

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA20/0477 – 608-612 High Street, PENRITH NSW 2750
DATE OF DETERMINATION	13 April 2022
PANEL MEMBERS	Jason Perica (Chair) Christopher Hallam (Expert) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Martyn Bentham Arvi Rannaste (applicant's representative) Andrew Cutuk (applicant's representative)

Public Meeting held via video conference on Wednesday, 13 April 2022, starting at 1:00pm.

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

Development Application DA20/0477, at Lots C & D DP 153855, Lot 2 DP 525160 and Lot 1 DP 567138, 608-612 High Street, PENRITH NSW 2750, 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 prepared by Council staff, submissions received, and the following plans;

- 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 was one submission received from public notification of the Development Application.

Panel Decision

DA20/0477, at Lots C & D DP 153855, Lot 2 DP 525160 and Lot 1 DP 567138, 608-612 High Street, PENRITH NSW 2750 – Demolition of Existing Structures & Construction of Five (5) Storey Mixed Use Development including Ground Floor Commercial Floor Space, 39 Residential Apartments & Basement Car Parking, be deferred subject to the following terms:-

1. The Applicant submit written material to the Council addressing the issues below by 13 May 2022. This is a fixed date and following this, the Council staff shall furnish a report for consideration and determination by the Panel (the same Panel, if practicable), as soon as possible. This Panel determination may be by electronic means:
 - a) Post construction flood modelling, using Council's data and addressing relevant flood guidelines and considerations;
 - b) Revised traffic modelling, which should be extended to cover the situation with only the proposed development's traffic on the existing road network (i.e. if the proposed DCP link road to the west, between Union Road and High Street, is not constructed or delayed). Further, the modelling should cover the proposed developments at 614-632 High Street, Penrith and 87-93 Union Road, Penrith, assuming only the existing road network is available.
 - c) Management of construction traffic to ensure minimised disruption in this congested area.
 - d) Submission of a Clause 4.6 contravention request addressing Clause 8.5 of Penrith Local Environmental Plan 2010.
 - e) Clarification of what, if any, lot consolidation is proposed, and if lot consolidation is proposed, ensure that FSR calculations have accounted for buildings to be retained.

Reasons for the Decision

The Panel considered the assessment contained within the Council staff's assessment report, however, was of the view it is reasonable to agree to agree to the Applicant's request for further time to resolve outstanding issues, including flood modelling. This should be for a strict time period, given the flood modelling issue has been raised with the Applicant some time ago.

In terms of considering community views, the Panel had regard to both the written submission and verbal presentations made. The Panel agreed with the assessment of issues raised in the public submission, as outlined in the Council staff's assessment report, subject to the terms above.

Votes

The decision was unanimous.

Jason Perica – Chair 	Christopher Hallam – Expert 
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Mary-Lynne Taylor – Expert



Stephen Welsh – Community Representative

