

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

<b>DATE OF DETERMINATION</b>	11 October 2017
<b>PANEL MEMBERS</b>	Bruce McDonald (Chair), Stuart McDonald, Lindsay Fletcher and Ben Price
<b>APOLOGY</b>	Ross Fowler
<b>DECLARATIONS OF INTEREST</b>	Glenn McCarthy - will not participate in this project as he is employed by the property owner – Penrith City Council

Public meeting held at Penrith City Council on 11 October 2017, opened at 1.00pm and closed at 1.30 pm.

### MATTER DETERMINED

Panel Reference: 2017SWT005 - LGA: Penrith, DA Number: 17/0334, Address: 184 Lord Sheffield Circuit, Penrith (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 on the basis of a deferred commencement consent 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 development will add to the supply and choice of housing available to the Sydney Western City District and the City of Penrith in a location with ready access to the metropolitan transport services available from Penrith Rail Station and the employment opportunities, services and amenities provided by Penrith City Centre. Further the proposal will add retail commercial and child care services to support the current and proposed residential population.
2. The Proposed development, subject to the conditions imposed, satisfies the relevant State Environmental Planning Policies including SEPP 55- Remediation of Land, SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide and SEPP (Infrastructure) 2007.
3. The proposed development adequately satisfies the objectives and provisions of Penrith LEP 2010 and Penrith DCP 2014
4. The proposed development is considered to be of appropriate scale and form adequately consistent with the projected character of the planned development North Penrith (Thornton)

estate. In this regard it is noted the proposal is consistent with the approved Project Concept Plan for Thornton Estate.

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 adjoining and nearby residential premises or the operation of the local road system.
6. In consideration of 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 with the following amendments.

Conditions 92 and 93 to be relocated and labelled deferred commencement conditions 1&2.

Condition 1 to be changed to provide correct as follows:

The document date for the following documents is to be 7th September 2017.

- Basement Plan – Issue D
- Ground Floor Plan – Issue C
- Levels 1-4 Plans – Issue C
- Level 6 Plan – Issue B
- Roof Plan – Issue B
- Section AA Plan – Issue B
- Section BB Plan – Issue B

The reason for this amendment is to accurately reference the plans subject of the consent.

Condition 12 is modified to read as follows:

- This development consent relates to the construction of the apartments building, supermarket and the pedestrian through-site link only. A separate development application shall be submitted to Penrith City Council for any future development of the site not covered by this consent. No approval is granted for the use of any commercial spaces on the ground and first floors other than the supermarket as indicated on plans or referenced within supportive reports or documentation.

The reason for this amendment is to clarify the use as a supermarket is captured by this consent.

Condition 14 is modified to read as follows:





- Prior to the commencement of any fit out works or occupation, a separate development application is to be obtained from Penrith City Council for the use of each commercial tenancy other than the supermarket, within the building

The reason for this amendment is to provide consistency with condition 12

New condition 12a is added to read as follows:

- In the case of the proposed child care centre any future application for that proposal is to provide adequate arrangement for set down and pick up parking facilities to service the child care centre.

The reason for that added condition is to secure effective and safe traffic and pedestrian conditions during set down/pick up periods of operation.

PANEL MEMBERS	
 Bruce McDonald (Chair)	 Stuart McDonald
 Lindsay Fletcher	 Ben Price

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT005 – Penrith City Council - DA17/0334
2	PROPOSED DEVELOPMENT	Six (6) Storey Mixed Use Development Including Ground Floor Retain Tenancies & Supermarket, First Floor Office Floor Space & Child Care Centre, 62 Residential Apartments & Related Resident Facilities & Basement, Level 1 & Level 2 Car Parking
3	STREET ADDRESS	184 Lord Sheffield Circuit, Penrith
4	APPLICANT/OWNER	Applicant - St Hilliers Property (Frank Katsanevas) C/- Urbis (Ryan Macindoe) Owner – Landcom
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments:</li> <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> </ul>

		<ul style="list-style-type: none"> <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>3 October 2017</b></li> <li>• Written submissions during public exhibition: 0</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 and briefing meeting 11 October 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 11 October 2017, 12.30pm to 1.00 pm.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Bruce McDonald (Chair), Stuart McDonald, Lindsay Fletcher and Ben Price.</li> <li>○ <u>Council assessment staff</u>: Clare Aslanis</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	<b>Approval</b>
10	DRAFT CONDITIONS	Attached to the council assessment report

