



Penrith Local Planning Panel

Electronic Determination and Statement of Reasons

APPLICATION NUMBER	DA18/0771
DATE OF DETERMINATION	04/02/2019
PANEL MEMBERS	Deborah Dearing (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Virginia Barrios (Community Representative)
APOLOGY	Nil
DECLARATIONS OF INTEREST	No conflicts of interest were declared

Background

A Briefing Meeting was held at Penrith City Council on Wednesday 28 November 2018. The Panel at this briefing meeting outlined the following comments:-

- With respect to the proposed variation to the minimum lot size for dual occupancy development within Clause 7.10 of Penrith LEP 2010, being the “trigger” for the matter being considered by the Panel, it was considered that there was a sound basis on which to conclude a variation to the standard could be supported for the site (for reasons within the draft assessment report). The Panel was satisfied under Clause 4.6(3) and (4) that the applicant’s written request demonstrated that compliance was unnecessary or unreasonable in the circumstances of this case, and that there were sufficient environmental planning grounds to justify the non-compliance.
- The key planning considerations outlined within Clause 4.15 of the Environmental Planning and Assessment Act regarding site suitability, likely impacts and the public interest can be suitably addressed within a final assessment report and it was considered that the proposed development is appropriate and supportable having regard to those key considerations, subject to resolution of outstanding matters regarding the importation and stockpile of fill material.
- The Panel had regard to the draft assessment report prepared by Council officers, the supporting plans that accompany the report and the applicants request to vary a development standard pursuant to Clause 4.6 of Penrith Local Environmental Plan 2010.

It was resolved that the development application could be reported to the Panel by electronic means for determination for the reasons outlined above noting that no submissions were received to the development application.

In response to the above, the development application and accompanying finalised assessment report was referred to the Panel on 31 January 2019 for further consideration and determination.

Further Panel Consideration/Reasons for this Decision

The Panel further considered the Application, the supporting documentation and the finalised assessment report and considered the proposal to be supportable for the following reasons:-

1. The written request from the applicant under clause 4.6 of Penrith Local Environmental Plan 2010 for variation of the minimum lot size for dual occupancy development is considered to be well founded and is granted.

The proposal satisfies the objectives of clause 7.10 of Penrith Local Environmental Plan 2010 “to ensure that effluent generated by dual occupancies or secondary dwellings is managed on site to protect waterways and the amenity of adjoining lots”, as outlined within the assessment report;

2. The relevant mandatory considerations outlined within Clause 4.15 of the Environmental Planning and Assessment Act have been addressed including:
 - Penrith Local Environmental Plan 2010 (Amendment 4)
 - Penrith Development Control Plan 2014
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - State Environmental Planning Policy No 55 – Remediation of Land
 - Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
 - The site suitability for the development,
 - The likely impacts of the development, and
 - The public interest.
3. The proposal represents a form of development that is consistent with the low density rural residential character of the area and is considered to be appropriate within in the RU4 zone.




In terms of considering community views, the Panel previously noted there was no submissions received to this development application.

Panel Decision

Pursuant to the provisions of Section 2.20(2) of the Environmental Planning and Assessment Act, 1979, Development Application No. DA18/0771 be approved.

Votes

The decision for electronic determination was unanimous.

Deborah Dearing – Chair Person 	John Brunton – Expert 
Mary-Lynne Taylor – Expert 	Virginia Barrios - Community Representative 