

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Development Application
Application number and project name	DA 23/9236 Change of Use – Café and Wine Bar – 100 Old Castlereagh Road, Castlereagh
Applicant	Stimson Urban & Regional Planning obo Sydney Helicopters Group
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director Regional Assessments under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

2 April 2024.

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the department during the assessment of the development application; and
- the findings and recommendations in the department's assessment report;

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- It is permissible with development consent on land zoned 'Tourism' under the *State Environmental Planning Policy (Western Parkland City) 2021* and consistent with the objectives of the SEPP;
- The café will be located above the 1% AEP plus freeboard, which mitigates the risk to property. The site can also be safely evacuated in accordance with the approved Flood Evacuation Management Plan (FEMP);
- Potential noise impacts generated from the operation of the Helipad on workers and attendees comply with the relevant requirements under the *Workplace Health and Safety Act 2011* and the noise emission standards developed in the approval of the Helipad;
- The café and wine bar are predominantly located within the existing building, away from the property boundaries and neighbouring buildings. Potential noise impacts generated from operation of the proposal on surrounding sensitive receivers are considered minor and can be addressed through mitigation measures;
- The Department has conditioned the requirement for the Applicant to address the structural adequacy of the building and the provision of an on-site sewage management system (OSSM) prior to operation;
- The proposal will provide an entertainment destination for the enjoyment of the local community, tourists and visitors to the Penrith Lakes locality; and
- The development should have a positive multiplier effect on the local economy during construction and operation through the employment of sub-contractors and staff and purchase of stock and produce.

Attachment 1 – Consideration of Community Views

The Department exhibited the Development Application for the project, including the Statement of Environmental Effects from 18 August 2023 until 31 August 2023 (14 days) on its website. The Department also notified surrounding landholders in writing and consulted with the local Council and relevant state authorities.

No issues were raised by the community and no public submissions were received.

The Department undertook a site visit on 4 October 2023 to inspect the building and determine if the submitted application provided sufficient detail concerning fire safety, accessibility, and structural adequacy.

Council and state agencies provided the following comments:

- Council provided comments advising that the application must comply with the relevant requirements around parking, waste storage and disposal, flood planning and evacuation, noise impacts and sewage.
- The State Emergency Service advised that consideration of flooding issues should be undertaken in accordance with relevant NSW Government policies and guidelines, and that the recently approved FEMP adequately covers the evacuation of the Helipad and the proposed café.
- The Environment and Heritage Group within the Department (now the NSW Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation and Science Group) advised that the flood risk assessment must consider a broader scope of work.

The Applicant provided a response to these comments in the Response to Submissions documentation and the Department has addressed these concerns in the Assessment Report.