

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA22/0530
DATE OF DETERMINATION	25 September 2024
PANEL MEMBERS	Donna Rygate (Chair) Patrick Hurley (Expert) Bruce Simpson (Expert) Ben Adamson (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Jacqueline Klincke – Council – Senior Development Assessment Officer (Online) Sandra Fagan – Council – Principal Planner (Online) Richard Harris – Applicant - (Online)
LIST OF ADDITIONAL ATTENDEES	Katelyn Davies – Council – Senior Administration Officer (Online) Kathryn Sprang – Council – Senior Planner (Online) John Skaf – Council – Senior Development Engineer (Online)

An Electronic Determination Meeting held online via video conference on Wednesday, 25<sup>th</sup> September 2024, starting at 9.00am.

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

DA22/0530, Three Lot Torrens Title Subdivision Including Vegetation Removal,

Bulk Earthworks, Road Construction and Associated Civil and Stormwater Drainage Works at Nos. 74-104 Aldington Road, Kemps Creek, NSW, 2178.

### **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 (Industry and Employment) 2021
- State Environmental Planning Policy (Precincts- Western Parkland City) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- 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. There were no registered speakers at the electronic meeting, but the Panel was addressed by a representative of the Applicant, who confirmed the acceptability of the recommended Conditions of Consent for DA22/0530.

### **Panel Decision**

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA22/0530, Three Lot Torrens Title Subdivision Including Vegetation Removal, Bulk Earthworks, Road Construction and Associated Civil and Stormwater Drainage Works at Nos. 74-104 Aldington Road, Kemps Creek, NSW, 2178 be approved subject to the recommended conditions of consent accompanying the assessment report as well as the below amendments: -

### **Amendment of Recommended Conditions**

- Condition 29 is to be amended to add the following point: -
  - II. The VMP is to have regard to the asset protection zone requirements of Planning for Bushfire Protection 2019.




- Condition 47 is to be amended to add the following immediately above the Note: -
  - Provision must be made for the parking of maintenance vehicles.

### Reasons for the Decision

1. The Panel agreed with the assessment of the proposal outlined within the Council's amended assessment report and supporting memorandum.
2. The proposal has responded to the applicable environmental planning considerations and is accompanied by a Letter of Offer to enter into a planning agreement accepted by Council Staff.
3. 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.
4. The proposal is compliant with applicable development controls, including objectives contained within Penrith Development Control Plan 2014.

### Votes

The decision was unanimous.

Donna Rygate (Chair) 	Patrick Hurley (Expert) 
Bruce Simpson (Expert) 	Ben Adamson (Community Representative) 