

DETERMINATION AND STATEMENT OF REASONS SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	17 June 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald and Nicole Gurran
APOLOGIES	Ross Fowler and Glenn McCarthy
DECLARATIONS OF INTEREST	Nil

Public meeting held at Penrith City Council on Monday, 17 June 2019, opened 1.20pm and closed at 1.50pm.

MATTER DETERMINED

Panel Ref – 2018WCI005 - LGA - Penrith - DA18/1114, Address – 128 Andrews Road, Penrith (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed development will provide warehousing facilities to be used in conjunction with the adjoining glass product manufacturing factory within an established industrial area. The proposal will also provide additional employment within the Western Sydney District and the City of Penrith.
2. The Panel has considered the Applicant's request to vary the development standard contained CL.4.3 Height of Buildings Penrith LEP 2010 and considers the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation will not generate unacceptable impacts on nearby premises, is consistent with the scale and form of development in the locality and will have no significant impact on view lines. Further the proposed height will provide internal clearance height facilitating the intended pallet storage function. The variation is considered to remain consistent with the objectives of the standard and the applicable IN1 General Industrial zoning.
3. The proposed development subject to the conditions imposed adequately satisfies the relevant State legislation and State Environmental Planning Policies including the Water Management Act 2000, SEPP 55 (Remediation of Land), SEPP (Infrastructure) 2007, SEPP 64- Advertising and Signage and Sydney Regional Environmental Plan No20- Hawkesbury Nepean River.

4. The proposal adequately satisfies the objectives and provisions of Penrith LEP 2010 (Amendment 4) The Panel notes that the proposal satisfies the provisions of Cl. 7.2 Flood Planning and Cl. 7.5 Protection of Scenic Character and Landscape Values.
5. The proposal adequately satisfies the objectives and provisions of Penrith Development Control Plan 2014. The Panel notes that while the provision of onsite parking is less than that required by the DCP, the amount provided is considered acceptable in the circumstances of this particular case given the specific function of the proposed warehouse.
6. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environment including the function of existing or proposed nearby premises or the operation of the local road system, the local riparian system, the local ecology or local views.
7. The proposed development is considered to be of a scale and form which will integrate with the existing development of this established industrial precinct.
8. In consideration of conclusions 1-7 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS




The development application was approved subject to the revised conditions dated 14 June 2019 with the following amendments:

- Amend condition 23 by adding the following –
The inclusion of solar panels on the warehouse roof
- Amend condition 24 to read as follows -
D Special Fauna protection
Trees identified for removal are to be lowered to the ground slowly when felling to allow any resident fauna time to escape and to ensure they aren't crushed by falling trees and branches. This replaces the need for pre-clearing hollow survey and inspection. This is to be done under the supervision and to the direction of a qualified ecologist. Details on reporting of actions undertaken with tallies of fauna removed from the felled trees with details of their relocation destination (or destruction) are to be submitted to Penrith City Council's Senior Biodiversity Officer for approval prior to issue of a Construction Certificate.
- Amend condition 38 5th paragraph to read as follows –
3.0metre wide sealed shoulders (except parallel to the left turn lane into Access Road), kerb and gutter, verge at least 3.8 metres wide with 1.5metre wide concrete footpath set 1.8 metres from kerb face and connections to kerb ramps on both sides of the Access Road at the intersection with Andrews Road.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that they were no written submissions made during public exhibition.

PANEL MEMBERS

	
Justin Doyle (Chair)	Bruce McDonald
	
Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2018WCI005 - LGA - Penrith - DA18/1114
2	PROPOSED DEVELOPMENT	Site remediation works, construction of warehouse and distribution facility and related site works including access road construction and bulk earthworks.
3	STREET ADDRESS	128 Andrews Road, Penrith
4	APPLICANT/OWNER	Applicant – CPG BSW 1 Pty Ltd c/-Cadence Property Group Pty Ltd Owner – Tradelink Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$30m
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Penrith Local Environmental Plan 2010 (Amendment 4) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Local Environmental Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and

		<p>economic impacts in the locality</p> <ul style="list-style-type: none"> • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 3 June 2019 • Written submissions during public exhibition: 0 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Nil ○ Council assessment officer – Jane Hetherington ○ On behalf of the applicant – Mitchel Kent and Andrew Cowan
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing: 17 December 2018 • Final briefing to discuss council's recommendation, 17 June 2019, time 12.00pm • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ <u>Council assessment staff</u>: Jane Hetherington
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report