

24231

4 July 2025

Jasmine Tranquille  
 Senior Planning Officer, Affordable Housing Assessments  
 Department of Planning, Housing and Infrastructure  
 4 Parramatta Square  
 12 Darcy Street  
 Parramatta NSW 2150

Dear Jasmine,

**Response to Request for Further Information –  
 160-172 Lord Sheffield Circuit, Penrith (SSDA-78665709)**

We refer to your letter regarding the Request for Further Information (RFI) for State Significant Development Application SSDA-78665709 at 160-172 Lord Sheffield Circuit, Penrith. Please find attached the requested additional information in response to your requests and a summary of our response in **Table 1** below:

- **Appendix A** – *Amended Clause 4.6 Variation Request – Height of Building*, prepared by Beam Planning.
- **Appendix B** - *Revised Architectural Plans*, prepared by SJB Architects.
- **Appendix C** - *Ground Floor Overlay*, prepared by SJB Architects.
- **Appendix D** – *Accessibility Compliance Report*, prepared by Access Link Consulting.
- **Appendix E** – *DA22/1086 Stamped Plans*, prepared by SJB Architects.
- **Appendix F** – *Evolve Housing letter of Support*, prepared by Evolve Housing.
- **Appendix G** – *Design Review Panel Session 1*, prepared by Urbis.
- **Appendix H** – *Supplementary Flood Impact and Risk Assessment Report*, prepared by Integrated Group Services.
- **Appendix I** – *Traffic and Parking Matters Letter*, prepared by Varga Traffic Consultants.

**Table 1** Response to Additional Information Requests

Area	Request	Response
<b>Department of Planning, Housing and Infrastructure</b>		
Clause 4.6 Variation	<i>The height of building development standard Clause 4.6 variation request should be updated to emphasise the unique location of the site, in a prominent location in Penrith's CBD. The Department recommends that you:</i> a) <i>clarify why the 10% design excellence was not applied to the previously approved DA and why it is not applied to the current SSDA.</i>	An updated Clause 4.6 Variation Request is included at <b>Appendix A</b> to address the site's prominent location in Penrith's CBD.  The 10% design excellence bonus was not applied to the previously approved DA as, despite a design competition having taken place, Council held the view that Clause 8.4(5) of the LEP only allowed for a bonus height <i>up to</i> 10% which the proposal exceeded (with a height 26.69% above the 32m base). The clause 4.6 variation was, therefore, assessed on the full extent of the variation (i.e. on the base height limit of 32m as opposed to 35.2m) as it was considered the exceedance could not technically be applied under Clause 8.4 alone.  The bonus has not been applied to the current SSDA for consistency with the original approval and given the scope of the amending DA (i.e. the additional four storeys) was not subject to a design competition.
	b) <i>reconsider the justification in the clause 4.6 request that the proposal is not located in immediate proximity to any items of heritage significance given the site directly adjoins both state and local heritage.</i>	An updated Clause 4.6 Variation is included at <b>Appendix A</b> in consideration of the heritage items.

