

DATE OF DEFERRAL	Friday, 1 April 2022
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran
APOLOGIES	None
DECLARATIONS OF INTEREST	Ross Fowler: I personally know two of the owners of the properties subject to this DA matter. As such I have a conflict of interest and will be excusing myself from the panel.

Public meeting held by teleconference on 28 March 2022, opened at 2:50pm and closed at 3:50pm.

MATTER DEFERRED

PPSSWC-121 – Penrith – DA20/0824 - 96-98 Lethbridge Street & 42-46 Evan Street, Penrith. Construction of two residential flat buildings (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter until 22 April 2022 to allow for additional material to be supplied by the Applicant after conferral with the relevant Council representatives, and for that material to be reported on by Council assessment staff.

Specifically, the relevant representatives of the Applicant and the Council are to confer by Wednesday 30 March 2022, after which the following additional information is to be supplied by Wednesday 13 April 2022:

- (a) The Applicant agreed to provide survey data sought by the Council to investigate the potential for conflict between the proposed connecting vehicular accessway between the two basement garages and a Council stormwater trunk drainage line.
- (b) The Applicant is to provide an updated Part 5 report which addresses the criticisms in the Council assessment report, after Council’s consultant ecologist and the Applicant’s consultant ecologist has discussed the criticisms directly.
- (c) Council’s concerns about the resolution of the proposed design at ground level are to be addressed in additional or substituted design drawings, and Council’s reported concerns about the relationship with the adjacent heritage item, after direct conferral between the design architect and relevant Council staff (and potentially with any consequential update to the clause 4.6 request).
- (d) The landscaping plan is to be updated by nominating species which will deliver better screening of the proposal after conferral with Council’s landscape architect.

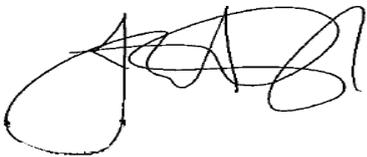
It was agreed that Council would supply relevant contact information to facilitate those discussions, and would provide an addendum communication to supplement the assessment report by 20 April 2022.

The Panel will then proceed to determine the DA based on the additional material supplied within those periods by electronic circulation of documents.

If any delay in complying with those times is anticipated the Secretariat should be informed. It will be in the discretion of the Panel to consider any material or information received late.

The decision to defer the matter was unanimous.

Notably, while the Panel considered the written submissions made by members of the public, there were no requests made to address the public meeting. The matters raised in the submissions will be addressed in the final determination report.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-121 – Penrith – DA20/0824
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures, Tree Removal & Construction of Two (2) Residential Flat Buildings (5 Storey Building & 6 Storey Building) comprising of 128 Apartments, above Two (2) Basement Levels.
3	STREET ADDRESS	46 Evan Street, Penrith.
4	APPLICANT/OWNER	Devcon Partners Pty Ltd / Alison, Matthew and Shirley Freeburn
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Precincts – Western Parkland City) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development <ul style="list-style-type: none"> ○ Penrith Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Penrith Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 15 March 2022 • The proposal exceeds the maximum building height Development Standard of Clause 4.3 of the Penrith Local Environmental Plan 2010 • Council memo 28 March 2022 • Written submissions during public exhibition: 4 <ul style="list-style-type: none"> ○ Council assessment officer - Robert Walker, Robert Craig, Gavin Cherry ○ On behalf of the applicant – Tony Jreige, Vince Hardy, Joe McLoughlin and Charlie Dahar • Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 23 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Glenn McCarthy, Ross Fowler

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Robert Walker, Robert Craig, Gavin Cherry ● Final briefing to discuss council's recommendation: 28 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran ○ <u>Council assessment staff</u>: Robert Walker, Robert Craig, Gavin Cherry ○ <u>Applicant representatives</u>: Tony Jreige
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report