

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	24 September 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Bruce McDonald
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Councillor Ross Fowler and Mr Glenn McCarthy declared a conflict of interest in this matter and did not participate in the discussion as Council is the property owner.

Public meeting held at Penrith Council on 24 September 2018, opened at 3.11pm and closed at 3.29pm.

MATTER DETERMINED

2016SYW236 – Penrith - DA16/1083, Address: 21-25 Woodriff Street, Penrith (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

REASONS FOR THE DECISION

1. The proposed development will result in construction of a significant serviced apartment building providing short stay visitor and tourist accommodation on a site centrally located with Penrith City Centre. This is consistent with Penrith's role as a Strategic Centre within the Sydney Western City District.
2. The Panel has considered the Applicants request to vary the development standards contained in Cl. 4.3 Height of Buildings and Cl. 4.4 Floor Space Ratio of Penrith LEP 2010 Amendment 4 and considers that compliance with the standards is unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impacts on nearby premises, remain consistent with the objectives of the standards and will not result in development inconsistent in form and scale with that planned for this central locality. Further it is noted that the application at the time of lodgement satisfied the floor space ratio standard and that the current noncompliance is a consequence of Council subdividing portion from the subject site for other public use.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 (Remediation of Land),

4. The proposal adequately satisfies the requirements and provisions of Penrith LEP 2010 (Amendment 4) and Penrith Development Control Plan 2014.
5. The Panel particularly notes that the proposal, has satisfied the provisions of Clause 8.4 (3) of Penrith LEP which requires a building of this height to be subject of an architectural design competition, in that a waiver of that requirement was granted pursuant to Cl 8. 4(4) of the LEP by the NSW Government Architect. Accordingly the building has been assessed as exhibiting design excellence. A condition to require the ongoing involvement of the design architect has also been recommended.
6. The Panel also notes that the Penrith DCP provision requiring a proportion of parking demand to be provided through public parking funded by way of development contributions has been satisfied by a condition of consent, and that no further Section 7.11 (previously Sec. 94) contributions are applicable to the proposed use because there is no residential accommodation.
7. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of existing or proposed nearby premises, the utility and heritage significance of adjacent Memory Park, the function of the adjacent carpark, the utility of the Union Lane as service lane or the operation of the local road system.
8. The proposed development is considered to be of a scale and form consistent with the existing and planned development of this sector of Penrith CBD and well integrated with the adjoining Judges Carpark and Memory Park
9. In consideration of conclusions 1-8 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.




CONDITIONS

The development application was approved subject to the conditions in council assessment report with the following changes –

Changes to the Conditions consistent with the Memorandum from the Assessment Planner to the Panel are to be made but with the following modifications:

1. Condition 47 is to be deleted with the works described in (a) to (f) transferred to condition 48, with the addition of a further requirement for the works to be approved under s.138 of the Roads Act to include road treatment to the pedestrian crossings in Union Lane to encourage the perception of the roadway as a shared vehicular and pedestrian zone subject to the recommendations and satisfaction of Council's traffic engineer.
2. Condition 49 is to be amended by adding after the words "Prior to the issue of any Construction Certificate" words that indicate that works which will not require the closure of Judges carpark are not required before the issue of a construction certificate for those works.

3. The requirement for the continuing role of Morson Group Architects should be in terms to the effect that require:
- Morson Group Architects (or such other architects as is approved by the NSW Government Architect) are to have an ongoing role in the design and construction of the approved development.
 - Specifically, no construction certificate is to issue for the construction of the new building (other than site preparation works) unless all construction certificate drawings are accompanied by a written confirmation that the plans are consistent with the design intent of the approved development application plans and will achieve design excellence.
4. Condition 15 is to be appropriately modified by deletion of the reference to mailboxes.

PANEL MEMBERS	
	
Justin Doyle (Chair)	Nicole Gurran
	
Bruce McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW236 – Penrith - DA16/1083
2	PROPOSED DEVELOPMENT	Description: Eight (8) Storey Serviced Apartments Building containing 58 Serviced Apartments, Related Facilities, Three (3) Ground Floor Commercial Tenancies & Two (2) Levels of Basement Car Parking.
3	STREET ADDRESS	21-25 Woodriff Street, Penrith
4	APPLICANT/OWNER	Applicant – Morson Group Pty Ltd Owner – Penrith City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council is the owner of the land on which the development is to be carried out and has a capital investment value of over \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Local Environmental Plan 2010 (Amendment 4) State Environmental Planning Policy No 55 – Remediation of

		<p>Land</p> <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River <ul style="list-style-type: none"> ● Draft environmental planning instruments: Nil ● Development control plans: <ul style="list-style-type: none"> ○ Penrith Development Control Plan 2014 ● Planning agreements: Nil ● Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil ● Coastal zone management plan: Nil ● The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality ● The suitability of the site for the development ● Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations ● The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> ● Council assessment report: 10 September 2018 ● Written submissions during public exhibition: 2 ● Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Warwick Stimson and Peter Morson
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site inspection and briefing meeting – 29 January 2018 ● Final briefing meeting to discuss council’s recommendation, 24 September 2018 – 1.30pm to 2.30pm ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Bruce McDonald ○ <u>Council assessment staff</u>: Paul Anzelloti, Robert Craig and Gavin Cherry
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with Council Assessment Report