

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA22/0589
DATE OF DETERMINATION	24 May 2023
PANEL MEMBERS	Jason Perica (Chairperson) John Brunton (Expert) Christopher Hallam (Expert) Steve Welsh (Community Member)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Sonya Peters Paul Heald Rachael Heald Wilma Rutter-Curry Jake Janssen- Architect Jonathon Wood- Town Planner
LIST OF ADDITIONAL ATTENDEES	Nicholas Ross- Land Owner

Hybrid Public Meeting held in person and via video conference on Wednesday, 24 May 2023, starting at 2.00pm

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

DA22/0589 – Proposed Demolition of Existing Structures & Construction of Two (2) Storey & 129 Place Child Care Centre including Basement Car Parking & Associated Site Works at Nos. 13 - 15 Luttrell Street GLENMORE PARK NSW 2745

Panel Consideration

The Panel had regard to the assessment report prepared by Council staff, supporting plans and information, including the following environmental planning instruments and policies:

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity & Conservation) 2021

- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Planning Guideline 2021

In terms of considering community views, the Panel noted there were twelve (12) written submissions received in response to the public notification of the Development Application, while the Panel also listened to registered speakers at the public meeting.

Panel Decision

DA22/0589 – Proposed Demolition of Existing Structures & Construction of Two (2) Storey & 129 Place Child Care Centre including Basement Car Parking & Associated Site Works at Nos. 13 - 15 Luttrell Street GLENMORE PARK NSW 2745 be approved subject to the recommended conditions of consent, as amended as follows: -

Additional Conditions

- **Prior to the issue of an Occupation Certificate**, 1 x staff parking spaces (not stacked) is to be provided with 32-amp electric vehicle charging station.
- **Prior to the issue of a Construction Certificate**, amendment to the landscape plan is to be approved by Council's Senior Development Assessment Officer, that amends the following
 - i) The proposed species identified for boundary shrub planting is to be amended to provide greater diversity in species selection within the development.
 - ii) The proposed Jacaranda in the front setback is to be replaced with an alternate native species.
 - iii) The proposed spotted gum within rear setback is to be relocated at least 3m to the south (to be further away from an adjoining pool) to the west.
- **Prior to the issue on Occupation Certificate**, an additional canopy street tree is to be planted. Details of species and location are to be approved by Penrith City Council's Asset Management - Public Spaces Tree Officer.
- The applicant is required to engage with Council's Traffic Management Department to consider the suitability or warrant for on street parking restrictions as a consequence of the approved development. Any recommendations or requirements that are resolved by the Penrith Local Traffic Committee are to be implemented by the applicant, at no cost to Council. All required works are to be undertaken prior to the issue of an Occupation Certificate and may necessitate a prior Section 138 Roads Act Application approval for signage and line-marking.
- **Prior to the issue of a Construction Certification**, solar panels are to be provided within the development and detailed on amended plans that

address and cater for the expected daily energy demands of the development.

- **During the operation of the development**, and in the event of surplus dedicated staff parking spaces, those staff spaces are to be made available for visitor parking (excluding stacked spaces). A minimum of 13 visitor parking spaces is required to be provided throughout the operation of the development as marked on the plan.

Amendment of Recommended Conditions

Condition 10 is to be amended to add the following: -

“The removal of any existing property boundary fencing as a consequence of this development is to be undertaken in consultation with affected neighbouring property owners and ensure that sufficient notice and arrangements are in place to manage property security, protection and safety of pets.”

Condition 13 is to be amended to add the following:

“..... which at a minimum, addresses suitable arrangements for access routes, the parking, access and circulation of all staff and construction vehicles during the excavation and construction of the development. The plan must include prohibition of the reversing of vehicles from the site into the public road and address pedestrian access into and around the development.”

Condition 31 is to be amended to add the following after the first paragraph (and retaining the last paragraph) as follows: -

- The materiality of acoustic fencing along the rear property boundary (i.e., lapped and capped timber fencing or metal fencing) is to be selected and constructed after consultation with affected property owners, seeking genuine agreement as far as possible.
- An additional minimum 200mm horizontal slat privacy screen shall be erected on top of the first-floor perimeter wall (western and northern elevation), for greater privacy protection to neighbours.

Reasons for the Decision

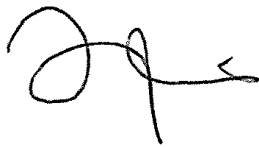


- The majority of the Panel agreed with the assessment of the proposal outlined within the Council's assessment report.
- The subject site is zoned R2 Low Density Residential Development, and the proposal complies with the zone objectives, being the provision of a land use that provides facilities or services to meet the day to day needs of residents.
- The proposal presents a building height, mass and scale which is consistent with the built form character of the locality.
- The development provides suitable spatial separation between built forms and minimises opportunities for direct privacy and amenity impacts through the centralised location of the second storey, side boundary screen planting and with generous second storey side and rear setbacks to property boundaries.

- The provision of a street service bay ensures that the function of the local road network is not unreasonably compromised by the proposed development and associated access and servicing arrangements.
- The proposal complies with key statutory provisions outlined within State Environmental Planning Policy (Transport and Infrastructure) 2021, Child Care Planning Guideline 2021 and Penrith Local Environmental Plan 2010.
- The proposal is compliant with applicable development controls, including parking provision, and objectives contained within Penrith Development Control Plan 2014.
- The Panel had regard to written and verbal submissions made. The Panel noted the proposal fully complies with parking requirements in Council's DCP, traffic impacts were assessed as acceptable and appropriate noise attenuation measures were incorporated into the design to mitigate likely impacts. The Panel imposed additional conditions to further regulate parking, traffic, privacy, and landscaping / tree selection aspects of the proposal, after consideration of written and verbal submissions, and verbal concessions offered by the applicant's representatives.

The Panel's community representative had an alternative opinion to that of the majority of the Panel, taking into consideration the received submissions and practical concerns regarding the parking and traffic management aspects and impacts of the proposal. Another concern for this Panel member was the impact of the construction (including considering its likely duration) on local residents, particularly in terms of noise, traffic, and parking.

Votes

The decision was not unanimous with three Panel Members in support of the above decision to approve the Development Application and one Panel Member not supportive of the decision.

<p>Jason Perica (Chair)</p> 	<p>John Brunton (Expert)</p> 
<p>Christopher Hallam (Expert)</p> 	<p>Stephen Welsh (Community Representative)</p> 