

**DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL**

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| DATE OF DETERMINATION | 22 August 2019 |
| PANEL MEMBERS | Nicole Gurrán (Acting Chair), Bruce McDonald, Mark Grayson, Ross Fowler and Glenn McCarthy |
| APOLOGIES | Nil |
| DECLARATIONS OF INTEREST | Nil |

Papers circulated electronically between 14 August 2019 and 22 August 2019.

MATTER DEFERRED

2018WCI004 - Penrith – DA18/0999, Address – 2-10 Retreat Drive, Penrith (AS DESCRIBED IN SCHEDULE 1)

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to the building height; and approve the application for the reasons outlined in the council assessment report.

CONDITIONS



The development application was approved subject to the conditions in the Council Assessment Report.




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submissions made during public exhibition. The following issues were raised:

- Traffic impacts
- Retreat drive access during construction

The Panel considers that concerns raised by the objectors have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel believes that the issues raised have been addressed by appropriate conditions imposed on the consent.

| PANEL MEMBERS | |
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| Nicole Gurrán (Acting Chair) | Bruce McDonald |

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|  Mark Grayson |  Ross Fowler |
|  Glenn McCarthy | |

| SCHEDULE 1 | | |
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| 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 77 apartments and seven (7) residential flat building's comprising four (4) or five (5) storeys containing 243 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 |

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| | | <ul style="list-style-type: none"> • 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 • Council addendum report – August 2019 • Clause 4.6 variation • Written submissions during public exhibition: 2 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection and briefing: 29 January 2019 • Site inspection and Public meeting: 24 July 2019 • Electronic meeting between 14 August 2019 and 22 August 2019 |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |