

Our reference: P-902782-G5J4
Contact: Wendy Connell
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4 June 2025

Justin Keen

NSW Department of Planning, Housing and Infrastructure

Email: justin.keen@dpie.nsw.gov.au

Dear Justin,

**Council Response to Amending Development Application for 160-172 Lord
Sheffield Circuit, Penrith – SSD-78665709**

Thank you for providing Penrith City Council with the opportunity to
comment on the subject amending development application.

Council staff have reviewed the information referred for comment and the
following comments are provided for the Department's consideration.

1. Planning Considerations

a) Proposed Amendments to DA22/1086

- i. The amending development application provides no direct comparison of changes proposed under the amending proposal to the development approved via DA22/1086 (as amended by Mod24/0059) for the structure and layout below the proposed four additional levels. The changes noted include architectural treatments to the northern and southern facades and basement design amendments including loading, waste and parking areas. Proposed changes to the approved development, through the amending development application, are unclear and the implications of these changes need to be assessed.

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b) Design Excellence

- i. While it is acknowledged that the amending development application relies on bonus height and floor space provisions available to affordable housing proposals under the Housing SEPP, matters relating to design excellence, design quality, context and character integration and internal and external amenity still need to be suitability considered and satisfied by the amending proposal. The provision of affordable housing should not be at the expense of the above outcomes or the design provisions in the Housing SEPP and Apartment Design Guide.
- ii. The Government Architect NSW (GANSW) advised in its letter dated 5 February 2025 that a design competition process is not required for the amending proposal, subject to the processes endorsed in the Bridging Design Excellence Strategy (BDES) and oversight by the project Design Review Panel (DRP) at key stages outlined in the BDES.
- iii. There is no supporting documentation to demonstrate that the Design Review Pathway shown in Figure 4 (Section 4.2.4) of the BDES has been undertaken for the amending proposal (i.e. terms of reference, documentation of DRP meeting outcomes and comments/advice and DRP endorsement of the amending development scheme). The appendices to the BDES (Appendix A and Appendix B) relate to the development scheme approved via DA22/1086, not the development scheme subject to the amending development application.

c) Building Height

- i. The amending proposal seeks vertical uplift across the entire development for an additional four storeys. The amending development application is seeking to vary the maximum Penrith LEP 2010 height of building standard of 32m to 54.26m, which equates to a 69.6% variation. In addition to the incentivised capability for affordable housing proposals under the Housing

It is recognised that the building height and floor space capability under the Housing SEPP circumvents the LEP in the event of an inconsistency. However, the baseline height for assessment purposes should be 32m as opposed to 35.2m (i.e. 32m plus 10%) as a design competition waiver has been granted for the amending proposal and the proposed height variation exceeds 10%. Clause 8.4(5) of the LEP only allows for building height and floor space variations up to 10% and these variations are only permitted via this pathway for proposals resulting from a competitive design process. The proposed height variation can therefore only be considered via a Clause 4.6 variation request, inclusive of the full extent of the variation (this is consistent with the assessment approach applied to DA22/1086). Elevational diagrams refer to the LEP height standard, plus a 10% design competition bonus, which is a misrepresentation of the applicable provisions.



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- iv. The submitted Clause 4.6 variation request states the following:

The proposed exceedance is largely attributed to increases in floor-to-floor heights proposed under Mod24/0242 compared to the original approval – with floor-to-floor heights for the residential component increasing with the proposal from 3m to 3.15m, to comply with updated NCC requirements.

- v. The referenced modification application (Mod24/0242) is currently under assessment by Council. This application does not propose an overall building height increase. An increase in floor-to-floor heights to achieve NCC requirements is proposed, however the increase in floor-to-floor heights is achieved without an increase to the approved building height. The increase in floor-to-floor heights only results in an increase at the roof parapet by 400mm, not the overall building height.
- vi. Therefore, the floor-to-floor height increases needed to achieve NCC compliance do not change the overall building height approved via DA22/1086 and therefore this is not a valid justification for the proposed additional height.

d) Bulk and Scale

- i. The submitted Clause 4.6 variation request states that the *'design includes deliberate facade articulation strategies and recessive rooftop elements to minimise visual bulk and visual impacts'*.
- ii. Consideration should be given to the height, bulk and scale of the amending proposal when compared to existing development to the north (eight storeys) and future development opportunities to the east and west. The amending proposal seeks to deliver a vastly taller built form and street wall presentation, which may present as public domain enclosure. Given the extensive building length, which is largely unbroken as viewed from the eastern and western approaches, any

additional height without a compensatory spatial break or recessed street setback will likely result in a sense of public domain enclosure and will diminish (if not impede) views of the sky. For these reasons, in addition to considering appropriate locations for additional uplift, the setbacks attributed to that uplift warrant similar consideration, most notably provision for sufficient spatial break between building forms from east to west. This should be in combination with reconsideration of the front boundary setback for the additional levels sought so that the street wall and public domain interfaces remain substantially similar to the currently approved scheme (i.e. so that the visual and amenity experience within and from the public domain is not compromised).

- iii. The scale transitions and attributes of the site and its interface conditions would suggest that capability for uplift (or concentrated uplift) should be located towards the western end of the site and only if the resulting built form and building height can seamlessly transition down to the currently approved heights at the eastern end. The ability to maintain views of the sky from various vantage points along Lord Sheffield Circuit is a critical design objective that should inform the location and extent of additional building height.

e) Flood Planning

- i. The '*Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre*' provides an overview of the Adaptive Management Framework to manage the development of flood-affected areas in the Penrith City Centre located below the Probable Maximum Flood (PMF) level. The staged nature of the adaptive management approach allows for development to continue based on ongoing flood risk management where ongoing development in the Penrith City Centre is considered in line with evacuation capacity and capacity to recover.

