

DATE OF DETERMINATION	26 July 2025
DATE OF PANEL DECISION	25 July 2025
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict as they regularly act on behalf of the applicant. Ross Fowler declared a perceived conflict as they are a member of Council that approved the Planning Proposal for the subject property. Carlie Ryan declared a conflict of interest.

Papers circulated electronically on 17 July 2025.

MATTER DETERMINED

PPSSWC-375 – Penrith – DA23/0955 at 35-53 CHAIN-O-PONDS ROAD MULGOA 2745 – Staged Torrens Title Subdivision into 205 Residential Lots, 5 Rural-Residential Lots, 7 Super Lots, 5 Residue Lots & Public Roads including Demolition Works, Land Remediation, Bulk Earthworks, Road Works, Stormwater Management Works & Public Domain Landscaping (Stages 1 & 2, Glenmore Park Stage 3). (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 briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the development application for the reasons outlined in the Council Assessment Report.

In particular, the Panel concluded that:

- The development is consistent with the provisions of the relevant environmental planning instruments, including *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Precincts – Western Parkland City)*, and *Penrith Local Environmental Plan 2010*
- The development is generally consistent with the requirements in the *Penrith Development Control Plan 2014*, including the site-specific requirements for the development of Glenmore Park – Stage 3
- The relevant integrated approval bodies (RFS, DPI-Water, DPI-Fisheries, Heritage NSW) have provided their General Terms of Approval for the proposal, which have been incorporated into the conditions of consent
- Suitable arrangements have been for the provision of infrastructure and services for the development, and the recommended conditions of consent require the Applicant to:
 - pay the relevant Housing and Productivity Contribution

- enter into a Voluntary Planning Agreement with Council in accordance with the terms of the Applicant's offer which were formally accepted by Council on 1 July 2025
- Following the provision of additional information by the Applicant, Transport for NSW is satisfied that the development will not adversely affect the regional road network and that it will not compromise the proposed upgrade of the Northern Road/Chain-O-Ponds Road intersection (which is required to facilitate future development in Glenmore Park- Stage 3 from around 2036)
- The impacts of the development are acceptable and can be suitably controlled with the recommended conditions of consent
- Under these conditions:
 - The site will be remediated and made suitable for the development
 - The minor biodiversity impacts on the "avoided lands" on site will be offset in accordance with the offset liabilities identified in the BDAR
- The development will make a substantial contribution (205 residential lots) to housing supply in Western Sydney and complete the civil works required for the delivery of further residential lots in Stage 2 of Applicant's development in Glenmore Park – Stage 3 under DA 25/0408, consistent with the strategic planning objectives for the area
- The development is in the public interest.

CONDITIONS

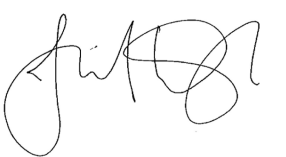
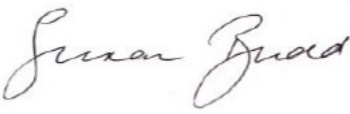
The development application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development application from 13 November to 13 December 2023 and received one submission objecting to the development. The submission raised concerns about:

- Extent of works within the mapped 'Avoided Lands' area
- Inaccurate species lists provided within the BDAR
- Loss of natural watercourses
- Concerns regarding biodiversity offsets
- Potential increased risk in anti-social behaviour
- Traffic impacts
- Concerns regarding vehicle headlight, illumination of dwellings and impact to local fauna
- Potential future redevelopment of land south of the development

In reaching its decision, the Panel considered these matters carefully and is satisfied that they have been satisfactorily addressed in the Council Assessment Report and approved conditions of consent for the development.

PANEL MEMBERS	
 Justin Doyle (Chair)	 David Kitto
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-375 – Penrith – DA23/0955
2	PROPOSED DEVELOPMENT	Staged Torrens Title Subdivision into 205 Residential Lots, 5 Rural-Residential Lots, 7 Super Lots, 5 Residue Lots & Public Roads including Demolition Works, Land Remediation, Bulk Earthworks, Road Works, Stormwater Management Works & Public Domain Landscaping (Stages 1 & 2, Glenmore Park Stage 3).
3	STREET ADDRESS	35-53 CHAIN-O-PONDS ROAD MULGOA 2745
4	APPLICANT/OWNER	Applicant: Mirvac Homes (NSW) Pty Ltd Owner: John Fornasier
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Precincts—Western Parkland City) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Penrith Local Environmental Plan 2010 - Draft environmental planning instruments: Nil - Development control plans: - Penrith Development Control Plan 2014 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 17 July 2025 - Written submissions during public exhibition: One (1) - Total number of unique submissions received by way of objection: One (1)
8	BRIEFINGS BY THE PANEL	- Briefing: 29 January 2024 <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Carlie Ryan, Ross Fowler <u>Council assessment staff</u>: Taylah Ebzery, Robert Craig <u>Applicant representatives</u>: William Hodgkinson, Aaron Baker, Peter Lawrence, Sam Johns, Ian Brown, Chris Mallion, David Robertson, Ayberk Sahin, Saad Kashif - Briefing: 11 November 2024 <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Susan Budd <u>Council assessment staff</u>: Jacqueline Klincke, Robert Craig, Lucy Goldstein and Natalie Stanowski

		○ <u>Applicant representatives</u>: Ian Brown, Peter Lawrence, William Hodgkinson, Aaron Baker, William Donnelley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report