

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Penrith City Council** on **Thursday 20 August 2015 at 5.30 pm**

Panel Members: Paul Mitchell (Acting Chair), Bruce McDonald, Jon Colvin, Glenn McCarthy

Apologies: Mary-Lynne Taylor, Ross Fowler and Barry Husking

Declarations of Interest:

Paul Mitchell declared a non-significant non pecuniary interest in relation to this particular matter because he worked as a Consultant on this project 15 years ago but he has had no subsequent involvement.

Bruce McDonald declared a non-significant non pecuniary interest in relation to this particular matter as he was an employee of Penrith City Council when strategic assessments leading to a decision to develop the ADI site were being conducted he has not had any involvement with the site since that time.

Determination and Statement of Reasons

2014SYW151– Penrith City Council, DA14/1228 – Bulk Earth Works, Interim Stormwater Infrastructure, Landscaping, Tree Removal and Environmental Management Works including Realignment of an Existing Riparian Corridor, Lot 1037 DP 1149525 at No. 1208-1274 The Northern Road, Llandilo.

Date of determination: 20 August 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development will facilitate subsequent development of the site for residential & employment purposes as planned for in this location under the provisions of SREP No. 30 St Marys. This in turn will add to the supply of choice of housing and employment with the Western Metropolitan Subregion and the City of Penrith.
2. The proposal is considered to adequately satisfy the provisions of relevant State legislation and Environmental Planning Policies including the Water Management Act 2000, the Threatened Species Conservation Act 1995, SEPP No. 33 (Hazardous and Offensive Development), SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007 & SREP No. 20 Hawkesbury Nepean River. In regard to SEPP No. 55 the Panel recognises that the land is planned for subsequent development for residential and employment uses and considers that further demonstration that any future proposal satisfies the provisions of SEPP 55 should not rely on this approval, but should be independently determined by contamination testing of the site as composed at that time.
3. The proposal adequately satisfies the provisions of SREP 30 – St Marys being the planning instrument principally regulating development of the site.
4. Subject to the conditions imposed the proposed development will have no unacceptable impacts on the built environment including the operation of the local road network, the amenity of adjoining and nearby residences or the quality of Dunheved Golf Course.
5. Subject to the conditions imposed the proposed development will have no unacceptable impacts on the natural environment including threatened flora or fauna or the flow or flooding patterns of South Creek and its tributaries. In this regard the Panel observes that these impacts have been considered in the strategic assessments leading to the adoption of SREP 30 which designates the subject site for future urban development of has responded to conservation requirements by establishing Wianamatta Regional Park.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

suitable use of the site and approval is in the public interest.

Conditions: The development application was approved subject to the conditions recommended in the Council Assessment Report with amendments to the following conditions:

Condition 11 – first paragraph to read as follows:

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No fill importation works are to occur in those areas marked as stock piles, building footprint or hardstand areas on the "Stockpile Locations" plan prepared by Cardno Limited dated 17 November 2014 (Drawing No. 89914020-SK1006) until such time as they have been confirmed as suitable for the intended **residential & employment uses** with the issue of a Site Audit Statement from a NSW Accredited Site Auditor.

Condition 12 to read as follows:

On-site construction activities (other than the delivery of fill) are to be carried out during the following hours:

- Monday to Friday: 7.00 am to 6.00 pm
- Saturday: 7.00 am to 5.00 pm





Delivery of fill material **to a defined central point** can occur 24 hours, 7 days a week.

New dot point to Condition 27 to read as follows:

- **The CEMP is to specify noise & air quality performance criteria; any expected exceedance margins and their air frequencies.**
- **The CEMP is to provide for weekly reporting to Council of monitoring results, identification of any exceedances and performance criteria and responsive measures where needed. Provision is also to be made for a complaints hotline.**

Condition 28 to be deleted.

Panel members:

 Paul Mitchell (Acting Chair)	 Bruce McDonald	 John Colvin
 Glenn McCarthy		

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – 2014SYW151, LGA – Penrith City Council, DA14/1228
2	Proposed development: Bulk Earth Works, Interim Stormwater Infrastructure, Landscaping, Tree Removal and Environmental Management Works including Realignment of an Existing Riparian Corridor.
3	Street address: Lot 1037 DP 1149525 at No. 1208-1274 The Northern Road, Llandilo.
4	Applicant/Owner: Applicant – Maryland Development Company Pty Limited, Owner – St Marys Land Limited.
5	Type of Regional development: The proposal is defined as a waste management facility.
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Threatened Species Conservation Act 1995 ○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River Catchment ○ Sydney Regional Environmental Plan No. 30 – St Marys • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Penrith Development Control Plan 2006 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	<p>Material considered by the panel:</p> <p>A public meeting was held on 18 June 2015 to discuss the issues raised in the submissions. The key issues raised were:</p> <ul style="list-style-type: none"> • Implications of filling of the floodplain (local and regional impacts); • Adequacy of the modelling analysis undertaken; • Concerns with the scope of public notification; • Concerns with the applicant's consultation process; • Protection of significant flora and fauna; • Concerns with noise, dust and vibration impacts on neighbouring properties; • Employment benefits of the proposed works; • Greater housing choice and availability resulting from the proposed works; • Enabling the growth of the area to continue to reside in the area • Positive feedback on the quality of development and professionalism of the applicant. <p>In response to the items discussed, the applicant was requested to specifically address the following:</p> <ul style="list-style-type: none"> • Clarify the intended management measures to address noise, dust and vibration impacts; • Ensure the flood modelling has sufficiently considered local and regional impacts; • Impacts on greenhouse gas emissions; • Contamination of imported materials; • Stockpile re-use; • Traffic; • Level of information in relation to the proposed bulk earthworks and Stage 1 subdivision of the Precinct.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

	<p>Council assessment report with recommended conditions of consent and written submissions.</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> • Kevin Crameri (Councillor) • Robert Swan • David Bowen on behalf of the Western Sydney Conservation Alliance • Lesley Hudson • Paul Gerlach • Brian Clarke
8	<p>Meetings and site inspections by the panel:</p> <p>18 June 2015 – Site Inspection and Public Briefing Meeting</p> <p>20 August 2015 - Site Inspection and Final Briefing meeting.</p>
9	<p>Council recommendation: Approval</p>
10	<p>Conditions: Attached to council assessment report</p>