

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA22/0450
DATE OF DETERMINATION	23 rd November 2023
PANEL MEMBERS	Jason Perica (Chair) Mary-Lynne Taylor (Expert) Christopher Hallam (Expert) Stephen Welsh (Community Member)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Pukar Pradhan- Senior Development Assessment Planner (Council)
LIST OF ADDITIONAL ATTENDEES	Gavin Cherry- Development Assessment Coordinator (Council) Katelyn Davies- Senior Administration Officer (Council) Brittany Dickson- Administration Officer (Council)

Online Electronic Determination Meeting held in person and via video conference on Wednesday, 22nd November 2023, starting at 10.30am.

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

DA22/0450, Demolition of Existing Structures, Tree Removal and Construction of a Four (4) Storey Residential Flat Building Including 27 Apartments with Basement Car Parking, Rooftop Open Space, Civil Works and Landscaping at Nos. 115 and 117 Glossop Street, St Marys, NSW, 2760.

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city

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:

- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Precincts- Western Parkland City) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

Panel Decision

In accordance with Section 4.16 and 4.17 of the Environmental Planning and Assessment Act 1979, DA22/0450 for Demolition of Existing Structures, Tree Removal and Construction of a Four (4) Storey Residential Flat Building Including 27 Apartments with Basement Car Parking, Rooftop Open Space, Civil Works and Landscaping at Nos. 115 and 117 Glossop Street, St Marys, NSW, 2760 be approved subject to the recommended conditions of consent within the assessment report with the following changes:

1. Insert the following additional condition (and renumber conditions accordingly):

- *"Electrical outlets must be provided capable of meeting the relevant Australian Standard(s) to allow charging of an electrical vehicle. Such outlets are to be provided behind 1 resident car parking space per unit. Details are to be included in the Construction Certificate documentation and the outlets shall be installed prior to Occupation Certificate".*

2. Amendment of the below Recommended Conditions:

- Condition 12 is to be amended as follows: -
 - *"The lower half portion of all windows of living rooms located along the side elevations facing the north and south shall be fitted with opaque glass or fixed privacy louvres to minimise any overlooking to the adjoining*

properties located to the north and south of the site. Such detail is to be included in the Construction Certificate documentation. All works are to be completed prior to the issue of the Occupation Certificate”.

- Condition 51 is to be amended as per the following: -
 - *“The developer shall undertake a dilapidation report for all adjoining buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development, then the dilapidation report shall be submitted to Council prior to the issue of any Construction Certificate and then updated and submitted prior to the issue of any Occupation Certificate confirming no damage has occurred”.*

Reasons for the Decision

- The Panel agreed with the assessment of the proposal outlined within the Council’s assessment report.
- Appropriate conditions have been imposed to ensure the proposed development and associated works will have minimal environmental impacts and the site is suitable for the proposed development. This includes an additional condition regarding electrical vehicle charging points, which The Panel believed was a reasonable condition given the aims of the Penrith Local Environmental Plan 2010 and having regard to practical considerations to promote sustainable living.
- The proposal was deemed site responsive as it presents a building height, mass and scale which is consistent with the built form character of the locality. The proposal has been improved during assessment and has appropriately responded to design issues raised during assessment.
- The proposal is compliant with applicable development standards and controls, including objectives contained within Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014 and other relevant planning policies.
- The proposed development is in the public interest noting that it is consistent with the aims and objectives of the zone.

- The Panel noted that there were no submissions made in response to public notification of the proposal.

Votes

The decision was unanimous.

Jason Perica (Chair) 	Mary-Lynne Taylor (Expert) 
Christopher Hallam (Expert) 	Stephen Welsh (Community Member) 