

**ELECTRONIC DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING
PANEL
7 MAY 2020
SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Sue Francis (Chair), Milan Marecic (Expert), Jason Perica (Expert) and Erin Sellers (Community Representative)

Development application: REV2020/0001

Proposal: Review of Determination – Fit-out and use of the ground floor of an existing church building to be used as an early childhood education facility for 34 children, associated landscaping and car parking works

Premises: Lot 2, DP405732, 977 Forest Road, Lugarno

Determination: Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979(NSW) conditional development consent is **refused** to Review of Determination No. REV2020/0001 for the fit-out and use of the ground floor of an existing church building to be used as an early childhood education facility for 34 children associated landscaping and car parking works at Lot 2, DP405732 and known as 977 Forest Road, Lugarno, in accordance with the reasons stated in the report.

Date of Determination: 7 May 2020

Voting: 3:1 (Jason Perica against)

Statement of Reasons:

The Panel at its meeting of 5 March 2020 deferred determination of the matter to allow the applicant to resolve the outstanding issues; namely the access, parking, BCA report, operational Plan of Management (POM), acoustic report and the need for a SEPP 55 preliminary report.

In the circumstances, whilst the Panel considers that these matters may be able to be resolved, to date, after several attempts to resolve them, they have not been satisfactorily addressed sufficient for a favourable approval.

The majority of the Panel notes that the POM is not detailed enough to satisfy the concerns raised and that the preliminary SEPP 55 report identifies the need for a detailed report; which has not been provided. The majority of the Panel believes therefore that it is not in a position to be satisfied as to the nature of contamination for this proposed sensitive use. The proposed access and parking is not sufficiently detailed or resolved to be determined favourably in its current form. The majority of the Panel do not believe that these outstanding matters can be conditioned since

they would require further assessment, possibly notification and possible further change.

Accordingly, the majority of the Panel accepts the recommendation of the Council report to refuse the Review of Determination.

Jason Perica however, would have sought to resolve these matters through detailed Deferred Commencement Conditions and not refused the application.

Confirmed: Sue Francis (Chair), Milan Marecic (Expert), Jason Perica (Expert) and Erin Sellers (Community Representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (NSW).

Dated: 7 May 2020



Sue Francis
Chairperson



Milan Marecic
Expert Panel Member



Jason Perica
Expert Panel Member



Erin Sellers
Community Representative
