COUNCIL ASSESSMENT REPORT

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| **Panel Reference** | **PPSSWC-121** |
| **DA Number** | **DA20/0824** |
| **LGA** | **Penrith City Council** |
| **Proposed Development** | **Demolition of Existing Structures, Tree Removal & Construction of Two (2) Residential Flat Buildings (5 Storey Building & 6 Storey Building) comprising of 128 Apartments, above Two (2) Basement Levels** |
| **Street Address** | **No. 46 Evan Street, Penrith** |
| **Applicant/Owner** | **Devcon Partners Pty. Ltd. / Alison, Mathew & Shirley Freeburn** |
| **Date of DA lodgement** | **7 December 2020** |
| **Total number of Submissions** **Number of Unique Objections** | * 4
* 4
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| **Recommendation** | **Refusal** |
| **Regional Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021)** | **Capital Investment Value of the proposed development is more than $30 million** |
| **List of all relevant s4.15(1)(a) matters** | * State Environmental Planning Policy (Biodiversity and Conservation) 2021
* State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
* State Environmental Planning Policy (Planning Systems) 2021
* State Environmental Planning Policy (Precincts – Western Parkland City) 2021
* State Environmental Planning Policy (Resilience and Hazards) 2021
* State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
* Penrith Local Environmental Plan 2010
* Penrith Development Control Plan 2014
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| **List all documents submitted with this report for the Panel’s consideration** | * Architectural Plans
* Landscape Plan
* Stormwater Plans
* Statement of Environmental Effects
* Written (Clause 4.6) Request
* Flora & Fauna Assessment Report
* Supplementary biodiversity information
* Flood Study
* Tree Impact Assessment
* Waste Management Plan
* Geotechnical Report
* Noise Management Assessment Report
* Site Survey
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| **Clause 4.6 request(s)** | The proposal exceeds the maximum building height Development Standard of Clause 4.3 of the Penrith Local Environmental Plan 2010 |
| **Summary of key submissions** | * Drainage and flooding concerns
* Potential privacy impacts
* Potential overshadowing impacts
* Demolition of 'older' dwellings
* Insufficient car parking
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| **Report prepared by** | **Robert Walker, Senior Development Assessment Planner** |
| **Report date** | 14 March 2022 |
| **Summary of s4.15 matters**Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |
| **Legislative clauses requiring consent authority satisfaction**Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | **Yes** |
| **Clause 4.6 Exceptions to development standards**If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Yes** |
| **Special Infrastructure Contributions**Does the DA require Special Infrastructure Contributions conditions (S7.24)?*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | **No** |
| **Conditions**Have draft conditions been provided to the applicant for comment?*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | **No** |