

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA23/0697
DATE OF DETERMINATION	12 June 2024
PANEL MEMBERS	Pamela Soon - (Chair) Lisa Trueman - (Expert) Jeremy Swan - (Expert) Vanessa Howe - (Community Representative)
DECLARATIONS OF INTEREST	No Conflicts of Interest were declared
LISTED SPEAKERS	Julie McCammont – Objector (In-Person) Ian Marshall – Objector (In-Person) Derrick Slade – Objector (In-Person) Rita Formosa – Objector (Online) Patrick O’Neill – Objector (In-Person)
LIST OF ADDITIONAL ATTENDEES	Sandra O’Neill – Objector (Online) Carmen Marshall – Objector (In-Person) Jacqueline Klincke – Council (In – person) Gavin Cherry – Council (In – person) Katelyn Davies – Council (In – person) Andrew Goses – Council (In – person) Jill Williams – Council (In – person)
APOLOGIES	Gloria Slade – Objector

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

DA23/0697 - Demolition of Existing Structures, Vegetation and Tree Removal and Construction of a 120 x Place Childcare Centre Development with Basement Parking and Associated Works at Nos. 196 – 198 Bennett Road, St Clair NSW 2759

Panel Consideration

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

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

In terms of considering community views, the Panel noted there were 21 unique submissions received in response to the public notification of the Development Application. The nature of the submissions were also addressed within the Council's Assessment Report.

The Panel also listened to registered speakers at the public meeting.

Panel Decision




In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA23/0697 - Demolition of Existing Structures, Vegetation and Tree Removal and Construction of a 120 x Place Childcare Centre Development with Basement Parking and Associated Works at Nos. 196 – 198 Bennett Road, St Clair NSW 2759 be refused as recommended by Council Staff.

Reasons for the Decision

- The Panel agreed with the reasons for refusal outlined within the Council's Assessment Report. The proposed reasons endorsed by the Panel indicate the proposal is not an appropriate form of development on the site.
- The proposed development is not considered to be in the public interest noting that the extent of tree removal and the bulk, scale, built form and site coverage of the development is not consistent with the local context and character of the area.
- The proposal is not site responsive in its design and spatial arrangement with unsupportable levels of tree removal and dependency on artificial turf in conflict with the urban heat development standards within Clause 7.30 of Penrith LEP 2010, urban heat development controls and objectives within Penrith DCP 2014 and the sustainability development standards and objectives within Clause 7.4 of Penrith LEP 2010
- The Panel considered representations made during the Public Meeting. The Panel were not satisfied that the various matters raised were adequately addressed in the Proposal as outlined in Council Officers report.

Votes

The decision was unanimous.

<p>Pamela Soon - (Chair)</p> 	<p>Lisa Trueman - (Expert)</p> 
<p>Jeremy Swan - (Expert)</p> 	<p>Vanessa Howe (Community Representative)</p> 