

# PENRITH LOCAL PLANNING PANEL

## ELECTRONIC DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA22/1210
<b>DATE OF DETERMINATION</b>	09/08/2023
<b>PANEL MEMBERS</b>	David Ryan (Chair) John Brunton (Expert) Christopher Hallam (Expert) Geoff Martin (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Ben Fourniotis- Applicant (Online) John Sufra- Applicant (Online)
<b>LIST OF ADDITIONAL ATTENDEES</b>	Sandra Fagan- Council (Online) Katelyn Davies- Council (Online)
<b>APOLOGIES</b>	Gavin Cherry- Council (Online)

Electronic Determination Meeting held via video conference on Wednesday, 9 August 2023, starting at 10.00am.

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

DA22/1210, Integrated Development to Carry Out Alterations and Additions to Existing Glass Container Manufacturing Facility, Including a New Oxygen Generation Plant and Silos at No. 130-172 Andrews Road, Penrith, 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
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

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**

DA22/1210, Integrated Development to Carry Out Alterations and Additions to Existing Glass Container Manufacturing Facility, Including a New Oxygen Generation Plant and Silos at No. 130-172 Andrews Road, Penrith, NSW, 2750 be approved subject to the recommended conditions of consent accompanying the assessment report.

### **Penrith Local Environmental Plan 2010 Clause 4.6 Variations**

The Panel has considered the applicant's Clause 4.6 request to vary the height of building development standard within Penrith Local Environmental Plan 2010.

The Panel is satisfied that:-


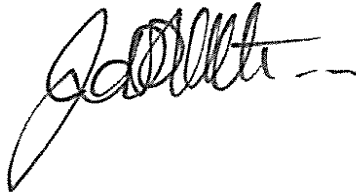

- i. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause three (3), and
- ii. The proposed development will be in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within the E4 Zone in which the development is proposed to be carried out.

### **Reasons for the Decision**

- The Panel agreed with the assessment of the proposal outlined within Council's assessment report.
- The Panel as the consent authority is satisfied that the proposed development is not Designated Development, as in the consent authority's opinion, the proposed alterations and additions do not significantly increase the environmental impacts of the existing or approved development, having regard to the factors set out Section 48(2) of Part 3 of Schedule 3 in the *Environmental Planning and Assessment Regulation 2021*.
- 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.
- Concurrence has been granted from the NSW Environment Protection Authority as per General Terms of Approval in Notice 1629203 dated 25<sup>th</sup> July 2023.
- The proposal presents a development outcome that is consistent with the industrial / employment character of the locality noting that the broader site (and adjacent sites) are currently operating as an approved glass manufacturing, recycling and distribution facility.
- The proposal is compliant with applicable development controls and objectives contained within Penrith Development Control Plan 2014.

## Votes

The decision was unanimous.

<p>David Ryan (Chair)</p> 	<p>John Brunton (Expert)</p> 
<p>Christopher Hallam (Expert)</p> 	<p>Geoff Martin (Community Representative)</p> 