

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA19/0335– 28-32 Evan Street, Penrith
<b>DATE OF DETERMINATION</b>	24 June 2020
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Christopher Hallam (Expert) Geoff Martin (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Peter Morson (Applicant/Architect) Michael Jiriaeve (Owner) Alex Krishtal (Owner)

Public Meeting held via video conference on Wednesday 24 June 2020, opened at 3:00pm.

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

Development Application DA19/0335 at Lot A DP 324069, Lot A DP 355720 and Lot 1 DP 510281 at 29 – 28-32 Evan Street, Penrith - Demolition of Existing Structures & Construction of a Five (5) Storey Residential Flat Building Containing 30 Apartments, Two (2) Levels of Basement Car Parking and Land Remediation.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers, submissions received, 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 and Apartment Design Guide
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

In terms of considering community views, the Panel noted there was one (1) submission received from the public notification of the Development Application.

## Reasons for the Decision

The majority of the Panel agreed with the assessment contained with Council's Assessment Report. In agreeing with the recommendation for approval, the Panel noted the following:-

- The development provides a building form and typology which complies with the objectives of the High Density R4 zone pursuant to Penrith Local Environmental Plan 2010;
- The development complies with all of the Development Standards within Penrith LEP 2010;
- The non-compliances identified with respect to solar access and cross-ventilation are a consequence of the allotment dimensions and orientation and are not considered to result in any significant adverse amenity impacts for future occupants, also noting other design measures addressing internal amenity;
- The proposed landscape design has been considered by Council's Independent Heritage Advisor and Urban Design Review Panel, and has been found to be sympathetic to the heritage character of adjacent heritage item;
- The building form provides a suitable scale and presentation within the streetscape, and an architectural form that is consistent with other developments within the immediate locality, and to be reasonably expected given the planning controls;
- The Council's assessment has addressed the issue of potential site isolation, and while the valuation undertaken did not address an alternative 'residual land value' approach, it nonetheless adopted a commonly-accepted 'comparative sales data' approach, and the Panel was not of the view that there was any likely significant increase in land value in the intervening period;
- Potential environmental impacts are reasonably mitigated and managed by the design and recommended conditions of consent;
- Issues of concern raised in the submission received regarding the application are not of such significance to warrant refusal of the application.

As stated above the reasons cited represent the views of the majority of the Panel. Mr Brunton holds an alternative view and considers the application should be refused for the following reasons:

- Inadequate building setback along the eastern boundary adjacent to the cemetery where balconies intrude up to 4.5 metres into the setback;
- Lack of sufficient large trees in the north-east corner at the terminus of the axial vista from the entrance to the cemetery;
- Insufficient deep soil, particularly in the north-east corner of the site where the basement allows a setback of 2 metres;
- Failure to satisfy the Apartment Design Guide criteria for natural cross ventilation (achieves 50%) and solar access (achieves 60%);
- Lack of an adequate mix of apartment sizes with too many two bedrooms apartments;



- Inadequate consideration of the cultural significance of the adjacent cemetery, and the vegetation screening being insufficient to prevent visual intrusion onto the heritage item.

**Panel Decision**

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA19/0335 at Lot A DP 324069, Lot A DP 355720 and Lot 1 DP 510281 at 29 – 28-32 Evan Street, Penrith - Demolition of Existing Structures & Construction of a Five (5) Storey Residential Flat Building Containing 30 Apartments, Two (2) Levels of Basement Car Parking and Land Remediation be approved subject to the conditions circulated to the Local Planning Panel meeting of Wednesday 24 June 2020.

**Votes**

The decision was unanimous

<p>Jason Perica – Chair</p> 	<p>John Brunton – Expert</p> 
<p>Christopher Hallam – Expert</p> 	<p>Geoff Martin – Community Representative</p> 