

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA19/0886 - 110-112 Mt Vernon Road MOUNT VERNON NSW 2178
<b>DATE OF DETERMINATION</b>	20 January 2021
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Ferudun Karatas Robert Smith Nick Sazdanovski Mark Toma (Applicant) Stephen Jones (Architectural Designer) John Palasty (Senior Development Manager)

Public Meeting held via video conference on Wednesday 20 January 2021, starting at 1:00pm.

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

Development Application DA19/0886 at Lot 4 DP 865818, 110-112 Mt Vernon Road MOUNT VERNON NSW 2178 - Construction of Single Storey Child Care Centre for 96 Children, At-Grade Parking for 30 Vehicles, Signage, Remediation Works & On-Site Sewage Management System

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers (including additional memo dated 19 January 2020), including the following plans:

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- 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 24 submission in response, 10 of which were unique from the public notification of the Development Application.

### Panel Decision

Development Application DA19/0886 at Lot 4 DP 865818, 110-112 Mt Vernon Road MOUNT VERNON NSW 2178 - Construction of Single Storey Child Care Centre for 96 Children, At-Grade Parking for 30 Vehicles, Signage, Remediation Works & On-Site Sewage Management System be approved in accordance with the conditions recommended by Council staff contained in the report to the Panel meeting of 20 January 2021, as amended by the following changes to conditions:-

- Addition of a new Condition No.1A to state:  
*“The elevation and section drawings shall be amended to include a ridge RL, which is no higher than 6.2m above existing ground level. These plans are to be included in the application for a Construction Certificate to the satisfaction of the Certifying Authority.”*
- Addition of a new condition to state:  
*“The centre shall provide and make available during operation, a bus which has capacity for at least 22 children (plus 1 x driver and a minimum 1 x adult supervisor) and which is made available for morning pickup and afternoon drop off of children. This bus shall include mechanisms to allow use by children with a disability.”*
- Recommended Condition No. 1 be amended to refer to Stormwater Drawing Nos. 101-105 instead of 101-109.
- Recommended Condition 34 be amended to insert the word “whole” before “property” in the second line to ensure that the Vegetation Management Plan applies to the entire site, including the area shown on the landscape plans. Also, after the eighth dot point, an additional dot point is to be inserted that ensures that the approved landscape plans are amended to be consistent with the Vegetation Management Plan, including compliance with Recommended Condition No. 93.
- Recommended Condition 87 be amended to delete the words after “02/12/20” and insert, “as amended to be consistent with the Vegetation Management Plan, Condition 93, and any other condition of this consent.”
- Recommended Condition 93 be amended to add “consistent with the Vegetation Management Plan” after reference to “landscape plan”.  
  
At the end of the recommended condition after the words “western side setback” insertion of the words “and canopy trees in the southern portion of the site.”

## Reasons for the Decision

The Panel agreed with the assessment contained with Council's Assessment Report.

While concerns by surrounding residents were noted regarding the proposed use, scale and various impacts from the proposal, the majority of the Panel (herein after referred to as the Panel) noted that the use is permissible in the zone, and that the proposal complies with key development standards and controls within applicable State and Council Planning Documents. The State Planning Policy regulating this use includes a number of detailed provisions, of which the proposal is consistent.

Issues related to noise, traffic/parking, on-site sewerage treatment were reviewed by relevant experts within Council and found to be acceptable, subject to the recommended conditions of consent. While some impacts will result from the proposal, it will also provide a facility able to be used by the wider community, with an associated wider public benefit.

In terms of building bulk and scale, the proposal is well within the building height standard, and while being a relatively large building, this is not inconsistent with the overall scale of surrounding buildings. The front setback is larger than adjoining buildings and the proposed landscaping, required to be further augmented by conditions of consent as amended by the Panel, together with relatively generous side and rear setbacks, provides an appropriate mitigation of the building bulk.



In terms of considering community views the Panel had regard to both written submissions and verbal presentations made. The majority of the Panel agreed with the assessment of issues raised, as outlined in the Council report, with exceptions related to the dissenting view expressed by Mr Welsh.

## Votes

The decision was not unanimous with three (3) Panel Members in support of the application and one (1) Panel Member not supportive of the application.

The reasons for the dissenting view and non-support by Mr Welsh were:

- Agreement with key issues and concerns raised within submissions received; and
- The site is located within a sensitive environmental zone and the scale and size of the facility will change the nature, character and attractiveness of the wider area.

Jason Perica – Chair 	John Brunton – Expert 
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Mary-Lynne Taylor – Expert



Stephen Welsh – Community Representative

