

RECORD OF DEFERRAL

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	24 July 2019
PANEL MEMBERS	Nicole Gurran (Acting Chair), Bruce McDonald, Mark Grayson, Ross Fowler and Glenn McCarthy
APOLOGIES	Justin Doyle
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith City Council on Wednesday, 24 July 2019, opened 3.35pm and closed at 6.20pm.

MATTER DEFERRED

2018WCI004 - Penrith – DA18/0999, Address – 2-10 Retreat Drive, 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The Panel determined to defer the determination for the reasons outlined below.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel notes that proposed development would provide additional housing supply and choice within the City of Penrith and the Sydney Western City district with access to the services, amenities and transport facilities available within the Penrith C.B.D. and the community facilities in the immediate locality of the subject site. The proposal implements a further stage of the Panthers' Precinct Masterplan element of the Penrith Riverlink Precinct.

Further, the Panel notes that the proposed development, subject to the conditions proposed adequately satisfies the following relevant legislative requirements: the Water Act 2000, SEPP 55 (Remediation of Land), and State Regional Environmental Plan No20- Hawkesbury Nepean River as well as Penrith LEP 2010 (Amendment 4) CI7.1 Earthworks and CI7.2 - Flooding.

However, the current proposal does not adequately satisfy the provisions of SEPP (Infrastructure) 2007, in that no comment has been received from the RMS. It is noted that the RMS has requested further information to assess the application and its infrastructure requirements on its merits.






Further, the current proposal does not adequately satisfy the provisions of SEPP 65 Design Quality of Residential Flat Development, as a number of significant criteria of its associated Apartment Design Guide have not been complied with. It is considered that failure to observe these criteria would result in a standard of residential amenity not consistent with the intent of the Apartment

Design Guide. The Panel notes that the development is proposed on a greenfield site with no evident design constraints.

Having regard to these non-compliances, the Panel will defer determination of the application to allow:

1. Further communication between Council assessment staff and the RMS to secure their advice in relation to this proposal; and
2. Time for the proposed design to be amended to secure SEPP 65 / Apartment Design Guide compliance with building separation distances; balcony areas; and to improve solar access for each building.

Upon receipt of the Council addendum report, the Panel will determine the matter electronically.

PANEL MEMBERS	
 Nicole Gurrán (Acting Chair)	 Bruce McDonald
 Mark Grayson	 Ross Fowler
 Glenn McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WCI004 - Penrith – DA18/0999
2	PROPOSED DEVELOPMENT	Mixed use development and retail development – one (1) x five (5) storey mixed use building comprising 1,225sq.m of retail floor space and 82 apartments and seven (7) residential flat building's comprising four (4) or five (5) storeys containing 246 apartments, demolition works, earthworks and associated excavation, new roads, rehabilitation of existing riparian corridor, stormwater drainage and associated landscaping.
3	STREET ADDRESS	2-10 Retreat Drive, Penrith
4	APPLICANT/OWNER	Applicant – ESQ1818 Pty Ltd Owner – ESQ1818 Stage 2B Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30m

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 (State and Regional Development) 2011 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2014 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ 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: 24 July 2019 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Wendy Connell, Peter Wood and Paul Anzellotti. ○ On behalf of the applicant – Andrew James (CEO- CABA Developments), Jonathon Wood (Town Planner), Jason Pittman (CABA) and Brian Fong (Turner).
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE	<ul style="list-style-type: none"> • Site inspection and briefing: 29 January 2019

	PANEL	<ul style="list-style-type: none"> • Site inspection: 24 July 2019 • Final briefing to discuss council's recommendation, 24 July 2019, time 2.00pm • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurran (Acting Chair), Bruce McDonald, Mark Grayson, Ross Fowler and Glenn McCarthy ○ <u>Council assessment staff</u>: Wendy Connell, Peter Wood and Paul Anzellotti.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report