

24231

6 March 2026

Keith Ng
Team Leader, Social & Affordable Assessments
Department of Planning, Housing, and Infrastructure
4 Parramatta Square,
12 Darcy Street
Parramatta NSW 2150

Dear Keith,

**Section 4.55(1A) Modification to SSD-78665709
160-172 Lord Sheffield Circuit, Penrith**

Beam Planning has prepared this application on behalf of UPG Lord Sheffield 162 Pty Ltd pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to modify Development Consent SSD-78665709 relating to the approved mixed-use development at 160-172 Lord Sheffield Circuit, Penrith.

The proposed modification application seeks consent for a series of minor amendments across the development, including communal rooftop amendments (the removal of a swimming pool and landscape redesign), reallocation of car parking and plant room arrangements, revisions to Ground and Level 1 layouts for commercial and retail tenancies, façade and balcony adjustments and reallocation of certain NDIS apartments.

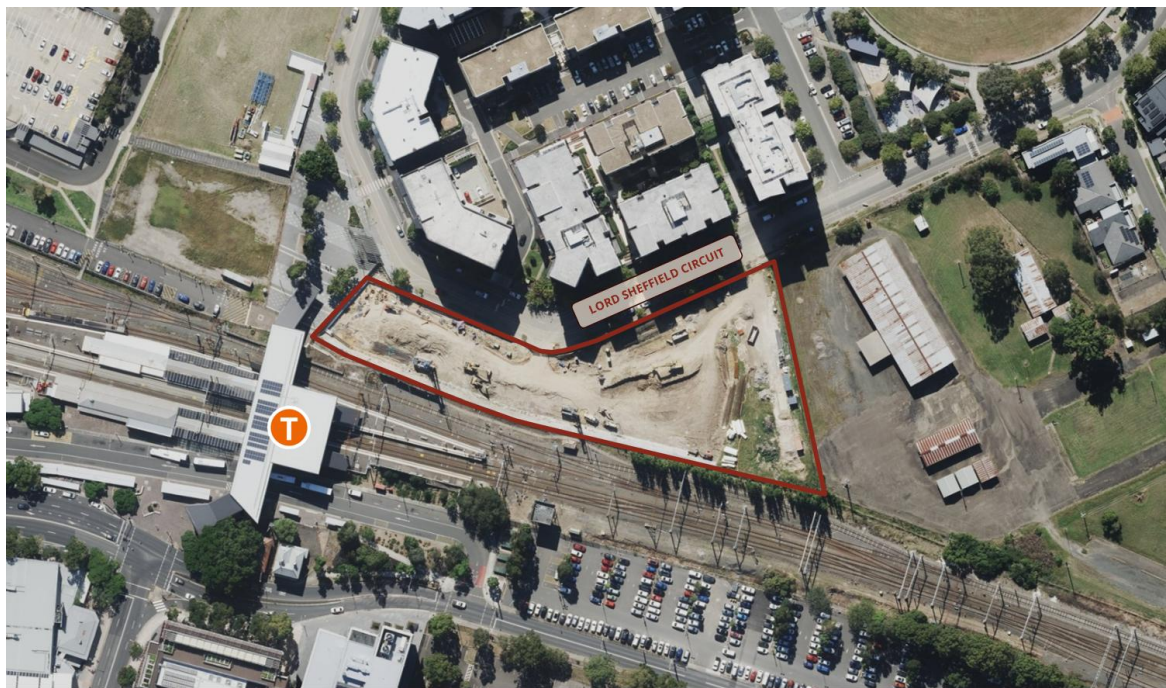
This application addresses the applicable provisions of Section 4.55(1A) of the EP&A Act, including an assessment of the environmental impacts of the proposed amendments, whether the amended development is substantially the same as that approved, and any consultation requirements. The application is accompanied by the following supporting documentation:

- **Appendix A** – *Amended Architectural Plans*, prepared by SJB Architects.
- **Appendix B** – *Amended Landscape Plans & Landscape Design Report*, prepared by Arcadia.
- **Appendix C** – *Operational Waste Management Statement*, prepared by Elephants Foot Consulting.
- **Appendix D** – *Traffic and Parking Statement*, prepared by Varga Traffic Planning.
- **Appendix E** – *Access Compliance Statement*, prepared by Access Link Consulting.

This application should be read in conjunction with the original EIS prepared by Beam Planning, dated 26/03/2025.

1.0 Site Analysis

1.1 About the Site



 **THE SITE** NOT TO SCALE 

Figure 2 Aerial Photo

2.0 Consent to be Modified and Relevant History

Development consent SSD-78665709 was granted by DPHI on 5 September 2025 for the following:

Alterations and additions to an approved mixed-use housing development (approved under DA22/1086) to increase the building height from nine to 14 storeys, including:

- 144 additional apartments including 76 affordable housing apartments;
- 102 additional car parking spaces and 75 additional bicycle spaces within the approved basement levels; and
- associated works.

Works in accordance with the consent have commenced, currently nearing ground floor structure.

It is noted that SSD-78665709 was an Amending SSDA that granted consent for an additional 4-storeys (pursuant to the In-Fill Affordable Housing provisions of State Environmental Planning Policy (Housing) 2021) while concurrently modifying the existing development consent DA22/1086 pursuant to section 4.57 the Environmental Planning and Assessment Act 1979 (EP&A Act). This enabled the approved base consent to be retained and activated for the lower portions of the development, with the amended components implemented through conditions of consent forming part of the new approval.

A history of the relevant development applications and modifications relating to the site is summarised in **Table 1** below.

