



Penrith Local Planning Panel

Determination and Statement of Reasons

DATE OF DETERMINATION	11 July 2018
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Mary- Lynne Taylor (Expert) Cody Masterfield (Community Representative)
APOLOGY	N/A
DECLARATIONS OF INTEREST	N/A
LISTED SPEAKER(S)	Patrick Hurley – PGH Environmental Planning Peter Vicary – Total Concrete Solutions

Public Meeting held at Penrith City Council on 11 July 2018, opened at 5pm.

Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

Development Application DA18/0349 at Lot 2 DP 1207437, 1a Coombes Drive, Penrith – Alterations to Existing Concrete Batching Plant involving the Installation of 7 x Material Silos.

Panel Consideration/Reasons for the Decision

The Panel generally agreed with the assessment of environmental considerations outlined within the Council staff report. Additional information was provided by Council staff (by way of memorandum dated 11 July 2018) at the briefing and meeting regarding the consideration of SEPP 55 (Remediation of Land) and SEPP 33 (Hazardous and Offensive Development) and other matters.

The Panel had regard to the applicant's Clause 4.6 variation request regarding the maximum height limit within Clause 4.3 of the Penrith Local Environmental Plan 2010 ('the LEP'). Given the location, the existing and adjoining heights of buildings, and the degree of non-compliance across a large site, the benefits of the services provided, the zoning and lack of views and vista impacts, the appropriate site planning, and the consistency with the zoning objectives and height objectives, the Panel was satisfied regarding the proposed height. The Panel formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6 of the LEP and it was considered compliance with the height limit was unnecessary and unreasonable in this case.

The proposal is suited to the site and will facilitate a use consistent with the zone objectives and therefore is in the public interest.

In terms of considering community views, the Panel noted there were no submissions received from the public exhibition of the DA.

Panel Decision

Pursuant to the provisions of Section 4.16 & 4.17 of the Environmental Planning and Assessment Act 1979, Development Application DA18/0349 for Alterations to Existing Concrete Batching Plant involving the Installation of 7 x Material Silos. be approved subject to the conditions in the Council staff assessment report to the Local Planning Panel meeting of 11 July 2018, subject to the following changes:

- 1 Addition of the General Terms of Approval from the Department of Primary Industry into a schedule to the consent.
- 2 Amend condition 2 to refer to the date of the General Terms of Approval and require those to be complied with.
- 3 Incorporation of a condition to state:
17A Approval from any relevant utility providers shall be obtained, as and if required, prior to the commencement of works.

Votes

The decision was unanimous.

Jason Perica – Chair 	John Brunton - Expert 
Mary-Lynne Taylor – Expert 	Cody Masterfield – Community Representative 



MEMORANDUM

Reference: DA18/0349
 To: Penrith City Council Local Planning Panel
 From: Gannon Cuneo, Development Assessment Planner
 Date: 11 July 2018
 Subject: **Alterations to Existing Concrete Batching Plant involving the Installation of 7 x Material Silos at 1a Coombes Drive, Penrith**

I refer to the above matter scheduled for determination with the Penrith City Council Local Planning Panel on 11 July 2018 and an email from Jason Perica dated 10 July 2018 and provide the following clarification on the matter/recommend the following;

LPP comment	Assessment Officer Comment
SEPP 55 and SEPP 33 Consideration	<p>An assessment of the proposal has been undertaken in accordance with the requirements of SEPP 55 and SEPP 33.</p> <p>The land is not identified as significantly contaminated land under the <i>Contaminated Land Management Act 1997</i>. Council's assessment of the proposal has identified that there are no previous land uses that would raise contamination as a concern. As such, the proposal has considered the requirements of SEPP 55 and is satisfactory.</p> <p>The proposal involves the construction of material storage silos within an existing concrete batching plant. The proposal does not involve any increases to the materials and substances stored on the site. As such, SEPP 33 has been considered and the proposal satisfies the requirements of the SEPP.</p>
GTAs Requirements	<p>Condition 2 of the consent requires a copy of the GTA's issued by the Department of Primary Industries – Water to be submitted to the PCA prior to the issue of a Construction Certificate. The GTA's require that the development consent holder must apply to DPI- Water for a Controlled Activity approval following consent being issued by Council and prior to the commencement of any work or activity occurring on the site.</p>
Service Authority Consideration	<p>The overhead power lines are protected by an Easement which prohibits development occurring without approval from the relevant authority. Clause 45 of <i>State Environmental Planning Policy (Infrastructure) 2007</i> states that the consent authority must give written notice to the electricity supply authority where development is carried out within or immediately adjacent to an easement for electricity purposes, where development is immediately adjacent to an electricity substation or where development is within 5 metres of an exposed overhead powerline.</p> <p>The proposed structure is setback 20 metres from the easement, 30 metres from the nearest substation and 28 metres from the nearest exposed powerline, therefore consent from the electricity supply authority is not required.</p>


 Gannon Cuneo
 Development Assessment Planner