

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA19/0655 – 1-23 Lenore Drive, Erskine Park
DATE OF DETERMINATION	26 August 2020
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Christopher Hallam (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Hy Chheng (Applicant) Frank Nicholas (On behalf of Owner) Peter Pazios (On behalf of Owner) Nigel White (Town Planner)

Public Meeting held via video conference on Wednesday 26 August 2020, opened at 3:00pm.

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

Development Application DA19/0655 at Lot 1 DP 1071114, Lot 55 DP 1170183 and Lot 24 DP 1120114 1-23 Lenore Drive, Erskine Park - Industrial Development containing 17 x Industrial Units & 1 x Cafe Unit, Associated Basement & Ground Level Car Parking, Landscape and Stormwater Works & Strata Title Subdivision x 18 Lots.

Panel Consideration

The Panel had regard to the assessment report prepared by Council Officers, supplementary memorandum dated 25 August 2020 including revised recommended conditions, the independent Consultant Planner Peer Review and the following plans;

- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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

Reasons for the Decision

The Panel generally agreed with the assessment contained with Council's Assessment Report (and noted information in a memorandum dated 25 August 2020) and the findings of the Peer Review. In agreeing with the recommendation for approval, the Panel noted the following:-

- The proposed development is permissible in the zone pursuant to State Environmental Planning Panel (Western Sydney Employment Area) 2009 and the proposal was considered to meet the objectives of the IN1 zone through the provision of further industrial floor space that provides employment generating opportunities
- The Panel was satisfied having regard to the various matters that needed to be considered and addressed in the State Environmental Planning Panel (Western Sydney Employment Area) 2009
- The proposal provides a satisfactory architectural design, building articulation and landscape design presentation to the public road network / public domain, subject to conditions as amended
- The Panel noted the difficulties for designing a suitable development for this site due to its triangular shape, and was satisfied that the objectives of the planning documents were achieved.
- While an updated traffic report for the revised proposal was not prepared and provided, the Panel noted the revised scheme had been reduced in scale, and the proposed access to the site was logically located off Lenore Drive, reasonably distant from its intersection with Erskine Park Road. The Panel also noted that concurrence had been granted by Roads and Maritime Services for the driveway access layout and the traffic impacts were found to be acceptable by Council's expert staff. Notwithstanding this there were some concerns regarding potential conflict between larger vehicles and the impact of turning circles on external traffic movements and infrastructure. To this end additional conditions were imposed.
- Potential and environmental impacts were reasonably managed or mitigated by the conditions of consent as amended.

Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA19/0655 at Lot 1 DP 1071114, Lot 55 DP 1170183 and Lot 24 DP 1120114 1-23 Lenore Drive,

Erskine Park - Industrial Development containing 17 x Industrial Units & 1 x Cafe Unit, Associated Basement & Ground Level Car Parking, Landscape and Stormwater Works & Strata Title Subdivision x 18 Lots be approved subject to the conditions circulated to the Local Planning Panel meeting of Wednesday 26 August 2020, subject to the following amendments.

- **New condition** – *Prior to the issue of an Occupation Certificate, the E2 zoned land which is the subject of works as part of this consent, is to be reinstated to its original condition after the approved works have been completed.*
- **New condition** – *The development shall be provided with a rooftop photovoltaic electricity generating system that will provide augmented electricity to every unit and to off-set the electricity demands of the development. Plans and details in this regard shall be submitted to, and approved by, Council prior to the issue of a Construction Certificate.*
- **New condition** – *Prior to the issue of a Construction Certificate, an updated Stormwater Management Strategy which includes revised details of water conservation measures and demonstrates compliance with Section 3.1 of Council's WSUD Policy for the amended unit sizes must be provided to Penrith City Council's Development Services Manager for approval. The revised information must also demonstrate how the rainwater tanks will be utilised for toilet flushing and the irrigation of landscaping across the site. Along the southern boundary all rainwater tanks are to be located within the building footprint, such as below the fire corridor above.*
- **Deletion of Condition 80**
- **New condition** – *Prior to the commencement of any works on the site, the relocation of the habitat box attached to tree number 4 as identified in the Arboricultural Impact Report prepared by TREECAS dated 28 February 2020 is to be relocated by a suitability qualified and experienced professional at a similar height to a semi-mature tree within the vicinity if not able to be retained on site. Note: Landowner's consent is required in relation to the relocation site.*
- **New condition** – *Prior to the issue of a Construction Certificate, the approved landscape plan is to be amended to replace 12 of the proposed 20 scribbly gums with grey box species, to be included within the Construction Certificate approval documentation.*
- **New condition** – *The area between the southern boundary and the building footprint, after relocation of rainwater tanks within the building footprint, will be landscaped appropriately and detailed in the revised landscape plan with the Construction Certificate.*
- **New condition** – *Amendment of the layout and positioning of unit 11 design so that it is a minimum of 5 metres from the southern boundary to enable retention of as many existing trees as possible and augmented landscaping to be detailed in the revised landscape plan with the Construction Certificate. This shall also ensure that turning circles continue to comply with Australian Standards and landscaping to the north of Erskine Park Road shall not be diminished.*
- **Replace condition 89 to state** – *Prior to the issue of an Occupation Certificate, the site access driveway on Lenore Drive and all vehicle parking and manoeuvring areas must be in accordance with AS-NZS2890.1, AS2890.2, AS2890.3, AS2890.5, AS2890.6, Penrith Development Control Plan 2014 (section C.10) and Council's requirements, to the satisfaction of the Certifying Authority.*
- **New condition** – *Prior to the issue of an Occupation Certificate an Operational Waste Management Plan shall be prepared (to minimise conflicts between waste collection vehicles and other vehicles accessing the site) and be approved by Council.*

Votes

The decision was unanimous

Jason Perica – Chair 	John Brunton – Expert 
Christopher Hallam – Expert 	Stephen Welsh – Community Representative 