

DATE OF DETERMINATION	Monday, 21 September 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Stuart McDonald and Glenn McCarthy
APOLOGIES	Ross Fowler
DECLARATIONS OF INTEREST	None

Public meeting held via Public Teleconference on 21 September 2020, opened at 11:15am and closed at 1:48pm.

MATTER DETERMINED

PPSSWC-13 – Penrith – DA19/0499 at 23, 25 Lethbridge Street, St Marys NSW – 4-Storey Affordable Housing Residential Flat Building (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.

Development application

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

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

REASONS FOR THE DECISION

1. The proposed development will add to the available stock of affordable housing within the growing area of Saint Marys which is well provided with services and amenities. The development is located with ready access to the commercial area of St Mary's which is well serviced by public transport including a major railway station.
2. The development scheme proposed has progressed through productive discussions between the Council and the developer. The result is a proposal which performs sufficiently when measured against applicable controls and will be compatible with its surroundings. The development has responded to the various issues raised by Council's Urban Design Review Panel (UDRP) meeting. The staff assessment report concluded that matters identified had largely addressed the concerns raised throughout the UDRP process. While the raised podium in the rear setback was a design feature requiring close examination, the reconfiguration of the design to mitigate amenity concerns and additional landscaping are viewed as an adequate response, particularly noting the social housing use of the site.
3. With the amendments made to the design during the assessment process, the Council advises that the development can be accommodated by the local road network. The basement carparking has been modified to accommodate Council's 9.7 metre garbage truck which results in the loss of on street parking. However, it is hard to see how Council's requirements can be met on the site

without that parking being lost. A condition of consent is included in Council's recommended conditions requiring mitigation measures to improve pedestrian safety in the carpark, including pedestrian link marking show unobstructed pedestrian access to the bin room.

4. 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 (SEPP 65), its associated Apartment Design Guide, and Regional Environmental Plan No 20- Hawkesbury- Nepean River.
5. State Environmental Planning Policy No 55—Remediation of Land has been addressed with a Preliminary Site Investigation Report indicating that the site presents no concerns. An unexpected finds policy will be required as a condition of consent.
6. The proposed development, subject to the conditions imposed adequately satisfies the requirements and provisions of Penrith LEP 2010 (Amendment 4) as discussed in the staff assessment report.
7. The Panel accepts the advice of the Council assessment that with the significant changes made to the design during the DA process, and subject to the relevant conditions imposed, the proposal demonstrates compliance with the principles of SEPP 65. A SEPP 65 Compliance Summary' report (DA002 Revision Q) prepared by Morson Group dated 19 August 2020 satisfactorily addresses the relevant principles taking into account the design modifications made in the latest plans.
8. The proposal is consistent with the relevant provisions of Penrith DCP 2014.
9. 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.
10. In consideration of conclusions 1-9 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 with changes resolved with the applicant by agreement following the determination meeting as supplied to the Secretariat by the Acting Secretary – Management Team of Council by email of 24 September 2020.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic and parking concerns
- Character of development
- Overshadowing impacts
- Privacy impacts

Those issues resulted in an initial deferral of the application to allow significant changes to be made including a reduction in the scale of the development. The panel considers that concerns raised by the community have not been adequately addressed for the reasons set out in the assessment report and that no new issues requiring assessment were raised during the final public meeting.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Stuart McDonald	 Glenn McCarthy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-13 – Penrith – DA19/0499
2	PROPOSED DEVELOPMENT	4-Storey Affordable Housing Residential Flat Building Comprising 21 Apartments with Basement Parking for 10 Cars and associated works
3	STREET ADDRESS	23, 25 Lethbridge Street, St Marys NSW
4	APPLICANT/OWNER	Applicant: Tom Zeaiter Constructions and Morson Group Owner: NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development ○ State Environmental Planning Policy No. 55 (Remediation of Land) ○ Penrith Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • 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 memo received: 24 September 2020 • Council memo received: 21 September 2020 • Council assessment report: 10 September 2020 • Written submissions during public exhibition: 4 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Council assessment officer – Kate Smith, Lucy Goldstein ○ On behalf of the applicant – Peter Morson, Ned Harper • Total number of unique submissions received by way of objection: 4

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 20 July 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Stuart McDonald, Ross Fowler and Glenn McCarthy ○ <u>Council assessment staff</u>: Lucy Goldstein, Kate Smith and Gavin Cherry ○ • Final briefing to discuss council's recommendation: Monday, 21 September 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Stuart McDonald and Glenn McCarthy ○ <u>Council assessment staff</u>: Gavin Cherry, Kate Smith and Lucy Goldstein
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report