

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA23/0990
DATE OF DETERMINATION	24 th April 2023
PANEL MEMBERS	David Ryan (Chair) Lisa Trueman (Expert) Glen Falson (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Natalie Piggott – Senior Development Assessment Officer – Council (Online) Tania Shephard – Principal Planner – Council (Online)
LIST OF ADDITIONAL ATTENDEES	Nicholas McMaster – Graduate Development Assessment Planner – Council (Online) Katelyn Davies – Panel Management Officer – Council (Online)
APOLOGIES	Gavin Cherry – Development Assessment Coordinator – Council

An Electronic Determination Meeting held online via video conference on Wednesday, 24th April 2024, starting at 9.00am.

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

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

DA23/0990, Construction of a Single Storey Dwelling to create a Detached Dual Occupancy at Nos. 11-21 Milford Road, Londonderry, NSW, 2753.

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:

- *Biodiversity Conservation Act 2016*
- *State Environmental Planning Policy (Biodiversity & Conservation) 2021*
- *State Environmental Planning Policy (Resilience & Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

In terms of considering community views, the Panel noted there were zero (0) submissions received in response to the public notification of the Development Application.

Panel Decision

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA23/0990, Construction of a Single Storey Dwelling to create a Detached Dual Occupancy at Nos. 11-21 Milford Road, Londonderry, NSW, 2753 be approved subject to the recommended conditions of consent accompanying the assessment report.

Penrith Local Environmental Plan 2010 Clause 4.6 Variations

The Panel has considered the applicant's Clause 4.6 requests to vary the minimum site area for a dual occupancy standard within Clause 7.10 of the *Penrith Local Environmental Plan 2010*.




The Panel is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

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.
- The proposal presents a building height, mass and scale which is consistent with the built form character of the locality.
- The proposal is consistent with applicable development controls, including objectives contained within Penrith Development Control Plan 2014.

Votes

The decision was unanimous.

David Ryan (Chair) 	Lisa Trueman (Expert) 
Glenn Falson (Expert) 	Vanessa Howe (Community Representative) 