



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>APPLICATION NUMBER</b>	DA19/0135 – 65 – 73 Dunheved Circuit St Marys
<b>DATE OF DETERMINATION</b>	23 October 2019
<b>PANEL MEMBERS</b>	Deborah Dearing (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Virginia Barrios (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKER(S)</b>	Mark Daniels – Applicant and Owner – Borg Group Greg Holt - Resident

Public Meeting held at Penrith City Council on Wednesday 23 October 2019, opened at 3:00pm.

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

Development Application DA19/0135 at Lot 1 DP 1175850, at No. 65 – 73 Dunheved Circuit St Marys - Demolition of Existing Structures and Construction of 2 Attached Warehouses and Associated Works.

### **Panel Considerations**

The Panel had regard to the assessment report prepared by Council Officers, submissions received, and the following plans;

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River.

In terms of considering community views, the Panel noted there was one (1) submission received from the public notification of the Development Application. The submission raised issues in relation to traffic generation and congestion which were addressed at the meeting.

The Panel is satisfied that the variation to the development standard is justified on the basis of the written request and as outlined in the Council officer's report. The Panel notes that modern automated processes require ceiling heights beyond the 12m height required under the LEP. Approval of the proposal was appropriate as it provides for greater economic investment and activity in an appropriate location which is zoned accordingly.

The Panel approves the application subject to the following additional conditions;

1. The landscaping plan, landscaped areas, hardstand areas, car parking arrangement and number of spaces are not approved as shown on the stamped plans. Amended architectural drawings are to be submitted, including a detailed landscape plan. The amended drawings are to provide for additional landscaping, including the following:
  - a. Provision for a tree to be planted at an interval of every 4 car parking spaces;
  - b. A reduction in the amount of hardstand area on both sides and the rear of the site, with these areas replaced with additional landscaping;
  - c. Car parking spaces can be reduced to provide the additional landscaping;
  - d. Amended swept paths are to be submitted to demonstrate continued compliance for truck and vehicle movements;
  - e. The proposed Blueberry Ash trees are not approved and are to be replaced with a native species of trees that grows to a minimum height of 12m and is sufficient to screen the wall/s from the neighbouring scenic character area; and
  - f. The landscaping plan is to include details of the design and dimensions, including the materials, of any retaining wall and rail guard to be located along the edge of the rear hardstand area.

All of the additional landscaping required above is to consist of advanced specimens of native trees which grow to a mature height of a minimum of 12 metres. The landscape plan is to demonstrate how the pot size of the tree is adequate for its growth and longevity.

The amended details are to be approved by the Development Assessment Coordinator of Penrith City Council prior to the release of any Construction Certificate.




2. The proposed Shale Grey and Surfmist colours are not approved. An amended schedule of colours is to be submitted for the approval of the Development Assessment Coordinator, Penrith City Council. The amended schedule of colours is to include a palette of non-reflective and more recessive colours and tones. These details are to be submitted for approval prior to the release of the Construction Certificate.
3. The proposed warehouse should not be used or occupied prior to 1 January 2021, and no Occupation Certificate shall be issued before this date.
4. Amend the Deferred Commencement condition 67 to read as follows;
  - A. A minimum 3meter wide stormwater drainage easement shall be provided at the property at 118 Links Road, St Marys (Lot 1 DP 31908) in favour of property at 65 – 73 Dunheved Circuit, St Marys (Lot 1 DP 1175850) to cover the proposed stormwater pipeline and associated headwall according to Concept Stormwater and Grading Plan Sheet 1, Plan No: SY180157C111, Rev C, dated 02/05/2019, Prepared by Barker Ryan Stewart and evidence of registration of the easement with Land and Property Information (LPI) shall be submitted to Penrith City Council prior to the issue of any Construction Certificate. Easement width shall be in accordance with Penrith City Council's adopted Design Guidelines.

## Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA19/01345 for the Demolition of Existing Structures and Construction of 2 Attached Warehouses and Associated Works at No. 65 – 73 Dunheved Circuit St Marys be approved subject to the conditions in the Council staff assessment report to the Local Planning Panel meeting of Wednesday 23 October 2019 and as amended above.

## Votes

The decision was unanimous.

<p>Deborah Dearing – Chair</p> 	<p>John Brunton - Expert</p> 
<p>Mary-Lynne Taylor – Expert</p> 	<p>Virginia Barrios – Community Representative</p> 