

MINUTES OF THE SYDNEY WEST REGIONAL PANEL MEETING HELD AT PENRITH CITY COUNCIL ON THURSDAY, 22 JULY 2010 AT 06:00 PM

PRESENT:

Janet Thomson	Chairperson
Bruce MacDonald	Panel Member
Paul Mitchell	Panel Member
Barry Husking	Panel Member
Ross Fowler	Panel Member

IN ATTENDANCE

Robert McGuiness	Applicant
Jim Aitken	
Fran Arbuthnot	
Glenda Jardin	
Manuel Jardin	
Matthew Wilson	Mulgoa PPA
Kerry Spurrett	Mulgoa PPA
Penny Hunter	Mulgoa PPA
Petula Samios	Heritage Office

APOLOGY:

The meeting commenced at 6:04 pm

1. Declarations of Interest

2. Business Items

ITEM 1 - 2009SYW027 Penrith Council DA No. 09/1143 – Residential development consisting of 27 dwellings (Glenmore Golf Course), 754-760 Mulgoa Road, Mulgoa

3. Public Submission

Robert McGuiness (Applicant) addressed the panel **against** the recommendation and argued for a deferral of the matter.

4. Business Item Recommendations

ITEM 1 - *2009SYW027 Penrith Council DA No. 09/1143 – Residential development consisting of 27 dwellings (Glenmore Golf Course), 754-760 Mulgoa Road, Mulgoa*

Janet Thomson recommended the report be received.

Moved Paul Mitchell, **seconded** Ross Fowler, that the application be refused for the following reasons:

1. The development does not comply with the provisions of section 91 A (4) of the Environmental Planning and Assessment Act as the approval from the Heritage Office was not granted.
2. The proposed development is inconsistent with Clause 13 – Subdivision of the Sydney Regional Environmental Planning Policy No.13 – Mulgoa Valley in that the proposed development does not meet the minimum subdivision requirement of 20 hectares and has not demonstrated that the variation to the Development Standard is unreasonable or unnecessary in the circumstances or would result in the long term maintenance and conservation of 'Glenmore' with satisfactory outcomes for the social and economic aspects for the community and the environment (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
3. The proposed development is inconsistent with the objectives of the 1 Rural Conservation Zone under the Sydney Regional Environmental Planning Policy No.13 – Mulgoa Valley in that the proposed development is not in keeping with the inherent high quality amenity of the area and provides an excessive variation to the prevailing subdivision pattern that would not be in keeping with the low density character of the area and the rural, heritage and natural landscape qualities of the site and surrounds (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
4. The proposed development does not meet the requirements of Clause 11 – Land Subject to Conservation orders of the Sydney Regional Environmental Planning Policy No.13 – Mulgoa Valley in that the NSW Heritage Council has refused to grant their General Terms of Approval under Part 4 of the NSW Heritage Act 1977 (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
5. The proposed development is inconsistent with Clause 12 – Development Consent Criteria of the Sydney Regional Environmental Planning Policy No.13 – Mulgoa Valley in that the proposed development does not meet the matters of consideration relating to visual impact, heritage significance, servicing, Design and Management Guidelines, colours and material as well as bulk and scale (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
6. The proposed development is inconsistent with the Clause 6 - Specific planning policies and recommended strategies in Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River (No.2-1997) with respect to Cultural Heritage, Rural Residential Development, Urban Development and Metropolitan Strategy in that the proposed development would cause a significant detriment to the heritage significance and curtilage of Glenmore and would undermine the prevailing scenic and rural landscape in the Mulgoa Valley (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).

7. The proposed development is inconsistent with the provisions of the Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation) in that the proposed development would significantly impinge upon the curtilage of Glenmore and has not sufficiently demonstrated that the proposed development would guarantee the long term maintenance of Glenmore (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
8. The proposed development does not satisfy the provisions outlined in Clause 5.10 – Heritage Conservation, Clause 6.1 – Sustainable Development, Clause 6.5 – Protection of Scenic Character and Landscape Values, Clause 6.11 – Servicing and Clause 6.12 – Mulgoa Valley of the Draft Penrith Local Environmental Plan 2008 (Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979).
9. The proposed development is inconsistent with Section 2.5 – Heritage Management of the Penrith Development Control Plan 2006 in that the proposed development would significantly impinge upon the curtilage of Glenmore and there has not been sufficient information to demonstrate that the proposed development would guarantee the long term maintenance of Glenmore (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
10. The proposed development would provide poor passive surveillance to the street which is inconsistent with the Crime Prevention through Environmental Design (CPTED) principles outlined in Section 2.2 of the Penrith Development Control Plan 2006 (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).
11. The subject Development Application has not been accompanied with sufficient information which would enable a detailed and accurate assessment of the social and economic benefits of the proposed development due to the lack of a funding mechanism linking the proposed development to the long term maintenance of Glenmore (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
12. The proposed development would have a significant detriment to the intrinsic heritage value and parkland character of the subject site and would undermine the inherent scenic quality of the surrounding area as a result of the excessive built form, dense building footprint and poor urban design outcomes (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
13. The proposed development is unsuitable for the site having regard to excessive built form which is not in keeping with the heritage significance of the subject site (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).
14. The proposed development would be inappropriate having regard to the submissions received in response to the proposed development (Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979).
15. The proposed development would cause an undesirable precedent for inappropriate development within the Mulgoa Valley and other land in the locality which accommodate existing items of heritage significance, which is not in the public interest (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979).

MOTION CARRIED

The meeting concluded at 6:27 pm

Endorsed by

Janet Thomson
Chair, Sydney West Region Planning Panel
30 July 2010