<p>Noise</p>	<p>a) <i>Appendix X recommends that the doors and windows which face south towards the railway line would have to be closed to maintain internal acoustic amenity. Alternative methods have been proposed in section 5.1.4, can you confirm what method is proposed to ensure natural cross-ventilation to allow the concerned units to receive an alternative outside air source?</i></p>	<p>Two compliant ventilation strategies have been incorporated into the development, ensuring natural cross-ventilation is achieved without compromising internal acoustic amenity. This includes:</p> <ol style="list-style-type: none"> <li>1. Units incorporate wintergardens with operable louvres on adjacent sides to facilitate air flow while creating an indirect noise path.</li> <li>2. Where required, mechanical ventilation systems will be incorporated to provide an alternative outdoor air source, ensuring continued ventilation even where external openings are closed.</li> </ol> <p>These strategies are shown within the Noise Impact Assessment (<b>Appendix X</b> of the EIS).</p> <p>It is emphasised that the Acoustic Report identifies the units where an alternative ventilation strategy is required, and that windows to these dwellings continue to be operable for the purpose of natural/cross ventilation requirements.</p>																														
<p>Flooding</p>	<p>a) <i>Provide evidence that the proposal will not result in additional overland flow to neighbouring properties. Such evidence may include a ground floor plan comparing the building footprint of the approved development with the proposed.</i></p> <p>b) <i>Where there are any new or modified ground level openings, provide evidence that all such openings are above the flood planning levels.</i></p>	<p>A Ground Floor Overlay plan has been included at <b>Appendix C</b> demonstrating that no change in building footprint is proposed and the proposal will not result in additional overland flow to neighbouring properties.</p> <p>As shown on the Ground Floor Overlay plan (<b>Appendix C</b>) no new ground-level openings are observed, and all existing openings are proposed at or above flood planning levels.</p>																														
<p>Wind Impacts</p>	<p>a) <i>Provide amended plans/details which demonstrate that all wind mitigation measures recommended in section 5.3 of the Pedestrian Wind Assessment (Appendix DD) can be incorporated into the architectural and landscaping design.</i></p>	<p>Annotations have been provided on the L14 Roof Plan and relevant elevations that refer to wind buffers or mitigation measures proposed in accordance with the Pedestrian Wind Assessment. See amended architectural plans at <b>Appendix B</b>.</p>																														
<p>Traffic</p>	<p>a) <i>There are inconsistencies in the car parking numbers proposed in the EIS. Clarify the total number of car parking spaces proposed and a breakdown of spaces for residential, retail, commercial, car sharing and visitor (both residential and non-commercial) uses.</i></p> <p>b) <i>The Traffic Report (Appendix U) p39 refers to different dwelling numbers for market housing resulting in a different total for the required amount of car parking spaces. Provide an updated summary of cumulative parking requirements based on the correct proposed dwelling mix.</i></p>	<p>602 car parking spaces are proposed across the development. The breakdown of this is:</p> <table border="1" data-bbox="914 1189 1385 1429"> <thead> <tr> <th>Use</th> <th>Spaces</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>432</td> </tr> <tr> <td>Retail</td> <td>75</td> </tr> <tr> <td>Commercial</td> <td>72</td> </tr> <tr> <td>Service</td> <td>11</td> </tr> <tr> <td>Car wash bays</td> <td>4</td> </tr> <tr> <td>EV Charging Bays</td> <td>8</td> </tr> </tbody> </table> <p>Visitor parking for the residential component is intended to be accommodated on-street, consistent with Penrith DCP 2014, which does not require on-site visitor parking for residential flat buildings. Visitor demand associated with the retail and commercial components is accounted for within the proposed 147 non-residential parking spaces, which meet Council's maximum parking rates.</p> <p>The dwelling numbers provided in the Traffic Report (<b>Appendix U</b> of the EIS) (p.39) are correct. 431 dwellings are proposed in total, consisting of 76 affordable housing units, and 355 market housing units.</p> <p>The breakdown of the residential car parking requirements is provided below:</p> <table border="1" data-bbox="914 1839 1385 2033"> <thead> <tr> <th>Dwelling Type</th> <th>No. of Dwellings</th> <th>SEPP Parking Rate</th> <th>Required Spaces</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>Affordable Housing</b></td> </tr> <tr> <td>1-bed</td> <td>10</td> <td>0.4 spaces per dwelling</td> <td>4</td> </tr> <tr> <td>2-bed</td> <td>56</td> <td>0.5 spaces per dwelling</td> <td>28</td> </tr> </tbody> </table>	Use	Spaces	Residential	432	Retail	75	Commercial	72	Service	11	Car wash bays	4	EV Charging Bays	8	Dwelling Type	No. of Dwellings	SEPP Parking Rate	Required Spaces	<b>Affordable Housing</b>				1-bed	10	0.4 spaces per dwelling	4	2-bed	56	0.5 spaces per dwelling	28
