

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA22/0973
DATE OF DETERMINATION	18 January 2023
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Nil

Electronic Determination Meeting held via video conference on Wednesday, 18 January 2023, starting at 10:00am.

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

Development Application DA22/0973, Lot 10 DP 607528, 2257-2265 Castlereagh Road, Penrith - Replacement of Two (2) Existing Milk Silos & Associated Works.

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 and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

In terms of considering community views, the Panel noted there was one (1) submission received in response to the public notification of the Development Application. The nature of the submission has been addressed within the Council's Assessment Report. As the application has not generated 10 or more submissions, the proposal is not deemed contentious development under the Local Planning Panels Ministerial Direction dated 30 June 2020. On that basis, and pursuant to Clause 3.3(1) of the Local Planning Panels Ministerial Direction – Operational Procedures also dated 30 June 2020, the development application can be determined without a public meeting.

Panel Decision

DA22/0973, Lot 10 DP 607528, 2257-2265 Castlereagh Road, Penrith -
Replacement of Two (2) Existing Milk Silos & Associated Works be approved
subject to recommended conditions of consent.

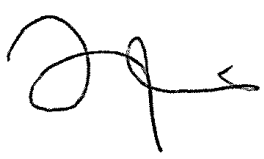

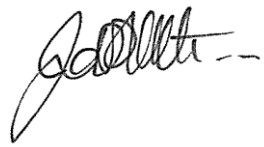
The applicant's Clause 4.6 request to vary the height of building development standard within Penrith Local Environmental Plan 2010 is well founded, and meets the requisite matters within Clause 4.6 (3) of that Plan. Granting consent would be in the public interest as the proposed is consistent with the objectives of the building height development standard and the objectives of the zone.

Reasons for the Decision

- i) The Panel agreed with the assessment of the proposal outlined within the Council's assessment report.
- ii) The proposal ensures that a substantially consistent built form outcome with respect to height and scale will be achieved when compared to current site conditions (being a like for like replacement).
- iii) The proposal is consistent with the industrial character of the locality.
- iv) 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.
- v) It is noted that the existing development operates under an existing Environmental Protection Licence and the proposal does not fetter compliance with that Licence.
- vi) The proposal is in the public interest as the proposed works allow continuation of milk processing activities on the site which contributes to the availability of key goods and services for the local community.
- vii) The proposed 2 replacement milk silos will not have any adverse impact on the heritage significance of nearby heritage items.

Votes

The decision was unanimous.

Jason Perica (Chair) 	Mary-Lynne Taylor (Expert) 
John Brunton (Expert) 	Vanessa Howe (Community Representative) 