

SYDNEY WESTJOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS

for decision under the *Environmental Planning and Assessment Act 1979* (NSW)

The Sydney West Joint Regional Planning Panel provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions

For:

Demolition of Existing Structures and the Staged Re-development of Cranebrook Village Shopping Centre with Associated Car Parking, Landscaping, Signage, Drainage and Earthworks, Lot 1525 DP 788416 & Lot 1 DP 1154439 & Lot 2 DP 1154439 (No. 80-98) Borrowdale Way Cranebrook

JRPP reference: 2013SYW117 - Council reference: DA13/1386

Applicant:

Cranebrook Village Pty Ltd

Type of regional development:

The proposal is council related and has a Capital Investment Value of over \$5 million.

A. Background

JRPP meeting

Sydney West Joint Planning Panel was held on 10 April 2014 at Penrith City Council at 4.00pm.

Panel Members present:

Mary-Lynne Taylor
Bruce Clarke
Bruce McDonald

Council staff in attendance:

Peter Wood
Karl Berzins
Paul Lemm

Declarations of Interest:

Ross Fowler and Barry Husking have declared an interest on the basis of their role in Council property development and involvement in the sale of this property.

Mr Fowler and Mr Husking did not participate in the consideration and determination of this application.

JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Penrith City Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the State Environment Planning Policy (State and Regional Development) 2011.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

Procedural background

A **briefing meeting** was held with council on 30 January 2014.

A **site visit** was undertaken by the panel on 10 April 2014.

A **final briefing meeting** was held with council on 10 April 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act, 1979

79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)*

- *Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River (Deemed SEPP)*
 - *State Environmental Planning Policy No. 64 (Advertising Signage)*
 - *State Environmental Planning Policy (Infrastructure) 2007*
 - *Penrith Interim Development Order No. 83*
- (ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority
- *Draft State Environmental Planning Policy (Competition) 2010*
 - *Draft Penrith Local Environmental Plan 2010 – Stage 2*
- (iii) any relevant development control plan
- Penrith Development Control Plan 2006

The Panel was provided with three submissions were made in accordance with the Act, which objected to the proposal. In making the decision, the Panel considered all of those submissions.

In making the decision, the Panel considered the following material:

1. Council's Assessment Report on the application received on 28 March 2014.
2. Statement of Environmental Effects prepared by PGH Environmental Planning.
3. Traffic Report prepared by Transport and Traffic Planning Associates.
4. Statement of Landscape intent prepared by UmbaCo.
5. Environmental Noise Assessment prepared by Marshall Day Acoustics.
6. Access Report prepared by Accessibility Solutions Pty Ltd.
7. Architectural Plans, Acoustic Fence Treatment, Landscape Plan, Shadow Diagrams, Perspectives and Photomontage prepared by Richard Hogan & Co Pty Ltd.

8. The Panel was provided with three written submissions made in accordance with the Act, all of which objected to the proposal. In making the decision, the Panel considered these submissions.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 10 April 2014:

1. A submission addressing the Panel against details of the application: Julie Graham, Senior Constable, Penrith Police. Senior Constable Graham found the security arrangements to be unsatisfactory and with her assistance the panel and the applicant agreed upon strict additional conditions (see condition 80).

A further requiring basement parking and certain types of shops did not relate to any legal grounds for refusal and the Council explained why underground parking could not be achieved.

The applicant agreed to meet with the Cranebrook Advisory Board to discuss outcomes sought by the Board.

2. Submissions addressing the Panel in favour the application: The applicant - Paul Allinson, the developer addressed the panel and explained the reasons for the current design, agreed to accept the security conditions now contained within the Council's conditions of consent and agreed to participate in meetings with the local people of the area.

The Panel has carefully considered all of the material referred to in Section B.

C. Findings on material questions of fact

(a) Environmental planning instruments. The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B above.

(b) Development control plan. The Panel has considered the Penrith Development Control Plan 2006 referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the Development Control Plan.

(c) Likely environmental impacts on the natural environment. In relation to the likely environmental impacts of the development on the **natural** environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the **natural** environment in Council's Assessment Report.

(d) Likely environmental impacts of the development on the built environment. In relation to the likely environmental impacts of the development on the **built** environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the **built** environment in Council's Assessment Report.

(e) Likely social and economic impacts. In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in Council's Assessment Report.

The manner in which this application is to be staged will provide for the social welfare of residents during the building process which is very satisfactory outcome and the refurbishment of this centre is likely bring about social and economic impacts in the public interest.

(f) Suitability of site. Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

It is an existing shopping centre which is well established and the proposed changes will improve the centre's viability.

(g) Public Interest. Based on a consideration of all of the material set out in Section B and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest. In particular, the Panel is of the view that the following matters lead to the conclusion that granting consent to the development application is in the public interest.

D. Why the decision was made

The centre to be refurshiment is a public benefit in the area and the changes will improve the amenity of the centre for the local residents.

The applicant's agreement to meet the police requirements for added security will be a benefit of all those persons using the centre.

In environmental terms it is sustainable to make proposed changes to this centre which is in close proximity to a large proportion of the population.

Proposed changes to the management of the centre will bring about better control of youths after school and will increase the safety of the area.

The proposed staging is a public benefit in that the buildings works will continue around the site together with retention of essential services which is in the public interest.

The Panel unanimously approves the application subject to the conditions attached and asks the applicant to continue to be in contact with local police and Cranbrook Neighbourhood Advisory Board.



JRPP member (chair)
Mary-Lynne Taylor



JRPP member
Bruce Clarke



JRPP member
Bruce McDonald