

MEMORANDUM

To: Sydney Western City Planning Panel
From: Kathryn Saunders, Senior Development Assessment Planner
Date: 26 May 2021

DA20/0148, Regional Panel Reference - PPSSWC-65

Subject: Construction of Part 14 Storey, Part 37 Storey Mixed Use Development including 1 Level of Basement Car Parking, 5 Storey Podium Containing Car Parking, Ground Floor Commercial, 356 Residential Apartments, New Public Road & Associated Site Works

This memorandum is provided in response to matters raised within the Sydney Western City Planning Panel's (the Panel) Record of Deferral dated Monday, 26 April 2021, in relation to the above-mentioned development application.

List of Attachments:

Appendix A – Council's Assessment Report
Appendix B – SWCPP Record of Deferral
Appendix C – Urbis Letter, dated 19 May 2021
Appendix D – Civil Plan C3-05, Revision 11

At the public meeting held by teleconference on 26 April 2021, the Panel agreed to defer the determination of the matter for a short period of time to allow the Applicant to clarify with the benefit of the Council report and the discussion of the Panel's reasons, which are listed below:

- (a) Any additional information it proposes to supply;
- (b) Any amendments it proposes to make to the development application; and
- (c) Specifically, the nature of community infrastructure to be included in the proposed development under clause 8.7 of Penrith LEP.

The panel noted that it anticipates that with the benefit of that additional information it will determine electronically whether to allow for a further deferment, or alternatively whether the development application should thereupon be approved or refused.

A copy of Council's Assessment Report recommending Refusal of the application is provided at **Appendix A**, and a copy of the Record of Deferral is included at **Appendix B**.

The Panel is advised that on 6 May 2021 the Applicant filed a Class 1 Appeal against the deemed Refusal of the development application with the NSW Land & Environment Court (LEC Proceedings No. 2021/00126870).

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In relation to (a) above the Applicant has submitted a letter from Urbis dated 19 May 2021 which is provided at **Appendix C** for the Panel's consideration.

In relation to (b) and (c) above, and as detailed in the 19 May letter, the following information was submitted:

- That all previous offers of community infrastructure are withdrawn and that a new offer comprising the following is proposed:
 - (i) Community infrastructure in the form of the construction of a north/south road on the site (but not the dedication of the road).

No changes to the design of the building or its surrounds are proposed.

1. Council response

The applicant has not addressed the matters raised within Council's Assessment Report nor responded to the matters raised in the Panel's Record of Deferral.

- The additional information supplied should not be accepted to form part of the development application.

It is recommended that the Panel determine the application with regard to Council's attached Assessment Report and its recommendation.

Kathryn Saunders
Senior Development Assessment Planner