

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA20/0459
DATE OF DETERMINATION	28 th June 2023
PANEL MEMBERS	Pamela Soon (Chair) John Brunton (Expert) Christopher Hallam (Expert) Geoff Martin (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Pierre Saab- Solicitor (Applicant)
LIST OF ADDITIONAL ATTENDEES	Reeta Khoury – Paralegal (Applicant) Tim Harpley (In – person) Bernard Lo (Online)

Hybrid Public Meeting held in person and via video conference on Wednesday, 28th June 2023, starting at 2.00pm

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

DA20/0459, Demolition of Existing Structures and Construction of Five (5) Storey Boarding House with 19 Boarding Rooms for a Total of 25 Occupants and 1 Manager's Room, Ground Floor Undercroft Parking for 10 Cars, Tree Removal, Landscaping and Associated Site Works at No. 1 Station Lane, 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:

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

In terms of considering community views, the Panel noted there were 16 submissions received in response to the public notification of the Development Application.

The Panel was mindful of the need to provide alternative forms of housing and considered the site appropriate for a boarding house subject to address of key planning considerations, site attributes and constraints.

Panel Decision




DA20/0459 - Demolition of Existing Structures and Construction of Five (5) Storey Boarding House with 19 Boarding Rooms for a Total of 25 Occupants and 1 Manager's Room, Ground Floor Undercroft Parking for 10 Cars, Tree Removal, Landscaping and Associated Site Works at No. 1 Station Lane, Penrith, NSW, 2750 be refused for the reasons recommended by Council Staff.

Reasons for the Decision

- The Panel agreed with the assessment and recommended reasons for refusal outlined within the Council's Assessment Report.
- The site is affected by registered easements, with terms that require the benefiting authority to grant approval to works within the areas of affectation. Without the support of the benefiting authority the proposed development is not considered to be in the public interest noting the easements relate to the protection and supply of services.
- The extent of tree and vegetation removal proposed does not sufficiently address, or comply with, Clause 7.30 - Urban Heat within Penrith Local Environmental Plan 2010. The removal of trees, and inadequate provision for landscape setbacks that can accommodate supplementary tree canopy and screen shrub planting is not considered to satisfy the objectives of the clause.

Votes

The decision was unanimous.

Pamela Soon (Chair) 	Christopher Hallam (Expert) 
John Brunton (Expert) 	Geoff Martin (Community Representative) 