Table 1 Approval History

Reference	Description	Status
DA22/1086	<i>Construction of Ten (10) Storey Mixed Use Commercial & Residential Development including Two (2) Storey Podium containing 14 Ground Floor Retail Premises & First Floor Commercial Floor Space, Two (2) x Eight (8) Storey Residential Towers containing 287 Residential Apartments (East Tower - 152 Units; West Tower - 135 Units), Rooftop Communal Open Space, Three (3) Levels of Basement Car Parking & Public Domain Works</i>	Approved. 29/01/2024.
Mod24/0059	<i>Section 4:55(1A) Modifications to DA22/1086 for Mixed Use Commercial & Residential Development including Amendments to Ground Floor Level for New Pedestrian Entrance via Lord Sheffield Circuit, Amendments to Ground Floor Basement Level for Removal of Heavy Vehicle Turntable, Amendments to Level 1 Eastern Podium Commercial Floor Space for Additional Outdoor Space, Division of Level 1 Commercial Floor Space into Four (4) Tenancies, New Retail Tenancy at Basement Level 1 & Addition of Fourth Basement Level for Car Parking.</i>	Approved. 27/08/2024.
Mod24/0242	<i>Section 4:55(1A) Modifications to DA22/1086 (as Modified by Mod24/0059) for Ten (10) Storey Mixed Use Commercial & Residential Development including Conversion of Southern Facade Residential Balconies to Winter Gardens, Replacement of Southern Facade Tencil Mesh at Level 1 with Metal Screens & Glass Louvres or Fixed Windows, Reconfiguration of 18 Apartment Layouts, Increase in Floor to Floor Heights (50mm) for Levels 2 to 9, Increase in Roof Parapet by 400mm, Relocation of Hydrant Booster to Northern Boundary, Decrease in Size of Retail Tenancy 15 (4 sq.m), Amendment to Facade on South-Eastern Corner, Inclusion of Bench Seating at Ground Level Promenade & Changes to Basement Design to Include Drained Basement System.</i>	Approved. 15/08/2025.
SSD-78665709	<i>An additional four storeys (approximately an additional 145 apartments) and revisions to the building layout to facilitate the incorporation of affordable housing.</i>	Approved. 05/09/2025.
DA25/1019	<i>Fit-Out & Use of Level 1 Commercial Tenancy as 142 Place Child Care Centre</i>	Under Assessment by Council.

3.0 Proposed Modifications

3.1 Development

The proposed modifications to the approved development comprise a series of minor design refinements and internal reconfigurations to improve functionality, accessibility, and operational efficiency across the development, while maintaining the integrity of the overall approved built form.

These modifications are described at **Table 2** below:

Table 2 Proposed modifications

Modification	Explanation	Reference
Amendments to communal rooftop areas, including removal of the swimming pool to Building 2, landscape redesign, revised amenities, pergolas and associated plant adjustments.	Reconfiguration due to requirements for increased service plant, and the redesign of lift cores. The removal of the swimming pool & deck also necessitate a redesign to accommodate the change in levels and rooftop experience.	SSDA-1013, L-412, L-413, L-414, L-415
Reallocation of car parking, bicycle parking, storage and service areas within the basement and ground levels	Relocation of services to improve basement efficiency and create an additional 4 car parking spaces.	SSDA-0999, SSDA-1000, SSDA-1001, SSDA-1002, SSDA-1003
Relocation and reconfiguration of plant rooms, fire services infrastructure and end-of-trip facilities	Adjusted due to carparking and service due diligence coordination.	SSDA-1002, SSDA-1003
Revisions to ground floor and Level 1 commercial and retail tenancy layouts, including updated amenity provision and circulation, and the slight relocation of glazing into the colonnade on the ground floor.	Updated to reflect tenancy requirements and changes, including the introduction of a childcare centre under DA25/1019.	SSDA-1003, SSDA-1003M, SSDA-1004, L-401, L-402, L-403, L-404, L-405, L-406, L-407, L-408
Minor façade, balcony and planter adjustments	Adjustments to improve architectural expression and compliance.	SSDA-1004, SSDA-1006, SSDA-1007, SSDA-1009, SSDA-1010, SSDA-1011, SSDA-1401, SSDA-1403
Reallocation and internal reconfiguration of selected apartments, including updates relating to NDIS-compliant dwellings and affordable housing distribution	Adjusted to offer more diverse layouts and meet market demand.	SSDA-1006, SSDA-1007, SSDA-1009, SSDA-1010, SSDA-1011, SSDA-4411

Notwithstanding the above modifications, the key development metrics remain substantially unchanged from the approved scheme. The GFA is marginally increased by 516m². No change is proposed to the overall building height or number of units from that approved. See below discussion at **Section 4.0**.

3.2 Conditions

The above modifications to the development necessitate the following amendments to the conditions of consent. Deleted words are shown in ~~strike through~~ and proposed words to be inserted are shown in **bold**.

Table 3 Proposed modifications to conditions

Condition	Condition/ Proposed Modification	Reason
Terms of Consent	A1. The development must be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with the EIS, the Applicant's response to submissions, and the Applicant's response to requests for further information; and (c) in accordance with the approved plans in the table below, as modified by the conditions of this consent:	To reflect the modifications proposed within this application and to remove superseded plans.

