

DETERMINATION AND STATEMENT OF REASONS SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	1 March 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, John Griffin, Ross Fowler and Glenn McCarthy
APOLOGY	Nicole Gurran
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith City Council on 1 March 2018, opened at 4.15pm and closed at 5.35 pm.

MATTER DETERMINED

Panel Ref- 2017SWT007 - LGA: Penrith, DA Number: 17/0495, Address: 565-609 Luddenham Road, Luddenham (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 development will provide the initial stage of the planned Sydney Science Park and accordingly will provide opportunities for specialized research and development, employment and education within the Western City District and the City of Penrith. The proposal is on a site specifically planned for this use within the ambit of the future Badgerys Creek Airport and is consistent with Planning Priority W8 of the Western City District Plan.
2. The Panel considered the Applicants request to vary the development standard contained in Clause 4.3 of Penrith LEP 2010 relating to maximum building height and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as that variation will not generate unacceptable impacts on nearby premises, and remains consistent with the objectives of the standard.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Western City Employment Area) 2009, SEPP55 -Remediation of Land, SEPP (Infrastructure) 2007 and SREP No20 Hawkesbury Nepean River. The Panel notes that a Voluntary Planning Agreement has been entered into with the Minister for Planning addressing the provision of State Infrastructure.

4. The proposal adequately satisfies the applicable provisions and objectives of Penrith LEP 2010, including Cl. 7.24 relating specifically to Sydney Science Park. It is noted that LEP controls applying to this site and addressing this form of development were incorporated in the LEP upon the endorsement of the Sydney Science Park Planning Proposal by the Department of Planning and Environment. The proposal also adequately satisfies the applicable provisions of Penrith DCP 2014.
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the operation of the future Badgerys Creek Airport, the riparian systems, the operation of the local road system, the amenity of premises in locality or the Heritage significance of Luddenham Road alignment
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 revised recommended conditions of consent as outlined and presented during the determination meeting on 1 March 2018. It is noted that the amendments related to:-

Condition 1 - Floor Plan Level 1 drawing reference to read as –
FJTM-DA-SK_16_03 dated 13/4/2017.

Condition 37 - deleted

Condition 38 to read as follows –

Prior to the issue of an Occupation Certificate, the following shall be obtained:

- A certificate of compliance from the relevant licensed water supply and sewer authority demonstrating that satisfactory arrangements have been made to provide water and sewer services to the proposed development.
- A letter of compliance from the relevant network energy provider demonstrating that satisfactory arrangements have been made to service to the proposed development.
- A letter from the relevant network telecommunications provider demonstrating that satisfactory arrangements have been made for telecommunications services and future connection of optic fibre technology telecommunications for the proposed development.

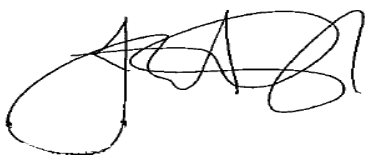




Condition 51 – deleted

Condition 68 is modified to read as follows –

Prior to the issue of an Occupation Certificate, any licence which is required to be obtained under the Water Industry Competition Act 2006 is to be obtained in accordance with the requirements of the Water Industry Competition Act 2006. Where such a “WICA” licence is required to be obtained under the Water Industry Competition Act 2006 it is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority.

A new condition is to be added relating to shortfall of car parking prior to occupation certificate is issued:

The developer is required to provide and maintain all required car parking within 400m of the site within 5 years of the issue of the occupation certificate or as otherwise agreed to in writing by Penrith City Council.

PANEL MEMBERS	
 Justin Doyle (Chair)	 John Griffin
 Bruce McDonald	 Ross Fowler
 Glenn McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT007 - LGA: Penrith, DA Number: 17/0495
2	PROPOSED DEVELOPMENT	Construction of seven (7) storey office building (“Baiada Building”) & associated earthworks, car parking, landscaping & on-site wastewater management system (proposed Lot 21)
3	STREET ADDRESS	565-609 Luddenham Road, Luddenham
4	APPLICANT/OWNER	Applicant – Celestino Developments SSP Pty Ltd Owner – Sydney Science Park Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: <ul style="list-style-type: none"> • Penrith Local Environmental Plan 2010 (Amendment 4) • State Environmental Planning Policy (Western Sydney Employment Area) 2009 • State Environmental Planning Policy No. 55 – Remediation of Land

		<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River • Draft environmental planning instruments: Nil • Development control plans: Penrith Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report with supporting documents: 16 February 2018 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Christopher Newman
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing Meeting – 28 November 2017 • Site inspection – 28 November 2017 • Final briefing meeting to discuss council's recommendation, 1 March 2018, 3.00 pm to 3.35pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, John Griffin, Ross Fowler and Glenn McCarthy. ○ <u>Council assessment staff</u>: Jane Hetherington and Gavin Cherry
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report