



Penrith Local Planning Panel

Determination and Statement of Reasons

APPLICATION NUMBER	DA21/0163 – 115-119 Great Western Highway EMU PLAINS NSW 2750
DATE OF DETERMINATION	21 July 2021
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Chair) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
SPEAKERS	Representatives from the Applicant – Rob Dwyer from RPS Group, Thu Thanapalasantheram & Calvin Drury from Department of Education, Ross Tiernan & Steve Hulme from MBB Group and Rodney Matterson from TCQ Constructions

Public Meeting held via video conference on Wednesday 21 July 2021, commencing at 2:00pm.

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

Development Application DA21/0163, Lot 12 DP 1056135, No. 115 – 119 Great Western Highway EMU PLAINS NSW 2750 - Demolition of Two Sheds, Removal of 36 Trees, Construction of a (New / Additional Multi-Purpose) School Hall, Construction of a (Maintenance Type) Shed, Relocation of Existing Gas Tanks and Associated Earthworks and Landscaping.

Panel Consideration

The Panel had regard to an assessment report prepared by Council Officers, a supplementary memorandum dated 20 July 2021 and the following plans;

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Vegetation in non-rural areas) 2017
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

Panel Decision

DA21/0163 at 115-119 Great Western Highway EMU PLAINS for Demolition of Two Sheds, Removal of 36 Trees, Construction of a (New / Additional Multi-Purpose) School Hall, Construction of a (Maintenance Type) Shed, Relocation of Existing Gas Tanks and Associated Earthworks and Landscaping be approved subject to the recommended conditions of consent outlined within the Council Officer assessment report.




Reasons for the Decision

The Panel agreed with the assessment contained with Council’s Assessment Report and outlined the following reasons for the decision:

- The proposed siting is logical and supports the operation of the School.
- The Panel had regard to the applicant’s Clause 4.6 request regarding the building height development standard within Clause 4.3 of Penrith Local Environmental Plan 2010 (PLEP 2010) and formed the view that the applicant’s written request satisfactorily addressed the required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the zone objectives and the objectives of the development standard, notwithstanding the non-compliance, and granting consent was in the public interest. The Panel noted the height non-compliance partly arose from the need to address flooding, and the sloping roof led to a varied perceived height, with the proposal well setback from the street and adjoining private properties, which also helped ameliorate impacts from the height non-compliance.
- Environmental impacts, where they exist, are appropriately mitigated and managed by the recommended conditions of consent (which have been agreed by the Crown applicant).
- In terms of considering community views, the Panel noted there was one submission received from the public notification of the Development Application. The Panel agreed with the assessment of issues raised as outlined in the Council Assessment report.

Votes

The decision was unanimous.

<p>Jason Perica – Chair</p> 	<p>John Brunton – Expert</p> 
<p>Mary-Lyne Taylor – Expert</p> 	<p>Stephen Welsh – Community Representative</p> 