

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA24/0127
DATE OF DETERMINATION	12 June 2024
PANEL MEMBERS	Pamela Soon - (Chair) Lisa Trueman - (Expert) Jeremy Swan - (Expert) Vanessa Howe - (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Mark Byrnes – Applicant (Online)
LIST OF ADDITIONAL ATTENDEES	Nicholas McMaster – Council (In-person) Tania Shephard – Council (In-person) Gavin Cherry – Council (In – person) Katelyn Davies – Council (In – person) Andrew Goses – Council (In – person) Jill Williams – Council (In – person)

Hybrid Public Meeting held in person and via video conference on Wednesday, 12 June 2024, starting at 2.00pm

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

DA24/0127 – Telecommunications Facility – Monopole, Nos. 180 Richmond Road, Cambridge Gardens, NSW, 2747

Penrith City Council
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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 (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 no 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, DA24/0127 - Telecommunications Facility - Monopole, Nos. 180 Richmond Road, Cambridge Gardens, NSW, 2747 be approved subject to the recommended conditions of consent as outlined with Council's Assessment Report.

The Panel also resolved to include an additional condition of consent as follows:

- *Prior to the issue of a construction certificate, details relating to the intended colour of the telecommunications facility are to be submitted to, and approved by, Penrith City Council's Development Assessment Coordinator. The colour palette is to be recessive and blend with the natural skyline.*

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 application is supported by a Clause 4.6 request to vary a development standard contained within the Penrith Local Environmental Plan 2010. The variation seeks a departure from the provisions of Clause 4.3 - Height of Buildings development standard. The Applicant's variation request is considered to be sufficiently well founded. The structure is substantially narrower than a typical building.

The proposal satisfies the objectives of the E3 zone being to provide support services to the local community and key centres. The proposal does not compromise compliance with the objectives of the height of building development standard as the structure is not incompatible with the character of its surrounds, does not provide adverse visual impact and does not result in loss of amenity for surrounding developments. The Panel also noted that the proposed height of the monopole structure is required to achieve telecommunication servicing requirements and is not considered to adversely impact the local context and character of the area. The Panel considers there are sufficient environmental planning reasons to justify the contravention of the development standard.

- The proposal is compliant with applicable development controls and objectives contained within the Penrith Development Control Plan 2014.

Votes

The decision was unanimous.

<p>Pamela Soon - (Chair)</p> 	<p>Lisa Trueman - (Expert)</p> 
<p>Jeremy Swan - (Expert)</p> 	<p>Vanessa Howe (Community Representative)</p> 