

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA21/0605 – 22-24 Rodley Avenue, PENRITH NSW 2750
DATE OF DETERMINATION	13 April 2022
PANEL MEMBERS	Jason Perica (Chair) Christopher Hallam (Expert) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Peter Morson

Public Meeting held via video conference on Wednesday, 13 April 2022, starting at 1:00pm.

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

Development Application DA21/0605, at Lots 51 & 52 DP 32844, 22-24 Rodley Avenue, PENRITH NSW 2750, Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building including 12 Apartments & Basement Car Parking.

Panel Consideration

The Panel had regard to the assessment report prepared by Council staff, submissions received, and the following plans;

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

In terms of considering community views, the Panel noted there were no submissions received from public notification of the Development Application.

Panel Decision

DA21/0605, at Lots 51 & 52 DP 32844, 22-24 Rodley Avenue, PENRITH NSW 2750 – Demolition of Existing Structures & Construction of Five (5) Storey Residential Flat Building including 12 Apartments & Basement Car Parking, be approved subject to the following terms and conditions:-

Deferred Commencement Condition

The Panel has determined to grant “deferred commencement” consent under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. In accordance with Section 4.17 of the Act, the “deferred commencement” consent is granted subject to the terms listed below.

The terms below are to be complied with prior to the commencement of the consent. On satisfying the terms below to the written satisfaction of Council, Council will issue an operational consent for the development.

Prior to the issue of an operational consent, documentary evidence shall be submitted to Council of the agreement from the landowner of Lot 12 DP 1176987 in relation to the proposed stormwater stub easement and related works within the Council trunk drainage channel. The easement width shall be in accordance with Penrith City Council’s Stormwater Drainage Specification for Building Developments.

The terms above to be satisfied prior to commencement of the consent will need to be completed by 13 April 2024.

Subject to the terms of the deferred commencement condition being satisfied, the conditions contained in the Council staff’s assessment report to the Local Planning Panel meeting of 13 April 2022 shall apply, subject to any reasonable conditions arising from consideration of the deferred commencement terms above, and the following additional and revised conditions;

- **Condition 11**
Prior to the issue of a Construction Certificate, the landscape plan shall be amended to incorporate greater canopy cover and denser screening across the site and suitable species situated within the on-site stormwater detention basin, in addition to street tree replacements, to the written satisfaction of Penrith City Council.
- **Condition 85**
All precautions shall be taken to adequately protect trees on public property (i.e. footpaths, roads, reserves, etc) against damage during construction. No trees on public property shall be removed, pruned or damaged during construction (with the exception of the street trees shown for removal on the stamped approved plans). This includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.
- **Condition 73**
 - a) *Each 2 bedroom apartment is to be allocated a minimum of one car parking space within the development.*
 - b) *Each 3 and 4 bedroom apartment is to be allocated a minimum of two car parking spaces within the development.*
 - c) *Stacked car parking spaces are to be allocated to 3 and 4 bedroom units to prevent user conflict.*
 - d) *All adaptable units are to be allocated with a minimum of one accessible car parking space within the development.*

- e) *Electric vehicle charging equipment shall be provided for all residential parking spaces, including the accessible parking spaces (although one charging point can be provided for multiple car spaces allocated to one unit).*

- New Condition

Prior to the issue of any Construction Certificate, the Floor Plan – Basement Level 1, shall be amended to incorporate electric vehicle charging equipment for all residential parking spaces, including the accessible parking spaces (although one charging point can be provided for multiple car spaces allocated to one unit). This amendment shall be shown on the Construction Certificate plans.

Reasons for the Decision

The Panel agreed with the assessment contained within the Council staff's assessment report, and the recommended conditions, subject to the changes above.




In terms of considering community views, the Panel noted no submissions were received.

The Panel is of the view that new residential apartment buildings should provide electric vehicle charging equipment. For this proposal, the Panel noted the applicant's representative at the meeting verbally agreed to such a condition.

More broadly, the Panel suggests that Council considers an appropriate mechanism for electric vehicle charging equipment for new developments, such as through its ongoing policy review program.

Votes

The decision was unanimous.

<p>Jason Perica – Chair</p> 	<p>Christopher Hallam – Expert</p> 
<p>Mary-Lynne Taylor – Expert</p> 	<p>Stephen Welsh – Community Representative</p> 