

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA22/0404
DATE OF DETERMINATION	12 June 2024
PANEL MEMBERS	Pamela Soon - (Chair) Lisa Trueman - (Expert) Jeremy Swan - (Expert) Vanessa Howe - (Community Representative)
DECLARATIONS OF INTEREST	Jeremy Swan declared a non-pecuniary interest in the application. The declaration was not considered to preclude an impartial determination of the application.
LISTED SPEAKERS	Tim Ward – Applicant (Online) Christopher Curtis – Applicant (Online) Jonathan Pinkney – Owner (Online) Donna Clarke – Assessing Officer (Online)
LIST OF ADDITIONAL ATTENDEES	Gavin Cherry – Council (In – person) Katelyn Davies – Council (In – person) Andrew Goses – Council (In – person) Jill Williams – Council (In – person)

Hybrid Public Meeting held in person and via video conference on Wednesday, 12th June 2024, starting at 2.00pm

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

DA22/0404 - Remediation of Land (Contaminated Soil Treatment Works) in the North and South Dunheved Precinct at Nos. 75 – 103 Links Road, St Mary's NSW 2760 and 6 Wianamatta Parkway, Jordan Springs NSW 2747.

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:

- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- 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

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA22/0404 – Remediation of Land (Contaminated Soil Treatment Works) in the North and South Dunheved Precinct at Nos. 75 – 103 Links Road, St Mary's NSW 2760 and 6 Wianamatta Parkway, Jordan Springs NSW 2747 be approved subject to the recommended conditions of consent accompanying the assessment report.



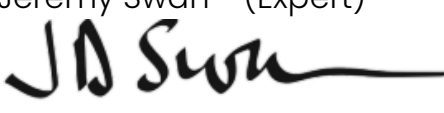
Reasons for the Decision

- The Panel agreed with the assessment of the proposal outlined within the Council's assessment report.
- The proposal seeks to address existing contamination evident on the site and will ensure that an improved environmental and public health outcome will result from the proposed remediation strategy and associated works.
- Appropriate conditions have been recommended to ensure the proposed development and associated works will have manageable environmental impacts and that the site is suitable for the proposed development.
- Having regard to SEPP (Resilience and Hazards) 2021, Clause 4.10, Chapter 4 – Remediation of Land, it is specifically noted that a consent authority must not refuse development consent for category 1 remediation unless the risk to human health or the environment is found to be more

significant from the proposed works than if the works did not occur. The nature of contamination and risk of continued spread warrants urgent remediation and as such, the risk to human health is considered to be more impactful and hazardous than the impact to the natural environment in the event that the works did not occur. As a result the recommendation to approve the application is supported.

Votes

The decision was unanimous.

<p>Pamela Soon - (Chair)</p> 	<p>Lisa Trueman - (Expert)</p> 
<p>Jeremy Swan - (Expert)</p> 	<p>Vanessa Howe (Community Representative)</p> 