



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>APPLICATION NUMBER</b>	DA18/0132– 29 – 31 Castlereagh Street Penrith
<b>DATE OF DETERMINATION</b>	11 September 2019
<b>PANEL MEMBERS</b>	The Hon. Carl Scully (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared.
<b>LISTED SPEAKER(S)</b>	Nasr Atie - CAD Plans Pty Ltd (Director and Applicant) Barbara Brown - Resident

Public Meeting held at Penrith City Council on Wednesday 11 September 2019, opened at 3:00pm.

### **Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979**

Development Application DA18/0132 at Lot 2 DP 1190616 at 29 – 31 Castlereagh Street, Penrith - Construction of a Five (5) Storey Residential Flat Building containing 17 Apartments & Two (2) Levels of Basement Car Parking.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council officers, submissions received, site observations, supplementary memo and the following plans;

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- 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

In terms of considering community views, the Panel noted there were three (3) submissions received from the public notification of the Development Application.

## Consideration of Recommendation

The Panel considered the report prepared by the assessment officer and a supplementary memorandum dated 11<sup>th</sup> September 2019 with revised concept ground floor plan and foreshadows the potential to further investigate and resolve waste management concerns raised by Council's Waste Management Section which have been outlined within the assessment report.

It is considered that the side setback non-compliance with the Apartment Design Guide to the southern adjoining property is not supportable given heritage conservation considerations and the proposal should be further amended to ensure a compliant 6.0m setback is provided for the first 15m into the site. This will necessitate further amendment of the development to achieve this setback and provide necessary ground floor waste storage and bulky waste storage provision for servicing as reflected within the revised concept plan.

Upon resolution of the above issue, the Panel finds that the proposal in terms of the amended built form, landscape design and architecture can be supported however it must still be demonstrated that resolution of waste management issues to meet the DCP and Guidelines does not unreasonably compromise these supported built form outcomes.

As such, the assessing officer's recommendation for the issue of a deferred commencement consent is not supported and it is instead resolved that the application be deferred by the Panel to enable the applicant to further liaise with Council to address the following matters:-

- Further amendment to the development to achieve a compliant 6.0m side southern boundary setback for the first 15m into the site as measured from the front property boundary;
- Further amendment of Unit 2 to accommodate an acceptable waste and bulky waste storage area similar to what is reflected within the concept plan supporting the above memorandum;
- Revision to the private open space for Unit 2 as indicated within the concept plan to provide built form / landscape separation to the proposed waste storage facilities and useable private open space areas for the use of the future residents of Unit 2;
- Amendment to the landscape plan to reflect the above design changes including paths of access from the kerb line to the waste storage areas. This includes deletion of front boundary fencing as indicated within the current architectural plans and embellished planting within the southern boundary setback zone;
- Deletion of the footpath within the southern side boundary setback zone
- Amendment to the civil design drawings to reflect the design changes referenced above;
- Submission of an amended BASIX Certificate that reflects the amended development resulting from the above requirements.

In the event that waste servicing by Council cannot be supported by Council's Waste Management Officers, a supplementary report is to be provided to the Panel that outlines the issues of concern and reasons why engagement of a private waste contractor is the only available or viable option to service the proposed development.

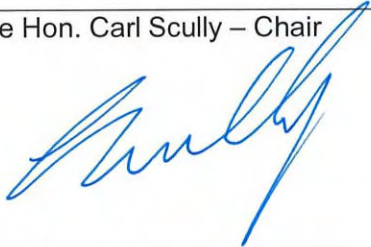



Upon resolution of the above issues, the matter be reported back and may be determined by the Local Planning Panel by way of electronic determination, subject to agreement from the Panel Chairperson.

## Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA18/0132 for Construction of a Five (5) Storey Residential Flat Building containing 17 Apartments & Two (2) Levels of Basement Car Parking at 29 – 31 Castlereagh Street Penrith be deferred for further amendments to be undertaken as outlined above.

## Votes

The decision was unanimous.

The Hon. Carl Scully – Chair 	John Brunton - Expert 
Mary-Lynne Taylor – Expert 	Stephen Welsh – Community Representative 



# MEMORANDUM

To: Local Planning Panel  
From: Lauren Van Etten, Development Assessment Planner  
Date: 11 September 2019  
Subject: DA18/0132 – 29 – 31 Castlereagh Street Penrith

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I refer to the above matter scheduled for determination with the Local Planning Panel on 11 September 2019.

## **Concept Plan – Waste Management**

In response to the deferred commencement recommendation, the applicant has provided a concept ground floor plan to incorporate a waste collection room and bulky waste collection room that better reflects the technical requirements within Council's DCP and Waste Management Guidelines.

The amended concept ground floor plan is attached for your information. The implications of the changes to the ground floor design is that now one unit has reduced in size to a studio unit and the private open space has slightly altered.

This ground floor amendment has been reviewed and spatially is in accordance with the waste requirements. There are however further amendments required with respect to the location and extent of private open space and implications on the front façade and streetscape elevation.

The submission of this plan does not satisfy the scope of amendments required by the deferred commencement conditions, however it does provide a more compliant and serviceable outcome which has the potential to support kerbside collection.

Since the finalisation and issue of the assessment report, further discussions with Council's Waste Management Officer have occurred which has identified a potential for Council's contracted Waste Service to support this development. The key remaining non compliances being inclusion of chutes and on-site collection still require a negotiated agreement which is yet to be secured.

## **Requested Condition Amendments Based on Current Recommendation**

*Deferred Commencement Condition 87(a) is recommended to be deleted and replaced as follows;*

**a) Prior to the issue of an operational consent**, revised architectural plans and landscape plan(s) shall be provided to ensure the required waste storage area is provided on ground floor within 10m of the kerb, integrated into the design of the building and in accordance with the design requirements of Penrith Council's Residential flat building waste management guidelines and C5 of Development Control Plan 2014.

In addition, any fencing within the front setback alongside private open space and/or the waste areas and waste pathway shall provide masonry or face brick pilasters with horizontal or vertical slatting.

# MEMORANDUM

*Deferred Commencement Condition 87(d) is recommended to be added as follows;*

**d) Prior to the issue of an operational consent**, the revised elevation plans shall incorporate face brickwork as per the endorsed perspective up until Level 4.

*Deferred Commencement Condition 87(e) is recommended to be added as follows;*

**e) Prior to the issue of an operational consent**, the civil design plans (stormwater management) are to be amended to ensure consistency with the finalised amended architectural drawings.

Lauren Van Etten  
**Development Assessment Planner**