

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA21/0836 – 6 Assisi Close CRANE BROOK NSW 2749
<b>DATE OF DETERMINATION</b>	23 February 2022
<b>PANEL MEMBERS</b>	Jason Perica (Chair) Christopher Hallam (Expert) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Representatives from the applicant – Tania Hannaford (Planner - Plan for tomorrow), Eddie Mekhail (Architect – AA Dream Homes), Medhat Attia (owner), Mark Attia (builder)

Public Meeting held via video conference on Wednesday 23 February 2022, starting at 1:00pm.

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

Development Application DA21/0836, Lot 20 DP 1197799, 6 Assisi Close CRANE BROOK NSW 2749 – Construction of an Attached Dual Occupancy with Strata Subdivision.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers, a supplementary memo and the following plans;

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River'

In terms of considering community views, the Panel noted there were 11 submissions received from the public notification of the Development Application.

## Panel Decision

DA21/0836, Lot 20 DP 1197799, 6 Assisi Close CRANEBROOK NSW 2749 for Construction of an Attached Dual Occupancy with Strata Subdivision be approved subject to the recommended conditions of consent outlined within the Council Officer's assessment report and subject to the amendment of Condition No. 36 to add the following:-

- i) *Prior to the issue of an Occupation Certificate, a minimum of two native trees (minimum 75-litre pot size) with a mature height of no less than 8 metres shall be planted in a position along/near the rear boundary of each dwelling. Complementary under-storey shrub planting shall also be planted along the rear boundary of each dwelling within a landscape strip of at least 1m. In addition, shrub planting along the side boundary fence lines opposite the alfresco areas of both dwellings is required to be planted as marked in red on the stamped approved plans.*

## Reasons for the Decision

- a) The Panel agreed with the assessment contained with Council's Assessment Report and supported the recommendation for approval on the following grounds:-
  - The Panel had regard to the applicant's Clause 4.6 contravention request regarding the minimum lot size requirements for a dual occupancy development within Clause 4.1A of Penrith Local Environmental Plan 2010. The Panel formed the view that the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent would be in the public interest. In forming its view, the Panel had regard to the proposal, nature of the site, the applicant's written request, the nature of the non-compliance, the proposed building arrangement and form on the allotment(s), information in the assessment report and the circumstances of the case.
  - The development provides a building arrangement, height and scale which complies with Council's planning controls, is contextually appropriate and site responsive.
  - The proposed development is permissible in the zone and provides, in the immediate locality, diversity of housing choice that meets the objectives of the zone.
  - The amendments required to Condition 36 ensure that suitable tree canopy coverage and landscaping is provided within the development to address Council's Cooling the City Strategy, and better integrate into the landscape character of the locality.
- b) Separate to the determination of this application, the Panel noted the concerns raised by residents regarding street parking and parking congestion which appeared to relate to the existing circumstances in the cul-de-sac. The Panel recommends to Council that the matter be forwarded to the Local Traffic Committee for consideration.

**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> 