

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA21/0968
<b>DATE OF DETERMINATION</b>	19 April 2023
<b>PANEL MEMBERS</b>	David Ryan (Chair) Chris Hallam (Expert) Mary-Lynne Taylor (Expert) Vanessa Howe (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Denise Dobinson Warwick Stimson Colin Henry
<b>ADDITIONAL LISTED ATTENDEES</b>	Andrew Elia – Architect Tahlia Garland – Architect Melissa Wilson – Landscape Architect Nicole Manley– Heritage Consultant/ Architect Christopher Roehrig– Heritage Consultant/Architect Tram Nguyen

The above Development Application was considered at a Public Determination Meeting held via video conference on Wednesday, 19 April 2023, starting at 1.00pm.

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

Development Application DA21/0968 - Proposed Demolition of Existing Structures & Construction of Mixed Use Commercial & Residential Development including Two (2) x Seven (7) Storey Buildings (Building A - High Street; Building B - John Cram Place), Ground Floor Retail Tenancies & Upper Floor (Levels 1-4) Commercial Tenancies (Building A), 29 Residential Apartments, Two (2) Levels of Basement Car Parking & Associated Site Works, Nos. 342-350 High Street, Penrith

### Panel Consideration

The Panel had regard to the assessment report prepared by Council staff, 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 (Transport and Infrastructure) 2021
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and Apartment Design Guide

In terms of considering community views, the Panel noted there were two (2) submissions received in response to the public notification of the Development Application. The nature of the submissions are addressed within the Council's Assessment Report.

### Panel Decision

DA21/0968 - Proposed Demolition of Existing Structures & Construction of Mixed Use Commercial & Residential Development including Two (2) x Seven (7) Storey Buildings (Building A - High Street; Building B - John Cram Place), Ground Floor Retail Tenancies & Upper Floor (Levels 1-4) Commercial Tenancies (Building A), 29 Residential Apartments, Two (2) Levels of Basement Car Parking & Associated Site Works be approved subject to the recommended conditions of consent accompanying the assessment report as well as the addition of the following conditions:-

- i) **Prior to the issue of a Construction Certificate**, amended plans are to be submitted to and approved by Penrith City Council's Development Assessment Coordinator that address the following:-
  - Access aisles adjacent to parking spaces are to be a minimum of 5.8m in width.
  - Building B is required to ensure that each 3 and 4 bedroom unit is to have a minimum of 2 parking spaces. This can be a reallocation from visitor to residential parking resulting in a minimum of 1 x visitor parking spaces is required.
  - Further detail of finishes, materials and dimensions of proposed pedestrian laneway signage ensuring the signage is integral and sympathetic to the development.
- ii) **Prior to the issue of any Construction Certificate**, the basement plans shall be amended to incorporate 15 amp wiring and general purpose outlet for all residential parking spaces, including accessible parking spaces (although one charging point can be provided for multiple car spaces allocated to one unit). This amendment shall be shown on the Construction Certificate plans.
- iii) The approved signage shall be erected strictly in accordance with the manufacturer's or engineer's specifications, and the relevant Australian Standards. Any installation fixtures associated with the

signage or internal illumination shall be wholly contained within the body of the signage and not be visible from the public domain. The signage shall not be fitted with any flashing or moving lights or elements and shall not distract passing motorists or impact on visual amenity. The intensity of the signage illumination and any obtrusive effects of outdoor lighting shall be controlled in accordance with AS 4282 - Outdoor Lighting Obtrusive Effects.

The Panel has considered the applicant's Clause 4.6 requests to vary the height of building development standard, floor space ratio development standard and separation development standard within Penrith Local Environmental Plan 2010. The Panel is satisfied that:-

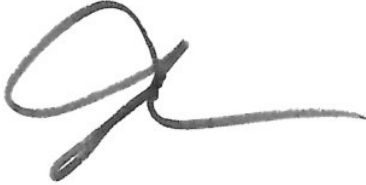


- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within the Mixed Use zone in which the development is proposed to be carried out.

### **Reasons for the Decision**

- i) The Panel agreed with the assessment of the proposal outlined within the Council's assessment report.
- ii) The proposal ensures that design excellence is achieved noting that the proposal has been the subject of review by Council's Urban Design Review Panel during Pre-Lodgement engagement, and separately endorsed by an independent Design Integrity Jury established via a waiver to the design competition provisions in the Penrith LEP 2010 by the NSW Office of the Government Architect.
- iii) The proposal presents a building scale, form and architectural design that is complimentary to the Penrith City Centre.
- iv) The proposal provides a complimentary and sympathetic design response to the adjacent listed heritage item(s).
- v) The proposed pedestrian connection to High Street and upgrade of John Cram Place provides for improved pedestrian circulation and ground level activation of, and surrounding, the development.
- vi) Appropriate conditions have been imposed to ensure the proposed development and associated works will have minimal environmental impacts and the site is suitable for the proposed development.
- vii) The Panel considered representations made during the Public Meeting concerning traffic management and overlooking of the adjoining school grounds. The Panel was satisfied that these matters were adequately addressed in the Council Officers report.

**Votes**

The decision was unanimous.

<p>David Ryan (Chair)</p> 	<p>Mary-Lynne Taylor (Expert)</p> 
<p>Chris Hallam (Expert)</p> 	<p>Vanessa Howe (Community Representative)</p> 