

DETERMINATION AND STATEMENT OF REASONS SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	16 September 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Jeni Pollard and Glenn McCarthy
APOLOGIES	Ross Fowler
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith City Council on Monday, 16 September 2019, opened 3.35pm and closed at 5.30pm.

MATTER DETERMINED

2017SWT020 - Penrith – DA17/1247, Address – 230-242 Aldington Road, Kemps Creek (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will provide a place of public worship with associated social and instructive facilities within the Sydney Western City District, reflecting the District's diverse cultural composition.
2. The Panel is satisfied that the use is permissible within the zone given that the definition of "place of public worship" in Penrith LEP 2010 includes:

"... a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training."

3. The proposed development subject to the conditions imposed adequately satisfies the relevant State Legislation and State Environmental Planning Policies including the Water Management Act 2000, Rural Fires Act 1997, SEPP 55 (Remediation of Land), SEPP (Infrastructure) 2007 and State Regional Environmental Plan No20- Hawkesbury Nepean River and SEPP (Western Sydney Employment Area) 2009.

4. The proposal adequately satisfies the requirements and provisions of Penrith LEP 2010 (Amendment 4) and Penrith Development Control Plan 2013.
5. The proposed development, will have no unacceptable adverse impacts on the natural or built environments including;
 - impact on adjoining lots from the appearance of the site from those lots, noise or and vehicular movement impacts.
 - the character of the existing rural landscape when viewed from public roadways or its surrounding context.
 - the quality of the local riparian system.
 - The operation of the local road system
6. The site is located within the Western Sydney Employment Lands and the Western Sydney Aerotropolis and the consequent development of the area will result in the rural character and qualities of the locality changing profoundly. With the reduction in the scale of the proposed buildings, proposed landscaping and noting the permissibility of the proposed use, the Panel was satisfied that the proposal was sufficiently compatible with the present and anticipated character of the area, having regard to the objectives of the RU2 zone.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest

CONDITIONS

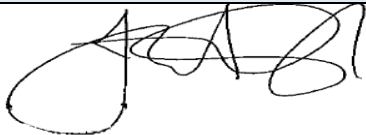

The development application was approved subject to the conditions in the council assessment report.




CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submissions made during public exhibition. The following issues were raised:

- Not been demonstrated that the development is permissible;
- Development is inconsistent with zone objectives;
- Developments intensity is inappropriate for the rural character of the surrounding locality;
- Impact of the development on the local road network is unsatisfactory;
- Visual and acoustic impact'
- On-site sewer management.

Subject to the comments above, the Panel considers that concerns raised by the objectors have been adequately addressed in the assessment.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran

 Bruce McDonald	 Glenn McCarthy
 Jeni Pollard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT020 - Penrith – DA17/1247
2	PROPOSED DEVELOPMENT	Place of Worship including Hindu Temple (Mandir), Assembly Hall, Community Kitchen and Dining Hall, Monks Residence, Landscaped Areas, internal roads, car parking and associated site works.
3	STREET ADDRESS	230-242 Aldington Road, Kemps Creek
4	APPLICANT/OWNER	Applicant – Stimson and Baker Planning Owner – Baps Swaminarayan Sanstha Australia Limited
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30m
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 No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River State Environmental Planning Policy (Western Sydney Employment Area) 2009 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Local Environmental 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

		<p>impacts on the natural and built environment and social and economic impacts in the locality</p> <ul style="list-style-type: none"> • 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: 16 September 2019 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Jane Hetherington ○ On behalf of the applicant – Warwick Stimson
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 1 March 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Joh Griffin, Ross Fowler and Glenn McCarthy ○ <u>Council assessment staff</u>: Jane Hetherington and Robert Craig • Final briefing to discuss council's recommendation, 16 September 2019, time 3.00pm • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Jeni Pollard and Glenn McCarthy ○ <u>Council assessment staff</u>: Jane Hetherington
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report