

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA22/0085 – 11a Canopus Close, ERSKINE PARK NSW 2759
<b>DATE OF DETERMINATION</b>	26 October 2022
<b>PANEL MEMBERS</b>	Jason Perica (Chair)  John Brunton (Expert)  Vanessa Howe (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Vince Hardy – Applicant (Available for Questions)

Public Meeting held via video conference on Wednesday 26 October 2022, starting at 11:30am.

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

Development Application DA22/0085, Lot 2174 DP 776426, 11a Canopus Close Erskine Park NSW 2759 - Torrens Title Subdivision Into 3 Lots Including One Lot to be Retained as Public Reserve, New Public Pathway, Site Remediation and Ancillary Civil Works.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council's independent assessment officer (external planning consultant), supporting plans and information, and the following environmental planning instruments and policies:

- Penrith Local Environmental Plan 2010 (Amendment 4)
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy – (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021)

In terms of considering community views, the Panel noted there was 1 submission and 1 petition received from the public notification of the Development Application.

### **Panel Decision**

DA22/0085, Lot 2174 DP 776426, 11a Canopus Close Erskine Park NSW 2759 - Torrens Title Subdivision Into 3 Lots Including One Lot to be Retained

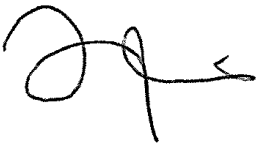

as Public Reserve, New Public Pathway, Site Remediation and Ancillary Civil Works be approved subject to recommended conditions of consent.

### Reasons for the Decision

- i) The Panel agreed with the assessment of the proposal outlined within the Independent Consultant's assessment report.
- ii) The Panel was satisfied that the Applicant's Clause 4.6 contravention request to vary the minimum lot frontage development standard within Penrith Local Environmental Plan 2010 was well founded. Further, the Panel was satisfied that granting consent would be in the public interest as the proposal is consistent with the zone objectives and the objectives of the minimum lot minimum lot frontage development standard.
- iii) The proposal will result in future residential development opportunities in accordance with the residential zone and Local Environmental Plan zone objectives.
- iv) Suitable restrictions are to be registered on the title of the proposed lots to ensure protection of existing trees.
- v) In terms of considering views expressed by the public, the Panel noted there was one submission and a petition. The Panel noted that the submission/petition raised some matters that fall outside the scope of works within this Development Application, including concerns related to the public open space park embellishment, which does not form part of the subject Development Application. The Panel understands the design of the park will be subject to separate and further community consultation. Matters of concern related to the Development Application have been addressed and assessed within the Independent Consultant's Assessment Report, and the Panel agrees with that assessment.

### Votes

The decision was unanimous.

Jason Perica – Chair 	John Brunton – Expert 
Vanessa Howe – Community Representative 