

<b>DATE OF DETERMINATION</b>	21 September 2017
<b>PANEL MEMBERS</b>	Sean O'Toole (Chair), Mary-Lynne Taylor, Paul Mitchell, Ben Price and Ross Fowler
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Glenn McCarthy

Electronic meeting held between 12 September 2017 and 21 September 2017

#### **MATTER DETERMINED**

2017SWT002 – Penrith – DA17/0125 AT 46-50 Belmore 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 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.






#### **REASONS FOR THE DECISION**

The Panel determined the application by granting approval for the following reasons:

1. The Panel has considered the applicant's request to vary the development standard contained in Penrith Local Environment Plan 2010 Clause 4.4 relating to Floor Space Ratio and is satisfied that the request has adequately addressed the matters to be demonstrated by Clause 4.6. The Panel considers compliance with the standard would be unreasonable and unnecessary in the circumstances of this case as the variation is a direct result of the additional parking and will not increase the bulk or visual impact of the building. It will not result in development inconsistent with this locality as the building is 21m below the maximum height control and has a stepped design to ensure the building has a smaller appearance. The development as designed remains consistent with the underlying intent of the standard and the objectives of the zone. The Panel is therefore satisfied that the Applicant's clause 4.6 variation request is well written and has adequately addressed the matters required to be demonstrated in Penrith LEP 2010 and that the proposed development will be in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the zone in which the development is proposed to be carried out.
2. The proposed development is strategically beneficial and demonstrates design excellence.
3. The proposed development will contribute to the supply and choice of commercial space in the Penrith CBD.
4. The applicant has amended the plans to ensure it meets the requirements set out by the NSW Architect in their letter dated 29 August 2017.
5. The proposed developments will not have any unacceptable adverse impact on the surrounding natural or built environments.
6. For the reasons given above, the proposed development is in the public interest.

## CONDITIONS

The development application was approved subject to the conditions in the Supplementary Council Assessment Report

PANEL MEMBERS	
 Sean O'Toole (Chair)	 Mary-Lynne Taylor
 Paul Mitchell	 Ben Price
 Ross Fowler	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT002 – Penrith – DA17/0125
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of eight storey commercial building including three levels of basement car parking
3	STREET ADDRESS	46-50 Belmore Street Penrith
4	APPLICANT OWNER	Sandran Property Group Penrith City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River</li> <li>• Penrith Local Environmental Plan 2010</li> <li>• Penrith Development Control Plan 2014</li> <li>• Water Management Act 2000</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 10 August 2017</li> <li>• Written submissions during public exhibition: one (1)</li> <li>• Verbal submissions at the public meeting on 24 August 2017: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Maeve Nolan, Michael Grassi, Jonathan Claridge and Bates Smart</li> </ul> </li> <li>• Supplementary Council Assessment report received on 11 September 2017</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting on 24 May 2017</li> <li>• Final briefing meeting to discuss council's recommendation, 24 August 2017, 2:30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sean O'Toole (Chair), Mary-Lynne Taylor, Paul Mitchell, Ben Price and Ross Fowler</li> <li>○ <u>Council assessment staff</u>: Gavin Cherry and Robert Craig</li> </ul> </li> <li>• Public meeting on 24 August 2017 from 3:20 pm to 3:45 pm</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report