Architectural drawings prepared by SJB Architects			
Drawing Number	Rev	Name of Plan	Date
SSDA-0999	9 10	Floor Plan – Basement 4	26/06/2025 02/02/2026
SSDA-1000	19 20	Floor Plan – Basement 3	26/06/2025 02/02/2026
SSDA-1001	22 23	Floor Plan – Basement 2	06/06/2025 02/02/2026
SSDA-1002	21 22	Floor Plan – Basement 1	06/06/2025 02/02/2026
SSDA-1003	24 26	Floor Plan – Ground Level	06/06/2025 25/02/2026
SSDA-1003M	10 11	Floor Plan – Ground Mezzanine	06/06/2025 02/02/2026
SSDA-1004	24 26	Floor Plan – Level 1	06/06/2025 05/03/2026
SSDA-1005	22 25	Floor Plan – Level 2	06/06/2025 05/03/2026
SSDA-1006	22 24	Floor Plan – Level 3	06/06/2025 05/03/2026
SSDA-1007	12 2	Floor Plan – Level 4-13 Level 4-6	06/06/2025 05/03/2026
SSDA-1009	2	Floor Plan – Level 7,8	05/03/2026
SSDA-1010	2	Floor Plan – Level 9	05/03/2026
SSDA-1011	2	Floor Plan – Level 10-13	05/03/2026
SSDA-1013	12 15	Floor Plan – Communal Rooftop	06/06/2025 02/02/2026
SSDA-1014	14 16	Floor Plan – Roof	18/12/2024 02/02/2026
SSDA-1401	12 13	Elevations - North	06/06/2025 02/02/2026
SSDA-1402	12 13	Elevations – South	06/06/2025 02/02/2026
SSDA-1403	13 14	Elevations – East	06/06/2025 02/02/2026
SSDA-1404	13 14	Elevations - West	06/06/2025 02/02/2026
SSDA-1501	13	Sections – Sheet 1	26/06/2025 02/02/2026
SSDA-1502	12 13	Sections – Sheet 2	06/06/2025 02/02/2026
SSDA-1503	8 9	Sections – Sheet 3	18/12/2024 02/02/2026
SSDA-1601	4 6	Detailed Section – Sheet 1	18/12/2024 02/02/2026
SSDA-1602	6	Detailed Section – Sheet 2	06/06/2025
SSDA-2511	2 3	External Materials and finishes	18/12/2024 02/02/2026
SSDA-4401	15	Apartment Type – Sheet 1	06/06/2025 02/02/2026
SSDA-4402	13	Apartment Type – Sheet 2	06/06/2025
SSDA-4403	15	Apartment Type – Sheet 3	06/06/2025
SSDA-4404	9 10	Apartment Type – Sheet 4	06/06/2025 02/02/2026
SSDA-4405	10	Apartment Type – Sheet 5	06/06/2025
SSDA-4410	6 8	Apartment Type – Adaptable & Liveable	18/12/2024 02/02/2026
SSDA-4411	4 5	Apartment Types - NDIS	06/06/2025 02/02/2026
SSDA-4412	1	Apartment Type – NDIS – Sheet 2	02/02/2026
SSDA-4420	2 3	Apartment Type Occupancy Schedule	06/06/2025 02/02/2026
SSDA-4421	2 3	Apartment Type Occupancy Schedule	06/06/2025 02/02/2026

Section 4.55(1A) Modification

SSDA-6105	2	Affordable Housing Area Plan	18/12/2024
Landscaping plans prepared by Arcadia Landscape Architecture			
L-000	A B	Cover Sheet	04/02/2025 13/02/2026
L-001	A B	Legend	04/02/2025 13/02/2026
L-100	A B	Ground Floor Landscape Masterplan	04/02/2025 13/02/2026
L-101	A B	Level 01 Landscape Masterplan	04/02/2025 13/02/2026
L-102	A B	Level 02 Landscape Masterplan	04/02/2025 13/02/2026
L-103	A B	Rooftop Landscape Masterplan	04/02/2025 13/02/2026
L-400	A B	Plant Schedule	04/02/2025 13/02/2026
L-401	A B	Ground Floor Softworks Plan	04/02/2025 13/02/2026
L-402	A B	Ground Floor Softworks Plan	04/02/2025 13/02/2026
L-403	A B	Ground Floor Softworks Plan	04/02/2025 13/02/2026
L-404	A B	Ground Floor Softworks Plan	04/02/2025 13/02/2026
L-405	A B	Level 01 Softworks Plan	04/02/2025 13/02/2026
L-406	A B	Level 01 Softworks Plan	04/02/2025 13/02/2026
L-407	A B	Level 01 Softworks Plan	04/02/2025 13/02/2026
L-408	A B	Level 01 Softworks Plan	04/02/2025 13/02/2026
L-409	A B	Level 02 Softworks Plan	04/02/2025 13/02/2026
L-410	A B	Level 02 Softworks Plan	04/02/2025 13/02/2026
L-411	A B	Level 02 Softworks Plan	04/02/2025 13/02/2026
L-412	A B	Rooftop Softworks Plan	04/02/2025 13/02/2026
L-413	A B	Rooftop Softworks Plan	04/02/2025 13/02/2026
L-414	A B	Rooftop Softworks Plan	04/02/2025 13/02/2026
L-415	A B	Rooftop Softworks Plan	04/02/2025 13/02/2026
L-601	A B	Landscape Typical Details	04/02/2025 13/02/2026
L-602	A B	Landscape Typical Details	04/02/2025 13/02/2026
L-700	A B	Landscape Specification Notes	04/02/2025 13/02/2026