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	<p>c) <i>The proposal includes 432 residential car parking spaces, which is 37 spaces greater than the minimum parking rates for market and affordable housing provided in the Housing SEPP.</i>  <i>The site is located immediately adjacent to the Penrith railway station and within walking distance of the Penrith CBD and other high-frequency public transport.</i>  <i>Noting this context, the Department recommends that you reduce the number of residential (market and affordable) car parking spaces to be no more than the Housing SEPP car parking rates. The reduction of residential parking would also allow the opportunity for additional bicycle spaces (see point d below)</i></p>	<p>No change is proposed to the number of residential car parking spaces. The proposed provision reflects expected market demand for developments of this scale in Penrith and is intended to discourage overflow parking on surrounding local streets. The development is designed to accommodate a diverse resident population, including families and shift working, for whom car ownership remains a necessity despite proximity to public transport.</p> <p>Further, the Traffic and Parking Assessment (<b>Appendix U</b> of the EIS) confirms the local road network, and intersections have sufficient capacity to accommodate the traffic generated by the development without causing unacceptable impacts to traffic flow or safety.</p> <p>In addition, the additional bicycle spaces requested for the development have been accommodated within the basement without the need to remove parking spaces.</p>																																
	<p>d) <i>The proposal includes 134 bicycle spaces, which is 86 spaces below the Cycling Aspects of Austroads Guide, Appendix H: Bicycle Parking Provision Rates. Explore options to increase bicycle parking spaces as identified in point c above.</i></p>	<p>86 additional bicycle spaces have been provided within two bicycle rooms for residential and residential visitors in Basement 2. See amended architectural plans at <b>Appendix B</b>.</p>																																
Residential Amenity	<p>a) <i>Respond to the following Apartment Design Guide (ADG) design criteria and provide justification for any departures:</i></p> <p>i. <i>Part 4A: Provide additional justification for the 23% of apartments which do not receive direct sunlight between 9am and 3pm at mid-winter (noting ADG recommends a maximum of 15%).</i></p>	<p>The proposal reflects the outcome of the original design competition, which produced a long, linear building form oriented along the rail corridor to act as an acoustic shield. This necessitated some south-facing apartments, resulting in a level of solar access which does not achieve the guidance provided under the ADG. This was noted and accepted within the originally approved scheme (DA22/1086) and was a design feature noted in the design excellence strategy.</p> <p>Council's assessment of this application noted that 21.6% of apartments do not receive solar access in mid-winter, noting that <i>"given other amenity benefits offered by the development...this is assessed to be acceptable in this instance"</i>. Within the current proposal 23% of apartments do not receive direct sunlight in mid-winter. This is a negligible change from the approved scheme. As the design retains the same building orientation established through the original design competition, some south facing apartments are necessitated. This is consistent with the scheme that was awarded the winner for the design excellence competition and the approved DA.</p> <p>Notwithstanding, the south-facing apartments are all dual aspect and so continue to receive good secondary daylight to bedrooms and studies mid-winter and direct solar access at other times during the year. These units also achieve amenity above and beyond that suggested by the ADG for other criteria such as dwelling sizes, private open space, cross ventilation, outlook and privacy.</p>																																

