



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>APPLICATION DETAILS</b>	DA18/0860 – 1 Station Lane, Penrith
<b>DATE OF DETERMINATION</b>	Wednesday 27 February 2019
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Geoff Martin (Community Representative)
<b>APOLOGY</b>	Mary-Lynne Taylor (Expert)
<b>DECLARATIONS OF INTEREST</b>	N/A
<b>LISTED SPEAKER(S)</b>	Ishbel Blair (Resident)  Pauline Brigden (Resident)  Matthew Wales (Wales and Associates)

Public Meeting held at Penrith City Council on Wednesday 27 February 2019, opened at 4:00pm

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

Development Application DA18/0860 at Lot 2B DP 161921, No. 1 Station Lane, Penrith – Demolition of Existing Structures & Construction of a Six (6) Storey Residential Flat Building including 17 Apartments & Two (2) Levels of Basement Car Parking.

### **Panel Consideration/Reasons for the Decision**

The Panel had regard to the Assessment Report, supplementary memo dated 27 February 2019 and site observations.

The Panel generally agreed with the assessment by Council staff although added some additional reasons for refusal.

The Panel had also considered the request from the applicant to defer the matter although took the view there were a number of significant and fatal issues with the proposal that did not warrant its deferral.

In terms of considering community views, the Panel considered the objections raised in submissions and at the meeting and generally agreed with the Council staff's summary and response.




## Panel Decision

The Panel decided to adopt the recommended by Council staff for refusal (included amendments within the memo dated 27 February 2019) with the following additional reasons for refusal;

1. The application cannot be supported because the development standard for minimum lot size is not satisfied. The request to vary the Development standard under Clause.46 of the Penrith LEP does not demonstrate that compliance with the development standards is unreasonable or unnecessary, and the proposed development is not in the public interest.
2. The application cannot be supported because the development standard for maximum building height is not satisfied. The request to vary the development standard under Clause 4.6 of the Penrith LEP does not demonstrate that compliance with the development standard is unreasonable or unnecessary, and the proposed development is not in the public interest.
3. The site does not have adequate access.
4. It is not in the public interest to approve a development that does not satisfy the objectives and criteria of the Apartment Design Guide.

## Votes

The decision was unanimous.

Jason Perica – Chair Person 	John Brunton – Expert 
Geoff Martin – Community Representative 	

# MEMORANDUM

Reference: DA18/0860

To: Penrith City Council Local Planning Panel

From: Lauren Van Etten, Development Assessment Planner

Date: 27 February 2019

Subject: **Demolition of Existing Structures & Construction of a Six (6) Storey Residential Flat Building including 17 Apartments & Two (2) Levels of Basement Car Parking at 1 Station Lane, Penrith**

I refer to the above matter scheduled for determination with the Penrith City Council Local Planning Panel on Wednesday 27 February 2019 and a request for clarification from the Panel dated 27 February 2019. The following additional information and clarification is provided: -

Request for Clarification	Assessment Officer Comment
Clarification on Impacts of the development on the water table / required dewatering of the basement	The applicant was requested to provide a geotechnical report if the proposal was pursued, as outlined with letter dated 16 October 2018. This has not been submitted, and as such it has not been demonstrated that the proposal will not be impacted upon by the water table or that the proposal will not have an adverse impact on the same.
Amendments to Reasons for Refusal	<p>(a) The following additional reason for refusal is recommended to address the inadequacy of the submitted Clause 4.6 variation request from the applicant: -</p> <p>(i) The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with Clause 4.6 Exceptions to Development Standards of Penrith Local Environmental Plan 2010 in that:</p> <p>The variation does not address Clause 4.6 (3)(a) and (b), nor Clause 4.6(4) (a) (i).</p> <p>(b) The following is a recommended amendment to the proposed reason for refusal to clarify the specific principles that are deemed to be unsatisfied: -</p> <p><b>SEPP 65 Principles</b>  The proposal fails to demonstrate that the design is representative of the following Design Quality Principles listed under Schedule 1:  Principle 1: Context and Neighbourhood Character  Principle 2: Built Form and Scale  Principle 3: Density  Principle 5: Landscape  Principle 6: Amenity  Principle 7: Safety</p>

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<p>Additional Flooding Commentary</p>	<p>The flood level adopted for the site is RL 27.5m AHD. This flood level has been derived from the flood level previously adopted by Council, the submitted flood report and photographic evidence of inundation of the site.</p> <p>The architectural plans show a finished floor level of RL 27.6m however a minimum RL 28.0m AHD is required, with basement entry levels at RL 27.8m AHD to achieve a satisfactory freeboard / flood planning level.</p> <p>The access points to the entrance, bin rooms and stairs will be required to be elevated 0.5m above the natural ground levels to achieve the required flood planning level.</p> <p>The entire site however is also affected by an overland flow path and no filling is permitted within such a flow path which will result in potential adverse or offsite impacts. This means that the achievement of a suitable flood planning level is likely at odds with the implications and restrictions relating to the maintenance and preservation of existing overland flows.</p> <p>As such the objectives of the flood planning clause are not currently considered to have been satisfied, more specifically 7.2(1) (e) as the existing flow conveyance capacity will be compromised.</p>
<p>Additional Traffic and Parking Commentary</p>	<p>Satisfactory manoeuvrability is not achieved within the basement due to the following:</p> <ul style="list-style-type: none"> <li>- The position of the queuing area within the laneway is not supported as this area impacts on the manoeuvring area of the laneway and manoeuvring area for the egress of vehicles exiting the lift;</li> <li>- The queuing time and queue length (during peak hours) for vehicles waiting for the vehicle lift to operate has not been sufficiently explained. The queuing area also impacts/impedes access of the driveway to 115 Station Street (adjacent development).</li> </ul> <p>A separate turning bay is required but has not been provided with the current design as the proposed Hercules Turn table is not supported in its current form due to the following: –</p> <ul style="list-style-type: none"> <li>- The applicant has not demonstrated how the turntable is to be operated in the event of a power outage/blackout;</li> <li>- The Traffic Management and use/operation of the turntable has not been demonstrated;</li> </ul>

# MEMORANDUM

- Swept path analysis for vehicles entering and exiting the lift has not been provided, considering the queuing areas;

Although the shared zone has been proposed, the AS2890.6 2009 does define 'shared area' as *an area adjacent to a dedicated space provided for access or egress to or from a parked vehicle and which may be shared with any other purpose that does not involve other than transitory obstruction of the area, e.g. a walkway, a vehicular aisle, dual use with another adjacent dedicated space*. It is not considered that the shared area can be located within the circulation space of the trafficable aisle due to resulting safety implications.

This further information is in supplement to the assessment report and results in the recommended reasons for refusal relating to transport, access, parking and basement design.



Lauren Van Etten  
**Development Assessment Planner**