

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WEST PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 26 July 2017
<b>PANEL MEMBERS</b>	Sean O'Toole (Chair), Mary-Lynne Taylor, Paul Mitchell, Ben Price and Glenn McCarthy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Penrith City Council on Wednesday, 26 July 2017, opened at 12:40 pm and closed at 1:55 pm.

#### MATTER DETERMINED

2016SYW196 – Penrith - DA16/1006 AT 5-10 Quigg Place & 124-140 Bringelly Road, ORCHARD HILLS (AS DESCRIBED IN SCHEDULE 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel determines the application by granting approval, subject to the conditions as amended below, for the following reasons:

1. The proposal is permitted in the R2 Low Density Residential zone and satisfies all applicable development standards and guidelines.
2. The proposal is an expansion of an existing school on a site that has demonstrated suitability for the proposed use.
3. The proposed development is well designed, responding appropriately to the features and constraints of the site, and providing all necessary support facilities such as parking.
4. The proposal will provide additional educational facilities and widen the range of education opportunities available. It is therefore of social benefit.
5. For the reasons given above, the proposal is in the public interest.

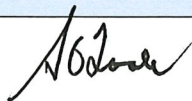

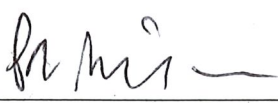


#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 2 be amended to read:  
Prior to the issue of the relevant Construction Certificate, Lot 16 DP 1037710, Lot 1 DP 1197635 and the requisite portions of Quigg Place forming part of the subject development site, shall be consolidated as one lot. This will require a formal road closure and property boundary adjustments in relation to the requisite portions of Quigg Place and gazettal of the road closure prior to registration of the plan of consolidation with the Land and Property Information division of the Department of Lands.

Prior to the issue of the relevant Occupation Certificate, the widened portions of the Quigg Place cul-de-sac shall be dedicated to Council as public road at no cost to Council.

- Condition 6 be amended to read:  
The attached conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority dated 1 May 2017 for the said development are to be completed prior to the issue of a Construction Certificate, Roads Act approval and/or an Occupation Certificate, as relevant to each of the General Terms of Approval.
- Condition 8 be amended to read:  
Hand rails are to be provided to the descending staircase within the amphitheatre along one side. All stairs, ramps and walkways shall be provided in accordance with the requirements of AS 1428.1 and the Building Code of Australia.
- Condition 9 be amended to read:  
The attached conditions imposed by the NSW Roads and Maritime Services in their correspondence dated 17 November 2016 for the said development are to be completed prior to the issue of a Construction Certificate, Roads Act approval and/or an Occupation Certificate, as relevant to each of the conditions.
- Condition 10 be amended to read:  
The school is to have a maximum of 885 students.
- Condition 13 be amended to read:  
All external cleaning, gardening and maintenance is only to occur between 7:00am - 6:00pm, Monday to Friday and 8:00am - 1:00pm on Saturday.
- Condition 31 to be amended to read:  
A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water prior to the issue of an Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.
- Condition 32 to be amended to read:  
Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.
- Condition 51 to be amended by removing the duplicate sentence "The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller for patrons" and adding a 'C' in front of 'TMP' in the first sentence of the second paragraph.

PANEL MEMBERS	
Sean O'Toole(Chair) 	Mary-Lynne Taylor 
Paul Mitchell 	Ben Price 
Glenn McCarthy 	



### SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYW196 – Penrith - DA16/1006
2	PROPOSED DEVELOPMENT	Alterations & Additions to an Existing Educational Establishment including New Buildings, Increased Student Numbers, Car Parking & Associated Works
3	STREET ADDRESS	124-140 Bringelly Road Orchard Hills and 5-10 Quigg Place Orchard Hills
4	APPLICANT OWNER	Ingham Planning Pty Ltd Pared Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy No 55- Remediation of Land;</li> <li>• Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River,</li> <li>• Penrith Local Environmental Plan 2010.</li> <li>• Penrith Development Control Plan 2014</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 12 July 2017</li> <li>• Written submissions during public exhibition: one (1)</li> <li>• Memorandum from Penrith City Council dated 21 July 2017</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – John McMahon</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting on 23 November 2016</li> <li>• Final briefing meeting to discuss council's recommendation, 26 July 2017. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sean O'Toole (Chair), Mary-Lynne Taylor, Paul Mitchell, Ben Price and Glenn McCarthy</li> <li>○ <u>Council assessment staff</u>: Lauren Van Etten, Kate Smith, Robert Craig, Gavin Cherry and Lucy Goldstein</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report