

Panel Reference	2018SWT005
DA Number	DA18/0264
LGA	Penrith
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
Street Address	87 – 93 Union Road Penrith
Applicant	Toga Penrith Developments c/- Urbis
Owner	Silver Star Investments (Aust) Pty Ltd
Date of DA Lodgement	16 March 2018
Regional Development Criteria	Capital Investment Value > \$30M
Addendum Report Author	Kathryn Saunders, Senior Development Assessment Planner, Penrith City Council
Addendum Report Date	17 May 2019

Assessment Report Memorandum

This report provides follow up advice related to a recommended conditions of consent provided to the Panel for their advice (Attachment 6 of the Council's Addendum Report) at the meeting of the SWCPP on 6 May 2019, related to the above development application.

Council presented its assessment report addendum to the Panel at the public meeting held 6 May 2019 in relation to the subject development proposal. The Panel note in their Record of Deferral, that in substance, the Panel saw merit in the approval of the development application, but has sought confirmation that Mr Toomey's email (Attachment 2 of the Council's Addendum Report) satisfies the requirement for concurrence from the Secretary required under clause 8.4(5) of Penrith LEP 2010.

Recommended Condition 3 was the subject of some discussion at the meeting. Council seeks in this memorandum, to provide an amended set of recommended conditions that reflects the concerns raised at the meeting, in particular the Panel's position that subdivision of the subject land into two parcels (east and west) may not be essential.

There is one attachment to this memorandum, as detailed below.

- Attachment 1 – Amended recommended conditions set

1. Recommended Condition 3

The Panel acknowledged the Council's reasoning as to the recommendation that the site be the subject of a subdivision, although noted for the record, that any future proposal for development of the larger amalgamated Lot would be the subject of a future development assessment by Council.

Although Council's preference is that the subject land to which the development application relates, being part lot east (east of John Tipping Grove), be the subject of a subdivision to:

- (i) regularise its boundaries which will have frontages to four public roads, and
- (ii) remove any doubt as to the 'site area' relied upon for the purposes of assessing the written request to vary the Height of Buildings development standard under clause 4.6 of Penrith LEP,

it is agreed that an assessment as to the appropriateness of any future development proposal on the amalgamated lot will be effectual in balancing suitable bulk, scale and massing, and in this respect, should the Panel decide that the existing condition is not suitable, Council raises no objections although requests consideration of an amended Condition 3.

To ensure that the land which is identified in the development application to be dedicated as public road, is of sufficient dimensions to allow for such a dedication (and to Council's technical civil specifications), it is necessary to require that the applicant lodge and gain approval for the subdivision of land, prior to the issue of a Construction Certificate.

Further, that the subdivision certificate be registered and a copy provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

An amended recommended condition set is provided at Attachment 1. Condition 3 requires subdivision of the land and dedication of the roadway as detailed above.