

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA23/0559
<b>DATE OF DETERMINATION</b>	14 May 2025
<b>PANEL MEMBERS</b>	Graham Brown (Chair) Chris Young (Expert) Awais Piracha (Expert) Vanessa Howe (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	None were registered to address the Panel
<b>LIST OF ADDITIONAL ATTENDEES</b>	Gavin Cherry – Council – Development Assessment Coordinator (Online) Katelyn Davies – Council – Panel Management Support Officer Lauren Van Etten – Council – Senior Development Assessment Officer Robert Craig – Council – Principal Planner Emma Strickland – Council – Senior Building Surveyor Maya Goldsmith – Council – Business Operations Coordinator

Penrith City Council  
PO Box 60, Penrith  
NSW 2751 Australia  
T 4732 7777  
F 4732 7958  
penrith.city

Electronic Determination Meeting held via video conference on Wednesday, 14 May 2025, starting at 10.30am.

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

DA23/0559, Commercial Development - Fit-Out & Use of Ground Floor Premises as Pub at No. 21 Woodriff Street, PENRITH, NSW, 2750.

### **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:

- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there were zero (0) submissions received in response to the public notification of the Development Application.

### **Panel Decision**

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA23/0559, Commercial Development - Fit-Out & Use of Ground Floor Premises as Pub at at No. 21 Woodriff Street, PENRITH, NSW, 2750, be approved subject to the recommended conditions of consent accompanying the assessment report as amended below:

- i. Amendment of Condition 2 to limit maximum patron capacity to 100 persons and make reference to compliance with the requirements of the Building Code of Australia. The amended condition is to read as follows:

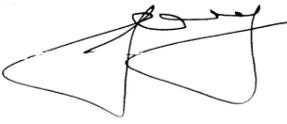
*"The maximum permitted capacity of the premises is 100 persons. In accordance with the requirements of the Environmental Planning and Assessment Regulation 2021 and the Building Code of Australia. A sign must also be displayed in a prominent position in the premises stating maximum number of persons, as specified in this development consent, that are permitted in the premises".*

## Reasons for the Decision

- The Panel agreed with the assessment of the proposal outlined within the Council's assessment report, however the Panel formed the view that a reduction in patron capacity is warranted in recognition of the toilet facilities required under the Building Code of Australia.
- The proposal as amended throughout the course of the assessment, ensures that key architectural and urban design requirements affiliated with the broader development, and as required by Clause 8.4 of PLEP 2010, are maintained and are not undermined by the subject proposal.
- Considerations relating to noise management, heritage conservation, flood planning, urban heat, safer by design, and design excellence have been suitably considered, and compliance has been sufficiently demonstrated.
- The site and existing relationship of land uses is suitable to accommodate the proposed development as outlined within the assessment report.
- The proposal is in the public interest and will positively contribute to the vibrancy and nighttime economy of the Penrith City Centre.

## Votes

The decision was unanimous.

Graham Brown (Chair) 	Chris Young (Expert) 
Awais Piracha (Expert) 	Vanessa Howe (Community Representative) 