

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	27 August 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Ross Fowler and Glenn McCarthy
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith Council on 27 August 2018, opened at 4.30pm closed at 6.07pm.

MATTER DETERMINED

2017SWT019 – Penrith – DA17/1204, Lot 1 Water Street, Werrington (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.

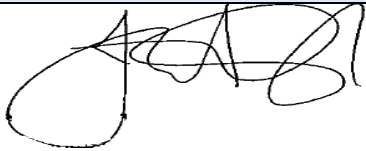




The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

REASONS FOR THE DECISION

1. The Applicant accepted that due to the absence of concurrence from Department of Industry – Water, and lack of support from the RMS as the roads authority for Great Western Highway, that the development application could not be approved, with the Applicant instead seeking deferral of the application to allow it further time to seek to address the reasons in the Council assessment report, and particularly to explore alternative access arrangements.
2. The Panel considered, but ultimately could not support the Applicant's proposal for deferral in circumstances where:
 - (a) The Applicant advised that it would be seeking approval for all stages of its development with this application, even though it conceded that even if it was able to devise a satisfactory solution to the traffic demands of Stage 1, it would not be able to solve the increased traffic demands of the later stages without an access road being constructed to the North for which it had no design, and for which consent of adjoining owners would be necessary with whom negotiations had not significantly progressed.

- (b) Accordingly, the Panel could not be satisfied that there was a sufficiently imminent prospect of resolving the crucial issue of access in the short or medium term, if at all.
3. The Panel accepts in substance the recommendation of the planning assessment report to refuse the application.
 4. The Panel notes that the development constitutes integrated development under Sec 4.46 of the EPA Act 1997 requiring approval under the Water Management Act 2000. As the Department of Industry- Water has declined to issue the required approval the Panel is unable to grant consent to the proposal.
 5. In its current form (as the Applicant seemed to accept) insufficient material has now been submitted in the circumstances noted above to demonstrate:
 - that the development can be accessed in a safe and efficient manner,
 - that the proposed uses will have acceptable acoustic impacts on surrounding land uses,
 - that the proposed development will have acceptable flood related impacts.
 6. Accordingly the Panel could not now be satisfied that approval of the proposal or its deferral is in the public interest.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurrán
 Bruce McDonald	 Glenn McCarthy
 Ross Fowler	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT019 – Penrith – DA17/1204
2	PROPOSED DEVELOPMENT	Place of Worship containing an 89 Place Child Care Centre and Associated Remediation, Earthworks, Road Construction, Drainage and Landscaping works.

3	STREET ADDRESS	Lot 1 Water Street, Werrington
4	APPLICANT/OWNER	Applicant – Hills Christian Life Centre Ltd Owner – Hills Christian Life Centre Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Community Facility (Place of Public Worship) with a Capital Investment Value in excess of \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Penrith Local Environmental Plan 2010 (Amendment 4) ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Penrith Development Control Plan 2014 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: August 2018 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – George Aghajanian, Peter Lee and Piran Trethewey.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection and Briefing – 1 March 2018 • Final briefing to discuss council's recommendation, 27 August 2018 – 3.50pm to 4.25pm.

		<ul style="list-style-type: none"> Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Ross Fowler and Glenn McCarthy <u>Council assessment staff</u>: Jane Hetherington and Peter Wood
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A