

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA22/0523 – 76 Mamre Road, ST MARYS NSW 2760
<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>	Charbel Hawi

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 DA22/0523, Lot 3 DP 23600, 76 Mamre Road, St Marys NSW 2760 - Demolition Of Existing Structures And Construction of 6 x Town Houses and Associated Works.

### **Panel Consideration**

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

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Road Act 1993
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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

## **Panel Decision**

DA22/0523, Lot 3 DP 23600, 76 Mamre Road, St Marys NSW 2760 - Demolition Of Existing Structures And Construction of 6 x Town Houses and Associated Works be refused for the reasons given in the Council Assessment Report, with the following additions:

1. *The Applicant's written submission in accordance with Clause 4.6 of Penrith Local Environmental Plan 2010 does not demonstrate that non-compliance with the minimum lot size for the development type is unreasonable or unnecessary, nor justified by sufficient environmental planning grounds as required by that clause.*
2. *The Panel is not satisfied that granting consent would be in the public interest as the proposal is inconsistent with the objectives of the zone and the relevant development standard.*
3. *The reasons for refusal relating to compliance with Penrith Local Environmental Plan 2010 are to be revised to reflect the following additional / expanded reasons:-*

### **c) Penrith Local Environmental Plan 2010**

- i) *The development is inconsistent with the provisions of Clause 1.2 Aims of the plan and Clause 2.3 Zone objectives as the development is not consistent with Council's vision for Penrith in terms of character integration and desired residential amenity.*
- ii) *The proposal has not addressed the flood prone nature of the site and required criteria and considerations within Clause 5.21 Flood planning*
- iii) *The development has not made an attempt to maximise green infrastructure noting the extent of tree removal which is in contrast to the provisions of Clause 7.30 Urban heat*

## **Reasons for the Decision**

The Panel agreed with the assessment contained with Council's Assessment Report.

As the decision was for refusal, the reasons are outlined in the decision.



However, part of the Panel's reasoning for supporting the recommended refusal was the importance of upholding a recent change to the planning instrument regarding the minimum lot size for medium density housing to achieve better urban design, amenity, landscaping, tree retention and provision, and infrastructure coordination.

The Panel noted a lack of General Terms of Approval from Transport for New South Wales and there are also a number of other critical issues for the proposal, as outlined in the assessment report. The Panel gave consideration to deferral but was of the view this should not occur given the significant short comings of the proposal.

In terms of considering community views the Panel had regard to written submissions. The Panel agreed with the assessment of issues raised, as outlined in the Council report.

**Votes**

The decision was unanimous.

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