

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA20/0423 – 682 Castlereagh Road AGNES BANKS NSW 2753
DATE OF DETERMINATION	23 September 2020
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Emma Rogerson (Town Planner) Vikash Parikh (behalf of Owner) Himanshu Shah (behalf of Owner) Kelly Duncan Wesley Alan Pembroke Daphne Dell Pembroke Kareena Gale Yvonne Hatk Belinda-Jayne Davis Jeanette Wilkins Lew McDonnell Joanne Muscat Geoffory Whittaker Janice Farrell Anton Maas Frank & Victoria Muscat Wayne Burton Tony Bonham & Vicki Bonham Jasmine Stratton & Allan Stratton

LISTED ATTENDEES	Michelle Jakobsson Kerrie-Anne Walsh & Brett Walsh Monica Burton Regan Pembroke Manish Ashar

Public Meeting held via video conference on Wednesday 23 September 2020, opened at 4:00pm.

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

Development Application DA20/0423 at Lot 2 DP 252556, 682 Castlereagh Road AGNES BANKS NSW 2753 - Alterations and Additions to an Existing Dwelling and Change of Use to a Community Facility with Associated Car Parking & On-Site Waste Water Management System

Panel Consideration

The Panel had regard to the assessment report prepared by Council Officers, supplementary memorandum dated 23 September 2020 prepared by Council officers, submissions received, and the following plans;

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

In terms of considering community views, the Panel noted there was one (1) submission received in support and twenty-eight (28) submissions received in objection, from the public notification of the Development Application.

Panel Decision

Development Application DA20/0423 at Lot 2 DP 252556, 682 Castlereagh Road AGNES BANKS NSW 2753 - Alterations and Additions to an Existing Dwelling and Change of Use to a Community Facility with Associated Car Parking & On-Site Waste Water Management System to be refused for the following reasons below:

1. The proposed use and associated structures are not consistent with the objectives of the RU1 Primary Production Zone of Penrith Local Environmental Plan 2010.

2. The proposal has not demonstrated that the proposed development is permissible in the zone. Based on various sources of information, the Panel was of the view it was reasonable to conclude the proposal is for a Place of Public Worship rather than a Community Facility. This is important, as a Place of Public Worship is a prohibited development in the zone. However, even if the proposal was found to be properly characterised as a permissible use, the Panel would still refuse the application for the reasons that follow.
3. The application is unsatisfactory in terms of:
 - a. Visual impact, and impacts upon scenic character and landscape values,
 - b. Noise and privacy impacts, noting the comments and recommendations within the Acoustic Report,
 - c. Amenity impacts, and
 - d. Traffic congestion and inadequate on-site parking.
4. The site is not suitable for the proposed development as:
 - a. The size, proportion, corner location and topography increase the visual and scenic prominence of the site. This requires a careful and well considered proposal to respond to the site characteristics and the surrounding character and context. The proposal does not achieve this.
 - b. The design of the development and its streetscape presentation is not considered to be compatible with, nor complementary to, the character of the local area or the future desired character of the area.
 - c. The proposal does not adequately demonstrate that impacts related to local character, streetscape presentation, scale, noise and amenity is adequately mitigated nor managed by the design of the development.
5. The proposal is inconsistent with the following provisions of Penrith Development Control Plan 2014:
 - B - DCP Principles,
 - C1 Site Planning and Design Principles,
 - C2 Vegetation Management,
 - C3 Water Management,
 - C6 Landscape Design,
 - C7 Culture and Heritage,
 - C10 Transport, Access and Parking,
 - C12 Noise and Vibration,
 - C13 Infrastructure and Services,
 - D1.1 Rural Character,
 - D1.2 Rural Dwelling and Outbuildings,
 - D1.5 Non-Agricultural Development.
6. The application is unsatisfactory, noting a number of valid concerns within submissions and adverse precedent. The site is not suitable for the use and the proposal is not considered to be in the public interest.

Reasons for the Decision


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

The Panel considered the applicant's request for a deferral. However, given the nature of issues that needed to be resolved, the likely time this would take and the likelihood an acceptable proposal would be considerably different, the Panel was of the view that deferral was not warranted or appropriate in this instance.

The Panel noted despite a previous development application and two pre-lodgement meetings occurring, the key issues do not seem to have changed and not been adequately resolved.

Votes

The decision was unanimous

Jason Perica – Chair 	John Brunton – Expert 
Mary-Lynne Taylor – Expert 	Stephen Welsh – Community Representative 