

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0267
Proposed development:	Installation of Solar Power System
Property address:	137 - 147 Lethbridge Street, PENRITH NSW 2750
Property description:	Lot 10 DP 1105007
Date received:	18 March 2016
Assessing officer	Sufyan Nguyen
Zoning:	Zone B4 Mixed Use - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for installation of additional solar panels to the existing photovoltaic electricity generating system on the rooftop of 137-147 Lethbridge Street, Penrith also known as Penrith RSL Club. The subject site is zoned B4 Mixed Use under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent, under the provisions of *State Environmental Planning Policy (Infrastructure) 2007*.

The solar panels will generate an additional 100kW of energy and contribute to the existing solar energy system (generating a total of 199.92kW). Given the height of the three storey building and parapet design, the solar panels are not visible from public view and adjacent buildings in the surrounding area. The proposal will reduce the ecological footprint of the premises and promotes sustainable development through facilitating renewable energy, a key step for Penrith integrating into a Sustainable City.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is located at 137-147 Lethbridge Street (northern side), Penrith. Being a corner block, the proposed solar panels are positioned on the north-west corner of the block, where Castlereagh Street (western side) is the north-south perimeter of the eastern side of building and Tindale Street (southern side) forms the east-west boundary of the northern side of building. The surrounding area comprises a mix of commercial and retail land uses. The premises is a three storey building with a flat roof therefore the proposed photovoltaic energy generating system will be not be visible from surrounding tenants and public areas.

Proposal

The applicant seeks retrospective approval of additional solar panels to the existing photovoltaic electricity generating system on the rooftop of 137-147 Lethbridge Street, Penrith also known as Penrith RSL Club. The solar panels have already been installed on the property. The solar panels generate an additional 100kW to the existing solar energy system, equating a total of 199.92kW to the premises.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Under *Clause 34 (7)* of the *State Environmental Planning Policy (Infrastructure) 2007*, the additional solar panels to the existing photovoltaic energy generating system is permissible with consent. The proposed infrastructure is of efficient design and facilitates a service that reduces the ecological footprint of the premises.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria within the *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)* and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Does not comply - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 8.1 Application of Part	Complies - See discussion
Clause 8.4 Design excellence	Complies - See discussion

Clause 1.2 Aims of the plan

The proposed photovoltaic energy generating system incorporates the principles of sustainable development through generating eco-friendly electricity. The solar power system emits zero greenhouse gases that reduces the carbon footprint of the premises, and therefore delivers positive environmental outcomes.

Clause 2.3 Permissibility

Under the *Penrith Local Environmental Plan 2010*, infrastructure is deemed prohibited development, however the provisions of *Clause 34 (7)* of the *State Environmental Planning Policy (Infrastructure) 2007* permit solar energy systems with Council consent.

Clause 2.3 Zone objectives

The proposal integrates to the existing solar energy system and has no impact to surrounding land uses.

Clause 8.1 Application of Part

The subject site is identified within Key Precincts - E11 Penrith City Centre zone under the *Penrith Development Control Plan 2014*.

Clause 8.4 Design excellence

The external appearance will not be visible from public areas given the height of the building and the parapet design, and therefore there will be no visual amenity impacts to the surrounding area. The proposed solar panels are suitable for the site.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the proposed development.

Section 79C(1)(a)(iv) The provisions of the regulations

Subject to the recommended conditions of consent, the proposed development complies with the requirements of the Regulations. The regulations do not present any further restrictions or requirements for the proposed development on the subject site.

Section 79C(1)(b) The likely impacts of the development

Subject to the recommended conditions of consent, it is not considered that the proposal will result in any significant impacts on the natural, social or economic environments of the locality due to its scale, location and consistency with surrounding land uses.

Section 79C(1)(c) The suitability of the site for the development

The subject site is deemed suitable for the following reasons:

- The design is consistent with Clean Energy Council guidelines
- The proposal contributes to Penrith integrating into a Sustainable City, and therefore achieves the principles of sustainable development
- There will be no visual impacts to public areas given that the solar panels are not visible from ground level and there are no overshadowing effects
- Recommended conditions of consent will ensure that the proposal will have minimal effects on the surrounding environment during the construction stage

Section 79C(1)(d) Any Submissions

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections

Section 79C(1)(e)The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies being *State Environmental Planning Policy (Infrastructure) 2007* and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The proposal is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and recommended for approval subject to recommended conditions.

Recommendation

That DA16/0267 for additional solar panels to the existing photovoltaic energy generating system on the roof of 137-147 Lethbridge Street, Penrith be approved subject to the attached conditions.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan #	Prepared By	Dated	Revision
Penrith RSL SLD Layout	-	Solar PV Commercial	30/05/2015	E
Photo for installation	1 & 2	Solar PV Commercial	14/04/2015	-

2 A039 - Graffiti

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

3 A19f - Compliance Certificate (use instead of A019 for other devt earthworks subdivision)

A Compliance Certificate certifying shall be obtained within 3 months from the date of this consent notice ensuring that the development has complied fully with the development consent.

4 A Special (BLANK)

The additional solar panels shall be in accordance with the manufacturer's and/or structural engineer's specifications.

BCA Issues

5 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which complies with:

- the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Certification

6 Q05E - Compliance Certificate for earthworks if Construction Certificate not required

A Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met. The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Compliance Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the certifier who issued the Compliance Certificate.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal achieves clean energy that reduces carbon emissions and the ecological footprint of the premises. Utilising an alternative green electricity source is fundamental to the principles of Penrith integrating to a Sustainability City.

Part C - City-wide Controls

C1 Site Planning and Design Principles

The proposal meets the Clean Energy Council guidelines and achieves design principles in order to deliver an additional 100kW of renewable energy to the premises. The orientation achieves solar access and maximises the northerly aspect.

E11 Penrith

The subject site is located within the Penrith City Centre zone under *Penrith Development Control Plan 2014*. The proposal integrates with the surrounding area given there are no visual amenity impacts as the solar panels are not visible from public areas.