

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY WEST PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 22 February 2017
<b>PANEL MEMBERS</b>	Sean O'Toole (Chair), Paul Mitchell, Ben Price and Glenn McCarthy
<b>APOLOGIES</b>	Mary-Lynne Taylor
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Penrith City Council on Wednesday, 22 February 2017, opened at 2:30 pm and closed at 2:45 pm.

**MATTER DETERMINED**

2016SWT004 – Penrith - DA16/1278 - 42-46 Charles Street ST MARYS (AS DESCRIBED IN SCHEDULE 1)

**PANEL CONSIDERATION AND DECISION**

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

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*. The decision was unanimous.





**REASONS FOR THE DECISION**

The Panel determines the application by granting approval for the following reasons:

1. The application is a permissible use on the site by virtue of the Infrastructure SEPP 2007 notwithstanding its prohibition in the IN1 zone under the Penrith LEP 2010. The development complies with the relevant provisions of all other applicable EPIs.
2. The application does not constitute hazardous or offensive development as defined in SEPP 33. Given the safeguards proposed and incorporated into the EPA's GTAs, the development will not cause any material adverse environmental impacts.
3. The proposed development site is in an industrial area and is suited to the proposed development.
4. The development will facilitate safe and responsible disposal of waste, including Dangerous Goods, by members of the public. It will thus reduce the likelihood of waste dumping. As such, it has both public interest and environmental benefits.
5. The Panel carefully considered the objection lodged by T-Rex Racing Engines and noted that action is being undertaken by the Council's compliance officers.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report, as amended by the memorandum dated 22 February 2017.

<b>PANEL MEMBERS</b>	
 Sean O'Toole OAM (Chair)	 Paul Mitchell OAM
 Ben Price	 Glenn McCarthy



SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SWT004 – Penrith – DA16/1278
2	PROPOSED DEVELOPMENT	Occupation of an Existing Waste Management Facility for a Community Recycling Centre
3	STREET ADDRESS	42-46 Charles Street ST MARYS
4	APPLICANT OWNER	Worth Recycling Dunworth 2 Property Nominee 2 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Particular designated development - waste management facilities or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Section 79C of the Environmental Planning and Assessment Act 1979</li> <li>• Section 23G of the Environmental Planning and Assessment Act 1979</li> <li>• Section 91 of the Environmental Planning and Assessment Act 1979</li> <li>• Penrith Local Environmental Plan 2010 (Stage 1 LEP)</li> <li>• Penrith Development Control Plan 2014</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy No 33—Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No 55—Remediation of Land</li> <li>• Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report 9 February 2017</li> <li>• Written submissions during public exhibition: one (1)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – John Lee</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site visit and briefing meeting on 22 February 2017</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report Amended by memorandum dated 22 February 2017