

DATE OF DETERMINATION	6 May 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Glenn McCarthy and Ross Fowler
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith City Council on Monday, 6 May 2019, opened 3.07pm and closed at 4.32pm.

MATTER DETERMINED

Panel Ref – 2018SWT005 – LGA – Penrith – DA18/0264 at 87-93 Union Road, Penrith (as described in Schedule 1)

REASONS FOR DEFERRAL

The Panel has considered the merits of the development application having regard to the matters for consideration identified in section 4.15 of the EP&A Act, matters discussed in the Council staff assessment report, written public submissions, oral submissions at the public meeting and the email of 12 April 2019 from Mr Toomey, Principal of Design Excellence, at the NSW Government Architect to Katherine Saunders at Penrith Council.

Following that consideration, the Panel in substance saw merit in approval of the development application, but has sought confirmation that Mr Toomey's email satisfies the requirement for concurrence from the Secretary required under clause 8.4(5) of Penrith LEP 2010.

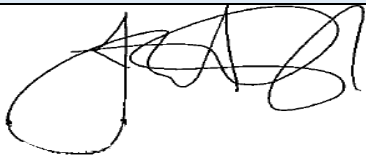




The Panel determined to defer determination of the development application until that confirmation is received, but will not require a further public meeting given the information received at the two public meetings already convened.

When the status of the 12 April 2019 email from Mr Toomey is resolved, the Panel proposes to determine the matter electronically by way of circulation of papers without a further public meeting.

Detailed reasons for the determination made including a record of the Panel's consideration of community views will be provided at that time.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision to defer the matter was unanimous.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2018SWT005 – LGA – Penrith – DA18/0264
2	PROPOSED DEVELOPMENT	Construction of a Part Twelve (12) Storey & Part Fifteen (15) Storey Mixed Use Development including Basement, Podium Level 1 & Level 2 Car Parking, Ground Floor Business and Commercial Uses, 187 Residential Apartments & Construction and Dedication of a Public Road, Stormwater Drainage, Civil and Public Domain Works & Landscaping
3	STREET ADDRESS	87-93 Union Road, Penrith
4	APPLICANT/OWNER	Applicant – Toga Penrith Development C/-Urbis Owner – Silver Star Investments (Aust) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over 30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Penrith Local Environmental Plan 2010 (Amendment 4) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

		<ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Penrith Local Environmental 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 addendum report – 23 April 2019 • Original Council assessment report: 5 March 2019 • Written submissions during public exhibition: 3 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Kathryn Saunders, Peter Wood and Paul Anzellotti ○ On behalf of the applicant – Lauren Williams, John Wayne and Harshane Kahagalle
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 25 June 2018 (1st briefing) • Briefing: 17 October 2018 (2nd briefing) • Site Inspection: 18 March 2018 • Public meeting – 18 March 2019 • Final briefing to discuss council's recommendation, 6 May 2019, 1.00pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Glenn McCarthy and Ross Fowler ○ <u>Council assessment staff</u>: Kathryn Saunders, Peter Wood,

		Wayne Mitchell and Paul Anzellotti
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report