

**DETERMINATION AND STATEMENT OF REASONS**  
**DECISION REVIEW PANEL OF THE SYDNEY WESTERN CITY PLANNING**  
**PANEL**

<b>DATE OF DETERMINATION</b>	3 May 2024
<b>DATE OF PANEL DECISION</b>	3 May 2024
<b>DATE OF PANEL BRIEFING</b>	29 April 2024
<b>PANEL MEMBERS</b>	Paul Mitchell OAM (Chair), Judith Clark, Scott Barwick, Glenn McCarthy, Tricia Hitchen
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 22 April 2024.

**MATTERS DETERMINED**

**PPSSWC-388 – Penrith – Rev23/0008** – 184 Lord Sheffield Circuit, Penrith - Review of Determination (Refusal) of DA22/0214 for Construction of Part 13 and Part 25 Storey Mixed Use Development, One Level of Basement Car Parking, Five Storey Podium with Above-Ground Parking, Retail and Commercial Tenancies and Two Residential Towers. Tower C has 74 Apartments and Tower D has 163 Apartments. Proposal includes an Offer for Community Infrastructure for Further Embellishment Works to Proposed Through-Site Link (Concurrent Review Application Rev23/0007 for DA22/0213).

**PPSSWC-389 – Penrith – Rev23/0007** – 184 Lord Sheffield Circuit, Penrith - Review of Determination (Refusal) of DA22/0213 for Construction of Part 13 and Part 31 Storey Mixed Use Development with One Level of Basement Car Parking, Five Storey Podium with Above-Ground Parking, Through-Site Link, Retail Tenancies, Supermarket, Child Care Centre, Indoor Recreation Facility and Two Residential Towers. Tower A has 241 Apartments and Tower B has 75 Apartments. Proposal includes an Offer to Provide Community Infrastructure being an Recreation Facility (Indoor) on Level One (Concurrent Review Application Rev23/0008 for DA22/0214).

**BACKGROUND**

The panel met on 30 October 2024 to consider panel reference matters PPSSWC-236 and PPSSWC-237. The panel members were Justin Doyle (Chair), Brian Kirk, David Kitto, Carlie Ryan, Ross Fowler. Following this public meeting and the panel's decision for refusal, the applicant requested a review of the Panel's decision.

**PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Application to vary a development standard**

The panel did not determine the Applicant's request to vary clause 8.2 of the PLEP dealing with protection from overshadowing because of its decision to refuse the development application.

**Development application**

The panel determined to refuse the development applications pursuant to section 8.4 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

## REASONS FOR THE DECISION

Prior to making its determination the panel noted the importance of the application to both the City of Penrith and the Sydney metropolitan area generally, its consistency with Transport Oriented Development and that it would add to housing supply and choice thus contributing to more affordable housing. The panel was also conscious of the considerable uplift in permissible development floor space enabled by cl 8.7 of the PLEP. In this context, the panel determined to confirm the original panel's decision to **refuse** the applications for the following reasons:

- The applications do not demonstrate that the Community Infrastructure offers will provide sufficient value to Penrith city centre as required by cl 8.7(5)(c) of the PLEP. The proposed recreation facility (indoor) is on level one of its host building and largely duplicates facilities already available in the city centre; as such it will not provide additional or distinctive benefits to the community and its internalised location is likely to be perceived as a facility primarily for residents of the building not the general public. The proposed children's play facilities are a subsidiary use to the through site link and accessways to the retail, commercial and parking areas in the new building. Effective functional relationships between all of these potentially conflicting uses were not clear. Also, the proposed facilities were not seen as being substantive or distinctive infrastructure rather being like facilities provided routinely in new retail or mixed use developments.
- Certain important aspects of the plans and documentation in the application were not complete or consistent, including the absence of architectural plans for the children's play area showing inter-relationships between this and other uses of the same space, and a design verification statement consistent with the DA plans.
- The compatibility of the proposed development with the desired future character of the locality has not been appropriately demonstrated to justify the additional development density sought via clause 8.7 of the PLEP.
- In the absence of clear evidence that the nature and value of the Community Infrastructure being offered would be of benefit to the Penrith city centre, proportional to the uplift being sought in the applications, the panel considered that approvals would not be in the public interest.

