

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 16 November 2020, 3:17pm and 3:55pm
LOCATION	Teleconference Call

BRIEFING MATTER(S)

PPSSWC-105 – Penrith City Council – DA20/0550 – 46-66 O'CONNELL STREET CADDENS 2747 – Staged Subdivision comprising x 160 Residential Lots, x 2 Residue Lots, Bulk Earthworks and Civil Works including Roads and Drainage, New Park and Associated Landscaping Works

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Jeni Pollard and Ross Fowler
APOLOGIES	Glenn McCarthy
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Jane Hetherington and Kate Smith
OTHER	Melissa Felipe – Panel Secretariat

KEY ISSUES DISCUSSED

Clause 4.1 of Penrith LEP nominates a minimum lot size of 400m² and a minimum frontage of 12m in the R3 zone (for non-battle-axe lots). The objectives of the clause are stated to be:

- to ensure that lot sizes are compatible with the environmental capabilities of the land being subdivided,
- to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
- to ensure that lot sizes and dimensions allow developments to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views,
- to regulate the density of development and ensure that there is not an unreasonable increase in the demand for public services or public facilities,
- to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

The density of the proposal would if approved involve a substantial departure from those minimums. In particular, some of the lots reduce the minimum lot frontage to 10 metres. The smallest lot area proposed is 270m² or a 35% variation.

Planning Panels Secretariat

For a large subdivision such as this one, some departures from the development standard minimums on a number of sites might be amenable to approval through the exception allowance under clause 4.6 if the subdivision could be shown nonetheless to still result in the form of development envisaged by the zoning and the controls.

However, the extent of the departures in this DA indicate a different form of development to that anticipated by the zoning and the lot size mapping.

The clause 4.6 request calls for a “merit assessment” of lot size by pointing to the minimum density indicated for Caddens in the order of 15 dwellings per ha, and a previous Concept Plan approval for part of the site for a different form of development.

These arguments seem more appropriately harnessed in support of a planning proposal, the assessment of which invokes the site specific and strategic merit of altering the controls for an area of land. Issues arising from the split zoning of the site could be addressed at the same time. Notably, the EP&A Act expressly allows for the making of a development application for development that may only be carried out if an LEP is appropriately amended (see s.3.39). A concurrent planning proposal and development application might provide advantages.

While any application will need to be assessed on its merits after it is made, there do appear to be reasonable strategic and site specific arguments for reducing lot sizes for an integrated development of this large site. If increased densities are to be permitted in this area, a site adjacent to a university and a shopping centre would have advantages as a location for that increased density.

When densities are increased across a large site such as this, there may be other considerations relevant to the staging of development in the area which ought to be considered. For example, it may be that some diversity in the form of development on the site would better accommodate an increased density of population and deliver a better planning outcome.

There are also some design issues which seem to require attention, such as the need to adapt the development proposal to the topography of the site to manage level transitions and resulting retaining walls.

TENTATIVE PANEL MEETING DATE: N/A