

DETERMINATION AND STATEMENT OF REASONS SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	29 January 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Ross Fowler and Glenn McCarthy
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith City Council on 29 January 2018, opened at 2.00pm and closed at 3.30 pm.

MATTER DETERMINED

Panel Reference: 2017SWT011 - LGA: Penrith, DA Number: 17/0766, Address: 65-73a Mulgoa Road, 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 further supply and choice of housing within the Sydney Western City District and the City of Penrith in a location with ready access to the amenities, services and metropolitan transport facilities available within Penrith Central Business District and the amenities available within the adjacent Panthers Club development.
2. The Proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55- Remediation of Land and SEPP (Infrastructure) 2007. The proposal is also considered to adequately satisfy SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide. In this regard it is noted that the orientation of the site renders full compliance with the provisions of the A.D.G. relating to day light access impractical.
3. The proposal adequately satisfies the applicable provisions and objectives of Penrith LEP 2010 (Amendment 4) and Penrith DCP 2014. The Panel notes that the proposal includes demolition of a dwelling listed as a heritage item in Schedule 5 of the Penrith LEP. In this regard the Panel, having regard to the heritage assessment undertaken by the Applicant, the additional research undertaken in the Council assessment and no objection being raised to demolition of the Item

by Council's Heritage Committee, accepts the conclusion of the assessment that a level of significance warranting retention of the item has not been established.

4. The potential overlooking from balconies has been adequately addressed by setbacks from the adjacent residences and site boundary being in excess of the Apartment Design Code minimum, landscaping and the fact that the balconies are recessed within the general building footprint.
5. The proposed development is considered to be of appropriate scale and form consistent with the existing and emerging character of the locality in which it is placed, including the Panthers Club precinct.
6. 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.
7. In consideration of conclusions 1-6 above the Panel considers that the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

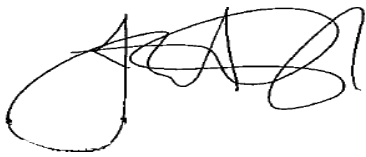
CONDITIONS

The development application was approved subject to revised recommended conditions of consent as outlined within memorandum dated 29 January 2018 as presented during the determination meeting. It is noted that the amendments related to:-

- Deletion of duplicate conditions;
- Consolidation of conditions;
- Clarification on parking design requirements; and
- Plan number and revision details for Condition 1

Condition 111 is amended to read as follows –

Prior to this consent becoming operational, Council must approve an amended drainage scheme with drainage works to be kept clear of the existing trees along the western side of Retreat Drive, unless the Council is satisfied that removal of trees is reasonable and necessary having regard to the value of those trees.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Bruce McDonald	 Ross Fowler

	
Glenn McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT011 - LGA: Penrith, DA Number: 17/0766, Address: 65-73a Mulgoa Road, Penrith
2	PROPOSED DEVELOPMENT	Demolition of existing heritage listed dwelling and construction of 2 x 4 storey residential flat buildings & 1 x part 5 storey & part 7 storey residential flat building containing 152 apartments, basement car parking & associated site works.
3	STREET ADDRESS	65-73a Mulgoa Road, Penrith
4	APPLICANT/OWNER	Applicant – Esq1818 Pty Ltd Owner – Mulgoa Road (No. 1) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: • State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy No. 55 – Remediation of Land • Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River • Penrith Local Environmental Plan 2010 • 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	• Council assessment report: 15 January 2018 • Written submissions during public exhibition: 4 • Verbal submissions at the public meeting: ○ Support – Nil ○ Object – Steve Pawlyk on behalf of the residents, Kay Moore ○ On behalf of the applicant - Michael Baker – SJB Planning and Joe Bevacqua – Cabe (Applicant).
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing Meeting – 25 October 2017 • Site inspection - 29 January 2018 • Final briefing meeting to discuss council’s recommendation, 29 January 2018, 1.05pm to 2.00 pm. • Attendees: ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Ross Fowler and Glenn McCarthy. ○ <u>Council assessment staff</u>: Gavin Cherry and Peter Wood
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

