COUNCIL ASSESSMENT REPORT

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| **Panel Reference** | **PPSSWC – 65** |
| **DA Number** | **DA20/0148** |
| **LGA** | **Penrith** |
| **Proposed Development** | **Construction of Part 14 Storey, Part 37 Storey Mixed Use Development including 1 Level Basement Car Parking, 5 Storey Podium Containing Car Parking, Ground Floor Commercial, 356 Residential Apartments, New Public Road & Associated Site Works** |
| **Street Address** | **87-96 Union Road, Penrith** |
| **Applicant/Owner** | Toga Penrith Developments Pty Ltd |
| **Date of DA lodgement** | 27 March 2020 |
| **Total number of Submissions** **Number of Unique Objections** | Nine in Objection |
| **Recommendation** | **Refusal** |
| **Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011** | **The proposal is General Development and has a Capital Investment Value (CIV) of greater than $30 million.** |
| **List of all relevant s4.15(1)(a) matters** | * Local Environmental Plan 2010 (Amendment 4)
* Development Control Plan 2014
* State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
* State Environmental Planning Policy (Infrastructure) 2007
* State Environmental Planning Policy (State and Regional Development) 2011
* State Environmental Planning Policy (Vegetation in non-rural areas) 2017
* State Environmental Planning Policy No 55—Remediation of Land
* State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
* Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
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| **List all documents submitted with this report for the Panel’s consideration** | * Appendix A1 – Statement of Environmental Effects
* Appendix A3 – Council Advice Letter 1 – 20 August 2020
* Appendix A4 – Council Advice Letter 2 – 4 November 2020
* Appendix A5 – Government Architect DIP Design Excellence Letter – 6 March 2020
* Appendix A6 – SJB DIP – Design Evolution Document
* Appendix A7 – SWCPP Record of Briefing – 21 September 2020
* Appendix A8 – Design Competition Brief and SJB Design Jury Report
* Appendix A9 – SJB Post Design Competition Report
* Appendix B1 – Architectural Plans 1
* Appendix B2 – Architectural Plans 2
* Appendix C1 – Landscape Plans
* Appendix D1 – Offer of Community Infrastructure – 19 February 2020
* Appendix D2 – Amended CI Offer and Attachments – 1 March 2020
* Appendix D3 – Amended CI Offer and Attachments – 17 December 2020
* Appendix G1 – TfNSW 24 August 2020 Advice Letter and Attachment A
* Appendix G2– TfNSW 27 May 2020 Advice – Attachment A
* Appendix G3 – TfNSW 27 May 2020 Advice – PTC Response Letter 29 June 2020
* Appendix G4 – TfNSW 27 May 2020 Advice
* Appendix G5 – PTC Response Letter – 12 October 2020
* Appendix H – Acoustic Report
* Appendix I – Survey
* Appendix J – Geotechnical Report
* Appendix K – Sydney Water Letter – December 2020
* Appendix K1 – Civil Works Plan
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| **Clause 4.6 requests** | N/A |
| **Summary of key submissions** | * Overall height
* Impacts of overshadowing
* Overdevelopment
* Incompatibility with Penrith landscape and character
* Traffic and Parking impacts
* Undesirable precedence
* Oversupply of apartments
* Property Value impacts
* Visual and view impacts
* Amenity impacts
* Construction vibration, noise and dust
* Impacts of basement construction
* Impacts of exhaust from podium parking
* Sustainability impacts and lack of provision of sustainable infrastructure
* PMF flooding and evacuation impacts
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| **Report prepared by** | **Kathryn Saunders, Senior Development Assessment Planner** |
| **Report date** | 14 April 2021 |
| **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? | **Not applicable** |
| **Special Infrastructure Contributions**Does the DA require Special Infrastructure Contributions conditions (S7.24)?*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | **Not applicable** |
| **Conditions**Have draft conditions been provided to the applicant for comment?*Note: in order 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* | **No** |