

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	27 September 2024
DATE OF PANEL DECISION	27 September 2024
DATE OF PANEL MEETING	24 September 2024
PANEL MEMBERS	Garry Fielding (Chair), Sue Francis & Brian Kirk
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 16 September 2024.

MATTER DETERMINED

PPSWES-211 – Lithgow - DA157/23 - 4-6 HEPBURN STREET MCKELLARS PARK

The proposed development is seeking consent for six (6) self-contained apartments, communal facilities and detached community facilities, comprising a Transitional Group Home (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 listed at item 8 in Schedule 1.

Development application/ Application for modification of consent

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

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report. The Panel noted that the applicant had requested a waiver of the Contributions due to the community nature of the application. The Panel is aware that such a waiver is only possible via the Council itself and understands that the applicant will so seek. Accordingly, the Panel has sought to amend condition 28 and 29 to allow for the contribution to be varied should Council consider the waiver for this community use well founded.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report, with the following amendments:

- Condition 28 *Contributions* & Condition 29 *Water and/or Sewerage Development Contributions* are each amended to reference "This contribution is applicable unless waived or discounted by Council prior to payment".
- Condition 33 *Operational Management Plan* - minor edits relating to lighting and security.
- Condition 76 *Signage* – to include emergency contact details.



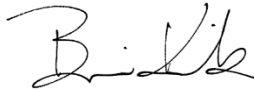
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during two public exhibitions. The Panel notes that issues of concern included:

- Safety
- Noise

- Setback requirements
- Privacy and overlooking Impacts
- Private open space area and location
- Car and bicycle parking
- Building size and layout
- Building height
- Bushfire protection
- Traffic impacts
- Property values
- Light pollution
- Scale and character
- Incompatible use
- Waste management; and
- Fencing and easement impacts

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the conditions attached to the determination. Specifically, the Panel sought changes to the Plan of management in relation to security and requiring low level lighting in the battle axe and open spaces around the home.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sue Francis
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-211 – Lithgow - DA157/23
2	PROPOSED DEVELOPMENT	The proposed development is seeking consent for six (6) self-contained apartments, communal facilities and detached community facilities, comprising a Transitional Group Home
3	STREET ADDRESS	4-6 HEPBURN STREET MCKELLARS PARK
4	APPLICANT/OWNER	Darren Wooding
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Lithgow Local Environmental Plan 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Lithgow Development Control Plan 2021 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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: 11 September 2024
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Applicant Briefing: 27 August 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Applicant representatives</u>: Scott Taylor, Daniel Dijikic, Daniel Drum, Tai Longergan • Final briefing to discuss council's recommendation: 24 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Brian Kirk, Sue Francis ○ <u>Council assessment staff</u>: Lauren Stevens, Sandra Politi & Jessica Ramsden ○ <u>Applicant representatives</u>: Scott Taylor, Daniel Dijikic & Daniel Drum
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

