

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	22 April 2024
DATE OF PANEL DECISION	22 April 2024
DATE OF PANEL BRIEFING	26 February 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Louise Camenzuli
APOLOGIES	None
DECLARATIONS OF INTEREST	<ul style="list-style-type: none"> • 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. • Tricia Hitchen - As the Mayor of Penrith, I believe I have a conflict of interest. • Carlie Ryan - As DA22/0318 is a Council DA I have a conflict.

Papers circulated electronically on 19 February 2024.

MATTER DETERMINED

PPSSWC-243 – Penrith – DA22/0318 - 158-164 Old Bathurst Road, Emu Plains - Torrens Title Subdivision into 40 Industrial Lots, 1 Stormwater Management Infrastructure Lot & Public Roads including Land Remediation, Earthworks, Civil Engineering Works & Public Domain Landscaping.

PANEL CONSIDERATION AND DECISION

The panel considered the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters observed at item 8 in 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* (EP&A Act).

The decision was unanimous.

REASONS FOR THE DECISION

In its report following a briefing by the Applicant and the Council of 26 March 2024 the Panel noted that it supported approval of the development application.

The Panel's reasons are recorded in that report for concluding that the 37 lot industrial subdivision was in the public interest as it will add to the available stock of factory and warehouse accommodation in the Penrith Local Government Area, adding to the local economy, and sufficiently addressed the relevant considerations arising under s 4.15 of the EP&A Act.

The only public submission which raised issues concerning roadworks involved in the development application, intersection design and impact upon cyclists.

The report also set out the Panel's views as to why (as recommended in the Landmark Planning Report) the landscaped earth mound along the David Road and Old Bathurst Road frontages should be substantially retained, as well as making other observations about disputed conditions.

The Panel invited the Council (assisted by Landmark Planning) to supply updated conditions which accorded with the Panel’s conclusions.

In answer to that invitation, an updated Conditions Set generated 2 April 2024 has now been supplied by Council staff, which the Panel considers to be appropriate.

On that basis, the Panel unanimously determines to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In making that determination the Panel has also considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters observed at item 8 in Schedule 1




CONDITIONS

The development application is approved subject to the conditions set out in Council’s document titled ‘PPSSWC-243 -Fast Tracked Conditions Summary DA22_0318 – 2 April 2024’, uploaded to the Portal 3 April 2024.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered a written submission made during public exhibition.

The submission raised issues concerning roadworks involved in the development application, intersection design and impact upon cyclists. The panel considers that these issues have been suitably addressed in the proposed intersection works.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Louise Camenzuli 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-243 – Penrith – DA22/0318
2	PROPOSED DEVELOPMENT	Torrens Title Subdivision into 40 Industrial Lots, 1 Stormwater Management Infrastructure Lot & Public Roads including Land Remediation, Earthworks, Civil Engineering Works & Public Domain Landscaping
3	STREET ADDRESS	158-164 Old Bathurst Road, Emu Plains
4	APPLICANT/OWNER	Applicant: GLN Planning / Penrith City Council Owner: Fletcher Building Products Australia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Penrith Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control 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 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: 19 February 2024 Conditions table report for SWCPP DA22 0318 (Applicant's Request & Council Comments for SWCPP) – uploaded to Portal 1 March 2024 Mound Retention Plan, prepared by ACOR Consultants – uploaded to Portal 1 March 2024 Letter (Applicant's Mound item & Conditions response), prepared by GLN Planning – uploaded to Portal 1 March 2024 Memorandum to the Panel, prepared by Landmark Planning on behalf of Penrith City Council – uploaded to Portal 6 March 2024 Commentary for conditions, prepared by Landmark Planning on behalf of Penrith City Council – uploaded to Portal 3 April 2024 Recommended conditions of consent (PPSSWC-243 -Fast Tracked Conditions Summary DA22_0318 – 2 April 2024) – uploaded Portal 3 April 2024 Written submissions during public exhibition: One (1) Total number of unique submissions received by way of objection: One (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 27 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli <u>Council assessment staff</u>: Robert Craig, Gavin Cherry, Donna Clarke (Consultant)

		<ul style="list-style-type: none"> • Briefing: 12 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli ○ <u>Council assessment staff</u>: Robert Craig, Gavin Cherry, Donna Clarke (Consultant) ○ <u>Applicant representatives</u>: Michael Hanisch, Ruma McCracken, Amanda McMurtrie, Vladimir Guazons • Final briefing to discuss council's recommendation: 26 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli ○ <u>Council assessment staff</u>: Robert Craig, Gavin Cherry, Donna Clarke (Consultant) ○ <u>Applicant representatives</u>: Michael Hanisch, Peter Lawrence, Matthew Bullivant, Amanda McMurtrie, Ruma McCracken • Site inspection by Panel Chair: 13 March 2022
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Conditions uploaded by Council to the Portal 3 April 2024 (titled 'PPSSWC-243 - Fast Tracked Conditions Summary DA22_0318 – 2 April 2024')