

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA23/0398
DATE OF DETERMINATION	27 th March 2023
PANEL MEMBERS	David Ryan (Chair) Stuart McDonald (Expert) Graham Brown (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Alek Kapitanovic – Applicant (Online)
LIST OF ADDITIONAL ATTENDEES	Jake Bentley – Council (In – person) Sandra Fagan – Council (In- person) Katelyn Davies – Council (In – person)

Hybrid Public Meeting held in person and via video conference on Wednesday, 27 March 2024, starting at 2.00pm

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

DA23/0398, Alterations and Additions to St Marys Diggers and Band Club Including New Indoor/Outdoor Function Area and Terrace, Club House And Kids Outdoor Play Area at Nos. 75-105 Mamre Road, St Marys, NSW, 2760.

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 (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport & Infrastructure) 2021
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there were zero (0) submissions received in response to the public notification of the Development Application. 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, DA23/0398, Alterations and Additions to St Marys Diggers and Band Club Including New Indoor/Outdoor Function Area and Terrace, Club House And Kids Outdoor Play Area at Nos. 75-105 Mamre Road, St Marys, NSW, 2760 be approved subject to the recommended conditions of consent accompanying the assessment report as well as the amendment of the below conditions:

- Condition 8 is to be amended to add the following:
"A Construction Certificate shall be obtained prior to the commencement of any building works. The approved development can be staged by the Certifier. However, the full amount of the Section 7.12 Contribution as per Condition (61) must be paid in full prior to the issue of the first Construction Certificate."
- Condition 46 is to be amended to add the following:
"Prior to the issue of any Construction Certificate, the Certifier shall ensure that the structures, the subject to this consent, below RL 29.0m AHD (adopted 1% flood level + 0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury Nepean Floodplain Management Steering Committee."


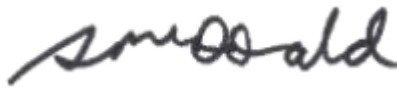

Reasons for the Decision

- The Panel agreed with the assessment of the proposal outlined within the Council's assessment report.

- General Terms of Approval have been received from the (former) DPE-Water, now the Department of Climate Change Energy and the Environment and Water.
- Appropriate conditions have been imposed to ensure the proposed development and associated works will have minimal environmental impacts and the site is suitable for the proposed development.
- Amended conditions have been imposed to address concerns in relation to conditions 8 and 46 raised by the Applicant during their address to the Panel.
- The proposal presents a building height, mass and scale which is consistent with the built form character of the locality.
- The proposal is compliant with the aims and provisions of applicable development controls and policies, including objectives contained within Penrith Development Control Plan 2014.

Votes

The decision was unanimous.

<p>David Ryan (Chair)</p> 	<p>Stuart McDonald (Expert)</p> 
<p>Graham Brown (Expert)</p> 	<p>Vanessa Howe (Community Representative)</p> 