

# SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Penrith City Council** on **Thursday 14 July 2016 at 5.00 pm**

Panel Members: Mary-Lynne Taylor (Chair), Bruce McDonald, Paul Mitchell, Ross Fowler and Glenn McCarthy

**Apologies:** None

**Declarations of Interest:** None

## Determination and Statement of Reasons

2016SYW007 – Penrith City Council, DA15/1475, Demolition of existing structures, construction of part six (6) and part seven (7) storey mixed use development including ground floor retail/commercial floor space, 115 residential apartments and three (3) levels of basement car parking, Lots 16, 17, 18, 19 & 20 in DP 31682 and Lots 21 & 22 in DP 215146, Nos. 29, 31 & 33 Derby Street, Nos. 34, 36 & 38 Somerset Street and No. 2 Hargrave Street, Kingswood.

**Date of determination:** 14 July 2016

**Decision: Approval.**

The Panel determined, by majority of 4:1 (M Taylor, B McDonald, R Fowler and G McCarthy, P Mitchell dissenting) to approve the development application as described in Schedule 1 pursuant to section 80 of the Environmental Planning and Assessment Act 1979.

Mr Mitchell dissented to the approval of the application for the following reasons:

- Mr Mitchell sees merit in the development concept generally but is concerned about the interface with adjoining low density development and believes a more sensitive transition should be provided, specifically:
  - Provision of an appropriate amount of deep soil landscaping at ground floor level;
  - Reduce building height and site coverage; and
  - A larger setback particularly at the northern (Hargrave Street) end of the building.

## 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 Panel Decision:

1. The proposed development will add to the future supply and choice of housing within the Western Metropolitan Subregion and Penrith local government area in a location with ready access to metropolitan transport service available from Kingswood Railway Station and the amenities and services available within Kingswood Village Centre. The proposed development will also contribute development of the Penrith Health and Education Precinct within which it is located.
2. The Panel has considered the applicant's request to vary the development standards contained in Clause 4.3 (Height of Buildings) and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation assists in providing a building that reduces impacts on present and future buildings and provides street activation and does not result in additional floor space. It is considered the development remains consistent with the objectives of the standards and the applicable B4 Mixed Use zoning of the subject site.
3. The proposed development adequately satisfies the relevant State Legislation and State Environmental Planning Policies including SEPP 65 – Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP 55 – Remediation of Land and SEPP (Infrastructure) 2007.
4. The proposal adequately satisfies the provisions and objectives of Penrith LEP 2010 and Penrith DCP 2014.

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5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby residential premises or the operation of the local road system or the development opportunity of adjoining lands.
6. In consideration of the conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

**Conditions:** The development application was approved subject to the conditions in the Council assessment report.

**Panel members:**

		
<b>Mary-Lynne Taylor</b>	<b>Bruce McDonald</b>	<b>Paul Mitchell</b>

  

		
<b>Ross Fowler</b>	<b>Glenn McCarthy</b>	

### SCHEDULE 1

1	<b>JRPP Reference – 2016SYW007, LGA – Penrith City Council, DA15/1475</b>
2	<b>Proposed development:</b> Demolition of existing structures, construction of part six (6) and part seven (7) storey mixed use development including ground floor retail/commercial floor space, 115 residential apartments and three (3) levels of basement car parking.
3	<b>Street address:</b> Lots 16, 17, 18, 19 & 20 in DP 31682 and Lots 21 & 22 in DP 215146, Nos. 29, 31 & 33 Derby Street, Nos. 34, 36 & 38 Somerset Street and No. 2 Hargrave Street, Kingswood.
4	<b>Applicant:</b> Shahidi Holdings Pty Ltd <b>Owner:</b> Louise Almazan, Jamstu Pty Ltd, Santiago Almazan, Blane Investments Pty Ltd and Rebecca McQueeny
5	<b>Type of Regional development:</b> Capital Investment Value >\$20 million
6	<p><b>Relevant mandatory considerations</b></p> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and Apartment Design Guide (SEPP 65)</li> <li>○ Penrith Local Environmental Plan (LEP) 2010</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Penrith Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built</li> </ul>

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	<p>environment and social and economic impacts in the locality.</p> <ul style="list-style-type: none"><li>• The suitability of the site for the development.</li><li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li><li>• The public interest, including the principles of ecologically sustainable development.</li></ul>
7	<p><b>Material considered by the panel:</b></p> <p>Council assessment report, Recommended conditions of consent, Location plan, Aerial view of site and zoning map extract, Architectural plans and 3D images, Landscape plans, SEPP 65 and apartment design guide checklist, Clause 4.6 variation request, Response from the NSW Department of Primary Industrial – Office of Water, Letter from Land and Housing Corporation and copy of submissions. Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"><li>• Mark Thompson and Peter Morson on behalf of the applicant.</li></ul>
8	<p><b>Meetings and site inspections by the Panel:</b></p> <p>14 July 2016 – Site Inspection and Final Briefing meeting.</p>
9	<p><b>Council recommendation:</b> Approval</p>