

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA23/0144
DATE OF DETERMINATION	01/11/2023
PANEL MEMBERS	Jason Perica- Chair Christopher Hallam- Expert John Brunton - Expert Geoff Martin- Community Representative
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED PRESENTERS	Donna Clarke - Assessing Consultant Town Planner (Landmark Planning) Steven Masters- Senior Development Engineer from Penrith City Council
LIST OF ADDITIONAL ATTENDEES	Gavin Cherry- Penrith City Council Katelyn Davies- Penrith City Council Ganesh Bista- Penrith City Council

Electronic Determination Meeting held online via video conference on Wednesday, 1st November 2023, starting at 10.00am.

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

DA23/0144, Staged Alterations & Additions to Existing Self-Storage Premises including Single Storey Extension to Existing Western Self-Storage Building (Stage 1), Construction of New Two (2) Storey Self-Storage Building (Stage 2) & Associated Site Works at No. 142 Old Bathurst Road, Emu Plains, NSW, 2750 and 33-35 Sommersville Circuit, Emu Plains, NSW, 2750.

Panel Consideration

The Panel had regard to the assessment report prepared by Council

staff, supporting plans and information, and the following environmental planning instruments and policies:

- Penrith Local Environmental Plan 2010 (Amendment 4)
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Industry & Employment) 2021
- State Environmental Planning Policy (Precincts- Western Parkland City) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021

The Panel also had regard to information presented by the Assessing Officer and Council staff in response to questions from The Panel relating to:-

- Appropriateness of the proposed side setbacks and Penrith Development Control Plan 2014 provisions;
- Appropriateness of the proposed front setback, onsite detention location and resulting landscaping design outcome having regard to urban heat considerations; and
- Opportunity for solar panel installation to address sustainability considerations.

In terms of considering community views, The Panel noted there were no submissions received in response to the public notification of the Development Application.

Panel Decision

DA23/0144, Staged Alterations & Additions to Existing Self-Storage Premises including Single Storey Extension to Existing Western Self-Storage Building (Stage 1), Construction of New Two (2) Storey Self-Storage Building (Stage 2) & Associated Site Works at No. 142 Old Bathurst Road, Emu Plains, NSW, 2750 and 33-35 Sommerville Circuit, Emu Plains, NSW, 2750 be approved subject to the recommended conditions of consent accompanying the assessment report, as amended by the following:

- Condition 13 is amended as follows: -
 - ***Prior to the issue of the Construction Certificate, the approved Architectural Plans and Landscape Plan are to be amended to relocate the on-site detention partially below the building in Stage 2 to allow a minimum of 6m width within the front setback to accommodate deep soil planting including at least three native canopy shade trees and provide a landscaped front setback.***

*The resulting approved and additional landscaping is to be implemented **prior to the issue of an Occupation Certificate.***

- Condition 55 is amended as follows: -
 - *All landscape works are to be constructed in accordance with the stamped approved landscape plan, as updated **prior to the issue of the Construction Certificate** to alter the location of the on-site detention and ensure compliance with Chapter C6 – Landscape Design and Section 2.9 of Appendix F4 – Technical Information within Penrith Development Control Plan 2014, including as required by Condition 13.*

Landscaping shall be maintained:

- *in accordance with the approved plan, and*
- *in a healthy state, and*
- *in perpetuity by the existing or future owners and occupiers of the property.*

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

The Panel imposed the following additional condition: -

***Prior to the issue of a Construction Certificate**, solar panels are to be provided within the development and detailed on amended plans that address and cater for the expected daily energy demands of the development.*

Reasons for the Decision




- The Panel agreed with the assessment of the proposal outlined within the Council's assessment report.
- Appropriate conditions have been imposed to ensure the proposed development and associated works will have minimal environmental impacts and the site is suitable for the proposed development.
- Amendments to recommended conditions of consent provide for solar panels as a sustainability feature to respond to the requirements of Clause 7.4 of PLEP 2010 and provides for improved landscaping and canopy tree planting capability to respond to the urban heat requirements of Clause 7.30 of PLEP 2010.
- The proposal presents a development outcome which is consistent with the industrial / employment character of the immediate locality.
- The design of the development, as required to be amended will still suitably respond to the flood and stormwater management considerations and requirements applicable to the site.
- The proposal is compliant with applicable development controls and objectives contained within Penrith Development Control Plan 2014.

Votes

The decision was unanimous.

Policy Considerations

The Panel is fully supportive of recent amendments to Council's Local Environmental Plan and Development Control Plan regarding Heat Island effects. However, the implementation of this important initiative is problematic in development assessment and in requiring specific changes to development. This is due to the lack of specific controls particularly regarding landscaped area, setbacks, deep soil and tree planting requirements. The Panel therefore suggests that when the DCP is reviewed these matters be considered. Also, in terms of sustainability measures it is also suggested that revisions relating to electric vehicle charging points for new development and requirements for solar panels be considered, where appropriate and reasonable, as requirements with new development.

<p>Jason Perica- Chair</p> 	<p>Christopher Hallam- Expert</p> 
<p>John Brunton - Expert</p> 	<p>Geoff Martin- Community Representative</p> 