

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA20/0628 – 4 Punt Road EMU PLAINS , 4 - 6 River Road EMU PLAINS and 28 - 30 Great Western Highway EMU PLAINS
<b>DATE OF DETERMINATION</b>	23 June 2021
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Christopher Hallam (Expert) Geoff Martin (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Applicant representatives available for questions

Public Meeting held via video conference on Wednesday 23 June 2021, starting at 11:00am.

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

Development Application DA20/0628, Lot 7038 DP 94188 & Lot 1 DP 50164 & Lot 10 DP 1216230 & Lot 9 DP 228204, Lot A DP 43546431, 4 Punt Road, 4 - 6 River Road and 28 - 30 Great Western Highway Emu Plains - Adaptive Re-Use of Locally Listed Heritage Item - Alterations & Additions to Convert Former Police Station Residence into Cafe/Restaurant including Construction of Related Car Parking.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers, a supplementary memorandum dated 22 June 2021 and the following plans;

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Vegetation in non-rural areas) 2017
- State Environmental Planning Policy No.55 – Remediation of Land
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas

In terms of considering community views, the Panel noted there were no submissions received from the public notification of the Development Application and no verbal submissions were made to the Panel.

### **Panel Decision**

DA20/0628 at 4 Punt Road, 4 - 6 River Road and 28 - 30 Great Western Highway Emu Plains for Adaptive Re-Use of Locally Listed Heritage Item - Alterations & Additions to Convert Former Police Station Residence into Cafe/Restaurant including Construction of Related Car Parking be approved subject to the recommended conditions of consent outlined within the Council Officer assessment report as further amended by the following:-

- i) Condition No. 3 be **deleted**.
- ii) Condition No. 13 be **amended** as follows:-

*Prior to the service of liquor from the premises, the appropriate liquor licence shall be obtained from Liquor & Gaming NSW. Any application to Liquor & Gaming NSW to serve liquor must reflect the approved use of the premises as a café/restaurant. In this regard, meals must be made available to patrons at all times that the café/restaurant is operating.*

- iii) Condition No. 20 be **amended** to allow digital archival recording in accordance with current Heritage NSW guidelines and the timing be amended to be required prior to the commencement of works.

- iv) Condition No. 23 be **amended** as follows:-

*A Heritage Interpretation Strategy shall be submitted to, and approved by, the Development Services Manager of Penrith City Council prior to the commencement of works.*

- v) Condition No. 79 be **amended** as follows:-

*All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant / relevant Council department including payment of related costs.*

- vi) Condition 95 be **amended** as follows:-

*No trees are to be removed, ring barked, cut, topped, lopped or willfully destroyed (other than those approved for removal by this consent) without the prior consent of Penrith City Council and in accordance with Part C, Section C2 Vegetation Management of Penrith Development Control Plan 2014.*

*In this regard, the only trees authorised for removal as part of this consent are Trees 129, 130, 135 and 386, as identified as being warranted for removal due to the proposed development in the Arboricultural Impact Assessment Report (dated 8 February 2021) prepared by Earthscape Horticultural Services.*

*Prior to the issue of an Occupation Certificate, a total of 29 replacement trees are to be planted as part of the landscape works and in accordance with the approved Planting Plan.*

## Reasons for the Decision

The Panel agreed with the assessment contained within Council's Assessment Report and outlined the following reasons for the decision:-

- The use is suited to the site and surrounds.
- The works will allow the conservation of a local heritage item by its adaptive reuse in a sympathetic way.
- The parking provided is appropriate having regard to the nature of the use, proposed parking provided, alternative parking availability and the nature of pedestrian use and activity in the area.
- The use and works will be a positive asset to the area and augment the use and enjoyment of the surrounding park precinct.
- The use is compatible with the plan of management for the park.
- Potential environmental impacts are appropriately managed and mitigated by conditions of consent, as amended above.

## Votes

The decision was unanimous.

<p>Jason Perica – Chair</p> 	<p>John Brunton – Expert</p> 
<p>Christopher Hallam (Expert)</p> 	<p>Geoff Martin (Community Representative)</p> 