

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WEST PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 22 February 2017
PANEL MEMBERS	Sean O'Toole (Chair), Paul Mitchell, Ben Price and Glenn McCarthy
APOLOGIES	Mary-Lynne Taylor
DECLARATIONS OF INTEREST	None

Public meeting held at Penrith City Council on Wednesday, 22 February 2017, opened at 2:30 pm and closed at 2:45 pm.

MATTER DETERMINED

2016SYW237 – Penrith – DA16/1166 - 117-127 O'Connell St, Caddens (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

REASONS FOR THE DECISION



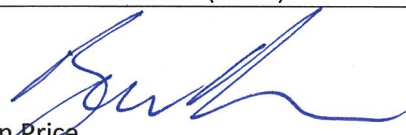
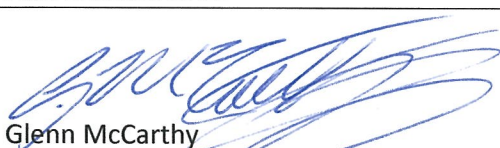
The Panel determines the application by granting approval for the following reasons:

1. The application complies with the applicable provisions of all relevant EPIs with the exception of the minimum residential lot size in the Penrith LEP 2010. A request to allow a variation of this development standard has been submitted. The variation would still enable the objective of the minimum lot standard to be achieved and would facilitate development consistent with the objectives of the zone; thus application of the standard would be unreasonable. There are sufficient environmental planning grounds to support the variation request, primarily that the development is responsive to its context and the environmental capacity of the site. The Panel considers the written Clause 4.6 application to be satisfactory and supports it.
2. The application will increase the supply of residential land on a site zoned for this purpose. Further, the proposed development is well designed and is suited to the site.
3. The application will have no material adverse impacts on the natural or built environments. The Panel made specific enquiries to Council's officers about the area requiring remediation and noted that it was much less than three hectares.
4. The infrastructure needed to service the application will either be provided by way of the development itself or through financial contributions paid to the Council.
5. For the reasons given above, approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment:

Condition 10: to delete reference to "(at minimum)", amend dot point 1 to state "Be prepared by an appropriately qualified person with consideration to Penrith Development Control Plan 2014" and the addition of a definition regarding "suitably qualified person" which shall be copied from Condition 66.

PANEL MEMBERS	
 Sean O'Toole OAM (Chair)	 Paul Mitchell OAM
 Ben Price	 Glenn McCarthy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW237 – Penrith – DA16/1166
2	PROPOSED DEVELOPMENT	Proposed Demolition of Existing Structures, Bulk Earthworks, Remediation Works and the Staged Residential Subdivision Including 257 x Residential Lots, 3 Residue Lots, 1 Open Space Lot, 1 Drainage Lot and Associated Road Construction, Landscaping Works and Drainage Infrastructure
3	STREET ADDRESS	117-127 O'Connell Street CADDENS
4	APPLICANT OWNER	Legpro Pty Limited Legpro Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Section 79C of the Environmental Planning and Assessment Act 1979 • Section 23G of the Environmental Planning and Assessment Act 1979 • Section 91 of the Environmental Planning and Assessment Act 1979 • Penrith Local Environmental Plan 2010 • Penrith Development Control Plan 2014 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55—Remediation of Land • Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations • The public interest, including the principles of ecologically sustainable development

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report 9 February 2017 • Written submissions during public exhibition: two (2) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Mike Williams
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site visit and briefing meeting on 23 November 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report