<p>Modification of Development Consent DA22/1086</p>	<p>A7. Prior to the issue of any construction certificate or commencement of any works under this consent, the Applicant must submit for approval by the Planning Secretary a marked-up document with track changes to the conditions in development consent DA22/1086 granted by the Sydney Western City Planning Panel (as modified by Council), which modifies the development consent pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, as follows:</p> <p>(a) modification of the relevant approved plans under DA22/1086 (as modified) by:</p> <p>(i) the reconfiguration of the layouts from basement to level 9 of the residential tower, to match the plans listed below:</p>	<p>To reflect the modifications proposed within this application and to remove superseded plans.</p>
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Architectural drawings prepared by SJB Architects			
Drawing Number	Rev	Name of Plan	Date
SSDA-0999	9 10	Floor Plan – Basement 4	26/06/2025 02/02/2026
SSDA-1000	19 20	Floor Plan – Basement 3	26/06/2025 02/02/2026
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SSDA-1009	2	Floor Plan – Level 7,8	05/03/2026
SSDA-1010	2	Floor Plan – Level 9	05/03/2026
SSDA-1011	2	Floor Plan – Level 10-13	05/03/2026
	The modification(s) to DA22/1086 proposed in the marked-up document must not authorise or require anything that is inconsistent with the conditions of this consent. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict.		
Landscaping	<p>B8. Prior to the issue of the first Construction Certificate for above ground works, the Applicant must submit to the Certifier a detailed Landscape Plan which:</p> <p>(a) is consistent with the landscape plans prepared by ARCADIA, dated 4 February 2025 2 February 2026 as amended by any requirement of these conditions;</p> <p>(b) includes details of tree planting;</p> <p>(c) includes details of the location, species, maturity and height at maturity of plants to be planted on-site;</p> <p>(d) demonstrates adequate drainage and watering systems;</p> <p>(e) includes the landscaping at ground level, community garden and communal rooftop terraces including the porous screens at identified locations recommended in the Pedestrian Wind Assessment prepared by RWDI Australia Pty Ltd, dated 28 February 2025;</p> <p>(f) includes details of plant maintenance and watering for the first 12 months; and</p> <p>(g) includes a commitment to replace plants with the same species if any plant loss occurs within the maintenance period.</p>		To reflect the modifications proposed within this application and to remove superseded plans.
Car Parking	<p>B9. Prior to the issue of the first Construction Certificate, the Applicant must submit to the Certifier a Report demonstrating that the development will provide for the following traffic flow and car parking requirements:</p> <p>(a) all vehicles must enter and leave the subject site in a forward direction;</p> <p>(b) all vehicles are to be wholly contained on site before being required to stop;</p> <p>(c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) must be in accordance with the applicable Australian Standards;</p> <p>(d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;</p> <p>(e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;</p> <p>(f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as manoeuvrability through the site, must be in accordance with AUSTROADS; and</p> <p>(g) submit to the Certifier a Report demonstrating compliance with the following:</p> <p>(i) that the layout design and security of car parking and bicycle parking spaces complies with Australian Standards;</p> <p>(ii) provision of 432 residential car parking spaces, including 48 adaptable car parking spaces within the basement.</p> <p>(iii) provision of 147 151 car spaces dedicated for retail and commercial uses, including two disabled car parking spaces;</p> <p>(iv) provision of four car wash bay car spaces;</p> <p>(v) provision of eight electric car charging spaces;</p>		To reflect the increase in spaces proposed within this application.

	(vi) provision of 11 service vehicle parking spaces; (vii) provision of electric vehicle charging infrastructure in accordance with the NCC; (viii) provision of 211 residential bicycle parking spaces, including a minimum of 41 64 visitor spaces; and (ix) provision of nine bicycle parking spaces for dedicated for retail uses, including a minimum of 6 visitor spaces.	
Public Art Strategy	Prior to the issue of the relevant Construction Certificate for above ground works, the Applicant must submit to the satisfaction of the Certifier a detailed Public Art Strategy prepared in consultation with Council.	To better accommodate the staged construction outlined in the EIS for SSD-78665709. This change ensures obligations are met at the appropriate stage of development, consistent with standard practice. In their current form, the conditions could impose requirements at an unnecessarily early stage, even where not all works are relevant.

4.0 Compliance with Statutory Planning Instruments

The proposed modifications, as described in **Section 3.0**, do not change the proposal's consistency with the Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014, the Thornton North Penrith Precinct Plan (MP10_0075 & MP10_0078), or the relevant SEPPs. As shown at **Table 4**, the proposed changes are minor in nature and have no significant impact on the key development numbers.

Table 4 Key numbers

	Approved	Proposed	Change
Overall Height	RL81,414	RL81,414	No change.
Roof Height	RL74,700	RL74,900	+0.2m
GFA	48,692m ²	49,208m ²	+516m ²
Communal Open Space	3,464m ²	3,464m ²	No change.
Landscaped Area	3382m ²	3256m ²	-126m ²
Deep Soil	1299m ²	1299m ²	No change.
Tree Canopy	650m ²	540m ²	-120m ²
Car Parking	602	606	+4 spaces
Bicycle Parking	220	220	No change.

Although there is no change to the overall height of building, there is a 0.2m increase to the roof height, caused by the increased lift overrun. This change is negligible in scale, does not alter the approved overall building height and will not result in any additional visual, overshadowing or amenity impacts beyond that previously assessed.

