

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA24/0122
DATE OF DETERMINATION	19 February 2025
PANEL MEMBERS	Donna Rygate (Chair) Bruce Simpson (Expert) Stuart McDonald (Expert) Ben Adamson (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Jacqueline Klincke – Council – Senior Development Assessment Planner Tyson Ek-Moller – Mecone – Applicant Adam Coburn – Mecone – Applicant Catherine Gander – Operator
LIST OF ADDITIONAL ATTENDEES	Gavin Cherry – Council – Development Assessment Coordinator Zac Scott – Council – Graduate Development Assessment Planner Katelyn Davies – Council – Panel Management Support Officer Joanne Campbell – Operator Arjun Kataria – Signature Projects – Applicant Susan Warner – Habitat – Applicant Expert

	Alex Tarasenko – Trinity Advisors – Applicant Expert
<b>APOLOGIES</b>	Robert Craig – Council – Principal Planner

Electronic Meeting held online via video conference on Wednesday, 19 February 2025, starting at 10.30am.

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

DA24/0122, Demolition of Existing Structures & Construction of Three (3) Storey Group Home including Associated Resident Support Facilities, Basement Car Parking & Related Site Works at Nos. 38 & 40 Robert Street, Penrith NSW 2750.

**Panel Consideration**

The Panel had regard to the assessment report and supplementary memorandum prepared by Council staff, the comments from the Applicant's representatives when they addressed the Panel meeting (including in relation to temporary arrangements proposed to be put in place to service clients over the construction period), supporting plans and information, and the following environmental planning instruments and policies:

- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience & Hazards) 2021
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there were zero (0) 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, DA24/0122, Demolition of Existing Structures & Construction of Three (3) Storey Group Home including Associated Resident

Support Facilities, Basement Car Parking & Related Site Works at Nos. 38 & 40 Robert Street, Penrith, NSW, 2750 be approved subject to the recommended conditions of consent accompanying the assessment report, amended as follows:

- Deletion of Condition 57.
- Addition of Conditions consistent with Council's Heat and Climate Management policies, requiring the use of light coloured roofing, and use of electric rather than gas appliances in the building.
- Confirmation / Amendment to Condition 1 to reflect the correct revision numbers and document dates, on the basis of amended plans received submitted by the Applicant on 17 February 2025. This includes references to revised engineering design drawings.
- Amendment to Condition 30 to insert the headings relating to the recommendations of the acoustic Report
- Amendment of Condition 59 such that site levels are not increased by more than 150mm within the road reserve, subject to confirmation from Council's Engineering Department.

#### **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:-

- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- 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 R3 Medium Density Residential Zone in which the development is proposed to be carried out.



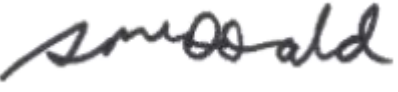
#### **Reasons for the Decision**

- The Panel agreed with the assessment of the proposal outlined within the Council's assessment report and supplementary memorandum.

- 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.
- The proposal presents a building height, mass and scale which is considered to be contextually appropriate having regard to the character of the locality. The proposal has been amended throughout the course of the assessment to ensure a suitable response to the challenging topography of the site, with resulting stepped finished floor levels and corresponding massing.
- The proposal is compliant with applicable development controls, including objectives contained within Penrith Development Control Plan 2014.
- The proposal provides necessary emergency housing opportunities specifically catering to the needs of the community which is considered to be in the public interest.

### Votes

The decision was unanimous.

<p>Donna Rygate (Chair)</p> 	<p>Bruce Simpson (Expert)</p> 
<p>Stuart McDonald (Expert)</p> 	<p>Ben Adamson (Community Representative)</p> 