- ii. The Adaptive Management Framework provides for three stages

in the framework to match development and greater resilience to flood management. Stage 1 sets out that planning and development for an additional 4,050 dwellings in the Penrith City Centre can be accommodated utilising existing infrastructure and State Emergency Service capabilities.

- iii. Consideration needs to be given to ensuring that the amending development proposal is consistent with the Adaptive Management Framework and Guideline, including the Stage 1 cap on residential development in the Penrith City Centre. The amending proposal will further increase the capacity of the site relative to the Hawkesbury-Nepean Flood Planning Area.
- iv. Clause 5.21 (Flood Planning) of Penrith LEP 2010 requires development proposals to minimise flood risk to life and property and to ensure safe occupation and efficient evacuation of people in a flood event. The NSW Reconstruction Authority should be consulted given the proposed increased capacity and to ensure a complete assessment under Clause 5.21 of the LEP.

2. Access, Traffic and Parking

a) External Access and Manoeuvring

- i. The development application proposes increasing the number of car spaces in the basement car park from 500 to 602 spaces, while utilising a combined entry/exit driveway. Given the increase in car parking numbers from the current development approval, it is considered that separate entry and exit driveways should be provided for access to the development in accordance with the requirements of AS 2890.1:2004, Table 3.1 and Table 3.2.
- ii. The proposed bicycle parking supply is less than previously approved via Mod24/0059 despite an additional 144 residential units being proposed. A comparison of bicycle parking requirements presented in the submitted Traffic and Parking Assessment and the proposed supply as per the Bicycle

Schedule shown on the architectural plans suggests a total shortfall of 86 bicycle parking spaces comprising of the following:

- Residential – 60 spaces;
- Residential visitors – complies (surplus of 5 spaces);
- Commercial/retail staff – 28 spaces; and
- Commercial/retail visitor – 3 spaces.

b) Traffic Generation and Road Network Impacts

- The submitted Traffic and Parking Assessment does not apply the same trip generation rates used for DA22/1086 and Mod24/0059 (i.e. 0.33 trips per residential unit and 3.1 trips/100m² of retail GFA). These are the rates adopted by Council for development in the Penrith City Centre and were agreed on in the previous development applications for the site. The applicant has referred to the Guide to Transport Impact Assessment, Version 1.1, Chapter 5 – Land Use Trip Generation (September 2024) as the basis for lower trip generation rates. However, that guide states that the average rates are used to allow for rapid estimates and are preferred for smaller developments with applicants encouraged to confirm with the consent authority which trip generation method or data is the most appropriate. On this basis, the Traffic and Parking Assessment and related modelling should be updated to apply the correct trip generation rates consistent with the previous development applications for the site.
- The trip generation assessment also needs to be updated to reflect the split between inbound and outbound movements.

c) Internal Layout and Manoeuvring

- A security control point is proposed at Basement 2 to control access to the residential parking area near the north-eastern corner (adjacent Commercial Lift C2). However, with the proposed one way and counter clockwise circulation in this

Parking aisle widths are generally provided at 5.8m which is not sufficient. In accordance with AS 2890.1, where there is parking on one side of the aisle only and the other is confined by a wall or obstruction, then the aisle shall be increased by 300mm to a minimum of 6.1m wide. This occurs in numerous locations.

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- v. The Guide to Transport Impact Assessment refers to Transport for NSW's Last Mile Toolkit as a guide on planning for service vehicles. Table 1 of the Last Mile Toolkit indicates the following key types of service vehicle used:

Table 1 Summary of the key types of freight and service vehicle movements

Movement	Preferred vehicle	Dwell time	Time-of-day criticality
Parcel/courier	Van to small rigid vehicle (SRV)	Short	High
Office supplies	SRV	Short to medium	Medium
Food* – provedore and supplies	Van to medium rigid vehicle (MRV)	Medium	Medium to high
Food* – beverages	MRV to heavy rigid vehicle (HRV)	Long	Low
Fashion and retail	MRV to heavy combination vehicle (HCV)	Long	Low
Cash-in-transit	SRV	Medium	High
Waste collection	HRV	Short	Low
Removalist	MRV	Long	Low
Trade and service	Van to SRV	Long	Low

While the proposed development includes 11 service vehicle bays, 10 of these bays are only designed as a standard car space. As per the table above, the amending proposal would require vehicles larger than vans, therefore one HRV bay may not be adequate.

- vi. The architectural plans do not show the dimensions of bicycle parking areas. It should be demonstrated that the bicycle parking spaces and access aisle widths comply with AS 2890.3:2015.
- vii. It is recommended that the parking layout be reviewed by a qualified access consultant to determine if the locations of accessible parking spaces and access path widths between and to/from lifts are compliant.

3. Noise Impact Assessment

- a) The submitted Noise Impact Assessment (NIA) refers to SJB architectural drawings with job number 6626, dated November 2024. It will be necessary to ensure that the final (approved) NIA refers to the corresponding final (approved) version of architectural drawings.

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Thank you again for providing Council with the opportunity to comment on the amending proposal.

Should you wish to discuss any aspect of Council's comments, please contact me on (02) 4732 7908.

Yours sincerely,



Wendy Connell

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