

DETERMINATION AND STATEMENT OF REASONS SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	19 August 2019
PANEL MEMBERS	Bruce McDonald (Acting Chair), Mark Grayson, Ross Fowler and Glenn McCarthy
APOLOGIES	Justin Doyle and Nicole Gurran
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith City Council on Monday, 19 August 2019, opened 3.05pm and closed at 3.45pm.

MATTER DETERMINED

2019WCI024 - Penrith – DA19/0237, Address – 26 Lord Sheffield Circuit, 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 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 provide additional housing supply and choice and additional commercial capacity, consistent with the concept plan adopted for the development of the Thornton Estate. The development is located with ready access to the metropolitan transport services available from Penrith rail station and the wide range of services and amenities provided within the City Centre.
2. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP 65 -Design Quality of Residential Apartment Development and its associated Urban Design Guidelines, SEPP 55 - Remediation of Land and State and Regional Environmental Plan No. 20- Hawkesbury-Nepean River. The proposal is also consistent with the adopted Flooding Adaptive Management Framework.
3. The proposal development, subject to the conditions imposed adequately satisfies the requirements and provisions of Penrith LEP 2010 (Amendment 4). The Panel considers that subject to the relevant conditions imposed the proposed exhibits design excellence. In that regard it is noted that the proposal has been reviewed by the Design Integrity Panel appointed to oversee the development of the design as required by the Government

Architect when waiving the need for a design competition. That Panel considers design excellence will be achieved.

4. The proposal is consistent with Major Project Approval- North Penrith Concept Plan applicable to the site and the relevant provisions of Penrith DCP 2014.
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 including loss of views, and no impact on the ground water system, the operation of the local road system or pedestrian movement and mobility.
6. The proposed development is considered to be of a scale and form consistent with the planned development of the Thornton Estate sector of Penrith CBD.
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 revised conditions dated 16 August 2019 with the following amendments:

Condition 5 is amended to read as follows –

Prior to the issue of a the Construction Certificate, the architectural Construction Certificate documentation, including a Final Schedule of Materials and Finishes with façade sections at a scale of 1:50 (in accordance with Schedule 1, 2(5)(f) of the Environmental Planning and Assessment Regulation 2000) is to be provided to Council's Urban Design Review Panel for ~~their~~ review and endorsement in order to ensure that the design quality of the approved plans is maintained. ~~throughout the construction of the development.~~

Condition 63 is amended to read as follows –





Prior to the commencement of any works, and prior to the issue of a Construction Certificate, the principal certifying authority is to ensure that a letter has been received from the Manager of Development Services, Penrith City Council, attesting that the development is consistent with the Adaptive Management Framework and dwelling thresholds detailed in the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre, published by the Department of Planning and Environment on 28 June 2019, in accordance with clause 92(1)(f) of the Environmental Planning and Assessment Regulation 2000. The abovementioned letter is to be dated no earlier than 3 months prior to the issue of the Construction Certificate or commencement of works.

CONSIDERATION OF COMMUNITY VIEWS

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

- Building height;
- Amenity impacts;
- Overpopulation of estate;
- Traffic;
- Fire hazard;
- Additional retail space not required in proximity to City Centre.

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.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI024 - Penrith – DA19/0237
2	PROPOSED DEVELOPMENT	Ten storey mixed use development containing 141 residential units, one commercial premises, part at grade car parking and two levels of basement car parking.
3	STREET ADDRESS	26 Lord Sheffield Circuit, Penrith
4	APPLICANT/OWNER	Urban Apartments 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 Flat Development ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Penrith Local Environmental Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment</i>

		<p><i>Regulation 2000: Nil</i></p> <ul style="list-style-type: none"> • 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: 19 August 2019 • Written submissions during public exhibition: 27 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Glen Blanchette and John Ha ○ Council assessment officer – Gemma Bennett and Kathryn Saunders ○ On behalf of the applicant – Adam Byrnes and Patrick Ellise
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 17 June 2019 • Final briefing to discuss council's recommendation, 19 August 2019, time 2.30pm • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u> Bruce McDonald (Acting Chair), Mark Grayson, Ross Fowler and Glenn McCarthy ○ <u>Council assessment staff</u>: Gemma Bennett and Kathryn Saunders
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report