

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSSWC-237</b>
<b>DA Number</b>	<b>DA22/0214</b>
<b>LGA</b>	<b>Penrith City Council</b>
<b>Proposed Development</b>	Construction of a Part 13 and Part 25 Storey Mixed Use Development with One Level of Basement Car Parking, a Five Storey Podium with Above-Ground Parking for 278 Vehicles, Retail Tenancies, a Commercial Tenancy and Two Residential Towers above. Tower C has 74 Apartments and Tower D has 163 Apartments. Proposal includes an Offer for Community Infrastructure for Upgrade Works to High Street, Penrith (Concurrent Development Application DA22/0213).
<b>Street Address</b>	<b>41, 184, and 192 Lord Sheffield Circuit, Penrith, NSW, 2750</b>
<b>Applicant/Owner</b>	Frank Katsanevas / The Trustee For The Thornton North Penrith Unit Trust
<b>Date of DA lodgement</b>	24 March 2022
<b>Number of Submissions</b>	19 submissions received
<b>Recommendation</b>	<b>Refuse</b>
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)</b>	Schedule 6(2) General development over \$30 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and Apartment Design Guide</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Penrith Local Environmental Plan 2010</li> <li>• Penrith Development Control Plan 2014</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural Drawings</li> <li>• Design Report</li> <li>• Landscape Design Report</li> <li>• Statement of Environmental Effects</li> <li>• Community Infrastructure Letter of Offer</li> <li>• Community Infrastructure Plans for High Street Penrith</li> <li>• GANSW Competition Waiver</li> <li>• Transport for NSW (Roads) Referral Response</li> <li>• Transport for NSW (Sydney Trains) Referral Response</li> <li>• SWCPP Record of Briefing 29 March 2023</li> <li>• SWCPP Record of Briefing 26 June 2023</li> <li>• SWCPP Record of Briefing 07 August 2023</li> <li>• Clause 4.6 Variation Request</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• Submitted on 25 September 2023 to vary sun access control at clause 8.2 of the Penrith LEP</li> </ul>
<b>Summary of Key Submissions</b>	<ul style="list-style-type: none"> <li>• Support for additional housing and retail</li> </ul>

	<ul style="list-style-type: none"> <li>• Inappropriate VPA and offer for community infrastructure</li> <li>• Inadequate parking</li> <li>• Traffic generation</li> <li>• Inappropriate bulk and height</li> <li>• Out of character</li> <li>• Inadequate facilities and utilities in the area</li> <li>• Construction impacts</li> </ul>
<b>Report prepared by</b>	<b>Sandra Fagan- Senior Development Planner</b>
<b>Report date</b>	27 September 2023

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Yes**

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

Have draft conditions been provided to the applicant for comment? **Not applicable**  
*Note: to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*