

<b>Panel Reference</b>	2018WCI004
<b>DA Number</b>	DA18/0999
<b>LGA</b>	Penrith
<b>Proposed Development</b>	Mixed Use Residential & Retail Development – One (1) x Five (5) Storey Mixed Use Building comprising 1,225sq.m of Retail Floor Space & 77 Apartments & seven (7) Residential Flat Buildings comprising Four (4) or Five (5) Storeys containing 243 Apartments, Demolition Works, Earthworks & Associated Excavation, New Roads, Rehabilitation of Existing Riparian corridor, Stormwater Draining, and Associated Landscaping.
<b>Street Address</b>	Lots 52, 53, 55 & 51 in DP 1246141, 2-10 Retreat Drive, Penrith
<b>Applicant</b>	ESQ1818 Pty Ltd
<b>Owner</b>	ESQ1818 Stage 2A & 2B Pty Ltd
<b>Date of DA Lodgement</b>	5 October 2018
<b>Regional Development Criteria</b>	Capital Investment Value > \$30M
<b>Addendum Report Author</b>	Wendy Connell, Senior Development Assessment Planner, Penrith City Council
<b>Addendum Report Date</b>	2 August 2019

## Assessment Report Addendum

This report provides an addendum to the Council assessment report which was presented to the Panel at the public meeting held 24 July 2019 in relation to the subject development proposal. The Panel's decision at the meeting was to defer the determination of the matter for the following reasons:

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

This report aims to address the matters raised by the Panel in the public meeting.

The applicant has provided a written response and amended plans to address the deferred matters, and RMS advice has been secured.

There are five attachments to this report, as detailed below.

- Attachment 1 – Correspondence from Think Planners dated 1 August 2019.
- Attachment 2 - Correspondence from RMS dated 1 August 2019.
- Attachment 3 - Amended architectural plans demonstrating compliance.
- Attachment 4 – Verification Statement from Turner dated 31 July 2019.
- Attachment 5 – Table of additional/amended recommended conditions.

## **1. State Environmental Planning Policy (Infrastructure) 2007**

The Panel requested that Council secure advice from RMS in relation to the development proposal to adequately satisfy the provisions of the State Environmental Planning Policy (Infrastructure) 2007. RMS in its correspondence dated 1 August 2019 (Attachment 2) raises not objections to the proposed development subject to conditions. RMS's letter has been incorporated into Condition 1.

## **2. State Environmental Planning Policy No 65 – Design Quality of Residential Apartments and Apartment Design Guide**

The applicant has submitted amended architectural plans (Attachment 3) and a Design Verification Statement (Attachment 4), which has had regard to the ADG design amendments sought by the Panel in regards to building separation distances, balcony areas, and solar access.

The amended package of plans is set out as follows:

- Part 1 – Summary  
These plans are a summary of ADG compliance in regards to building separation and solar access for all buildings.
- Part 2 – Stage Plan Amendment  
These plans demonstrate the building footprint and apartment layout changes to achieve building separation, along with solar and cross vent calculations for each building.
- Part 3 – Apartment Plan Amendment  
These plans provide detailed apartment layout changes for each building.
- Part 4 – Balcony Compliance  
These plans provide balcony layouts which demonstrating compliance for buildings previous non-compliant.

An assessment of these amended plans has been undertaken, the matters raised by the Panel have been addressed, and compliance achieved with the ADG. Due to the changes required to achieve compliance, the mix of apartment type has a minor changes and the number of apartment has been reduced by 8, equalling a GFA reduction of 755 square metres.

The Panel can be satisfied that the deferred matters and other matter raised at the public meeting have be addressed and adequate conditions of consent have been recommended.

### **Recommendation**

It is recommended that the application be approved subject to the original set of recommended conditions as amended by the attached list of additional/amended conditions (Attachment 5). The revised conditions relate to:

- Updated wording in Condition1 to reference amended plans, supporting documents and the RMS letter dated 1 August 2019.
- Updated wording in conditions.
- New conditions relating to the swimming pool, flood way signage, and full set of updated architectural plans for construction certificate