

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 8 February 2022
DATE OF PANEL DECISION	Monday, 7 February 2022
DATE OF PANEL MEETING	Monday, 24 January 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Sandra Hutton & John McFadden
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli: Act's for TfNSW who is the land owner

Papers circulated electronically on 21 January 2022.

MATTER DETERMINED

PPSSWC-150 – Wollondilly – DA/202/346/1 at Lots 1 & 2 DP 1147096 and Lots 12 & 14 DP 773041 Hume Highway, Pheasants Nest – Expand and renew the existing northbound & southbound highway service (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 the briefing listed in item 8 of Schedule 1.

Development application

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

The Panel determined that the application should be approved for the reasons outlined in the Council Assessment Report after considering the matters identified in section 4.15 of the EP&A Act, but with an addition to the recommended conditions as discussed below.

Specifically, the Panel was of the view that the approved upgrade of the service centre will facilitate the improvement and augmentation of the services available for highway users from the redeveloped north bound and southbound service centres allowing refuelling on the Southern Highlands section of the Hume Highway.

By facilitating investment in transport infrastructure and the improvement of the Hume Highway as a highway of State and national significance, the proposal will assist with delivery of a number of the objectives of the Western Sydney District Plan including but not limited to infrastructure objective W1, and objective W4 which emphasises the importance of '*establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City*'.

TfNSW has provided its response to the proposal as the roads authority for the Highway and is supportive of approval subject to its recommendations which can be addressed in the conditions.

As the approved works are generally restricted to existing cleared areas, it is not expected that there will be any substantial environmental impacts. A BDAR is provided to address such impact on biodiversity as is anticipated.

Issues of bushfire, contamination and signage are addressed in the Council assessment report and the material lodged in support of the DA, and a number of conditions are proposed in that regard which give effect to the recommendations of the NSW Rural Fire Service and the other referral authorities.

At its final briefing, the Panel discussed matters relating to traffic management associated with ingress to and egress from the two service centres.

The Panel notes that by letter of 1 October 2021, TfNSW has indicated that it “*raises no objection to the proposed development*” provided that the works “*on the Hume Highway*” have been designed to meet TfNSW requirements, noting that presumably a s.138 Roads Act approval will be required for any such works.

The TfNSW letter requires that the final construction plans are endorsed by a suitably qualified practitioner.

Condition 1(4) of the recommended conditions reflects that requirement.

The Panel has resolved to include revised wording for that condition to ensure that the issues it has identified as requiring attention are addressed, and that the endorsement of the final design includes any relevant traffic infrastructure within the development.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report but with condition 1(4) supplemented by the following words:

“Without limiting the requirements of Transport for NSW identified in its 1 October 2021 letter that the proposed works on Hume Highway shall be designed to meet TfNSW requirements, and shall be endorsed by a suitably qualified practitioner, specific attention is to be given to the following matters:

- (a) The design of the proposed on-ramps and off-ramps are to sufficiently address safety in terms of the interaction of traffic within the site and vehicles entering or leaving the high-speed traffic on the Highway, with specific attention to the proposed intensification of use and relocation of the site activities closer to each respective ramp.
- (b) Signage for the approach to the southbound facility is to give adequate notice to vehicles to prepare for the manoeuvres to exit the motor way and associated braking and lane changes.
- (c) Consideration is to be given to whether supplementary work is required to alter or regulate the use of the existing vehicular link under the Highway particularly in relation to the available head clearance height of the link and the long drives north and south on the Highway necessary for a vehicle that cannot be accommodated by the link.
- (d) Risks identified in a Road Safety Audit prepared having regard to “Guide to Road Safety Part 6A: Implementing Road Safety Audits (or equivalent publication).”

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS

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Justin Doyle (Chair)

A handwritten signature in black ink, appearing to be 'N. Gurran' with a long, horizontal flourish extending to the right.

Nicole Gurran

A handwritten signature in blue ink, appearing to be 'Sandra Hutton' with a long, horizontal flourish extending to the right.

Sandra Hutton

A handwritten signature in black ink, appearing to be 'John McFadden' with a long, horizontal flourish extending to the right.

John McFadden

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-150 – Wollondilly – DA/2021/346/1
2	PROPOSED DEVELOPMENT	Expand and renew the existing northbound & southbound highway service centres at Pheasants Nest.
3	STREET ADDRESS	Lots 1 & 2 DP 1147096 and Lots 12 & 14 DP 773041 Hume Highway, Pheasants Nest
4	APPLICANT/OWNER	Applicant: Ampol Australia Petroleum Pty Ltd Owner: Transport for NSW
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No. 64 Advertising and Signage ○ State Environmental Planning Policy (Koala Habitat Protection) 2021 ○ Sydney Regional Environmental Planning Policy No 20 – Hawkesbury - Nepean River ○ Wollondilly Local Environmental Plan 2011 ○ Coal Mine Compensation Act 2017 ○ National Parks and Wildlife Act 1974 ○ Roads Act 1993 ○ Biodiversity Conservation Act 2016 ○ Environmental Planning and Assessment Act 1979 ○ Western City District Plan ○ Wollondilly Local Strategic Planning Statement • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollondilly Development Control Plan 2016 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Environmental Planning and Assessment Regulation 2000 • Coastal zone management plan: Nil • 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 <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: 21 January 2022 • Written submissions during public exhibition: Nil

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Monday, 24, January 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Sandra Hutton and John McFadden ○ <u>Council assessment staff</u>: Max Strassmeir, Wendy Spear & Natalie Knapp ○ <u>Consultant representatives</u>: Lachlan Rodgers– Planning Hub
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report