

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

<b>DATE OF DETERMINATION</b>	16 September 2019
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Jeni Pollard and Glenn McCarthy
<b>APOLOGIES</b>	Ross Fowler
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Penrith City Council on Monday, 16 September 2019, opened 3.35pm and closed at 5.30pm.

### MATTER DETERMINED

2019WCI028 - Penrith – DA19/0253, Address – 2 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 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 provide additional housing supply and choice including the provision of affordable housing, consistently 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 proposed 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 proposal 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 and by Council's Urban Design Review Panel.

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, the ground water system, 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 existing and planned development of the Thornton Estate sector of Penrith CBD.
7. An important issue of the impact of the proposed height and resulting view impact was raised in both the written objections and in the presentation by Matt Stofmeel who presented to the Panel meeting. The Panel was ultimately of the view that the height of the building was acceptable given that it complied with the height standard applicable to the site adopted by the past approval of the concept plan for the site by the Council. In that context it is noted that the design of the subject building has been articulated to preserve limited northern view aspects and solar access for the upper levels of buildings to the south.
8. In consideration of conclusions 1-7 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 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:

- Building heights and their impacts on views and solar access;
- Amenity impacts;
- Overpopulation of estate;
- Resulting adverse traffic impacts.

Subject to the comments above, the Panel considers that concerns raised by the objectors have been adequately addressed in the assessment.

<b>PANEL MEMBERS</b>
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Justin Doyle (Chair)	Nicole Gurrán
	
Bruce McDonald	Glenn McCarthy
	
Jeni Pollard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI028 - Penrith – DA19/0253
2	PROPOSED DEVELOPMENT	Ten storey residential flat building containing 173 apartments, part at grade car parking and three levels of basement car parking.
3	STREET ADDRESS	2 Lord Sheffield Circuit, Penrith
4	APPLICANT/OWNER	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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Penrith Local Environmental Plan 2010 (Amendment 4)</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Penrith Local Environmental Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment</i></li> </ul>

		<p><i>Regulation 2000: Nil</i></p> <ul style="list-style-type: none"> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 16 September 2019</li> <li>• Written submissions during public exhibition: 7</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Matt Stofmeel</li> <li>○ Council assessment officer – Gemma Bennett</li> <li>○ On behalf of the applicant – Nil</li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection and briefing: 17 June 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran</li> <li>○ <u>Council assessment staff</u>: Gemma Bennett</li> </ul> </li> <li>• Final briefing to discuss council's recommendation, 16 September 2019, time 2.30pm</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Jeni Pollard and Glenn McCarthy</li> <li>○ <u>Council assessment staff</u>: Gemma Bennett</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report