



Penrith Local Planning Panel

Electronic Determination and Statement of Reasons

APPLICATION DETAILS	DA17/1341 – 32 – 46 Hope Street, Penrith
DATE OF DETERMINATION	Tuesday 12 March 2019
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 previously declared

Background

A Public Meeting was held at Penrith City Council on Wednesday 28 November 2018. The Panel at this determination meeting outlined the following comments:

- 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 applicant's 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.

The panel deferred the application and resolved the following:

- 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.

It was resolved that the development matter be deferred with the application to 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 noting that no submissions were received to the development application.

In response to the above, an assessment report addendum and amended Clause 4.6 request was referred to the Panel on 20 December 2018 for further consideration and determination followed by a further addendum report amended architectural plans, landscape plans and revised Clause 4.6 variation request sent on 15 February 2019 for electronic determination.

Panel Determination

The Panel has further considered the Application, the supporting documentation, further addendum assessment reports and now considers the amended proposal to be non-supportable.

The Panel accepts the advice of Council officers that the intention of the development standard for an 18 metres building height was to permit 6 storey buildings, and therefore compliance with the development standard is unreasonable and unnecessary.

However, a majority of panel members (Deborah Dearing, John Brunton and Mary-Lynne Taylor) does not accept that the cl 4.6 is well founded for other reasons, namely:

The Panel is not satisfied that the proposed development is in the public interest as:

- a development with a height of 22.45 metres would not be compatible with the height, bulk and scale of the desired future character of the locality;
- it will not provide a high quality urban form;
- it will not be consistent with the objectives of the R4 zone because it will not achieve a high level of residential amenity, and does not reflect the desired future character of the area.

Ms Virginia Barrios, a minority of the Panel, accepts the cl 4.6 variation request as the applicant has addressed the relevant considerations as thoroughly as possible in the context.




Panel Decision

Pursuant to the provisions of Section 4.16 or 2.20(2) of the Environmental Planning and Assessment Act, 1979, Development Application DA17/1341 be refused.

Votes

The decision for electronic determination was unanimous.

The decision to refuse the application was by majority.

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