There is a marginal reduction in landscaped area (126 m² or 3.7%) and tree canopy (120 m²) resulting from the reconfiguration of the rooftop communal space. This change was driven by the need to accommodate additional service plant and the redesign of the lift cores, and will enable the building to function more efficiently overall. It is noted that, due to the site's highly urbanised area, the majority of the site is occupied by the building and therefore does not meet the definition of 'landscaped area'. The original scheme did not meet the non-discretionary standard for landscaped area under The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) Section 19(2)(b), and this was addressed through a merit-based assessment. Importantly, the reduction is minor in the context of the overall proposal. There is no decrease in the total communal open space area, and as such, the proposal remains compliant with this control. Accordingly, the

reconfiguration does not result in a meaningful loss of resident amenity or the usability of the communal rooftop space.

As above, there is a slight increase of 516m² to the approved GFA. This increase arises from minor internal plan rationalisation and the finalisation of tenancy and service area layouts during detailed design, including the glazing line being shifted forwards slightly into the colonnade (where it was previously set back behind the brick pillars). Notwithstanding this change, the proposal retains the same overall footprint, height, and built form outcomes, and will not give rise to any additional off-site impacts. An assessment against the objectives of clause 4.4 of the Penrith LEP has been undertaken at **Table 5**.

Table 5 Justification of the additional floor space against the objectives of the Penrith LEP 2010

Objective	Alignment of Proposal
Clause 4.4 Floor Space Ratio	
<i>(1) The objectives of this clause are as follows—</i>	
<i>(a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,</i>	The additional 516m ² of GFA does not result in any discernible change to the bulk and scale of the approved development. The modification does not increase the building footprint or alter the approved built form envelope, and the architectural intent and streetscape outcomes remain consistent with the approved scheme. Accordingly, the proposal remains compatible with the existing and desired future character of the locality.
<i>(b) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i>	The modification does not introduce new built form impacts and does not alter external works in a manner that would result in additional heritage impacts. There are no heritage conservation areas or heritage items adversely affected as a consequence of the minor internalised increase in floor area, and the proposal will not result in any new heritage-related environmental impacts beyond those previously assessed.
<i>(c) to regulate density of development and generation of vehicular and pedestrian traffic,</i>	The minor increase in GFA does not change the number of dwellings, the approved use outcomes, or the development's overall intensity in a way that would materially alter pedestrian or vehicular trip generation. The provision of an additional 4 on-site parking spaces results from a more efficient internal layout and does not represent an intensification of development or a change to access arrangements. Parking, circulation, loading and servicing continue to operate within the previously assessed framework, and the proposed changes do not give rise to any new traffic or safety impacts (refer to Section 5.0).
<i>(d) to provide sufficient floor space for high quality development.</i>	The additional floor space supports improved functionality, accessibility and operational efficiency across the development (including refined layouts and service coordination), which contributes to a higher quality outcome. The proposal continues to deliver a high-quality mixed-use development with appropriate amenity and operational performance.
<i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i>	N/A. The site does not have a mapped maximum permissible FSR and as such, the minor increase in GFA does not result in the proposal exceeding a prescribed maximum FSR.

5.0 Environmental Impacts

Section 4.55(1A)(a) of the EP&A Act requires the consent authority to be satisfied that the proposed modification(s) is of minimal environmental impact.

The proposed amendments comprise minor internal reconfigurations, rooftop landscape and amenity adjustments, plant and parking reallocations, tenancy layout refinements, façade and balcony detailing changes, and updates to the distribution of NDIS and affordable housing dwellings. These changes do not significantly alter the approved land use, development scale, built form envelope, or overall residential yield and, therefore, do not introduce any new or intensified environmental impacts beyond those previously assessed.

Design Excellence and Built Form

The conditions of consent for SSD-78665709 stipulate:

B1. To ensure that the development is consistent with assessed and approved design excellence requirements, the Applicant must:

- (a) commission SJB Architects as part of the architectural design team engaged to prepare the design documentation, contract documentation and construction stages of the development;*
- (b) prior to the issue of the first Construction Certificate, provide the Certifier with evidence that this architectural design team has been so commissioned; and*
- (c) if the Applicant proposes changes to the approved architectural drawings, **seek the Planning Secretary's advice as to whether such changes are likely to require review by the State Design Review Panel.***

The proposed modification does not necessitate referral to the SDRP for the following reasons:

- The amendments are minor in nature and do not alter the approved building envelope, height, massing, or architectural design intent that formed the basis of the design excellence outcome.
- The key public domain interfaces, façades, material palette, and overall architectural language remain consistent with the approved design.
- SJB Architects remain engaged as the project architect in accordance with this Condition, ensuring continuity of design integrity.
- The modifications are limited to minor functional refinements, rooftop landscape adjustments, and minor façade detailing that do not materially affect the design outcomes previously endorsed through the competitive design process and subsequent assessment.

Accordingly, the proposed changes are considered administrative in nature and do not give rise to matters of architectural significance that would warrant further design review. The development continues to achieve the approved design excellence outcomes and as such, referral to the SDRP is not required.

