

### BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 19 February 2024, 2:00pm to 2:40pm
LOCATION	MS teams

### BRIEFING MATTER(S)

PPSSWC-388 – Penrith – Rev23/0008 – 184 Lord Sheffield Circuit, Penrith - Review of Determination DA22/0214. Construction of Part 13 and Part 25 Storey Mixed Use Development with 2 Towers comprising 237 Apartments, Basement and Podium Parking, Retail and Commercial Tenancies. Incl offer for Community Infrastructure.

PPSSWC-389 – Penrith – Rev23/0007 – 184 Lord Sheffield Circuit, Penrith - Review of Determination DA22/0213 for Construction of Part 13 and Part 31 Storey Mixed Use Development with Basement and Podium Parking, Commercial Tenancies, 2 Towers comprising 316 Apartments. Incl offer for Community Infrastructure (CI).

### PANEL MEMBERS

IN ATTENDANCE	Paul Mitchell (Chair), Judith Clark, Scott Barwick, Glenn McCarthy
APOLOGIES	Tricia Hitchen
DECLARATIONS OF INTEREST	NIL

### OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Gavin Cherry, Robert Craig
APPLICANT	Andrew Harvey, Frank Katsanevas, Justin Ng
PLANNING PANELS SECRETARIAT	Renah Givney, Sharon Edwards, Tim Mahoney

### KEY ISSUES DISCUSSED AT SITE VISIT & BRIEFING

This SWCPP Briefing has three main objectives:

1. Understanding the Status of the DAs
2. Identifying and agreeing on the unresolved matters:
3. Subsequent responsibilities of the Applicant and Council and the relevant schedules for completion.

Record of decision from previous SWCPP was very comprehensive and informative. Main reasons for refusal were:

1. **CI Proposal** – Previous Panel seemed to be content with the CI proposal but concerns with operability due to shared nature of DA. Require:

### Planning Panels Secretariat

- Assessment not completed but still some concerns that will be put to Applicant re nature of offer that complies with statutory requirements of Clause 8.7 and definitional land use. Nature and costed embellishment work and how they operate and satisfy objectives of Clause 8.4. Most important aspect is probably need to meet Clause 8.7 requirements as these are a threshold before proceeding to other provisions. A key aspect is to demonstrate the CI's proposal's contribution to the CBD.
- The relevant Council committee will provide its opinion on the proposal to the Applicant tomorrow (20/2/2024).
- Applicant has Increased the size of CI area and received PCYC EOI for the space. Also added an additional waterplay area.
- GYDE- Currently reviewing document due to history and variation via 8.2. GYDE needs to understand what is being added from the Original DA. Applicant responded that there were some slight changes to the architectural plans as a response to overshadowing, also impacted landscape documents. Amended to reduce carpark numbers. Applicant has also lodged VPA. SWCPP asked GYDE to review plans and if anything is missing to ask the Applicant to provide accordingly.
- Local Infrastructure Working Group – SWCPP asked if they have delegated authority to accept the CI proposal or if would require a resolution to Council. The next step will be forwarding the Committee's opinions on the proposal to the assessing officers for feedback to the Applicant.
- SWCPP emphasized the need for the Applicant to address all aspects of clause 8.7. Council's officers ran through their understanding of what 8.7 requires emphasizing the importance of the Council Committee's opinions on the offer. The Applicant originally proposed a monetary contribution rather than physical infrastructure, but this was not considered appropriate as the actual infrastructure must be delivered in tandem with the rest of the new development. Other relevant considerations were:
  - Can the proposal be lawfully defined as CI?
  - Does it contribute to design excellence?
  - Do the nature and values comply with the objective of the clause?
  - To be CI must comply with Clause 8.7(6).

The SWCPP suggested that there may be merit in the application including an independent legal opinion to support their CI proposal to ensure it is compliant.

The Applicant's position is that the CI Policy and Guidelines suggest that \$2.8 million uplift is required whereas the Applicant's proposal has a value of approximately \$10 million.

2. **Design Excellence-**
  - Suitability of connecting plaza space and narrowing of the area require careful consideration.
  - CI consideration and Design Excellence go hand in hand.
  - Once GYDE has completed its assessment they will advise Council of any outstanding items, and they will communicate this to the Applicant.
3. **Operational Aspects of the Proposal-** Main concerns around staging, nature of CI offer, timing of delivery, plan of management. GYDE states that this will be addressed in their assessment report.
4. **Clause 4.6 variation request-** a revised Clause 4.6 variation request will be lodged with Council by the end of the week.
5. **Concurrence from TfNSW-** the SWCPP emphasized the need to resolve outstanding issues with TfNSW as clear advice from TfNSW that they will provide concurrence is essential for the applications to proceed. If communications issues arise the Applicant should discuss this with the Panel Secretariat who may enlist assistance from the PDU.

Council noted that the previous SWCPP determination did not include unresolved technical issues. A list of such issues is being compiled by Council and GYDE and will be provided to the Applicant as soon as possible (ie within about 10 working days of the meeting date). The SWCPP advised the Applicant to endeavor to consult with the relevant Council officers and to resolve each issue.

**DETERMINATION DATE SCHEDULED FOR 29 APRIL 2024**