		Furthermore, it is noted that the communal open space significantly outperforms ADG solar access requirements, ensuring equitable access to sunlight for residents. Overall, the proposal delivers high-quality residential amenity while responding to the site's physical and strategic constraints.																													
	<p>ii. Part 4G:</p> <ul style="list-style-type: none"> <li>provide a storage schedule demonstrating the amount of storage provided within apartments and in the basement for each apartment, in addition to clearly annotating storage areas on the plans.</li> <li>noting that it is proposed that residents keep bicycles within their storage space at the basement, demonstrate that storages spaces provided are large enough to accommodate space for a bicycle in addition to the minimum storage area recommended by the ADG.</li> </ul>	Area allocations for basement storage have been included within the Amended Architectural Plans ( <b>Appendix B</b> ). Storage for each apartment aligns with minimum ADG criteria.																													
	iii. Part 4P: provide a commitment to preparing a landscape maintenance plan.	The applicant is willing to commit to a landscape maintenance plan that will be prepared prior to the issue of an Occupation Certificate. It is anticipated this will be secured via condition of consent.																													
	iv. Part 4Q: provide the access report for our review.	A copy of the Access Report is provided at <b>Appendix D</b> .																													
Thornton North Precinct Concept Plan	a) Confirm that the proposal would be consistent with the GFA for commercial and retail uses set out in the concept plan.	<p>Clause A1 of the Thornton North Penrith Concept Plan (<b>Appendix E</b> of the EIS) requires the delivery of 4,500m<sup>2</sup> of retail floor space and 10,650m<sup>2</sup> of commercial floor space across the entire Thornton North Penrith Precinct. The site (comprising Blocks T2, T3 and OS8) is identified for mixed-use outcomes, including residential, retail, and commercial uses. The Concept Plan's design report explicitly anticipated flexibility to deliver the "highest densities possible" to support a viable transit-orientated centre.</p> <p>The Amending SSDA provides 3,677m<sup>2</sup> of retail GFA and 3,658m<sup>2</sup> of commercial GFA, consistent with the mixed-use role envisaged for the site, and presents a more-than-proportionate contribution towards achieving the Concept Plan's overall targets.</p> <p>From a search of publicly available data bases (including the Major Projects Portal, Penrith DA Tracker, and the Sydney District and Regional Planning Panels Tracker) we have found that a total of 5,516.5m<sup>2</sup> of commercial floor space, 2,577m<sup>2</sup> of retail floor space, and 111m<sup>2</sup> of flexible retail/commercial floor space has been approved across the precinct to date, as below:</p> <table border="1"> <thead> <tr> <th rowspan="2">Address</th> <th colspan="2">GFA (m<sup>2</sup>)</th> </tr> <tr> <th>Commercial</th> <th>Retail</th> </tr> </thead> <tbody> <tr> <td>160-172 LSC (as approved)</td> <td>3,651</td> <td>3,772</td> </tr> <tr> <td>172 LSC</td> <td>4,331</td> <td>1,794</td> </tr> <tr> <td>2 LSC</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>26 LSC</td> <td>N/A</td> <td>149</td> </tr> <tr> <td>184 LSC</td> <td>1,185.5</td> <td>634</td> </tr> <tr> <td>1-39 LSC</td> <td colspan="2">111 flexible</td> </tr> <tr> <td><b>Total</b></td> <td><b>9,167.5</b></td> <td><b>6,349</b></td> </tr> <tr> <td></td> <td colspan="2"><b>111 flexible</b></td> </tr> </tbody> </table> <p>Assuming this Amending SSDA is approved as submitted, there will be a very minor change to the breakdown of non-residential GFA provided at the site, with a total of 9,174.5m<sup>2</sup> of commercial GFA (an increase of 7m<sup>2</sup>), a total of 6,254m<sup>2</sup> of retail GFA (a decrease of 95m<sup>2</sup>) and 111m<sup>2</sup> of flexible retail/commercial GFA (no change).</p>	Address	GFA (m <sup>2</sup> )		Commercial	Retail	160-172 LSC (as approved)	3,651	3,772	172 LSC	4,331	1,794	2 LSC	N/A	N/A	26 LSC	N/A	149	184 LSC	1,185.5	634	1-39 LSC	111 flexible		<b>Total</b>	<b>9,167.5</b>	<b>6,349</b>		<b>111 flexible</b>	
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		<p>Notwithstanding this change, the overall quantum of commercial and retail GFA provided across the precinct will continue to be generally consistent with that envisioned under the concept plan (15,627m<sup>2</sup> proposed compared to 15,156m<sup>2</sup> approved). The slight increase to commercial GFA and decrease to retail GFA is also more aligned with the breakdown of non-residential uses approved.</p> <p>Furthermore, the original approval (DA22/1086) was found to be "generally consistent" with the Concept Plan, delivering 1,794m<sup>2</sup> of retail and 4,331m<sup>2</sup> of commercial floor space. The Amending SSDA includes negligible changes from the previously assessed scheme and does not affect overall consistency with the Concept Plan in consideration of the above objective of maximising commercial floorspace.</p> <p>Accordingly, the combined retail/commercial GFA across both the approved and proposed development satisfies a proportionate share of the Concept Plan's overall targets and supports its intended outcomes of supporting a viable and active transit-orientated centre.</p>
<p>Updated Architectural Plans/ Documentation</p>	<p>a) <i>Provide revised architectural plans and schedule of amendments (Appendix I) which provide a full list of all changes proposed as part of this application, clouding each element on the plans. The Department note that a number of changes have been shown on the architectural plans which have not been referred to in documentation, for example, the increase and decrease in some setbacks, increase in basement floor space and increase in outdoor dining area.</i></p> <p>b) <i>Provide an un-redacted copy of the approved plans (DA22.1086, A-1005, A-1006, A-1007, A- 4401, A-4002, A-4003, A-4004, A-4005 and A-4410) to allow for a comparison between the approved and proposed plans.</i></p> <p>c) <i>Provide a drawing (including title, reference number and date) specifically showing the proposed tree removal and retention that forms part of this application (and not already approved under previous approvals) to form part of the plans for determination.</i></p> <p>d) <i>Provide information which compares the Landscape Drawings and Landscape Design Report of the approved development with the proposed.</i></p> <p>e) <i>Amend the Landscape Design Report (Appendix Q) to cloud the specific changes proposed.</i></p>	<p>Updated architectural plans and a schedule of amendments has been prepared by SJB and included at <b>Appendix B</b>.</p> <p>A copy of the unredacted approved plans is provided at <b>Appendix E</b>.</p> <p>No additional tree removal is proposed under this SSDA. All tree removal has been undertaken in accordance with the existing consent.</p> <p>The overall landscape design and intent remains unchanged between the previous approved Mod and this SSDA. It is noted that the previous Mod included minor landscape changes where architectural modifications impacted communal open spaces. Specifically, the Mod included the reduction of proposed trees along the eastern boundary (that sits within the TfNSW boundary) due to access requirements. This led to the large community work shed been removed and replaced with additional planters and integrated workstations. No landscape changes are proposed between the approved and proposed Mods and this SSDA.</p> <p>This has been provided at <b>Appendix Q</b> of the EIS, clouded landscape zones are affected by architectural changes. It is noted that the landscape design has not changed.</p> <p>It is confirmed that the Rooftop Communal Open Space has been relocated to Level 13 as a result of the additional building levels.</p>
<p>Other</p>	<p>a) <i>Modification Application MOD24/0242 is currently under assessment. This application assumes that the changes being assessed under that modification application have been approved. Provide an update on the status of this application.</i></p>	<p>MOD24/0242 remains under assessment by Penrith City Council, with one outstanding referral to be resolved. It is anticipated that the modification will be finalised within the next month and approved under delegation.</p>

