



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>DATE OF DETERMINATION</b>	28 March 2018
<b>PANEL MEMBERS</b>	Jason Perica (Chair) Mary-Lynne Taylor (Expert) John Brunton (Expert) Virginia Barrios (Community Representative)
<b>APOLOGY</b>	N/A
<b>DECLARATIONS OF INTEREST</b>	N/A
<b>LISTED SPEAKER(S)</b>	N/A

Public Meeting held at Penrith City Council on 28 March 2018, opened at 5pm.

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

Development Application DA 17/1202, Lots 11 and 12, DP 1087962, 24-27 Lambridge Place Penrith – Alterations to an existing building and construction of new building for cold food storage with associated driveway, parking and landscaping works.

### **Panel Consideration/Reasons for the Decision**

The Panel had regard to further Council staff advice provided prior to the meeting (memo dated 28 March 2018) regarding SEPP 33 Guidelines, deferred commencement timeframe, desired future character, parking rates and aspects of detail within the Council staff report.

The Panel also noted advice from Council staff that the truck refuelling within the site was an ancillary aspect to the proposal and was not available for refuelling to the public (and thereby not a “service station”).

The Panel also noted the written request from the applicant to defer the application to allow the matters within the recommended deferred commencement to be resolved prior to determination. The Panel was supportive of this request, as it avoided some potential uncertainty in the conditions relating to contamination and flooding/water management.

Apart from this, the Panel generally agreed with the balance of environmental considerations outlined within the Council staff report and was generally supportive of the proposal. The Panel had regard to the applicants' Clause 4.6 variation request (including addenda) 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 sustainability benefits of the proposed design and roof, 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.

In this case, rather than defer the application for subsequent determination by the Panel, it was appropriate to have the subsequent determination undertaken by staff, noting their requisite internal expertise, and that the matters of detail regarding contamination and water management would have been assessed by Council officers within the terms of the recommended deferred commencement.

### **Panel Decision**

That the Panel agree to the applicant's request to defer determination of DA17/1202 for alterations to an existing building and construction of new building for cold food storage with associated driveway, parking and landscaping works at 24-27 Lambridge Place, Penrith, to allow matters of detail within the recommended deferred commencement consent (as within the Council staff report to the Panel on 28 March 2018) to be addressed by the applicant through subsequent information and detail prior to determination. Such information is to be submitted to the Council within 21 days of the publishing of the decision.

Pursuant to the provisions of Section 2.20(8) of the Environmental Planning and Assessment Act, 1979, the Development Application is delegated to Council Officers. In making a determination, the Council Officers shall have regard to:

- (a) The revised information and detail submitted by the applicant;
- (b) The report and recommendation to the Panel meeting of 28 March 2018 (and Council staff memo of the same date to the Panel); and
- (c) If approval is granted, the apparent repetition of Conditions 21 and 40, whether shadow diagrams should be listed in approved plans and the need to ensure the truck refuelling is ancillary to the use and not available to the public.

### **Votes**

The decision was unanimous by all Panel members.