

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Penrith City Council** on **Thursday 17 December 2015 at 10.00 am**

Panel Members:, Bruce McDonald (Chair), Stuart McDonald, Ross Fowler and Barry Husking.

Apologies: Mary-Lynne Taylor

Declarations of Interest: Mary-Lynne Taylor declared an interest regarding item 1, on the basis that the Builder (PAYCE) is a client and is known to her.

Determination and Statement of Reasons

2015SYW019 - Penrith City Council, DA15/0026 – Mixed Use Development including 1 ground floor commercial/retail tenancy, 268 residential apartments & associated car parking, landscaping & drainage works, Lot 3105 DP 1184499, No. 1-39 Lord Sheffield Circuit, Penrith.

Date of determination: 17 December 2015

Decision:

The panel determined to approve 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 matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development will add to the supply and choice of housing, including affordable housing, within the Western Metropolitan Subregion and the City of Penrith in a location planned for additional housing development and which has ready access to the metropolitan transport services provided at Penrith Rail Station and the facilities and services provided by Penrith CBD.
2. The Panel has considered the Applicant's request to vary the development standard contained in Clause 21 of Penrith LEP 2008 relating to maximum building height and considers that compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation will not result in a building inconsistent with the scale and pattern of buildings within and planned for this locality and the development remains consistent with the underlying intent of the standard and the objectives of the zone. The Panel also notes that the height proposed now satisfies the standard contained in the LEP now applying to this land.
3. The proposed development adequately satisfies the relevant Environmental Planning Policies including SEPP (Affordable Rental Housing) 2009, SEPP 65 Design Quality of Residential Flat Development and its associated Residential Flat Design Code, SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007 and SREP20 Hawkesbury / Nepean River.
4. The proposal adequately satisfies the provisions and objectives Penrith LEP 2008 and Penrith DCP 2014.
5. The proposed development is consistent in scale and form and pattern of development planned for this locality.
6. The proposed development will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby or future residential premises, the heritage quality of the adjacent heritage item, the operation of the local road system and local water quality.
7. In consideration of conclusions 1-6 above the panel considers the proposed development is a

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suitable use of the site and approval of the proposal is in the public interest.

The development application was approved subject to the conditions recommended in the Council Assessment Report and as amended below:

Condition 6

Prior to the issue of the relevant Construction Certificate, details of the units to be provided as affordable housing shall be submitted to Penrith City Council. Prior to the issue of an Occupation Certificate, a restriction shall be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the Conveyancing Act 1919, that will ensure that the requirements of Clause 17(1) of State Environmental Planning Policy 2009 are met.

Condition 9

Prior to the issue of a Construction Certificate, an amended schedule of external materials and finishes shall be submitted to Penrith City Council for approval. This shall include provision for architectural/design treatments to the recessed ground floor blank walls presenting to Lord Sheffield Circuit.

Condition 10

Prior to the issue of a Construction Certificate, the following Crime Prevention Through Environmental Design measures shall be incorporated into the development:

Car Parking	<ul style="list-style-type: none">• A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.• All areas of the car park (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with consistent lighting to prevent shadowing or glare.• Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.• All surfaces in the car park should be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.
Residential Developments Building Identification	<ul style="list-style-type: none">• Each building entry should clearly state the unit numbers accessed from that entry.• Each individual dwelling should be clearly numbered.• Unit numbers should be clearly provided on each level.

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Building Security & Access Control	<ul style="list-style-type: none"> • Intercom, code or swipe card locks or similar must be installed for main entries to buildings including car parks. • Main entry doors for apartment buildings should be signed requesting residents to not leave doors wedged open. • Australian Standard 220 door and window locks must be installed in all dwellings including doors onto balconies, to minimise the risk of break and enter offences. • If security grills are used on windows they should be operable from inside in case of emergencies. • Ensure skylights and /or roof tiles cannot be readily removed or opened from outside. • Consider monitored alarm systems. • CCTV cameras must be provided to public areas of the development. As a minimum, cameras must be positioned to provide coverage of vehicular and pedestrian entry/exit points (including entries/exits to buildings), key thoroughfares and activity nodes as well as all areas of the car park. Signage must be provided to indicate that CCTV cameras are in operation.
Graffiti/Vandalism	<ul style="list-style-type: none"> • Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, commercial tenancies and common areas. This includes reporting incidents to police and/or relevant authorities. • Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls, the architectural screen shielding the car park etc.
Way Finding/Finding Help	<ul style="list-style-type: none"> • Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths. • Signs should indicate how to report maintenance problems in the complex. • Signs throughout the development should be large and legible, and strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
Fencing	<ul style="list-style-type: none"> • Front fences should preferably be no higher than 1.2 metres. Where a higher fence is proposed, it will only be considered if it is constructed of open materials e.g. spaced pickets, wrought iron etc. • Fence design to the ground floor units should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide.

Condition 28

The following waste requirements are to be detailed in the Construction Certificate documentation and shown on the relevant plans:

- (a) All garbage rooms shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor.
- (b) The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock.
- (c) Access doors to the garbage store rooms shall be tight fitting solid core or of non-combustible construction.
- (d) A mini platform lift shall be provided from the waste room to the vehicle turntable.
- (e) The doors to the collection room shall swing 180 degrees to allow them to be flush against the walls during transportation of bins to this room. The doors shall be lockable through an abloy key system.
- (f) A dual chute compaction system shall be implemented for the development.

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- (g) The chute location shall be nominated on the plans.
- (h) The development shall be designed to accommodate 29 x 1,100 litre bins.

Condition 31

Deleted (duplicate condition).

Condition 49 (now Condition 48)





This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$478,648.00 is to be paid to Penrith City Council prior to the issue of the first Occupation Certificate for the development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

New Condition (Condition 53)

Any reference in this consent to a Construction Certificate or Occupation Certificate is to be read as applying to the relevant Construction Certificate or relevant Occupation Certificate for the relevant stage of works (with the exception of Condition 48 which requires the payment of Section 94 contributions prior to the issue of the first Occupation Certificate). This consent permits the issue of early works Construction Certificates and/or staged Construction Certificates and any conditions referring to the relevant stage are to be read as applying to the relevant Construction Certificate for the relevant stage.

Panel members:

 Bruce McDonald	 Stuart McDonald	
 Ross Fowler	 Barry Husking	

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SCHEDULE 1

1	JRPP Reference – 2015SYW019, LGA – Penrith City Council, DA15/0026
2	Proposed development: Mixed Use Development including 1 ground floor commercial/retail tenancy, 268 residential apartments & associated car parking, landscaping & drainage works.
3	Street address: Lot 3105 DP 1184499, No. 1-39 Lord Sheffield Circuit, Penrith.
4	Applicant/Owner: Applicant – Stimson & Baker Planning. Owner: Landcom trading as UrbanGrowth NSW
5	Type of Regional development: Development has a capital investment value of \$20m
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River Catchment ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development ○ Penrith Local Environmental Plan 2010 ○ Penrith City Centre Local Environmental Plan 2008 ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Penrith Development Control Plan 2014 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report with recommended conditions of consent, Location plan, Aerial view, Architectural plans & 3D images, Landscape plans, zoning map, RMS response, heritage perspective plans, key vistas map and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • Nil.
8	Meetings and site inspections by the panel: 17 December 2015 – Site Inspection and Final Briefing Meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report.