

FURTHER MEMORANDUM

Reference: PPSSWC-289 (Council Reference: DA22/1080)
To: Sydney Western City Planning Panel
From: Gavin Cherry, Development Assessment Coordinator
Date: 19 July 2023

Subject: PPSSWC-289 – Council Response to the Record of Deferral issued 14 July in response to Panel meeting held 26 June 2023

Reference is made to the above-mentioned development application and the Sydney Western City Planning Panel's (**SWCPP**) Record of Deferral issued 14 July 2023, following the meeting held 26 June 2023.

Council has reviewed matters raised by the Panel in the Record of Deferral and a response is provided below.

List of Attachments

Appendix A – Council Final Recommended Conditions of Consent, dated 18 July 2023.

Appendix B – Applicant's Requested Changes to Conditions, issued to the SWCPP Secretariat, 30 June 2023.

1. Design matters

The Record of Deferral notes at point 11., that 'the Panel has unanimously resolved that the DA ought to be approved subject to conditions generally in line with those recommended by Council staff except for the following:

- (a) The Panel via majority vote supported the southern awning design 'as it had been amended and reduced in the latest design'.
- (b) The Panel via majority vote supported the proposed departure from the DCP requirement for a 15-metre setback to Compass Drive'.

In summary, the Panel concluded at point 16., that it was satisfied that the proposal complies with the applicable provisions of the Penrith LEP and the planning instruments listed in the Record of Deferral.

Whilst Council maintains its position being that the non-compliances with built form setbacks are not adequately justified, the above is noted and recommended conditions are amended as detail at point 2 below (refer also to **Appendix A**).

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2. Recommended Conditions

Notwithstanding Council's recommendation for Refusal, conditions of consent were provided (attached to Council memorandum dated 8 May 2023) to assist the Panel should consent be granted.

The Panel note at point 17. of the Record of Deferral, that the Applicant has requested changes to a number of these conditions and the Panel did not have the benefit of Council's review of the requested amendments and having regard to the position of the Panel on the design matters set out at point 1 above.

The Panel specifically note at point 18., that in relation to the Applicant's requested changes to the recommended conditions, 'the Panel is of the preliminary opinion in general principal that:

- (a) Compliance should be suitably conditioned, with compliance with conditions left to the PCA rather than requiring further assessment by Council,
- (b) Deferral of Endeavour Energy issues that will not alter the construction of the building can be left to occupation certificate stage rather than CC.
- (c) In the absence of any existing policy on the subject to date reduction in the required provision for (future) electric vehicle charging stations from 15 to 7 spaces is acceptable.
- (d) The landscaping appears to be reasonable resolved'.

Having regard to the above 2(a) through (d), and the position of the Panel described at point 1 above, a review has been undertaken of the Applicant's requested changes to Council's recommended conditions of consent is attached at **Appendix A**.

A copy of the Applicant's original requested amendments is provided at **Appendix B**.