

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 21 March 2022, 2:00pm to 3:00pm
LOCATION	Teleconference

BRIEFING MATTER(S)

PPSSWC-214 – Penrith – DA21/0945 - Demolition of Existing Structures & Staged Construction of Mixed Use Commercial & Residential Development including Eight (8) Storey Building (Building A - Great Western Highway), Six (6) Storey Building (Building B - Rodgers Street), Ground Floor Pub (Building A), Bottle Shop & Temporary Pub (Building B), 133 Residential Apartments, Rooftop Communal Open Space, Three (3) Levels of Basement Car Parking & Associated Site Works.

PANEL MEMBERS

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

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Gavin Cherry, Sandra Fagan and Robert Craig
OTHER	George Dojas – Panel Secretariat

KEY ISSUES DISCUSSED

The site is comprised of two allotments.

The Applicant has generally agreed to adopt the recommendations of the architect Brett Newbold from Council's Urban Design Review Panel.

The site is located in the Nepean Hospital 'Health and Education Precinct' which makes bonus height provisions available.

The site on the corner of Bringelly Rd and Rodgers Street raises a potential issue of site isolation which should be considered in accordance with the Court's planning principle identified in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 - external site at 17-19. Whether the adjoining site is at risk of being isolated or not, consultation between the two property owners should be encouraged. If the sites are to be developed independently, the DA design should ensure a fair result in terms of visual and acoustic privacy, and development potential, for the respective properties.

A bonus height provision applies under clause 7.11(3) of the LEP which is in the following terms:

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7.11(3) Despite clause 4.3, development consent may be granted to development on land that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.

Council has formed the view that where the height of the building does not comply with the height limit allowing for that 20% bonus, the bonus does not apply, such that any clause 4.6 variation request ought to refer to a variation from the mapped standard that applies without the bonus. The Panel suggested that the distinction may be semantic given that the 20% bonus would in any event be relevant to the clause 4.6 assessment.

Council has raised an issue of separating the residential and hotel entrances, and also queried whether there ought to be two lift cores in the building including the hotel to better service the apartments.

The “VIP” gaming area should present as clearly subsidiary to the main hotel use, with the main presentation of the hotel to be active. The Panel queries whether locating the ‘temporary’ VIP room on the corner of the southern building risks departing from that principle.

There should be a clear staging plan.

Some bicycle parking might be considered at street level to service the Hotel.

TENTATIVE DETERMINATION DATE SCHEDULED FOR JULY 2022

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4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | www.planningportal.nsw.gov.au/planningpanels