

## DETERMINATION AND STATEMENT OF REASONS SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	28 November 2017
<b>PANEL MEMBERS</b>	Bruce McDonald (Acting Chair), Stuart McDonald, Lindsay Fletcher, Ross Fowler and Glenn McCarthy
<b>APOLOGY</b>	Nicole Gurran
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Penrith City Council on 28 November 2017, opened at 1.30pm and closed at 1.50 pm.

### MATTER DETERMINED

Panel Reference: 2017SWT001 - LGA: Penrith, DA17/0042, Address: 46-66 O Connell Street, Caddens (AS DESCRIBED IN SCHEDULE 1).

### PANEL CONSIDERATION AND DECISION

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.

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*.

The decision was unanimous.

### REASONS FOR THE DECISION

1. The proposed concept plan will facilitate further supply and choice of housing within the Sydney Western City District and the City of Penrith in a location planned for housing development of the general scale and type to be provided by the staged development of the concept plan.
2. The Proposed concept plan adequately satisfies the relevant State Legislation and State Environmental Planning Policies including Rural Fires Act 1997, SEPP 55- Remediation of Land and SEPP (Infrastructure) 2007. It is noted subsequent staged implementation applications will require further assessment against these controls and in particular in relation to SEPP 55 a detailed investigation of contamination and required remediation prior to the granting of development consent for any development on the land.
3. The proposed development adequately satisfies the objectives and provisions of Penrith LEP 2010 and Penrith Residential DCP 2014 noting that the variations proposed relating to the provisions of Chapter E1 Caddens of the DCP are considered acceptable in the circumstances of this case. Further assessment of subsequent stage applications against these controls will be required.

4. The proposed development, which at this point does not involve physical works and subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the local ecology or riparian systems or the operation of the local road system. In that regard it is noted that subsequent staged implementation applications will require rigorous assessment of potential impacts.
5. In consideration of conclusions 1-4 above it is considered the proposed development is a suitable concept to guide development 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.

The Panel notes a memorandum dated 28 November 2017 was provided at the panel meeting in regards to the description of the development is amended as follows:

- 20 superlots including 15 residential super lots, two mixed use super lots for future commercial, retail uses or shop top housing and three public domain lots.
- Indicative road layout and access points from O Connell Street
- A maximum future residential yield for the 15 residential lots of 390 dwellings, including 70 secondary dwellings.

A new condition 9 is included to read as follows:

The maximum development yield for the 15 residential lots (zoned R3 under Penrith Local Environmental Plan 2010) is 390 dwellings, including 70 secondary dwellings.

PANEL MEMBERS	
 Bruce McDonald (Acting Chair)	 Stuart McDonald
 Lindsay Fletcher	 Ross Fowler
 Glenn McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Reference: 2017SWT001 - LGA: Penrith, DA17/0042
2	PROPOSED DEVELOPMENT	Stage 1 Development Application for a Concept Plan Establishing Indicative Subdivision Pattern, Density Projections, Infrastructure Layout and Landscape Embellishment Works.
3	STREET ADDRESS	46-66 O Connell Street, Caddens
4	APPLICANT/OWNER	Applicant – Caddens Versatile Pty Ltd Owner – Les Rohozynsky and Irene Ilkin
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River</li> <li>• Penrith Local Environmental Plan 2010</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Penrith Development Control Plan 2014</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: <b>8 November 2017</b></li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Nil</li> </ul> </li> </ul>

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection – 28 November 2017</li> <li>• Final briefing meeting to discuss council’s recommendation, 28 November 2017, 12.30pm to 1.00 pm.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Bruce McDonald (Acting Chair), Stuart McDonald, Lindsay Fletcher, Ross Fowler and Glenn McCarthy</li> <li>○ <u>Council assessment staff</u>: Belinda Borg and Robert Craig</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	<b>Approval</b>
10	DRAFT CONDITIONS	Attached to the council assessment report

