

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA20/0141 – 36-38 Rodley Avenue, Penrith
<b>DATE OF DETERMINATION</b>	22 July 2020
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Peter Morson (Applicant) Ruben Hernandez (Architect) Morgan Stanbury (Traffic Engineer) Cody Masterfield (Owner) Doug Green (Owner)

Public Meeting held via video conference on Wednesday 22 July 2020, opened at 3:00pm.

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

Development Application DA20/0141 at Lot 58 & 59 DP 33490 at 36-38 Rodley Avenue, Penrith - Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building containing 16 Apartments & Two (2) Basement Levels for Car Parking & Building Facilities.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers, submissions received, and the following plans;

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

In terms of considering community views, the Panel noted there were two (2) submissions received from the public notification of the Development Application. It was noted that those persons making submissions did not list to speak.

### Reasons for the Decision

The Panel agreed with the assessment contained with Council's Assessment Report. In agreeing with the recommendation for approval, the Panel noted the following:-

- The site has been the subject of a number of development proposals for a residential flat building of varying bulk, scale and density. The new proposal has been reviewed by Council's Urban Design Review Panel and has been found to be suitable in the achievement of design quality, and supportable, as outlined within advice received from GM Urban Design and Architecture dated 29 May 2020;
- The proposal is generally compliant with SEPP 65 considerations and the Apartment Design Guide noting suitable design consideration has been given the eastern and western elevations and façade presentations where setbacks of less than 6.0m are proposed;
- The proposal complies with all development standards applying to the site;
- The building is considered to be of a high quality and exhibits good design, and provides good amenity for future residents;
- The proposed waste collection arrangements by way of indented bay removes the impost of servicing being located on the site, and results in a more sympathetic development form to that which was previously considered by the Panel through preceding development applications;
- The potential environmental impacts are reasonably mitigated or managed by the proposed design and recommended conditions of consent, as amended;
- Issues raised in submissions from the neighbours did not warrant refusal of the application;
- The request for amendment to two conditions (Condition 17 and 64) by the applicant was generally agreed. Further, an additional condition regarding cladding was added by the Panel.

### Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA20/0141 at Lot 58 & 59 DP 33490 at 36-38 Rodley Avenue, Penrith - Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building containing 16 Apartments & Two (2) Basement Levels for Car Parking & Building Facilities be approved subject to the conditions circulated to the Local Planning Panel meeting of Wednesday 22 July 2020, as amended below;

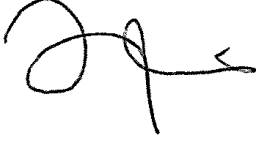


- *Condition No. 64 be amended as follows:-*  
*"The existing power pole and proposed electricity supply services for the development need to be located (or relocated) in accordance with the relevant authorities' regulations and standards.*
- *Condition No. 17 be deleted in its entirety.*

- A new condition be inserted to state:

**“Prior to the issue of a construction certificate, it is must be demonstrated that no combustible cladding is to be used in the development.”**

**Votes**

The decision was unanimous

Jason Perica – Chair 	John Brunton – Expert 
Mary-Lynne Taylor – Expert 	Stephen Welsh – Community Representative 