<p>b) Provide evidence from the Community Housing Provider supporting the location of the proposed affordable housing and the affordable housing dwelling mix.</p>	<p>A letter from Evolve Community Housing is provided at <b>Appendix F</b>.</p>
<p>c) Confirm that the proposed community garden will be publicly accessible (24/7) and advise how it will be managed.</p>	<p>The Community Garden is to be retained, consistent with the approved DA. It is clarified that an existing shed within this area has been replaced by workbenches and integrated tool storage. The Community Garden is to be publicly accessible (24/7) and will be managed by Strata.</p>

**Department of Climate Change Energy, the Environment and Water**

<p>Assessment of Hawkesbury Nepean River Regional Flooding</p>	<p>The proponent should update the FIRA in accordance with the <i>2023 flood impact and risk assessment – flood risk management guideline LU01</i> to address and report on the HN River regional flooding for the full range of flooding. The minimum level of information to achieve the purpose of the FIRA requires addressing and reporting on:</p> <ul style="list-style-type: none"> <li>• the full range of flood behaviour, flood constraints and risk for existing scenario. To achieve this, flood behaviour would be examined for a range of events. The hydrological and hydraulic models developed by the consultant must be compatible with the <i>Hawkesbury-Nepean River Flood Study</i>. The consultant should verify their models against this study for the full range of flooding</li> <li>• the full range of flood behaviour, flood constraints and risk for the post development scenarios. To achieve this, the consultant must incorporate the development components including proposed cut and fill and infrastructure onto the verified models and identify post-development flood characteristics for a range of events</li> <li>• the constraints that flood places on the land (floodways, flood storage, flood hazard and emergency response issues)</li> <li>• the appropriateness of the development or development types for the location based on the flood constraints on the land for the HN River regional flooding</li> <li>• the impacts of the development on the HN regional backwater flooding for the full range of flood events</li> <li>• the impacts of the development on the HN regional evacuation capacity for the full range of flooding. This should be assessed by the regional evacuation models in consultation with the State Emergency Service</li> <li>• the adequacy of management measures and controls to:             <ul style="list-style-type: none"> <li>- effectively address these constraints to ensure the flood risks to the proposed development and its users are acceptable</li> <li>- manage flood and associated emergency management (EM) impacts to the existing community due to the development</li> </ul> </li> <li>• climate change impacts based on the existing advice provided in the <i>2023 Flood risk management guideline FB01 'Understanding and managing flood risk'</i> as outlined in Section 2.6. Both existing and post-development flood behaviour need to consider climate change impacts on flood behaviour so the robustness of decisions over time can be understood. Climate change impacts can influence outcomes and requirements for developments.</li> </ul>	<p>FIRA has been updated accordingly, see <b>Appendix H</b>.</p>
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<p>Overland Flooding</p>	<ul style="list-style-type: none"> <li>• The FIRA should provide information on the model used in the assessment and verify its results against Council's adopted <i>Cranebrook Overland Flow Flood Study</i>.</li> </ul>	
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- The flood planning level for overland local flooding should be based on Council's adopted flood study. This should be confirmed with Penrith Council.
- The FIRA should refer to the *Shelter in place guideline for flash flooding* and address the 'ten shelter in place considerations' to help guide consent authority when assessing if shelter in place during overland flow flood events is an appropriate emergency management strategy for the site.

**Penrith City Council**

**1. Planning Considerations**

<p>Proposed Amendments to DA22/1086</p>	<p>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.</p>	<p>The Amended Architectural Plans (<b>Appendix B</b>) and schedule of amendments clearly identify all changes to the approved development through clouding. For clarity and ease of comparison, a full set of the approved architectural plans under DA22/1086 has also been included at <b>Appendix E</b>.</p>
<p>Design Excellence</p>	<p>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.</p>	<p>The proposal ensures that the increased height and FSR afforded by the Housing SEPP are balanced with a continued commitment to design quality, amenity, and contextual integration, as demonstrated by the following:</p> <ul style="list-style-type: none"> <li>• The amended scheme has been designed by the original architectural team (SJB), ensuring continuity with the competition-winning concept and retention of key urban design principles.</li> <li>• The proposal is supported by an endorsed BDES, with DRP oversight in line with GANSW requirements. The DRP has endorsed the additional four storeys as an appropriate urban design solution that maintains the design integrity of the original scheme.</li> <li>• Extensive built form testing was undertaken, including alternate massing strategies, with the selected approach supported by the DRP for its minimal impacts and superior design outcomes.</li> <li>• The proposal complies with key ADG benchmarks for cross ventilation (60%) and achieves 69% solar access, a marginal variation consistent with the previously approved scheme and accepted by Council.</li> <li>• Communal open space significantly exceeds minimum ADG requirements and is well located for solar access and usability.</li> <li>• All apartments meet or exceed minimum internal space standards, with functional layouts, adequate storage, and access to natural ventilation and daylight.</li> <li>• Building form, materiality and façade articulation remain consistent with the endorsed design, maintaining strong contextual integration and a high standard of visual quality.</li> <li>• Active ground floor frontages and public domain interface treatments enhance pedestrian amenity and contribute positively to the local character.</li> <li>• The location of the development in a highly accessible position, adjacent Penrith Station and within the CBD which provides shops, entertainment and services.</li> </ul>
	<p>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,</p>	<p>GANSW provided a Design Competition Exemption (<b>Appendix QQ</b> of the EIS), subject to adherence with the process outlined in the endorsed Bridging Design</p>

