

DATE OF DEFERRAL	30 November 2023
DATE OF PANEL BRIEFING	27 November 2023
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ross Fowler, Carlie Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 20 November 2023.

MATTER DEFERRED

PPSSWC-298 – Penrith – DA22/1086 – 172 Lord Sheffield Circuit, Penrith - Construction of Ten (10) Storey Mixed Use Commercial & Residential Development including Two (2) Storey Podium containing 14 Ground Floor Retail Premises & First Floor Commercial Floor Space, Two (2) x Eight (8) Storey Residential Towers containing 287 Residential Apartments (East Tower - 152 Units; West Tower - 135 Units), Rooftop Communal Open Space, Three (3) Levels of Basement Car Parking & Public Domain Works.

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings observed at the site inspection listed at item 8 in Schedule 1.

Integrated development

The assessment report says the development proposal is integrated development because it requires an activity approval under Section 91 of the *Water Management Act 2000* as it will interfere with the aquifer, and condition 11 of the recommended conditions requires the applicant to obtain this approval prior to the issue of the first construction certificate.

The panel was concerned that this was contrary to the statutory obligations for integrated development under Section 4.47(2) of the *Environmental Planning and Assessment Act 1979*, which requires a consent authority to obtain the general terms of any integrated development approval before granting consent to a development application.

The panel asked Council to complete the procedural steps required for integrated development under the EP&A Act as soon as possible, or alternatively provide written evidence to the panel that the development application is not integrated development.

Flexibility for the occupation of retail/commercial tenancies

The panel asked Council to amend condition 3 of the recommended conditions to make it clearer that “a separate development approval” was not restricted to obtaining development consent for the occupation of retail/commercial tenancies but could also include obtaining a complying development certificate.

Other matters

The panel was satisfied that all other relevant matters had been satisfactorily addressed in Council’s assessment report and recommended conditions, and that the development proposal has merit and warrants approval, subject to the above matters being addressed.

Deferral of determination





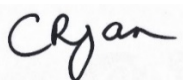
The panel agreed to defer the determination of the matter until the relevant procedural steps for integrated development had been completed.

The decision to defer the matter unanimous.

ACTIONS

To allow for the progression of the development application to determination, the Panel directed that:

1. Council is to complete the procedural steps required for the relevant integrated development approval under the EP&A Act as soon as possible, or alternatively provide written evidence to the panel that the development application is not integrated development by 6 December 2023.
2. Submit a revised assessment report and recommended conditions for the development proposal to the panel for determination by 17 January 2024.
3. The panel will then determine the development application on the papers or delegate the determination of the development application to Council.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Ross Fowler 
Carlie Ryan 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-298 – Penrith – DA22/1086
2	PROPOSED DEVELOPMENT	Construction of Ten (10) Storey Mixed Use Commercial & Residential Development including Two (2) Storey Podium containing 14 Ground Floor Retail Premises & First Floor Commercial Floor Space, Two (2) x Eight (8) Storey Residential Towers containing 287 Residential Apartments (East Tower - 152 Units; West Tower - 135 Units), Rooftop Communal Open Space, Three (3) Levels of Basement Car Parking & Public Domain Works.
3	STREET ADDRESS	172 Lord Sheffield Circuit, Penrith
4	APPLICANT/OWNER	Applicant: UPG Lord Sheffield 162 Pty Ltd Owner: Boston 42 Pty Ltd, Boston 55 Pty Ltd, Boston 66 Pty Ltd, Boston 77 Pty Ltd, Boston 88 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development 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 2021</i> 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 assessment report: 20 November 2023 Clause 4.6: Building Height standard variation. Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 13 February 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair) <u>Council assessment staff</u>: Gavin Cherry, Rhian Greenup <u>Applicant representatives</u>: Richard Boulus, Joe Strati, Patrick Elias, Stephen Gouge, Wesley Grunsell, Danny Chan, Nicole Wilson Final briefing to discuss council's recommendation: 27 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ross Fowler, Carlie Ryan

		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Wendy Connell, Gavin Cherry, Robert Craig○ <u>Applicant representatives:</u> Richard Boulus, Patrick Elias, Stephen Gouge
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report