



Penrith Local Planning Panel

Determination and Statement of Reasons

APPLICATION NUMBER	DA19/0220 – Emu Village B&A and Vacation Care at 4 Lawson Street Emu Plains
DATE OF DETERMINATION	8 May 2019
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Christopher Hallam (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared.
LISTED SPEAKER(S)	N/A

Public Meeting held at Penrith City Council on Wednesday 8 May 2019, opened at 3:30pm.

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

Development Application DA19/0220 at Part Lot 1 DP 650753 & Lot 7042 DP 93967, Emu Village B&A and Vacation Care at No.4 Lawson Street Emu Plains - Alterations and Additions to an existing community facility.

Panel Consideration/Reasons for the Decision

The Panel had regard to the assessment report prepared by Council officers and site observations. The Panel also had regard to the draft Environment SEPP and Remediation of Land SEPP, receiving advice from Council staff by memo dated 8 May 2019.

The Panel generally agreed with the consideration of environmental matters outlined within the Council staff report.

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

Approval of the proposal was appropriate for the following main reasons:

1. The proposal would have acceptable heritage impacts (subject to conditions) upon a heritage item and would assist in the ongoing use of the facility, important to its ongoing significance and maintenance.

2. The proposal would improve access to and within the building.
3. The use and development is of a form of development that is consistent with the zone, and provides services to the community.
4. The proposal satisfies the provisions and objectives of Penrith LEP 2010 and applicable planning instruments.
5. Granting consent would be in the public interest.

Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA19/0220 for alterations and additions to an existing community facility be approved subject to the conditions in the Council staff assessment report to the Local Planning Panel meeting of Wednesday 8 May 2019, with the following amendments:

- Condition 6 be amended to State:

Prior to the issue of a Construction Certificate, the Certifying Authority is to ensure that plans have been submitted to Council for review and approval identifying the air conditioning plant to the east of the building being fully screened. In this regard, screening is to be provided with a green finish and surrounded by native shrubs. The approved air conditioning plant screening and shrubs shall be installed prior to the issue of an Occupation Certificate.

- New conditions to state:

1. Details of all new guttering shall be to the written satisfaction of the Council's Heritage Consultant **prior to the issue of a Construction Certificate.**
2. Major construction work shall be overseen and certified by a suitably qualified person with heritage expertise (acceptable to the Council), such as demolition, framing, airconditioning, roofing and final works. This process shall be coordinated by the certifying authority including receiving written evidence of the heritage practitioners acceptance of works.

Votes

The decision was unanimous.

<p>Jason Perica – Chair Person</p> 	<p>John Brunton - Expert</p> 
<p>Christopher Hallam – Expert</p> 	<p>Stephen Welsh – Community Representative</p> 

MEMORANDUM

Reference: DA19/0220

To: Penrith City Council Local Planning Panel

From: Jake Bentley, Graduate Development Assessment Planner

Date: 8 May 2019

Subject: **Alterations and Additions to an existing community facility at Emu Village Before & After School and Vacation Care 4 Lawson Street Emu Plains**

I refer to the above matter scheduled for determination with the Penrith City Council Local Planning Panel on Wednesday 8 May 2019 and a request for clarification from The Local Planning Panel via an email from Jason Perica dated 5 May 2019 and provide the following clarification on the matter/recommend the following;

LPP comment	Assessment Officer Comment
Cond 6 – should the details be in the CC?	<p>Condition 6 has been reworded as follows to ensure details of the proposed air conditioning plant screening are provided to Council for review and approval prior to a Construction Certificate being issued.</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is to ensure that plans have been submitted to Council for review and approval identifying the air conditioning plant to the east of the building being appropriately screened to Council's satisfaction. In this regard, screening is to be provided with a green finish and surrounded by native shrubs. The approved air conditioning plant screening and shrubs shall be provided prior to the issue of an Occupation Certificate.</p>
Address Draft SEPP's	<p>Draft Environmental SEPP:</p> <p>The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.</p> <p>Changes proposed include consolidating a total of seven existing SEPPs being:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</i> • <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> • <i>State Environmental Planning Policy No. 50 – Canal Estate Development</i> • <i>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</i>

MEMORANDUM

- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.*

It is noted that the proposed changes to State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) are not considered to impact the proposed development. In addition, the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The proposed new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land,
- maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- clearly list the remediation works that require development consent, and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

Jake Bentley
Graduate Development Assessment Planner