

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at Penrith City Council on 21 May 2015 at 1.00 pm

Panel Members: Mary-Lynne Taylor, Bruce McDonald, Paul Mitchell, Cr Ross Fowler, Glenn McCarthy

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2015SYW045 – Penrith – DA15/0198 [11 Phillip Street, St Marys] as described in Schedule 1.

Date of determination: 21 May 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 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 approves the application subject to the conditions in the Council Report, and amendments as discussed at the meeting, for the following reasons:

1. The Panel has considered the Applicant's request to vary the development standard contained in clause 4.3 - Height of Buildings Penrith LEP 2010 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation is minor, will not add additional impacts to the amenity of adjoining premises, the development remains consistent with the objectives of the applicable R4 high Density Residential Zone and with the anticipated scale and form of development in the locality.
2. The proposed facility will add to the supply of affordable and social housing within the West Metropolitan Subregion and the City of Penrith in a location with ready access to metropolitan transport services and to the amenity and services offered by St. Marys Town Centre.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Affordable Housing) 2009, SEPP 65 Design Quality of Residential Flat Development and associated Residential Flat Design Code, SEPP (Infrastructure) 2007 and SEPP 55 Remediation of Land. The Panel specifically considered Section 41 of the Statement of Environmental Effects and determined that it constituted a preliminary site investigation report under CI 7(2) of SEPP 55. The Panel further determined that, subject to the removal of the small volume of landfill fill material present, the site is uncontaminated and suitable for the proposed residential use.
4. The proposal adequately satisfies the provisions and objectives of Penrith LEP 2010 and Penrith DCP 2014
5. The scale, architectural treatment and landscape treatment adopted for the proposal are consistent with the character of planned and anticipated residential development in the locality, and the Panel agrees with the Council Assessment Report that the development will not result in an isolated site being created.
6. The proposed development will have no significant adverse impacts on the natural or built environment including the amenity of nearby established dwellings, or the performance of the local road network.
7. In consideration of conclusions 1 -6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.





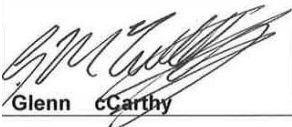
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Conditions:

The development application was approved subject to the conditions in the Council Assessment Report as amended at the meeting, and including the below additional condition which replaces proposed condition 16.

16. Prior to the issue of a Construction Certificate, the fill stockpile at the front of the site (south eastern corner) is to be removed and the area underneath the stockpile and immediately surrounding is to be validated by a suitably qualified consultant (as defined within Penrith Development Control Plan 2014) with consideration of all the relevant guidelines (e.g. EPA, ANZECC and NH&MRC), standards, planning instruments and legislation.

Panel members:

 Mary-Lynne Taylor	 Bruce McDonald	 Paul Mitchell
 Cr Ross Fowler	 Glenn McCarthy	

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SCHEDULE 1

1	2015SYW045 – Penrith – DA15/0198
2	Proposed development: Residential Flats comprising of 49 units
3	Street address: 11 Phillip Street, St Marys
4	Applicant: Warwick Stimson
5	Type of Regional development: CIV >\$5M, Private infrastructure & community facility
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Section 79C of the Environmental Planning and Assessment Act 1979; • Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River; • State Environmental Planning Policy No.55 - Remediation of Land; • State Environmental Planning Policy (Affordable Rental Housing) 2009; • State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development; • Residential Flat Design Code; • Penrith Local Environmental Plan 2010; and • Penrith Development Control Plan 2014. • 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 Environmental Planning Assessment Regulation 2000. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated 8 May 2015 Written submissions during public exhibition: 1 Verbal submissions at the panel meeting: Against- None; On behalf of the applicant- Mr Warwick Stimson (of Stimson and Baker Planning)
8	Meetings and site inspections by the panel: Briefing meeting, Site Inspection: 21 May 2015, Final Briefing: 21 May 2015, Determination Meeting: 21 May 2015
9	Council recommendation: Approve with conditions
10	Draft conditions: Minor changes to the Councils proposed conditions as negotiated with the Applicant.