

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA21/0154 – 44 – 48 Rodley Avenue PENRITH NSW 2750
DATE OF DETERMINATION	23 November 2021
PANEL MEMBERS	David Ryan (Chairperson) John Brunton (Expert) Mary-Lynne Taylor (Expert) Geoff Martin (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Representatives from the applicant – Peter Morson, Morson Architects Pty Ltd Owner – Cody Masterfield

Public Meeting held via video conference on Wednesday 24 November 2021, starting at 1:00pm.

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

Development Application DA21/0154, Lots 62 - 64 DP 33490, 44 – 48 Rodley Avenue, PENRITH NSW 2750 - Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building including 29 Apartments & Two (2) Levels of Basement Car Parking.

Panel Consideration

The Panel had regard to the assessment report prepared by Council Officers, a memorandum dated 24 November 2021, and the following planning instruments and control plan(s):

- Penrith Local Environmental Plan 2010;
- Penrith 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; and
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River.

In terms of considering community views, the Panel noted there were no submissions received in response to the public notification of the Development Application.

Panel Decision

DA21/0154, Lots 62 - 64 DP 33490, 44 – 48 Rodley Avenue, PENRITH NSW 2750 for Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building including 29 Apartments & Two (2) Levels of Basement Car Parking is approved subject to the recommended conditions of consent outlined within the Council Officers' assessment report to the Panel and the following additional/amended conditions:

Deferred commencement Condition as follows;

- Prior to the issue of an operational consent, documentary evidence shall be submitted to Council of the agreement from the landowner of Lot 12 DP 1176987 in relation to the proposed stormwater stub easement and related works within the Council trunk drainage channel.

The above matter shall be satisfied within 24 months from the date of this consent notice.

Insert additional Condition as follows;

- Prior to the issue of a Construction Certificate, the balustrade treatment and associated landscaping to the terraces of Units 41 and 43 shall be increased in height to provide an adequate visual buffer to the neighbouring units. Details in this regard shall be submitted to and approved by the Manager of Development Services.

Reasons for the Decision

The Panel agreed with the assessment contained within Council's Assessment Report and noted the following;

- The proposal satisfies the aims, objectives and provisions of Penrith Local Environmental Plan 2010 and Development Control Plan 2014.
- The proposal generally satisfies the criteria and objectives of the Apartment Design Guide.
- Any potential impacts are capable of being addressed by the recommended conditions and additional conditions imposed by the Panel.
- The Panel is satisfied that the applicant's Clause 4.6 request demonstrates that compliance with Clause 4.3 - Height of buildings development standard is unnecessary or unreasonable in the circumstances and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel considers that the development is in the public interest as it is consistent with the objectives of the R4 zone and the objectives of the standard.

Votes

The decision was unanimous.

<p>David Ryan – Chairperson</p> 	<p>John Brunton – Expert</p> 
<p>Mary-Lynne Taylor – Expert</p> 	<p>Geoff Martin – Community Representative</p> 