	<p>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.</p>	<p>Excellence Strategy (<b>Appendix RR</b> of the EIS). The amending proposal has followed the DRP process outlined in the BDES, with DRP engagement occurring at key project milestones.</p>
	<p>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.</p>	<p>DRP Session 1 was held on 22 October 2024, with the panel comprising the original design competition jury members. The session reviewed the amending proposal in detail and confirmed that the proposed uplift was consistent with the design excellence principles of the original scheme. The DRP expressly supported the additional height, wintergarden strategy, and revised northern façade treatment, while providing constructive feedback on the western and eastern elevations, colonnade colour, and solar access analysis (see <b>Appendix G</b>). The Design Competition Exemption confirms <i>“the panel confirmed the proposed maintains the potential to exhibit design excellence in accordance with the PLEP”</i>.</p>
Building Height	<p>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 SEPP, the proposal is also seeking a further height variation relative to the 30% height bonus provision under the Housing SEPP.</p>	<p>An updated Clause 4.6 variation request is provided at <b>Appendix A</b> to clarify how the variation has been calculated.</p> <p>The Clause 4.6 request acknowledges that the proposal seeks a variation to the maximum building LEP height of 32m and to the maximum SEPP height of 41.6m, with a proposed building height of 54.26m. The Clause 4.6 Variation Request does not rely on the 10% design excellence bonus under 8.4 consistent with the original approval, however, it is referenced within the Clause 4.6 Variation Request for merit assessment purposes and context given a competitive design process was undertaken for the original development. It was only for technical reasons that the 10% variation was not applied.</p> <p>The diagram included in the Clause 4.6 request illustrates both the LEP height control of 32m and the 32m + 10% (35.2m) reference line to transparently demonstrate how the proposed height compares under both interpretations. This was included for clarity only. The 35.2m height limit is also indicated to show the theoretically permissible height where a competition has been undertaken. While the bonus cannot be formally relied upon in this application because the competition was conducted prior to the introduction of the 30% design excellence bonus provision, the competition has nonetheless informed the building's design. It would not be prudent or feasible to rerun a competition solely to qualify for the additional bonus. Therefore, the reference line remains relevant and has been included to provide important context, although it has not been used in the actual Clause 4.6 assessment.</p> <p>The height calculations and variation assessment do not rely on the 10% bonus. The variation request is based entirely on the exceedance of the 32m/41.6m standard, and justification is provided for the full 69.6% variation. As such, the diagrams are not a misrepresentation but rather a tool to support clear understanding of the proposal's relationship to the various height controls.</p>
	<p>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.</p>	
	<p>Support for the previous Clause 4.6 variation to building height was based on a significantly smaller built form and it did not include habitable floor space in the height exceedance. Therefore, the justification provided as part of the previous request to vary the height standard cannot be relied on to support the amending proposal.</p>	<p>Additional information and revised justification is provided within the Amended Clause 4.6 Variation Request at <b>Appendix A</b>. This includes an assessment of the proposed additional height in context of the site's prominent location within the CBD which demonstrates that the variation continues to meet the objectives of the Height of Buildings standard under Penrith LEP. It is also noted that the variation facilitates the delivery of a substantial number of affordable dwellings which would otherwise not be</p>

