

<b>DATE OF DEFERRAL</b>	26 February 2024
<b>DATE OF PANEL MEETING</b>	26 February 2024
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli, David Kitto
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<ul style="list-style-type: none"> <li>Ross Fowler: Penrith City Council has an interest in the subject property and the proposed subdivision. As a Councillor on Penrith City Council my involvement with the consideration of this application creates a conflict of interest.</li> <li>Tricia Hitchen: As the Mayor of Penrith, I believe I have a conflict of interest.</li> <li>Carlie Ryan: As DA22/0318 is a Council DA I have a conflict.</li> </ul>

Public meeting held by teleconference on 26 February 2024, opened at 2:30pm and closed at 3:30pm.

#### **MATTER DEFERRED**

**PPSSWC-243 – Penrith – DA22/0318 - 158-164 Old Bathurst Road, Emu Plains** - Torrens Title Subdivision into 37 industrial lots, one (1) stormwater management infrastructure lot and public roads, including earthworks, civil engineering works and public domain landscaping (as described in Schedule 1).

#### **REASONS FOR DEFERRAL**

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the briefings listed at item 8 in Schedule 1.

The Panel heard from the Applicant and Council on the key issue of the proposed deferred commencement condition requiring the mound and existing vegetation along the David Road frontage of the development site to be retained.

The Panel deliberated on the matter and agreed to unanimously defer determination of the matter to allow the Applicant and Council to provide the information listed in 1 and 2 below.

#### **ACTIONS**

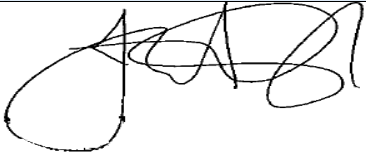


To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant is to provide the Planning Panels Secretariat and Council with its position, including any possible compromise in relation to the vegetated mound and details of any proposal to incorporate advanced plantings along the boundary earth mound, together with the reasons for any requested changes to the draft conditions by COB Friday 1 March 2024.
2. Council is to submit to the Planning Panels Secretariat and Applicant its response to the information submitted by the Applicant (required by item 1) by COB 6 March 2024.

The Panel also encouraged direct communication between the relevant advisors to the Applicant and Council with a view to narrowing any dispute to the matters.

Following submission of the information listed above, the Panel anticipates that the Development Application can be determined by circulation of documents.

If the outstanding information is not provided by COB 6 March 2024 the Panel may move to determine the application based on the information currently at hand.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-243 – Penrith – DA22/0318 - 158-164 Old Bathurst Road, Emu Plains
2	PROPOSED DEVELOPMENT	Torrens Title Subdivision into 37 Industrial Lots, 1 Stormwater Management Infrastructure Lot & Public Roads including Earthworks, Civil Engineering Works, Tree Removal & Public Domain Landscaping
3	STREET ADDRESS	158 164 Old Bathurst Road, EMU PLAINS NSW 2750 (Lot 2 DP 588919, Lot 1 DP 588918)
4	APPLICANT/OWNER	Gln Planning Penrith City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Local Environmental Plan 2010 (Amendment 4)</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Development Control Plan 2014</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> 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: 19 February 2024</li> <li>Written submissions during public exhibition: 1</li> <li>Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 12/12/2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Louise Camenzuli (Acting Chair), Nicole Gurrán, Brian Kirk</li> <li><u>Council assessment staff</u>: Robert Craig, Gavin Cherry, Donna Clarke (Planning Consultant)</li> </ul> </li> <li>Briefing: 27/06/2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair) and Louise Camenzuli</li> <li><u>Council assessment staff</u>: Robert Craig, Gavin Cherry, Donna Clarke (Planning Consultant)</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 26/02/2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto</li> <li><u>Council assessment staff</u>: Donna Clarke, Consultant Planner</li> <li><u>Applicant representatives</u>: Michael Hanisch, Gln</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report