

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA22/0083
<b>DATE OF DETERMINATION</b>	10 August 2022
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Geoff Martin (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Nil

Electronic Meeting held via video conference on Wednesday 10 August 2022, starting at 2:00pm.

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

Development Application DA22/0083, Lot 1444 DP 788282, 27a Phoenix Crescent, Erskine Park – Torrens Title Subdivision into 3 Lots Including 2 x Future Residential Lots and 1 x Lot to be Retained as Phoenix Reserve, Tree Removal and Ancillary Civil Works.

### **Panel Consideration**

The Panel had regard to the original and further 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
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River (now repealed and relevant considerations transferred into State Environmental Planning Policy (Biodiversity and Conservation) 2021)

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

### Panel Decision

DA22/0083, Lot 1444 DP 788282, 27a Phoenix Crescent, Erskine Park – Torrens Title Subdivision into 3 Lots Including 2 x Future Residential Lots and 1 x Lot to be Retained as Phoenix Reserve, Tree Removal and Ancillary Civil Works be approved subject to recommended conditions of consent as amended by the following:-

- Condition No. 2 be amended to also require the relocated hollow bearing section to be undertaken under the supervision of, or written direction by, Council's Biodiversity Officer.
- Condition No. 3 be amended to make reference to the terms detailed within Condition No. 41 (as amended).
- Condition No. 41, Point 4 be amended to remove reference to "*prevents access of domestic animals*".

### Reasons for the Decision

- The Panel generally agreed with the assessment of the proposal outlined within Council's assessment report.
- The proposed modified development sufficiently addresses and resolves matters raised in the Panel's previous deferral of this development application.
- The proposed Clause 4.6 request to vary the minimum lot frontage development standard sufficiently addresses requisite matters in Clause 4.6. The Panel notes that the resulting variation relates to the irregular alignment of the road at the front property boundary with a lot width that increases within the allotment ensuring that sufficient width and depth is available at the point of the DCP required building line to accommodate a building footprint on the allotment. The Panel is of the view that the proposal meets the objectives of the development standard and zone objectives, and is in the public interest.
- The proposal will result in future residential development opportunities as per the LEP zone objectives.
- Suitable restrictions as revised are recommended to be registered on the title of the proposed lots that will ensure protection of existing trees.
- In terms of considering views expressed by the public, the Panel noted there were no submissions.

### Votes

The decision was unanimous.

Jason Perica – Chair 	John Brunton – Expert 
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Geoff Martin (Community Representative)