## CONDITIONS





Not applicable

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Traffic and Parking
- Public Amenity
- Residential Amenity
- Increased Density Impacts
- Height, Built form and Scale
- Solar and View Impact
- Lack of Significant changes from that of original refused DA's

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Paul Mitchell OAM (Chair) 	Judith Clark 
Scott Barwick 	Glenn McCarthy 

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSSWC-388 – Penrith – Rev23/0008 & PPSSWC-389 – Penrith – Rev23/0007 – 184 Lord Sheffield Circuit, Penrith
<b>2</b>	<b>PROPOSED DEVELOPMENTS</b>	<p>PPSSWC-388 – Penrith – Rev23/0008 – 184 Lord Sheffield Circuit, Penrith - Review of Determination (Refusal) of DA22/0214 for Construction of Part 13 and Part 25 Storey Mixed Use Development, One Level of Basement Car Parking, Five Storey Podium with Above-Ground Parking, Retail and Commercial Tenancies and Two Residential Towers. Tower C has 74 Apartments and Tower D has 163 Apartments. Proposal includes an Offer for Community Infrastructure for Further Embellishment Works to Proposed Through-Site Link (Concurrent Review Application Rev23/0007 for DA22/0213).</p> <p>PPSSWC-389 – Penrith – Rev23/0007 – 184 Lord Sheffield Circuit, Penrith - Review of Determination (Refusal) of DA22/0213 for Construction of Part 13 and Part 31 Storey Mixed Use Development with One Level of Basement Car Parking, Five Storey Podium with Above-Ground Parking, Through-Site Link, Retail Tenancies, Supermarket, Child Care Centre, Indoor Recreation Facility and Two Residential Towers. Tower A has 241 Apartments and Tower B has 75 Apartments. Proposal includes an Offer to Provide Community Infrastructure being an Indoor Recreation Facility on Level One (Concurrent Review Application Rev23/0008 for DA22/0214).</p>
<b>3</b>	<b>STREET ADDRESS</b>	184 Lord Sheffield Circuit, Penrith
<b>4</b>	<b>APPLICANT/OWNER</b>	<p>Applicant: Urbis/The Trustee for the Thornton North Penrith Unit Trust/St Hilliers</p> <p>Owner: The Trustee for the Thornton North Penrith Unit Trust/St Hilliers</p>
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENTS</b>	General development over \$30 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <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 (Planning Systems) 2021</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>○ State Environmental Planning Policy (Housing) 2021</li> <li>○ Penrith Local Environmental Plan 2010</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Penrith Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Draft VPA offer by Thornton North Penrith Pty Ltd, 28 March 2024</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>:</li> </ul>

		<ul style="list-style-type: none"> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment reports: 22 April 2024</li> <li>Cause 4.6 variation requests: Height of Buildings</li> <li>Written submissions during public exhibition: PPSSWC-388 – Penrith – Rev23/0008 – 6 (six) and PPSSWC-389 – Penrith – Rev23/0007 – 7 (seven)</li> <li>Total number of unique submissions received by way of objection: PPSSWC-388 – Penrith – Rev23/0008 – 6 (six) and PPSSWC-389 – Penrith – Rev23/0007 – 7 (seven)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing and Site Inspection: 19 February 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Paul Mitchell (Chair), Judith Clark, Scott Barwick, Glenn McCarthy</li> <li><u>Council assessment staff</u>: Gavin Cherry, Robert Craig</li> <li><u>Applicant representatives</u>: Andrew Harvey, Frank Katsanevas, Justin Ng</li> </ul> </li> <li>Briefing: 11 March 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Paul Mitchell (Chair), Judith Clark, Scott Barwick, Glenn McCarthy</li> <li><u>Council assessment staff</u>: Peter Woods, Robert Craig, Tina Christy (GYDE), Camilla Firman (GYDE)</li> <li><u>Applicant representatives</u>: Andrew Harvey, Frank Katsanevas, Justin Ng, Tim Casey, Deborah Landes, Mark Hovey, Julian Venning, Andrew Hoyne, Scott Walsh, Scott Murray</li> </ul> </li> <li>Briefing: 15 April 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Paul Mitchell (Chair), Judith Clark, Scott Barwick, Glenn McCarthy, Tricia Hitchin</li> <li><u>Council assessment staff</u>: Gavin Cherry, Robert Craig, Camilla Firman (GYDE)</li> <li><u>Applicant representatives</u>: A Andrew Harvey, Frank Katsanevas, Justin Ng, Tim Casey, Deborah Landes, Mark Hovey, Julian Venning, Andrew Hoyne, Scott Walsh, Scott Murray</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 29 April 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Paul Mitchell (Chair), Judith Clark, Scott Barwick, Glenn McCarthy, Tricia Hitchin</li> <li><u>Council assessment staff</u>: Gavin Cherry, Robert Craig</li> <li><u>Applicant representatives</u>: Andrew Harvey, Frank Katsanevas, Justin Ng, Tim Casey, Deborah Landes, Mark Hovey, Luke McNamara, Andrew Farran, Andrew Hoyne, Victor Fatoretto, Jordan Parker</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATIONS	Approval
10	DRAFT CONDITIONS	Attached to the council assessment reports