	<p>The submitted Clause 4.6 variation request states the following: <i>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.</i></p> <p>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.</p> <p>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.</p>	<p>provided by the current approval and height variation.</p> <p>While it is acknowledged that Mod24/0242 does not propose an increase to the approved overall building height, the increase in floor-to-floor heights to meet updated NCC requirements results in a cumulative uplift to the total building envelope, particularly at the upper levels. This has a flow-on effect of raising the height of the rooftop plant and associated screening elements, which now contribute to the extent of height exceedance under the current proposal.</p> <p>Accordingly, the Clause 4.6 Variation Request (<b>Appendix A</b>) has been revised to provide an updated justification that addresses the combined impact of increased habitable floor space and plant height, and demonstrates that the proposed exceedance continues to satisfy the objectives of the height of building LEP standard and can be justified on planning grounds.</p>
<p>Bulk and Scale</p>	<p>The submitted Clause 4.6 variation request states that the <i>‘design includes deliberate facade articulation strategies and recessive rooftop elements to minimise visual bulk and visual impacts’.</i></p> <p>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).</p> <p>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.</p>	<p>The amending SSDA maintains the design excellence principles established through the original design competition and endorsed through subsequent Mods. The additional four storeys have been carefully integrated into the approved building envelope without increasing the building footprint or altering the approved street setbacks. This ensures the public domain interface remains consistent with the approved scheme and does not introduce further encroachment into the public realm.</p> <p>The proposal retains the continuous street wall and linear form that were integral to the endorsed design response. These elements were identified by the DRP as contextually appropriate given the site’s setting adjacent to the rail corridor. Importantly, the amended design continues to provide a high-quality interface to Lord Sheffield Circuit, with active ground floor uses, a continuous colonnade, and a clearly defined public domain edge.</p> <p>While Council’s concerns regarding potential visual enclosure and loss of sky views are acknowledged, the proposal responds to these issues through a range of deliberate architectural strategies, including:</p> <ul style="list-style-type: none"> <li>• Vertical articulation and modulation, including secondary vertical cuts to the north, east, and west, provide relief to the building mass and frame sky views from within and around the building.</li> <li>• A community forecourt and colonnade break offer spatial relief and visual permeability at ground level, reinforcing public domain amenity.</li> <li>• The façade treatment includes a refined two-storey expression at the residential levels and a subtle vertical fin system with a lightening colour gradient that visually reduces the perceived height and bulk of the upper levels.</li> </ul> <p>Notably, the additional four residential levels maintain the same setbacks and floorplate as the approved scheme, a key factor endorsed by the DRP. The Panel concluded that this “extrusion” approach maintains the integrity, simplicity, and elegance of the original competition-winning scheme, supports design cohesion, minimises overshadowing, and retains the consolidated communal rooftop space.</p> <p>Extensive built form testing was undertaken to assess various uplift configurations, including spreading</p>

		<p>additional height across the site and concentrating it at the western end. These options were reviewed in consultation with the DRP, who supported the current approach for its design merit, urban response, and ability to accommodate additional density without compromising amenity or public domain experience. As noted by the Panel:</p> <p><i>“The inclusion of four additional residential levels above the approved scheme with the same floor plate and setbacks as approved is an appropriate urban design solution... This approach builds upon and maintains the design excellence principles adopted in the original design competition.”</i></p> <p><i>“An additional upper-level setback is not supported... this ‘extrusion’ of the built form is appropriate as it enables the maintenance of the consolidated communal rooftop space and adds to the verticality and elegance of the composition of the building.”</i></p> <p>In regard to the relationship with neighbouring development, the proposal presents a carefully proportioned form that responds to the precinct context. It establishes a civic-scaled presence appropriate for a key urban location adjacent to transport infrastructure. The proposal provides a transitional height across the site while preserving views of the sky at key locations, including from Lord Sheffield Circuit and adjacent public open spaces such as the station entry forecourt and Ron Mulock Oval.</p> <p>In summary, the proposed amendment achieves an appropriate balance between increased density (pursuant to the in-fill affordable housing bonus) and contextual urban design outcomes. The architectural and urban design strategies implemented respond directly to Council’s concerns regarding bulk and visual enclosure and are supported by expert design review. The resulting built form maintains a high level of design quality and continues to deliver a legible, well-articulated and human-scaled interface with the public domain.</p>
<p>Flood Planning</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>A Supplementary Flood Impact and Risk Assessment Report has been prepared, see <b>Appendix H</b>.</p>

