

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA24/0279
DATE OF DETERMINATION	30 October 2024
PANEL MEMBERS	Graham Brown (Chair) Lisa Trueman (Expert) Patrick Hurley (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	Patrick Hurley declared a non-pecuniary interest in the application. The declaration was not considered to preclude an impartial determination of the application.
LISTED SPEAKERS	Dianne Russell (Online) Karen Doherty (In-Person) Sandra Brooks (In-person) John Brooks (In-Person)
LIST OF ADDITIONAL ATTENDEES	Billie-Lee Locke – (Online) James Heathcote – Council Development Assessment Planner (In-person) Tania Shephard – Council Principal Planner (In-person) Katelyn Davies – Council Panel Management Support Officer (In – person) Gavin Cherry – Council Development Assessment Coordinator (In Person) Brittany Dickson – Council Development Services Secretary (In-Person) Benjamin Cavanagh – Council Trainee Development Assessment Planner

Hybrid Public Meeting held in person and via video conference on Wednesday, 30 October 2024, starting at 2.00pm

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

DA24/0279, Demolition of Existing Structures and Construction of a Two Storey Co-Living Development Containing 12 Rooms for 24 Lodgers, with 3 Car Parking Spaces and a First Floor Outdoor Deck. The proposal also includes New Landscaping, Parking for Motorbikes and Bicycles, and Associated Civil Works at No. 12 Raschke Street, Cambridge Park, NSW, 2747.

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 (Housing) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there were 10 submissions received in response to the public notification of the Development Application, whilst the Panel also listened to registered speakers at the public meeting. The nature of the submissions were also addressed within the Council's Assessment Report.

Panel Decision

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA24/0279, Demolition of Existing Structures and Construction of a Two Storey Co-Living Development Containing 12 Rooms for 24 Lodgers, with 3 Car Parking Spaces and a First Floor Outdoor Deck. Proposal includes New Landscaping, Parking for Motorbikes and Bicycles, and Associated Civil Works at No. 12 Raschke Street, Cambridge Park, NSW, 2747 be refused as recommended by Council Staff subject to the following:

- i. Inclusion of an additional Reason for Refusal relating to insufficient information demonstrating compliance with Clause 4.3 - Height of Buildings of Penrith Local Environmental Plan 2010.




- ii. Revision of Reason for Refusal Number 1(ii) to clarify the specific identified noncompliance with the referenced nondiscretionary standards within State Environmental Planning Policy (Housing) 2021.
- iii. Revision of Reason for Refusal Number 6 to include reference to “consistent”.

Reasons for the Decision

- The Panel agreed with the reasons for refusal outlined within the Council’s Assessment Report.
- The proposed development is not considered to be in the public interest noting that it is inconsistent with the objectives of the zone, state planning policies, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014.
- Inadequate information has been provided to sufficiently demonstrate that the proposal is compliant with Clause 4.3 - Height of Buildings of Penrith Local Environmental Plan 2010. It is further noted that a request to vary the height of building development standard has not been submitted for assessment, in the event that it is determined that the proposal is not compliant with this standard.
- The proposal presents a building height and design, scale and landscape outcome which is inconsistent with the character of the locality and reflects an overdevelopment of the site.

Votes

The decision was unanimous.

<p>Graham Brown (Chair)</p> 	<p>Lisa Trueman (Expert)</p> 
<p>Patrick Hurley (Expert)</p> 	<p>Vanessa Howe (Community Representative)</p> 