

DETERMINATION AND STATEMENT OF REASONS 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 DETERMINED

2019WCI014 - Penrith – DA18/1260, Address – 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 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 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

1. The proposed development will result in construction of a hotel building operating in concert with the adjoining function centre. The proposal implements Stage 2 of the concept plan earlier approved for development of this element of the Panthers' Precinct master plan.
2. The Panel has considered the Applicant's request to vary the development standards contained in Cl. 4.3 Height of Buildings under Penrith LEP 2010 (Amendment 4) and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation remains consistent with the planned scope and scale of the approved concept plan, will not cause amenity impacts or view loss, remains consistent with the objectives of the SP3 Tourist Zone and the standard.
3. The proposed development subject to the conditions imposed 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.






4. The proposal adequately satisfies the requirements and provisions of Penrith LEP 2010 (Amendment 4) and Penrith Development Control Plan 2014 and is consistent with the amended concept plan applying to the subject land. It is noted that the proposed development is located clear of land to be set aside for future road widening. Further the conditions of consent provide for the Voluntary Planning Agreement arrangements between Panthers Rugby Leagues Club, Penrith Council and the RMS (which are currently being amended) to be concluded and satisfied prior to a Construction Certificate being issued.
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 premises or the operation of the local road system.
6. The proposed development is considered to be of a scale and form consistent with the existing and planned development of this sector of the Panthers Precinct. The Panel notes the proposal has been reviewed and found acceptable by Council's Urban Design Panel Review Panel.
7. In consideration of conclusions 1-6 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 as modified at the meeting on 24 July 2019 (refer conditions summary attached).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that there were no written submissions made during public exhibition.

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

1	PANEL REF – LGA – DA NO.	2019WCI014 - Penrith – DA18/1260
2	PROPOSED DEVELOPMENT	Stage 2 of an approved concept plan comprising of a 6 storey hotel and ancillary civil and landscape works
3	STREET ADDRESS	83 Mulgoa Road, Penrith
4	APPLICANT/OWNER	Applicant/Owner – Penrith Rugby League Club Limited
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 (Infrastructure) 2007 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River • Draft environmental planning instruments: Draft Environmental SEPP & Draft SEPP 55. • 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: 8 July 2019 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Kathryn Saunders ○ On behalf of the applicant – Jonathon Wood (Town Planner), Ben Bacon (Census Advisory- Development Manager), Jason

		Goggi- (Turner- Architect), Matthew Leavey- Penrith Panthers Representative.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 18 March 2019 • Site inspection: 24 July 2019 • Final briefing to discuss council's recommendation, 24 July 2019, time 1.30pm • 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>: Kathryn Saunders
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report