

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA21/0481 – 91 Forbes Street, EMU PLAINS NSW 2750
DATE OF DETERMINATION	8 June 2022
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Kamal and Janet Tawadros Johann Ciantar Vince Hardy Nick Marathakis

Public Meeting held via video conference on Wednesday 8 June 2022, starting at 1:00pm.

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

Development Application DA21/0481, Lot 17 DP 236214, 91 Forbes Street, EMU PLAINS NSW 2750 - Torrens Title Subdivision x 2 Lots & Dedication of Land as Road Reserve

Panel Consideration

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

- Penrith Local Environmental Plan 2010 (Amendment 4)
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

In terms of considering community views, the Panel noted there were 4 submissions received from the public notification of the Development Application.

Panel Decision

- a) DA21/0481, Lot 17 DP 236214, 91 Forbes Street, EMU PLAINS NSW 2750 - Torrens Title Subdivision x 2 Lots & Dedication of Land as Road Reserve be approved in accordance with to the recommended Conditions of Consent (in the report to the Panel) and subject to amended terms of the Deferred Commencement as follows;

Prior to the consent becoming operational the following deferred commencement condition is to be satisfied:

(A) A Planning Agreement is to be entered into with Penrith City Council pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979. The Planning Agreement is to be generally consistent with the final Letter of Offer submitted in support of the development application.

This development consent does not operate until those acting on the consent satisfy Penrith City Council as to the matters specified in the above condition, and in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021, Penrith City Council confirms such satisfaction in writing. The information required by the deferred commencement condition at (A) above is to be submitted within 12 months of the date of the determination of the Deferred Commencement consent.

- b) The Panel understands the Applicant offered to construct the roadway pavement in the roadway to be dedicated to Council. In the event that the Council prefers this not to occur until the adjoining roadway pavement is constructed, it would be reasonable to require the Applicant to pay for such costs. However, the terms of the Planning Agreement are a matter for the Council.




Reasons for the Decision

The Panel agreed with the assessment contained with Council's Assessment Report.

- The proposed subdivision meets the minimum LEP lot size requirements, will result in a satisfactory anticipated yield, and will facilitate future development on the rear allotment, including street activation.
- The proposal includes public road dedication to meet the strategic intentions and objectives of Penrith DCP 2014 by contributing to the future completion of the DCP-required cul-de-sac head.
- The proposed conditions of consent are sufficient to ameliorate and manage the safety implications of an interim access arrangements until the full cul-de-sac head can be realised.
- The concerns raised within received submissions and verbal representations at the Panel Meeting have been considered and are not considered sufficient grounds to refuse the application, noting conditions of consent are recommended to manage road and drainage works.

Votes

The decision was unanimous.

Jason Perica – Chair 	John Brunton – Expert 
Mary-Lynne Taylor – Expert 	Vanessa Howe – Community Representative 