Section 4.55(1A) Modification

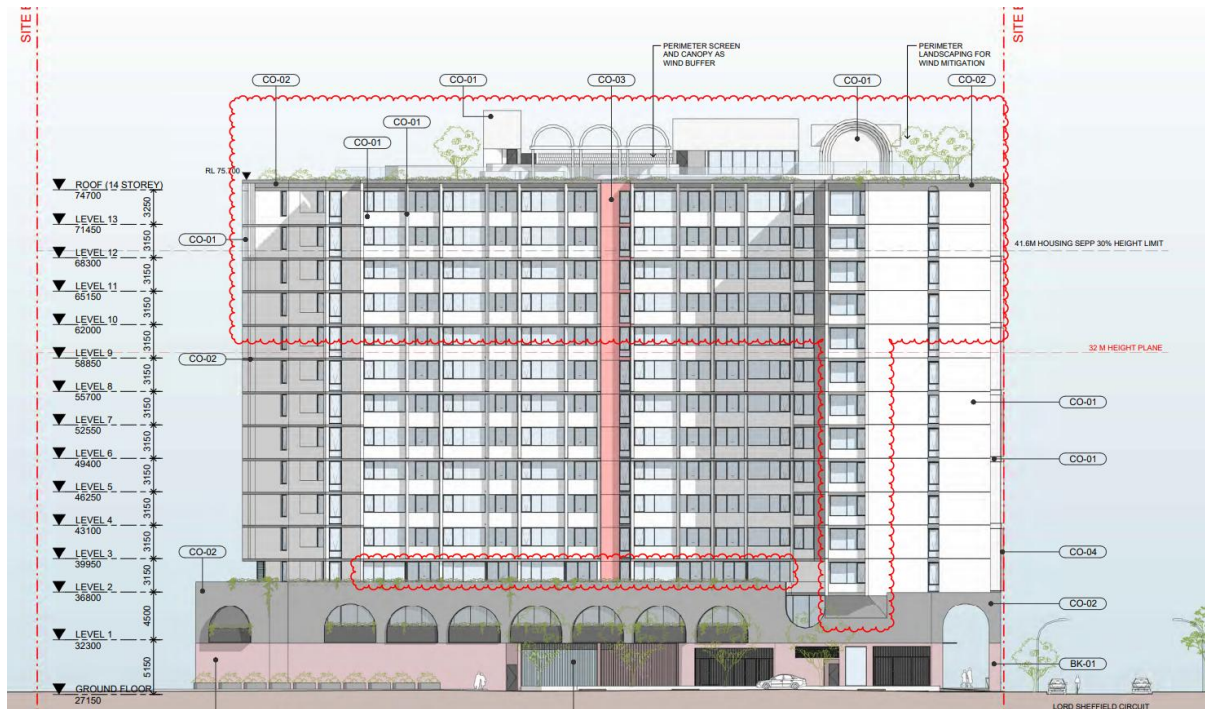


Figure 1 Approved eastern elevation

Source: SJB Architecture

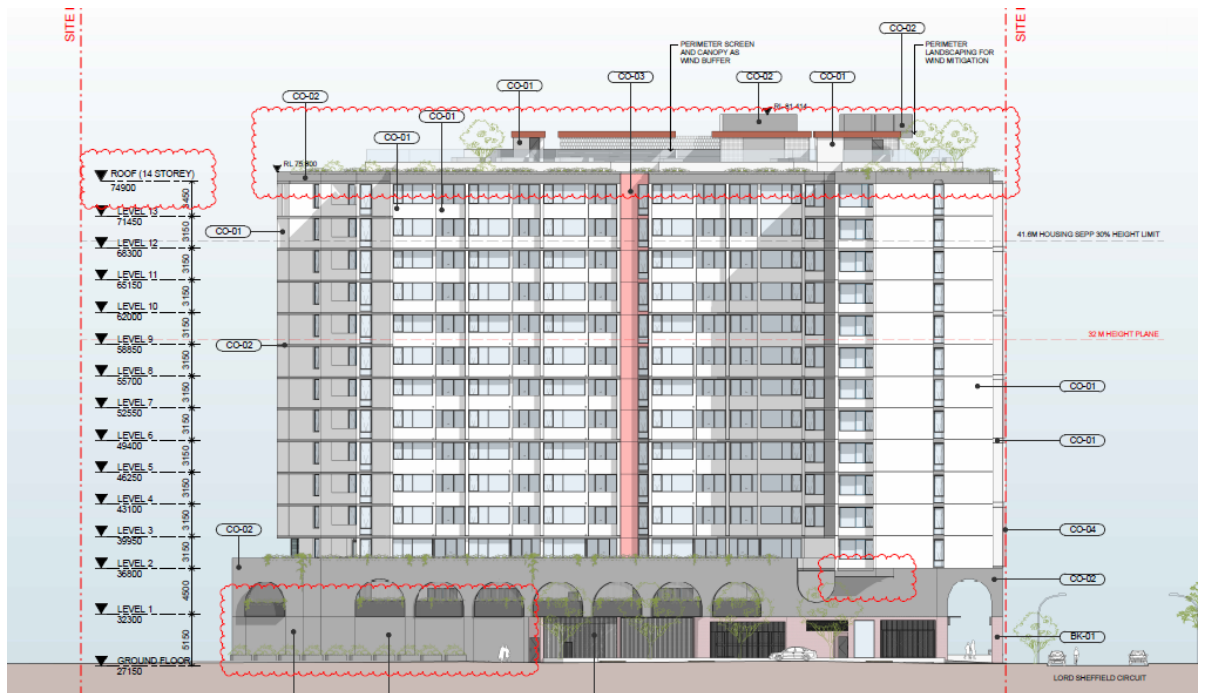


Figure 2 Proposed eastern elevation

Source: SJB Architecture

Amenity

As described above, the rooftop communal area has been reconfigured due to requirements for increased service plant, and the redesign of lift cores. This has resulted in the removal of the swimming pool in Building 2. No change in the amount of communal open space is proposed, ensuring residents continue to have access to adequate amenity.

A comparison of the approved and proposed rooftop plans is included below at **Figure 3** and **Figure 4** which shows that although there is a removal of one swimming pool, this has not resulted in a decrease in communal space or usable area for residents.

