

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA21/0857 – 3/222 Queen Street, ST MARYS NSW 2760
<b>DATE OF DETERMINATION</b>	8 June 2022
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Vanessa Howe (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Joshua Grossman

Public Meeting held via video conference on Wednesday 8 June 2022, starting at 1:00pm.

### **Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979**

Development Application DA21/0857, Lots 1, 2 and 3 SP 33718, 3/222 Queen Street, ST MARYS NSW 2760 – Restricted Premises – Adult Entertainment Premises including Retail Shop and Cinema Room.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers, submissions received, revised assessment report of 8 June 2022 and the following plans;

- Penrith Local Environmental Plan 2010 (Amendment 4)
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there was 1 submission received from the public notification of the Development Application.

### **Panel Decision**

DA21/0857, Lots 1, 2 and 3 SP 33718, 3/222 Queen Street, ST MARYS NSW 2760 – Restricted Premises – Adult Entertainment Premises be approved subject to the recommended conditions in the revised report to the Panel meeting, subject to Condition 8 being amended to read

*Approval for the use of the premise is limited to a period of three (3) years from the date that the Occupation Certificate is issued.*

*A Modification Application may be lodged with Council a minimum three (3) months prior to the expiration of the three (3) years for the continued use of the*

*premise. In considering the continued use of the premises, the Modification Application shall demonstrate that the following criteria have been met:*

- (a) The premises has operated in accordance with the conditions of this consent.*
- (b) The premises has maintained surrounding residential amenity, including relating to noise, public safety, security, and visual impacts.*
- (c) The premises has operated in accordance with Council's Public Health requirements and successfully completed relevant health inspections.*
- (d) Consideration of any formal substantiated complaints received by Council relating to the premises.*

**Reasons for the Decision**

- The Panel agreed with the assessment contained with Council's Assessment Report.
- The Panel had regard to Clause 7.23 "Location of Sex Services premises and restricted premises" and is satisfied that the proposal meets the requirements of this Clause.
- The proposal will not substantially alter the existing streetscape, as the proposal makes use of an existing commercial building and does not involve external building works or signage. The premises is located at first floor and does not have a shop-front, and will be accessed via a discrete entrance/exit located on King Street, minimising visual impacts of the development.
- Council's assessment report has addressed the likely impacts arising from the development relating to public health matters, public safety, and noise impacts, and is found to be acceptable. The Panel made a revision to recommended Condition 8 as above.
- The application was notified in accordance with Council's Community Engagement Strategy and one (1) submission was received. The panel considered the written submission received and generally agreed with the information and response within the assessment report.

**Votes**

The decision was unanimous.

<p>Jason Perica – Chair</p> 	<p>John Brunton – Expert</p> 
<p>Mary-Lynne Taylor – Expert</p> 	<p>Vanessa Howe – Community Representative</p> 