

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA22/1047
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	Jackie Brown – Objector (In-person) Jenny Wilcher – Objector (In-person) Denise Byrne – Objector (Online) Stephen Welsh – Objector (Online) Elaine Treglown – Applicant (In-person) Duncan Scott Lawson – Applicant (Online) Zehra Karimi – Applicant (In-person)
LIST OF ADDITIONAL ATTENDEES	Stephen Lim – Applicant (In-person) Woojin Kang – Applicant (In-person) Andrea Horan – Objector (Online) Lucy Goldstein – Council (In-person) Tania Shephard – Council (In-person) Katelyn Davies – Council (In-person)

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

DA22/1047, Alterations And Additions To An Existing Dwelling For Use As A Child Care Centre For x 106 Children Ages 0-12 Including A Care Takers Residence and Associated Parking, On-Site Sewage Management, Tree Removal and Landscaping Works at Nos. 187 – 193 East Wilchard Road, Castlereagh, NSW, 2749.

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 & Employment) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- 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 eleven (11) submissions received in response to the public notification of the Development Application, ten (10) of which were unique. The Panel also listened to registered speakers at the public meeting. The substance of the submissions was also addressed within the Council's Assessment Report.

Panel Decision

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA22/1047, Alterations And Additions To An Existing Dwelling For Use As A Child Care Centre For x 106 Children Ages 0-12 Including A Care Takers Residence and Associated Parking, On-Site Sewage Management, Tree Removal and Landscaping Works at Nos. 187 – 193 East Wilchard Road, Castlereagh, NSW, 2749 is approved subject to the recommended conditions of consent accompanying the assessment report with the addition of the following conditions:

- **Proposed additional condition A:**
 - *"The Site Plan accompanying the Construction Certificate application is to be updated to incorporate the following:*
 - i. *The existing fence located behind the building which encloses the pool area is to be demolished."*

- **Proposed additional condition B:**
 - *“Prior to the issue of an Occupation Certificate, an Evacuation Management Plan must be prepared for the childcare centre in accordance with Regulations 97 and 168 of the Education and Care Services National Regulations and is to be incorporated into the Operation Plan of Management.”*

- **Proposed additional condition C:**
 - *“Prior to the issue of an Occupation Certificate, a copy of the Bushfire Emergency Management and Evacuation Plan required by Condition 9 of this Consent is to be provided to Council.”*

- **Proposed additional condition D:**
 - *“Prior to the issue of a Construction Certificate, updated plans are to be submitted to and approved by Council’s Principal Planner incorporating the following:*
 - i. A 2.7m wide turning bay is to be provided at the northern edge of the staff car park, as marked in red on the stamped approved plans. The aisle is to be extended by 2.7m to allow vehicles to enter the turning bay. The turning bay is to be marked and signed to prevent it from being used as a car space. The purpose of the turning bay is to allow vehicles to safely turn around in the event that all car spaces are occupied and leave the site in a forward direction.*
 - ii. A pedestrian footpath is to be provided forward of the visitor car parking spaces, as marked in red on the stamped approved plans. The footpath is to be 1.5m wide and clearly be distinguished for pedestrian use.*
 - iii. A marked pedestrian point of crossing from the pedestrian footpath to the entrance of the building is to be provided.”*

Reasons for Majority Decision


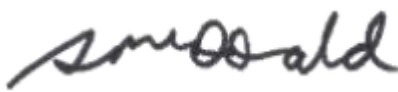

- The Panel agreed with the assessment of the proposal outlined within the Council’s assessment report.
- Appropriate conditions have been imposed to ensure the proposed development and associated works will have minimal environmental impacts and the site is suitable for the proposed development.
- The 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.
- The Panel conducted a site visit with Council staff and considered written submissions and representations made during the Public Meeting concerning character, traffic, noise, safety, environmental impacts. The Panel was satisfied that these matters were adequately addressed in the Council Officers report, including the assessment undertaken by the Council’s traffic engineer and biodiversity officer in support of the application.

Votes

The decision was a majority vote, with three (3) for and one (1) against.

The Community Representative voted against the approval of the application based on consideration of objections raised by the local community in relation to traffic concerns, existing road conditions, loss of local endangered biodiversity communities and noise.

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