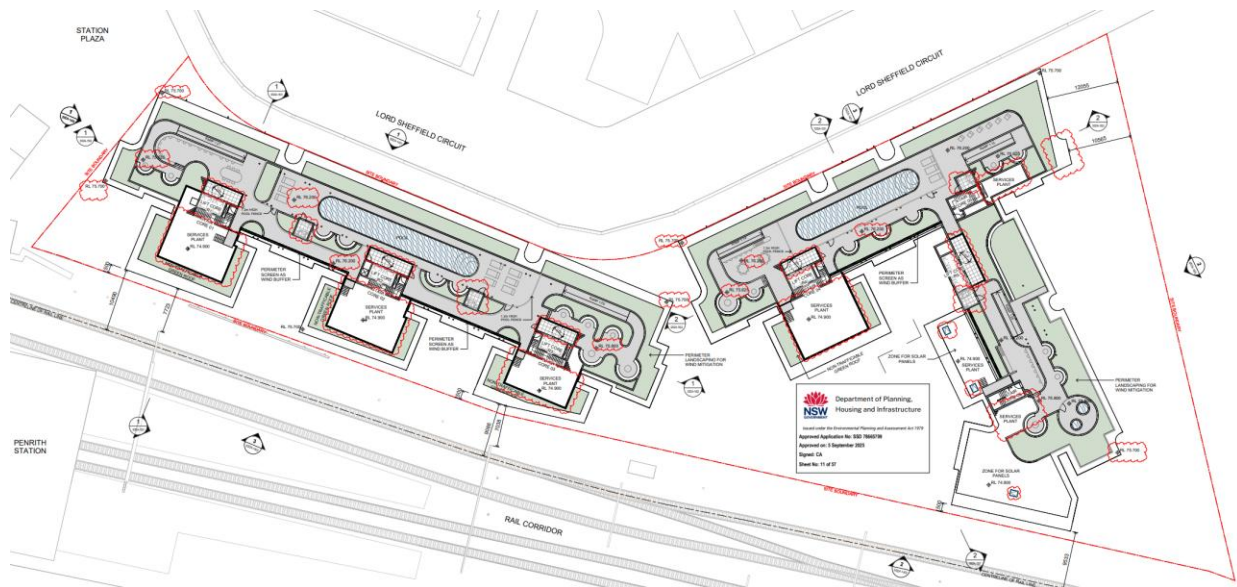


Figure 3 Approved rooftop plan

Source: SJB Architecture

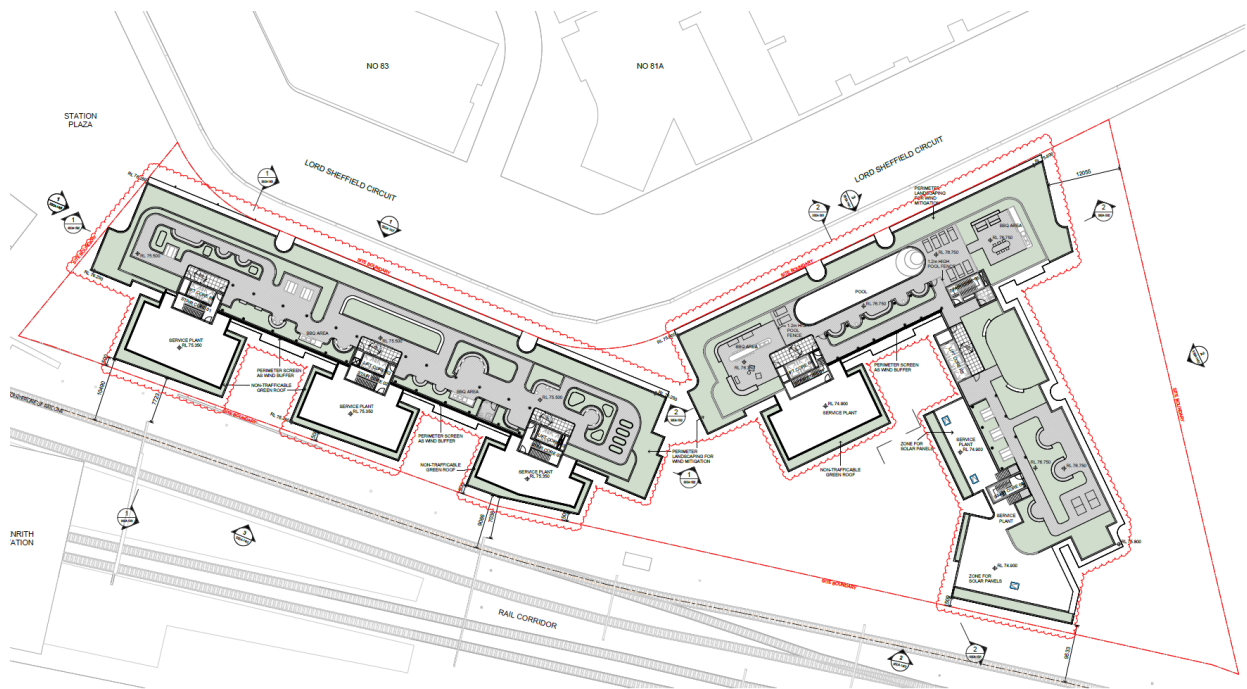


Figure 4 Proposed rooftop plan

Source: SJB Architecture

Traffic and Parking

A Traffic and Parking Statement, prepared by Varga Traffic Planning (**Appendix D**), confirms that the proposed reconfigured vehicular access, parking and loading arrangements comply with the relevant provisions of the Penrith Development Control Plan 2021 and the applicable Australian Standards. The statement confirms appropriate parking space dimensions, aisle widths, ramp gradients, overhead clearances and sight-line requirements are achieved throughout the basement and ground-level areas. The statement also verifies that swept-path analysis demonstrates safe internal vehicle circulation and that Council's waste collection vehicle can enter and exit the site in a forward direction with sufficient clearances. While the overall basement footprint and access arrangements remain generally consistent with the approved scheme, a more efficient layout has been developed to provide a total of 606 off-street parking spaces (an increase of four spaces) without altering the approved residential yield or commercial floor area, thereby ensuring no material change to previously assessed traffic generation or servicing impacts. The additional four spaces will be allocated to the commercial/retail component and are not expected to materially alter traffic generation potential, equating to a maximum increase of 4 vehicle movements per hour during commuter peak periods. In practice, retail/commercial trips are anticipated to be primarily drawn from existing passing traffic on the adjacent road network, and the additional provision will assist in reducing on-street parking demand in the locality, benefiting neighbouring residents and the public.

Waste

An Operational Waste Management Statement, prepared by Elephants Foot Consulting (**Appendix C**), confirms that the proposed modifications to the commercial / retail tenancies do not result in any change to the approved waste management strategy and the approved Operational Waste management Plan (Revision H, dated 4 December 2025), remains appropriate.

Access

An Access Compliance Statement has been prepared by Access Link Consulting (**Appendix E**) confirming the proposed modifications are minor and compliance is capable of being achieved with the requirements of the Access Code of Disability (Access to Premises-Building) Standards 2010, the Disability Access relevant sections of the BCA 2022 and the criteria of Class C AS4299 – Adaptable housing.

There is no change in the number of adaptable, liveable and NDIS units provided.

6.0 Substantially the Same Development

Section 4.55(1A)(b) of the EP&A Act requires the consent authority to be satisfied that the development as proposed to be modified remains 'substantially the same' as the development for which the consent was originally granted, prior to any previous modification.

The development as proposed to be modified is "substantially the same development" for the following reasons:

- The modifications comprise minor design refinements and technical coordination changes arising from detailed design development, rather than any fundamental change to the approved development.
- The approved shop-top housing building form, scale, overall building height and bulk remain unchanged.
- While there's a minor increase (516m²) in the overall GFA of the proposal, this is due to the allocation of retail and commercial areas and does not alter the overall character, scale, or nature of the approved development.
- The modifications do not result in any change to the amount of communal open space proposed.
- The total number of dwellings (including affordable dwellings) are unchanged from the approved scheme.
- The proposed development remains permissible with consent and is compliant with the relevant environmental planning instruments.
