



Penrith Local Planning Panel

Determination and Statement of Reasons

APPLICATION NUMBER	DA17/1341
DATE OF DETERMINATION	Wednesday 28 November 2018
PANEL MEMBERS	Deborah Dearing (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Virginia Barrios (Community Representative)
APOLOGY	Nil
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKER(S)	Applicant – Jonathon Wood (Think Planners) Architect – Joe El-sabbagh (Designcorp)

Public Meeting held at Penrith City Council on Wednesday 28 November 2018, opened at 4:00pm.

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

Development Application DA17/1341 at 32 – 36 Hope Street, Penrith for Demolition of Existing Structures & Construction of Six (6) Storey Residential Flat Building containing 45 Apartments & Two (2) Levels of Basement Car Parking.

Panel Consideration

The Panel has considered the assessment report prepared by Council Officers with accompanying plans and supporting clause 4.6 variation request from the applicant.

The panel outlined the following concerns with the proposal:

- The applicant's Clause 4.6 request to vary a development standard was not considered to provide sufficient grounds for the Panel to support the variation as outlined within Clause 4.6(3) of Penrith Local Environmental Plan 2010. It was not considered that the request had adequately demonstrated that compliance is unreasonable or unnecessary in this circumstance, and a revised request to vary the building height development standard is required if a variation is to be further considered.
- It was considered that there was inadequate information within the Council's assessment report or the applicants written request to vary the development standard to explain the rationale for the 18m height limit and the building height and form expectations established by the R4 zone within the Penrith Local Environmental Plan 2010.

- It was considered that the proposed development does not adequately respond to the constrained road width of Hope Street with respect to setbacks, landscaping and building height and form.

In terms of considering community views, the Panel noted there were no submissions received from the public exhibition of the Development Application and no members of the public were present during the meeting.

Panel Determination

It was resolved that the matter be deferred for the following to occur:-




- The applicant be invited to provide a revised Clause 4.6 request to vary a development standard that considers the enforcement or extent of variation of the building height development standard in the immediate locality and further considers and addresses the implication of the proposed variation with respect to the objectives of the R4 zone.
- Council officers further consider the proposal having regard to the revised Clause 4.6 variation request once submitted, and the concerns raised by the Panel regarding setbacks, landscaping and building height and form in response to the constrained road width of Hope Street.
- The Council officers investigate options available to strategically address the narrow width of Hope Street and the intention of the R4 zoning in this location with respect to building height and form expectations, and on street car parking / traffic management implications.
- Council officers provide information regarding the policy intent of the 18 metres building height development standard and its application for development proposals where access is required to communal open space located on the roof of the building.
- That the matter be re- referred electronically to the Panel for further consideration by the 19th December 2018 for potential electronic determination, unless otherwise directed by the Chairperson.

Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA17/1341 be deferred for the reasons outlined above.

Votes

The decision was unanimous.

Deborah Dearing – Chair Person 	John Brunton – Expert 
Mary-Lynne Taylor – Expert 	Virginia Barrios - Community Representative 