

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	15 February 2023
DATE OF PANEL DECISION	13 February 2023
DATE OF PANEL MEETING	6 February 2023
PANEL MEMBERS	Louise Camenzuli (Acting Chair), David Kitto, Carlie Ryan
APOLOGIES	Tricia Hitchen
DECLARATIONS OF INTEREST	Justin Doyle declared a conflict of interest as he is briefed in a matter involving a Goodman Properties property in a different part of Sydney

Papers circulated electronically on 27 January 2023.

MATTER DETERMINED

PPSSWC-253 – Penrith – DA22/0546 - 2 Cuprum Close, Kemps Creek - Construction and Operation of a Warehouse (5A & B) and Distribution Centre, Signage and Associated Landscape and Civil Works and 2 Lot Torrens Title Subdivision

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.

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

At the Panel briefings on 19 September 2022, 28 November 2022 and 6 February 2023, the following outstanding matters were raised:

- Discrepancies between the DA proposal and the overarching approved Concept Plan under SSD 7348 (as modified) in relation to warehouse layouts; and
- Sustainability/ecological performance issues, in particular that consideration be given to the provision of electric vehicle charging stations/parking spaces.

The Panel is satisfied that the above matters are now resolved.

A modification to SSD 7348 (MOD 11) was approved by the Department of Planning and Environment on 16 December 2022, which has modified the building layouts and number of warehouses within Precinct 5 to align with the development sought under the subject DA.

In relation to issues of sustainability, the applicant has now provided a Sustainability Management Plan, confirming that the development has been designed with initiatives to achieve a 5-star Green Star rating which include:

- Installation of an 800kW roof-mounted solar panel system,
- 8 electric vehicle charging spaces,
- rainwater harvesting (including use for toilet flushing and irrigation), and
- LED lighting.

Conditions of consent have been imposed to ensure compliance in relation to the above matters prior to the grant of an occupation certificate.



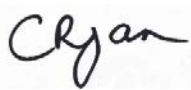
In view of the above, the Panel was satisfied that the DA should be approved and could be determined by e-determination.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
<div>Louise Camenzuli (Acting Chair)</div> <div></div>	<div>David Kitto</div> <div></div>
<div>Carlie Ryan</div> <div></div>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-253 – Penrith – DA22/0546
2	PROPOSED DEVELOPMENT	Construction and Operation of a Warehouse (5A & B) and Distribution Centre, Signage and Associated Landscape and Civil Works and 2 Lot Torrens Title Subdivision
3	STREET ADDRESS	2 Cuprum Close, Kemps Creek
4	APPLICANT/OWNER	Applicant: Goodman Property Services (AUST) Pty Limited Owner: BGMG 11 Pty Ltd
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 (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts—Western Parkland City) 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 for this DA Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Prescribed Conditions, Advertising and Notification and Owner’s Consent 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: 22 December 2022 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 19 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Carlie Ryan <u>Council assessment staff</u>: Gavin Cherry, Rhian Greenup, Kathryn Saunders Council Briefing: 28 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Carlie Ryan

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Gavin Cherry, Jacqueline Klincke, Kathryn Saunders • Final briefing to discuss council's recommendation: 6 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), David Kitto, Carlie Ryan ○ <u>Council assessment staff</u>: Gavin Cherry, Rhian Greenup
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report