPTED principles.

The proposal will provide positive social and economic impacts to the immediate and wider communities.

## **7.3. SECTION 4.15(1)(C) – SUITABILITY OF THE SITE FOR DEVELOPMENT**

Section 4.15(1)(c) of the Act requires the consent authority to consider:

*“(c) the suitability of the site for the development”*

The site is highly suitable for the proposed mixed use development for the following reasons:

- It is zoned B2 Local Centre, within which the proposed uses are permissible with consent.
- It is well serviced by public transport, with close proximity to Penrith Railway Station and Penrith CBD.
- It occupies a prominent location with the Thornton Estate, and therefore well positioned to deliver a new mixed-use development with ground level retail uses and upper level residential apartments.

- Council identifies the site as part of a 'key site' within the CBD, suitable for increased height and density.
- The size and topography of the site is appropriate for the proposed built form of the development.
- It will be connected to all necessary infrastructure and services.

The proposal responds to Government's objectives to provide new employment floor space within Penrith CBD and deliver more residential dwellings within 30 minutes of employment centres. In this regard, the site is eminently suitable for the proposed development.

## **7.4. SECTION 4.15(1)(D) – SUBMISSIONS**

Section 4.15(1)(d) of the Act requires the consent authority to consider:

*“(d) any submissions made in accordance with this Act or the regulations”*

Any relevant submissions will need to be considered by the consent authority in the assessment and determination of the development application.

## **7.5. SECTION 4.15(1)(E) – THE PUBLIC INTEREST**

Section 4.15(1)(e) of the Act requires the consent authority to consider:

*“(e) the public interest”*

The proposed development is considered in the public interest for the following reasons:

- it provides for the orderly and economic use of the land for permissible uses under the relevant planning instrument and in a form which is cognisant of, and does not impact unreasonably on, surrounding land;
- it achieves general compliance with the objectives and development standards of relevant planning controls including the PLEP 2010 and the Penrith DCP;
- it realises the development density potential of a Key Site as envisaged by clause 8.7 of the LEP;
- it delivers a diverse range of housing options within the Penrith LGA at a location that is within walking distance to high frequency public transport, community facilities, and employment opportunities;
- it creates a vibrant, safe, and active place for people to live, work and visit. The development will attract local businesses and generate substantial investment in the local economy;
- it improves connectivity between the Penrith CBD to the south and the wider Thornton Estate;
- it actively reinvigorates the southern portion of Lord Sheffield Circuit and encourages people to shop, visit, and work in the area;
- it results in significant public benefit by the delivery of community infrastructure, which would not be able to be achieved within a base compliant building height and floor space ratio;
- it has been the subject of an architectural design competition and achieves a high standard of architecture and functionality. It delivers a contemporary design which will reinvigorate the streetscape and surrounding area and make a positive contribution to the site and surrounding context; and
- it is compatible with the existing and desired future character of the prevailing city centre locality and does not create any significant adverse impacts on the environment or adjoining properties.

Accordingly, it is considered that the proposed development is in the public interest.



## 8. CONCLUSION

This Statement of Environmental Effects has been prepared to accompany a development application which seeks consent for the construction and operation of a mixed use development at 41, (part) 184, and 192 Lord Sheffield Circuit Penrith.

This SEE assesses the proposal against the relevant provisions of Section 4.15 of the EP&A Act.

The compelling reasons why a positive assessment and determination should prevail are as the proposal:

- The proposal will deliver a contemporary, landmark mixed use development that leverages the site's highly accessible and strategic location to north of the Penrith CBD. Urban renewal of the site will deliver high-quality residential apartments and employment opportunities in a highly accessible location.
- The architectural design has been subject to a rigorous design excellence and subsequently has responded to the terms of the competition waiver and exhibits design excellence. The Sydney Western City Panel have endorsed this element of the proposal.
- The proposal will have a positive effect on the wider Thornton Estate through integration with a new through-site link, new retail and commercial tenancies, and a high quality landscaped public domain.
- The proposal has been subject to detailed pre-DA consultation with Council to ensure that the development achieves high quality design outcomes.
- The proposed residential apartments will offer residents a high standard of internal and external amenity. The apartments achieve a high degree of compliance with the key parameters of the ADG including natural cross ventilation, solar access, building separation, landscaping, and communal open space.
- The proposal strongly aligns with key directions, priorities, and actions for the future growth of Penrith CBD, established within relevant strategic planning policies, including the Greater Sydney Region Plan – A Metropolis of Three Cities, West District Plan, and Penrith Local Strategic Planning Statement.
- The development satisfies the applicable local and state planning policies. The proposal meets the objectives and intent of the LEP and achieves a high level of consistency with the key planning controls with the DCP. Where the proposal does not fully comply with a numeric provision, the objectives and intent of are met and achieve compliance.
- The proposal is consistent with the provisions of other relevant State policies and statutory environmental planning instruments, including SEPP (Resilience and Hazards), SEPP (Transport and Infrastructure), SEPP No 65 – Design Quality of Residential Apartment Development, and the Apartment Design Guide.

Having considered the relevant considerations under Section 4.15 of the EP&A Act it is concluded that the proposal represents a significant and positive development outcome that respects and responds appropriately to the site location and amenity of the surrounding context.

The proposed mixed use development is in the public interest and considered well worthy of Council's support and recommendation for approval from the Sydney Western City Planning Panel.

# DISCLAIMER

This report is dated 11 March 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of THORNTON OPERATIONS PTY LTD (**Instructing Party**) for the purpose of Development Application 02 (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

**APPENDIX A**

**APPENDIX**

