

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 26 June 2023, 2:00pm to 3:00pm
LOCATION	Videoconference

BRIEFING MATTERS

PPSSWC-236 – Penrith – DA22/0213 – 184 Lord Sheffield Circuit, Penrith - Construction of Part 13 Storey & Part 31 Storey Mixed Use Commercial & Residential Development including One (1) Level of Basement Car Parking, Five (5) Storey Podium including Ground Floor Supermarket & Retail Tenancies, First Floor Child Care Centre & Medical Facility & Four (4) Levels of Car Parking, Two (2) Residential Towers (Tower A - 241 Residential Apartments; Tower B - 75 Residential Apartments), Rooftop Plant Rooms, Through-Site Pedestrian Link & Associated Site Works.

PPSSWC-237 – Penrith – DA22/0214 – 184 Lord Sheffield Circuit, Penrith - Construction of Part 13 Storey & Part 25 Storey Mixed Use Commercial & Residential Development including One (1) Level of Basement Car Parking, Five (5) Storey Podium including Ground Floor Retail Tenancies, First Floor Commercial Tenancy & Five (5) Levels of Car Parking, Two (2) Residential Towers (Tower C - 74 Residential Apartments; Tower D - 163 Residential Apartments), Rooftop Plant Rooms & Associated Site Works.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Brian Kirk, David Kitto, Carlie Ryan, Ross Fowler
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Louise Camenzulli – her company is providing legal advice to the Applicant

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Robert Craig, Sandra Fagan, Gavin Cherry
APPLICANT	Andrew Harvey, Justyn Ng, Mark Hovey, Deborah Landes, Frank Katsanevas, Julian Venning
RSDA	Sharon Edwards. Kate McKinnon

KEY ISSUES DISCUSSED

The Applicant provided a response to the four key issues raised by the Panel in its Record of Briefing, dated 29 March 2023.

Part 3A Concept Plan

- The site is subject to a Part 3A Concept Plan, which was approved by the Minister for Planning in November 2011. However, it is also the subject of the key site amendment to the Penrith LEP in 2017.

- The development proposal is based on the key site amendment to the LEP and is the product of extensive consultation with Council.
- Nevertheless, it is inconsistent with the Part 3A Concept Plan and consequently the DA cannot be determined until this inconsistency is addressed.
- The Applicant has sought legal advice on options to address the inconsistency, which include the surrender of the concept plan, and is currently waiting for feedback from the Department of Planning and Environment on these options.

Design Excellence

- In April 2023, the Government Architect waived the requirement for an architectural design competition for the development proposal under Clause 8.4(3) of the LEP subject to conditions, including requiring the Applicant to obtain the endorsement of Design Excellence Panel for the revised plans.
- The Applicant has not complied with these conditions yet.
- The Panel noted the waiver only applied to the requirements in Clause 8.4(3) of the LEP and not to those in Clause 8.4(5).
- However, the Applicant indicated it was relying on Clause 8.7(3) of the LEP – not those in Clause 8.4(5) - to secure approval for the proposed exceedance of the maximum height controls in the LEP.

Community Infrastructure

- The Applicant has held further discussions with the commercial arm of Council since the DA was exhibited and is now waiting for feedback from Council on the revised community infrastructure proposal it made in November 2022.
- Council's assessment team noted these discussions but indicated that the Applicant should submit a formal community infrastructure offer to Council via the Planning Portal so it could be considered in the assessment of the merits of the DA. It also indicated that it is likely to renotify the DA once the formal offer is made.

Sun Access

- The Applicant has carried out further investigations into the sun access impacts of the development proposal and considers it would have less impacts than a compliant scheme on site.

NEXT STEPS

- The Applicant is to provide a response to Council and the Panel on the key issues for the assessment of the DA in the next 28 days, including feedback from the Department of Planning and Environment on the options to address the inconsistency with the Part 3A Concept Plan and feedback from the commercial arm of Penrith Council on the revised community infrastructure proposal.
- The Panel may reconvene a briefing with the Applicant and Council once it has considered this response.

Planning Panels Secretariat