	Reconstruction Authority should be consulted given the proposed increased capacity and to ensure a complete assessment under Clause 5.21 of the LEP.	
<b>2. Access, Traffic and Parking</b>		
External Access and Manoeuvring	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.	Refer to the Traffic and Parking Matters Letter at <b>Appendix I</b> . The requirement for separate entry and exit driveways is acknowledged where car parking exceeds 300 spaces but a combined access is justified on the basis of minimising ground-level space dedicated to vehicles, enhancing street activation near Penrith Railway Station, and maintaining safe pedestrian access. Swept path analysis confirms simultaneous entry and exit movements can occur without conflict, satisfying the intent of the standard. Additionally, the retention of a single driveway preserves an existing Bus Zone that supports potential future public transport services for the North Penrith Precinct.
	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: <ul style="list-style-type: none"> <li>• Residential – 60 spaces;</li> <li>• Residential visitors – complies (surplus of 5 spaces)</li> <li>• Commercial/retail staff – 28 spaces; and</li> <li>• Commercial/retail visitor – 3 spaces.</li> </ul>	86 additional bicycle spaces have been provided within two bicycle rooms for residential and residential visitors in Basement 2. See Amended Architectural Plans at <b>Appendix B</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	Refer to the Traffic and Parking Matters Letter at <b>Appendix I</b> . Council's trip generation rates are overly conservative and not reflective of the site's immediate proximity to Penrith Railway Station, where car dependency is expected to be lower. Instead, the submitted Traffic and Parking Assessment applies more recent guidance from the 2024 <i>Guide to Transport Impact Assessment</i> , which is considered more appropriate for developments of this scale and location. The applicant maintains that applying a blanket LGA-wide rate is not suitable for this transit-oriented site and defends the use of updated trip generation rates.
	The trip generation assessment also needs to be updated to reflect the split between inbound and outbound movements.	The 2024 <i>Guide to Transport Impact Assessment</i> does not apply to TIAs commenced before 4 November 2024, hence why it was not applied to DA22/1086 and MOD24/0059.
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 area, commercial/retail parking users will need to go through the security control point to access the remaining commercial/retail parking spaces. A review of the proposed circulation, allocation of parking spaces and location of security control points is required.	Refer to the Traffic and Parking Matters Letter at <b>Appendix I</b> . The non-residential component of the development remains consistent with the previously approved scheme and does not involve changes to the circulation aisles or roadways.
	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	Dimensions have been added to the Architectural Plans at <b>Appendix B</b> .

	aisle shall be increased by 300mm to a minimum of 6.1m wide. This occurs in numerous locations.	
	The provision of only one heavy vehicle bay may not be adequate to service the proposed additional 144 apartments given the increased need for loading activities (e.g. removalist vehicles, deliveries and waste collection). No plan of management has been submitted to demonstrate that the proposed loading bay provision is adequate to accommodate all building users.	Refer to the Traffic and Parking Matters Letter at <b>Appendix I</b> . As there is no increase to the non-residential floor area, the single heavy vehicle bay remains sufficient.
	Appendix D of the submitted Traffic and Parking Assessment appears to detail a pillar that conflicts with the clearances required for the reverse manoeuvre into the loading zone. Confirmation is to be provided to confirm that there is no conflict with the required 0.5m clearances throughout for access by Council's standard (10.5m) waste collection vehicle.	Refer to the Traffic and Parking Matters Letter at <b>Appendix I</b> . The identified pillar was a dimensional marker, which has been removed in the revised plans, and that the loading dock design accommodates the required 0.5m clearances for Council's 10.5m waste collection vehicle.
	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 key types of service vehicle used. 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.	Refer to the Traffic and Parking Matters Letter at <b>Appendix I</b> . The 11 service vehicle bays, including one HRV bay, are sufficient given the residential nature of the additional dwellings and the relatively small scale of the commercial tenancies, which are not expected to require service vehicles larger than vans.
	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.	Updated in the Amended Architectural Plans ( <b>Appendix B</b> ).
	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.	Noted. An Access consultant will be engaged to deal with this post-DA.
Noise Impact Assessment	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.	Noted. The final place will be referenced in the NIA prior to determination.

**NSW State Emergency Service**

In summary, SES:

- Recommend review of the Flood Impact Assessment (FIA) to consider current flood information for the site. The "Draft Hawkesbury-Nepean Flood Study" referred to in the FIA was released in June 2024 and should be viewed as the most up to date riverine flood information for the site. This supersedes the 2018 Nepean River Flood Study referenced in the FIA.
- Note the site is affected by both riverine flooding from the Nepean River and local overland flooding, with modelling from the 2024 Hawkesbury-Nepean Flood Study showing an increase in flood depths during the Probable Maximum Flood (PMF) event, compared to previous studies, with the site inundated to depths of 4-6 metres<sup>2</sup>.
- Recommend that the emergency procedures contained in the Flood Emergency Response Plan are rewritten to reflect current NSW SES terminology and procedures. Please see Attachment A for further specific details. However, we reinforce that a FERP is not a failsafe way of managing an underlying flood risk.
- Recommend considering the impacts of the proposed population increase for this site on regional evacuation route capacity.
- Recommend considering the impacts of climate change. It is estimated that the actual probability of a 1 in 100 AEP for the Nepean River is approximately a 1 in 62 AEP event for the current 2025 scenario.<sup>3</sup> For the proposed development site, this could result in more frequent inundation and/or isolation than what is currently expected based on previous modelling.

**See SES Letter for full comments.**

A Supplementary Flood Impact and Risk Assessment Report has been prepared, see **Appendix H**.

We will provide a copy of the supplementary flood report to the NSW SES for further review and welcome any additional guidance as the process progresses.

We trust that the enclosed information sufficiently addresses the Department's requests and the additional Council and agency comments. Should you require any further clarification, please do not hesitate to contact us.

Kind regards



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