- No additional environmental impacts arise as a consequence of the proposed modifications.

For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted.

7.0 Reasons for Granting Consent

Section 4.55(3) of the EP&A Act requires a consent authority to take into consideration the reasons for approval of the original application. The original application was determined by DPHI and **Table 6** addresses the Statement of Reasons which accompanied the consent.

Table 6 Assessment against Statement of Reasons

Description	Assessment
<i>the project would provide a range of benefits for the region and the State as a whole, including direct investment of \$164,966,504 and creating 272 construction jobs and 40 operational jobs;</i>	The proposed modification does not alter the approved development scale, staging, or delivery framework and therefore does not change the previously identified economic benefits. The development will continue to facilitate the same level of capital investment and employment generation during construction and operation.
<i>the project is permissible with development consent, and it would support State government priorities to deliver well-located housing by delivering an additional 68 market and 76 affordable housing apartments in an accessible location;</i>	The modification does not change the permissibility, dwelling yield, or affordable housing provision approved under SSD-78665709. The development as modified will continue to deliver the same quantum of well-located housing in proximity to public transport, services and employment, consistent with State housing objectives.
<i>the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;</i>	The proposed amendments are minor in nature and do not introduce any new or intensified environmental impacts beyond those previously assessed. The development remains capable of complying with the existing mitigation measures, management plans and conditions of consent, ensuring impacts continue to be appropriately managed.
<i>the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with Undertaking Engagement Guidelines for State Significant Projects, including the community participation objectives outlined in these guidelines;</i> <ul style="list-style-type: none"> • <i>weighing all relevant considerations, the project is in the public interest.</i> 	The modification does not alter the aspects of the development that were the subject of community concern during the original assessment. Accordingly, the conclusions of the engagement process and the effectiveness of the imposed conditions of consent remain unchanged. As the modification maintains the approved housing delivery, affordable housing outcomes, economic benefits and acceptable environmental impacts, the development as modified continues to be in the public interest.

8.0 Conclusion

The application seeks to modify SSD-78665709 to undertake minor design refinements to the approved shop-top housing development.

Pursuant to Section 4.55(1A) of the EP&A Act, and as outlined in this application, DPHI may modify the consent as the proposal:

- Is of minimal environmental impact;
- Remains substantially the same as the development originally approved;
- Does not require notification in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021, as the modification involves minimal environmental impact; and
- Has adequately addressed the matters for consideration at Section 4.15 of the EP&A Act and the reasons for granting consent in the first place.

The assessment of the prescribed matters has determined that no unacceptable impacts will result from the amended development. Accordingly, we have no hesitation in recommending the Department approve this Section 4.55 modification application as submitted.

Should you have any queries regarding this matter, please do not hesitate to contact me on the details below.

Kind regards,



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