

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA21/0538 – 194 Bennett Road, ST CLAIR NSW 2759
<b>DATE OF DETERMINATION</b>	25 January 2022
<b>PANEL MEMBERS</b>	David Ryan (Chairperson) John Brunton (Expert) Mary-Lynne Taylor (Expert) Vanessa Howe (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Residents – Ian Marshall, Wayne Lewis, Alan Torrie, Julie McCammont Applicant – Louise Ginson Owners – Marguerite Cole, Steve

Public Meeting held via video conference on Tuesday 25 January 2022, starting at 11:00am.

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

Development Application DA21/0538, Lot 1142 DP 259309 , 194 Bennett Road, ST CLAIR NSW 2759 - Conversion of a Dwelling to Health Care Consulting Rooms & Construction of Car Parking.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers, and the following planning instruments and control plan(s):

- Penrith Local Environmental Plan 2010;
- Penrith Development Control Plan 2014;
- State Environmental Planning Policy (Infrastructure) 2007;
- 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 twelve (12) submissions received in response to the public notification of the Development Application.

### **Panel Decision**

DA21/0538, Lot 1142 DP 259309 , at 194 Bennett Road, ST CLAIR NSW 2759 for the Conversion of a Dwelling to Health Care Consulting Rooms & Construction of Car Parking is approved subject to the recommended conditions of consent outlined within the Council Officers' assessment report to the Panel and the following amended/additional condition details:

**Amend Condition 12 to include:** Prior to the issue of an occupation certificate, boundary fencing work to satisfy the above requirements, are to be completed by the applicant at the applicant's expense

**Amend Condition 41 to:** require the construction of a footpath along the McLaren Grove frontage of the site and revised details to be included in a Section 138 Roads Act Application.

**Amend Condition 11 to include:** Landscaping adjacent to the Bennett Road driveway is to be maintained to a maximum height of 1.0m that allows for unimpeded sight lines for motorists and pedestrians.

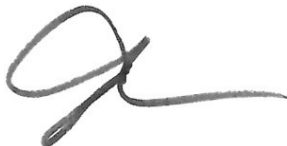


### **Reasons for the Decision**

The Panel agreed with the assessment contained within Council's Assessment Report and noted the following;

- The proposal satisfies the aims, objectives and provisions of the State Environmental Planning Policy (Infrastructure) 2007, Penrith Local Environmental Plan 2010 (the LEP) and Development Control Plan 2014. The Panel notes that the ISEPP prevails in the event of an inconsistency with the LEP and is satisfied that the development is permissible on the site and consistent with the provisions of the ISEPP.
- Any potential impacts are capable of being addressed by conditions imposed by the Panel. In particular, the provision of a public footpath connection, improvements to stormwater management and restrictions to hours of operation are reflected within conditions of consent.
- The proposal is an appropriate development for the site and its context, providing convenient healthcare services to the local community. The Panel noted that the site is located at the entrance to a cul-de-sac and the development is principally orientated towards Bennett Road, with minimal interaction with the rest of the cul-de-sac, and in these circumstances is acceptable.
- It is noted that one speaker was concerned with the documentation submitted in support of the application and potential or perceived conflicts of interest. However the Panel has made its decision based on the independent assessment of the Development Application by Council, its own consideration of the merits of the proposal and the matters identified in received written submissions and verbal representations.

**Votes**

The decision was unanimous.

<p>David Ryan – Chairperson</p> 	<p>John Brunton – Expert</p> 
<p>Mary-Lynne Taylor – Expert</p> 	<p>Vanessa Howe – Community Representative</p> <p>Vanessa Howe</p>