

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	27 August 2018
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Nicole Gurrán, Bruce McDonald, Ross Fowler and Glenn McCarthy
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Penrith Council on 27 August 2018, opened at 4.30pm closed at 6.07pm.

#### MATTER DETERMINED

2018SWT006 – Penrith – DA18/0340, 83 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 as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

#### REASONS FOR THE DECISION

1. The proposed development will provide a major function centre with associated serviced accommodation and hotel facilities complimenting and consistent with Penrith's role as a Strategic Centre within the Sydney Western City District.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 (Remediation of Land), SEPP (Infrastructure) 2007 and State Regional Environmental Plan No.20- Hawkesbury Nepean River.
3. The proposal adequately satisfies the requirements and provisions of Penrith LEP 2010 (Amendment 4) and Penrith Development Control Plan 2014.
4. The Panel particularly notes that the proposal, subject to the imposition of certain conditions, has been assessed as being compliant with the objectives and controls of Part B Section E13 Riverlink Precinct of the DC P and compliant with the indicative distribution of land uses within the Panthers Precinct Concept Plan element of the Riverlink component of the DCP.
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 existing or proposed nearby residential premises, the significance of nearby local heritage items, local flood patterns or the operation of the local road system.

6. In regard to the impact on Mulgoa Road, which is a classified road, the Panel notes that the proposed development does not intrude on land intended for road widening and improvements, and that a Voluntary Planning Agreement has been offered by the landowner which will addresses required road upgrades to Mulgoa Road and relevant intersections at nominated trigger points during the development of the Panthers precinct. The conditions of this consent require that VPA to be executed prior to the issue of a construction certificate for the development subject of this application.
7. The proposed development is considered to demonstrate sound design qualities in its presentation to Mulgoa Road, at a key entry location to the Penrith Regional CBD centre. In this regard, the Panel was advised of the position taken by Penrith's Design Review Panel and notes that the proposal has been amended to reflect this advice.
8. In consideration of conclusions 1-7 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 council assessment report with the following proposed amendment to Condition 2(f) and additional condition relating to public domain plans.

#### **Condition 2(f) is to read as follows:**

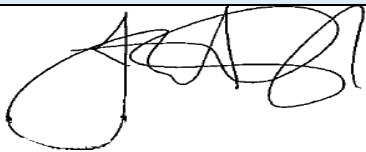

Plans are to be amended to indicate that the area of deep soil fronting Mulgoa Road and Panthers Place, adjacent to the centrally located landscaped green space, and at the intersections of Panthers Place and Ransley Street is to be widened, provided as marked in red on the stamped approved plans and landscaping plans are to be amended to indicate canopy tree planting in these locations.




#### **Recommended additional condition:**

A detailed set of public domain plans are to be submitted to and approved by the Manager of Development Services at Penrith City Council, prior to the issue of a Construction Certificate for the Western Sydney Community and Conference Centre. Plans are to include (although may not be limited to) the following:

- (a) Details of all proposed public domain works, pavement locations and design details, landscaping and the interface with internal site layout, wayfinding, and landscaping;
- (b) Detail of all lighting and services locations; and
- (c) The set of public domain plans shall include pre- and post road widening design layout and detail.

Plans are to be prepared in accordance with Section C8 Public Domain of the Penrith Development Control Plan 2014 and the Public Domain Lighting Policy, and relevant civil works specifications.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurrán

 Bruce McDonald	 Glenn McCarthy
 Ross Fowler	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SWT006 – Penrith – DA18/0340
2	PROPOSED DEVELOPMENT	Concept Proposal for a Serviced Apartments Building, a Hotel and Exhibition Space, Basement and Podium Parking, Associated Landscaping and Internal Services and Road Works with Building Envelopes up to 6 Storeys and; A Stage 1 Development for Construction of a Two Storey Function Centre known as Western Sydney Community and Conference Centre (WSCCC), Basement and Surface Parking, a Retail and Exhibition Space at Ground Floor, Landscaped Open Space and Associated Public Domain, Stormwater Drainage & Services Works
3	STREET ADDRESS	83 Mulgoa Road, Penrith
4	APPLICANT/OWNER	Applicant – Penrith Rugby League Club Limited Owner – Penrith Rugby League Club Limited
5	TYPE OF REGIONAL DEVELOPMENT	<b>General development over \$30 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Penrith Local Environmental Plan 2010 (Amendment 4)</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> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Penrith Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> </ul>

		<ul style="list-style-type: none"> <li>• Coastal zone management plan: Nil</li> <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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: August 2018</li> <li>• Written submissions during public exhibition: 1</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 – Andrew James, Bret Weston, Jack Ding, Peter Darling, Mohamed Sallam, Jessica Nagle, Dan Szwaj and Paul Manning</li> </ul> </li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing – 25 June 2018</li> <li>• Final briefing to discuss council's recommendation, 27 August 2018 – 3.25pm to 3.50pm.</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Ross Fowler and Glenn McCarthy</li> <li>○ <u>Council assessment staff</u>: Kathryn Saunders, Peter Wood and Robert Craig</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached with Council Assessment Report