

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

JRPP Ref. No.:	2017SWT019
Application number:	DA17/1204
Description of development:	Place of Public Worship Containing an 89 Place Child Care Centre & Associated Remediation, Earthworks, Road Construction, Drainage and Landscaping Works (Staged)
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1176624
Property address:	1 Water Street, WERRINGTON NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Hills Christian Life Centre Ltd Level 2, 2 Burbank Place BAULKHAM HILLS NSW 2153
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DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse to grant consent to the subject development application. In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal to grant consent are in Attachment 1.

Date of this decision	27 August 2018
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POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Jane Hetherington
Contact telephone number:	+612 4732 8078

NOTES

Reasons

The reasons for refusal in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Reasons for refusal

Your attention is drawn to the attached reasons for refusal in attachment 1.

Certification and advisory notes

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

SIGNATURE

Name:	Jane Hetherington
Signature:	

For the Development Services Manager

ATTACHMENT 1 : REASONS FOR REFUSAL

1. The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the following provisions of:
 - a) Penrith Local Environmental Plan 2010:**
 - Clause 2.3 - Permissibility: insufficient information was provided to demonstrate that all components of the development are permissible
 - Clause 2.3 - the objectives of the zone, specifically: *To limit the impact of industrial development on adjacent residential areas, in terms of its built form, scale, acoustic and visual privacy and air quality.*
 - b) Sydney Regional Environmental Plan No. 20 - Hawkesbury/Nepean River**
 - Clause 3 - Aims of Plan.
2. The development application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the following provisions of the Penrith Development Control Plan 2014:
 - C3 Water Management;
 - C5 Waste Management;
 - C10 Transport, Access and Parking;
 - C12 Noise and Vibration;
 - D5.2 Child Care Centres;
 - D5.6 Place of Public Worship; and
 - E12 Penrith Health and Education Precinct, Part C South Werrington Urban Village.
3. The development application is not satisfactory for the purpose of Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979* and Clause 54 of the *Environmental Planning and Assessment Regulation 2000* in that the consent authority requested additional information that was not submitted being an amended acoustic report, waste management plan and stormwater management plans and information demonstrating compliance with Council's WSUD Policy and Stormwater & Drainage for Building Developments Policy.
4. The application is not satisfactory for the purpose of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as it has not been demonstrated the likely impacts of the development can be satisfactorily mitigated. These impacts relate to traffic, parking and access, waste management, noise, stormwater management, flooding and water quality management.
5. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as the site is not suitable for the proposed development as safe and efficient access has not been provided.
6. The application is not satisfactory for the purpose of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* as the proposal is not in the public interest.
7. The application is not satisfactory for the purpose of Clause 60(6) of the *Environmental Planning and Assessment Regulation 2000* as the proposal is not supported by the Department of Industry - Water as outlined in their correspondence dated 16 April 2018.
8. The application is not satisfactory for the purpose of Clause 104 of the *State Environmental Planning Policy*

(Infrastructure) 2007 as the proposal is not supported by the NSW Roads and Maritime Services as outlined within their correspondence dated 24 July 2018.