

# MEMORANDUM

Reference: **PPSSWC-108 – Penrith – DA20/0589**

To: The Sydney Western City Planning Panel

From: Kathryn Saunders, Senior DA Planner, Penrith City Council

Date: 15 December 2020

**Subject:** Development Assessment Report Addendum and Memorandum

1-21 GRADY CRESCENT ERSKINE PARK 2759  
Alterations and additions to an existing warehouse and the use of the premises as a waste or resource management facility (tyre recycling facility) operating 24 hours, 7 days per week.

This memorandum has been prepared in response to the briefing held between Penrith City Council and the Sydney Western City Planning Panel (the Panel) on 15 December 2020, in relation to the above development application.

The Panel requested further information in relation to the following matter:

## 1. Sustainability

The question was asked as to whether the applicant would adopt greater sustainability measures, given there was an opportunity to do so as part of the intensification of the site.

The applicant has agreed to install a 99kw system and has noted that this system will ...'likely be approaching \$150,000 which is a considerable investment'.

The applicant identifies that the structural roof will need additional design measures and engineering to accommodate the system and that due to the timing pressures of the client having to re-locate from an existing site in December, it is requested that they are given additional time after the issue of the Occupation Certificate to install the system.

No objections are raised by Council to this request and the following additional condition is recommended:

*Those acting on the consent are to install and connect a 99kw roof top solar panel system which is to be operational within 12 months of the issue of any Occupation Certificate.*

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*Once installed and operational, written confirmation that the system has been installed and is operational is to be submitted to the Manager of Development Services at Penrith City Council.*

In addition to the above matter, Council had raised in the meeting that the applicant had reviewed the draft conditions of consent and had requested minor amendments. The amendments and re-worded, amended and deleted conditions and any relevant discussion is included below:

## **(a) EPA General Terms of Approval (GTA).**

The applicant advises that they be allowed opportunity to seek revised GTAs from the EPA and that the current condition wording, as it is tied to the revision of the GTAs issued thus far, would result in the need for a modification application, should the EPA agree to revised GTAs. No objections are raised to this proposal and the following re-worded condition is proposed:

Current Condition –

*The site operator and beneficiary of the consent is to ensure compliance with the General Terms of Approval as set out in the General Terms of Approval document, Notice No. 1603615 and attached letter dated 03 December 2020 issued by the NSW Environment Protection Authority (EPA).*

Proposed Condition –

*The site operator and beneficiary of the consent is to ensure compliance with the General Terms of Approval as set out in the General Terms of Approval document, Notice No. 1603615 and attached letter dated 03 December 2020 issued by the NSW Environment Protection Authority (EPA) **or as may be amended by the EPA through the issue of updated or amended General Terms of Approval.***

## **(b) Section 7.12 Contributions**

The applicant has provided Council with information which indicates that Section 7.11 contributions were paid (through a credit for roadworks undertaken) as part of the subdivision of the site. Council's City Planning team have reviewed the information and have advised that Council's City Wide 7.12 plan does not apply to the subject application as the use of the site is not considered to trigger contributions, as the intensification is not beyond that which was considered in the application of the paid 7.11 contributions under the now rescinded Erskine Park Contributions plan.

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Council's City Planning team also reference the Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015 and are satisfied no further contribution applies.

It is recommended that the condition (Condition 36) be deleted, see below.

Condition 36

~~**This condition is imposed in accordance with Penrith City Council's citywide Section 7.12 Contributions Plan for non-residential development. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$124,825.00 is to be paid to Council prior to the issue of a Construction Certificate (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.**~~

~~**Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for non-residential development may be inspected at Council's Civic Centre, 601 High Street, Penrith.**~~

~~**Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction – Infrastructure Contributions.**~~