

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Penrith City Council on 22 October 2015 at 1.30 pm

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Stuart McDonald,
Cr Ross Fowler, Glenn McCarthy

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2014SYW126 – PENRITH – DA14/1111 [73 Mulgoa Road, Penrith] as described in Schedule 1.

Date of determination: 21 October 2015

Decision:

The panel determined to approve a deferred commencement consent of the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel unanimously agrees to approve, by way of a deferred commencement consent, of the application subject to the conditions recommended by the Council and additional changes, for the following reasons:

1. The proposed development will provide additional parking capacity to service current club and recreation activities for the development proposed in the current application and for later planned stages of development. It will also provide short stay accommodation capacity that will add to the City's visitor attractions.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 remediation of Land and SEPP (Infrastructure) 2007.
3. The proposal will adequately satisfy the provisions and objectives of Penrith LEP 2010 and Penrith DCP 2014. In this regard the Panel notes that a deferred commencement of the consent is installed to enable satisfactory building design amendments to be prepared and agreed by Council's Development & Environmental Health Manager. As the site is floodprone the flooding impacts have been considered on the basis of the impacts of the development proposed, and future development of the site will need to consider cumulative impacts of this and other developments within the Panthers Precinct.
4. The proposed development will have no significant adverse impacts on the natural or built environments including the amenity of nearby residential premises, loss of views or the operation of the local road network.
5. In consideration of conclusions 1-4 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

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Conditions: The development application was approved by the Panel as a deferred commencement consent. The deferred commencement consent is subject to the following:

1. Schedule 1 Deferred Commencement

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The conditions below are to be satisfied within a period of 12 months in order for the consent to become operational.

(A). Prior to the issue of an Operational Consent revised plans are to be submitted to Penrith City Council that provide for Architectural Excellence to the Serviced Apartment Building through the below treatments to the northern façade:

- Wrapping of balconies around corners from the western and eastern facades;
- Provision of full height windows to living room areas on the northern façade;
- Removal of vertical screen elements on the northern façade;
- Cutting back of the roof form at the upper level to downplay the visual scale at the upper level.

(B). Prior to the issue of an Operational Consent a revised Acoustic Report is to be prepared that:

- Addresses the impacts of the 'IFly' facility on residents of the Serviced Apartments and provides for recommendations and mitigation measures to ensure that the noise intrusion is below relevant threshold criteria;
- Assesses the impact of traffic movements, including deliveries and waste vehicles, utilising the multideck carpark on the closest residential receivers (aged care facility) and provides for recommendations and mitigation measures to ensure that the noise intrusion is below relevant threshold criteria.

The above matters are to be informed by at least 7 days of monitoring to establish background noise levels.

- Condition 95(C) – Prior to the issue of an Operational Consent, engineering plans shall be submitted to Council's Development and Environmental Manager demonstrating the following:
 - In relation to the existing Ransley Street roundabout, suitable pedestrian safety measures and vehicle manoeuvring for the largest vehicle required to access the roundabout.
 - In relation to the western extension of Ransley Street, the width of the proposed cul-de-sac head shall accommodate the largest vehicle required to service the proposed development.

The engineering plans are to be prepared in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroad Guidelines, RMS Guidelines, RMS Technical Directions and best engineering practice.

Note: Any proposed changes in close proximity to the Mulgoa Road traffic signals may require concurrence from Roads & Maritime Services.

2. The following Conditions were deleted:

- Condition 11 – deleted
- Condition 24 – deleted (duplicate with Condition 69)
- Condition 25 – deleted (duplicate with Condition 81)
- Condition 68 – deleted
- Condition 79 – proposed to be deleted (duplicate with Condition 72)

3. The following conditions were amended:

- Condition 16 – amended to read:
Subleasing of car parking spaces, to users other than those utilising the broader Penrith Panthers site and associated uses, is not permitted. This does not prevent allocation of parking via lease agreements for individual users of the broader Penrith Panthers site.
- Condition 19 – amended to read:

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The provision of any offroad shared-use paths or on road bicycle lanes are to be in accordance with the relevant sections of Part 6A Austroads Guide to Road Design Pedestrian and Cyclist Paths; Austroads Cycling Aspects of Austroads Guides; and the NSW Bicycle Guidelines.

The provision of 14 designated bicycle parking spaces at the facility are to be provided as part of Stage 1 works and are to be in accordance with AS2890.3:1993 Bicycle Parking Facilities.

- Condition 20 – amended to read:
The Flood Evacuation Strategy is to be updated for each of the end users of the carpark, retail space, carwash, and serviced apartments in order to ensure that all operators are made aware and this strategy will form part of the flood evacuation planning across the site. The updated strategy is to be submitted to the Development and Environmental Manager for review and approval prior to the issue of an Occupation Certificate.
- Condition 61 – amended to read:
Prior to the issue of an Occupation Certificate, the applicant shall dedicate to Council any required road widening associated with satisfying part C of the deferred commencement condition. All costs associated with this dedication shall be borne by the applicant.
- Condition 67 – amended to read:
Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, the Engineering Construction Specification for Civil Works and the following criteria:

Road	Road Reserve Width	Carriageway Width	Verge	Footpath	ESA
Ransley Street Extension	21m	10.5m	2m	5m western 1.5m eastern	1 x 106

Note:

Dimensions for the proposed road detailed in the table above may differ from the roundabout works issued under S138 of the Roads Act 1993. The internal road works must consider the approved roundabout works.

- Condition 78 – amended to read:
Street lighting is to be provided for all new streets within the proposal to Penrith City Council's standards.

Panel members:

		
Mary-Lynne Taylor (Chair)	Bruce McDonald	Stuart McDonald
Cr Ross Fowler	Glenn McCarthy	

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SCHEDULE 1	
1	JRPP Reference – LGA – Council Reference: 2014SYW126 – PENRITH – DA14/1111
2	Proposed development: Staged Construction of Four (4) Storey Multi-Deck Car Park including Rooftop Parking & Ground Floor Retail Premises (3), Eight (8) Storey Serviced Apartments Building (83 Apartments), Western Extension of Ransley Street & Associated Works
3	Street address: 73 Mulgoa Road, Penrith
4	Applicant: Panthers Group Owner: Mulgoa Road (No 1) Pty Ltd
5	Type of Regional development: CIV >\$20 Million
6	Relevant mandatory considerations: • Sydney Regional Environmental Plan No. 20 – Hawkesbury / Nepean River; • Penrith Local Environmental Plan 2010; • Penrith Development Control Plan 2014 • SEPP 55 Remediation of Land • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the Environmental Planning Assessment Act 1979 or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 13 October 2015 Written submissions during public exhibition: 2 Attendance at Public Meeting: 11 Verbal submissions at the panel meeting: Support- none; Against- none; On behalf of the applicant- Ben Bacon
8	Meetings and site inspections by the panel: Site inspection, Final Briefing Meeting, Determination Meeting – 21 October 2015
9	Council recommendation: Approval subject to conditions
10	Draft conditions: As per assessment report