

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA25/0332
DATE OF DETERMINATION	22 October 2025
PANEL MEMBERS	Donna Rygate (Chair) Kate Bartlett (Expert) Chris Young (Expert) Laura Howard (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	No Registered Speakers
LIST OF ADDITIONAL ATTENDEES	Natalie Piggott – Council – Senior Development Assessment Planner Tania Shephard – Council – Principal Planner Gavin Cherry – Council – Development Assessment Coordinator Katelyn Davies – Council – Panel Management Support Officer

Electronic Meeting held via online video conference on Wednesday, 22 October 2025 starting at 9.00am.

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

Penrith City Council
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DA25/0332, Alterations to the existing building and associated works for use as a long day child care centre at 382-396 Great Western Highway, St Marys, NSW, 2760

Panel Consideration

The Panel had regard to the assessment report prepared by Council staff, supporting plans and information, and the following environmental planning instruments and policies:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2022
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there was one (1) submission received in response to the public notification of the Development Application. The issues raised in the submission were addressed within the Council's Assessment Report.

Panel Decision

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA25/0332, Alterations to the existing building and associated works for use as a long day childcare centre at 382-396 Great Western Highway, St Marys, NSW, 2760 be refused as recommended by Council Staff.

Reasons for the Decision

- The Panel generally agreed with the reasons for refusal outlined within Council's Assessment Report.
- The proposal represents a significant variation and contravention of Clause 7.8 Active Street Frontages of PLEP 2010. The submitted Clause 4.6 request to vary this standard is not sufficiently well founded. The proposal and resulting interface with the Great Western Highway are contrary to the objectives of the development standard. The Panel also notes that unauthorised works have occurred which removed activation elements that formerly existed via door and window openings to this elevation, and the pursuit of any development proposal subject of Clause 7.8 PLEP 2010 warrants reinstatement of these features at a minimum.

- The proposal does not comply with SEPP (Transport and Infrastructure) 2021 and the Child Care Planning Guideline, as outlined within Council's assessment report.
- The proposal does not comply with SEPP (Hazards and Resilience) 2021 as the application fails to sufficiently demonstrate that the site is suitable, or can be made suitable, for the proposed change of use to a childcare centre.
- The proposal does not comply with Clause 7.30 - Urban Heat of PLEP 2010 as the proposed tree removal and resulting development arrangement does not provide for sufficient quantum of canopy shading to comply with objectives of the clause (being maximisation of green infrastructure) or the controls within DCP 2014, Chapter C14 - Urban Heat.
- The proposal does not comply with Clause 7.4 - Sustainable Development of PLEP 2010 due to insufficient information being submitted to demonstrate appropriate incorporation of required sustainability measures.
- The application has failed to submit adequate information to allow for a complete assessment or determination of suitability having regard to the requirements of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

Votes

The decision was unanimous.

Donna Rygate (Chair)		Kate Bartlett (Expert)	
Chris Young (Expert)		Laura Howard (Community Representative)	

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