

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	REV22/0008
DATE OF DETERMINATION	14 December 2022
PANEL MEMBERS	David Ryan (Chair) John Brunton (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Nil

Electronic Meeting held via video conference on Wednesday, 14 December 2022, starting at 11:00am.

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

Review of Determination Application Rev22/0009, Lot C and D DP 153855, Lot 2 DP 525160, and Lot 1 DP 567137, 608-612 High Street, Penrith – Review of Refusal Determination for DA20/0477 for Demolition of Existing Structures & Construction of Five (5) Storey Mixed Use Development including Ground Floor Commercial Floor Space, 39 Residential Apartments & Basement Car Parking

Panel Consideration

The Panel had regard to the assessment report and memorandum dated 13 December 2022 prepared by Council's independent assessment planner (external planning consultant), supporting plans and information, and the following environmental planning instruments and policies:

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

In terms of considering community views, the Panel noted there were no submissions received in response to the public notification of the Review of Determination Application.

Panel Decision

1. The Panel decision of 23 June 2022 to refuse development consent for development application DA20/0477 is confirmed.
2. The request under Clause 4.6 of Penrith Local Environmental Plan 2010 in relation to Clause 8.5 is not supported because the Panel is not satisfied that:
 - a. the applicant's written statement adequately justifies the contravention of the development standard or establishes that the objectives of the development standard will be achieved in relation to ensuring appropriate levels of amenity in terms of daylight access, outlook, view sharing, ventilation, and privacy between the proposed building and any future building on the adjoining property to the west; and
 - b. the proposed development will be in the public interest, as it is not consistent with the objectives for boundary setbacks and building separation to ensure appropriate levels of amenity in terms of daylight access, outlook, view sharing, ventilation, and privacy in Clause 11.2.5 of Penrith Development Control Plan 2014.
3. The Panel determination of 23 June 2022 in relation to development application DA20/0477 for the construction of two, five storey mixed-use buildings at 608-612 High Street, Penrith is changed by inserting the following additional Reason for Refusal, after Reason 1:

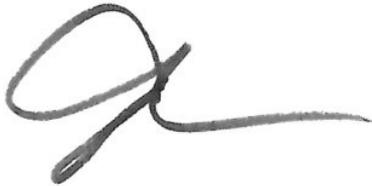
"The proposal is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the development contravenes Clause 8.5 of Penrith Local Environmental Plan 2010 in relation to building setbacks along the western boundary of the site."

Reasons for the Decision

- The review application fails to adequately address the flood mitigation planning issues identified in the initial Panel decision and the reasons for refusal.
- The Panel does not consider the submitted Clause 4.6 request to be adequate.

Votes

The decision was unanimous.

<p>David Ryan (Chair)</p> 	<p>John Brunton (Expert)</p> 
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Vanessa Howe (Community Representative)	
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Vanessa Howe