

BRIEFING DETAILS

BRIEFING DATE / TIME	18 March 2019 Opening Time 12.35pm and closing time 1.02pm Site inspection undertaken before briefing
LOCATION	Penrith City Council

BRIEFING MATTER(S)

2019WCI005 – LGA – Penrith - DA18/1222, Address - 11 Barber Avenue Kingswood, Description - Nepean Private Hospital Expansion including Construction of Four (4) Storey Building containing Ground Floor Reception, Retail Premises & Undercroft Car Parking & Three (3) Levels of Consulting Rooms & Associated On-Grade Car Parking & Site Works

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Glenn McCarthy
APOLOGY	Ross Fowler
DECLARATIONS OF INTEREST	Nil

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Gemma Bennett
OTHER	Suzie Jattan – Panel Secretariat

KEY ISSUES DISCUSSED AND MATTERS TO BE ADDRESSED IN THE COUNCIL ASSESSMENT REPORT:

- RMS concurrence appears to be a prerequisite for approval (s.101 Infrastructure SEPP)
- Issues of access are important having regard to clause 101 of the Infrastructure SEPP. The Council is correct to question whether the right of way gives a right of access to the entire site in the way proposed (See *Westfield Management Limited v Perpetual Trustee Company Limited* [2007] HCA 45 233 CLR 528; 81 ALJR 1887; 239 ALR 75)).
- This raises the issue of whether owners consent is required from the owners of 84-88 Parker Street (noting the recent Court of Appeal decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245).
- Careful thought is required in relation to the design approach to the corner of the Highway and Parker Street as an important gateway location. At present a carpark with limited setbacks is located there. Input from the design review panel is appropriate.