

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

<b>APPLICATION NUMBER</b>	DA20/0029 – 154 - 162 Stafford Street PENRITH NSW 2750
<b>DATE OF DETERMINATION</b>	11 November 2020
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Christopher Hallam (Expert) Stephen Welsh (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	No conflicts of interest were declared
<b>LISTED SPEAKERS</b>	Graham McKee, Peter Smith, Benjamin Black

Public Meeting held via video conference on Wednesday 11 November 2020, starting at 12:00pm.

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

Development Application DA20/05229 at Lot 1 DP 25705 & Lot 1 DP 20976 & Lot A DP 405051 & Lot 2 DP 20976, 154-162 Stafford Street PENRITH NSW 2750- Demolition of Existing Structures & Construction of Part Two (2) Storey & Part Three (3) Storey Seniors Housing Development comprising Three (3) Buildings including 33 Independent Living Units, Related Communal Facilities, Basement Car Parking & Associated Site Works.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council Officers, including the following plans;

- Penrith Local Environmental Plan 2010 (Amendment 4)
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

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

### **Panel Decision**

Development Application DA20/05229 at Lot 1 DP 25705 & Lot 1 DP 20976 & Lot A DP 405051 & Lot 2 DP 20976, 154-162 Stafford Street PENRITH NSW 2750- Demolition of Existing Structures & Construction of Part Two (2) Storey & Part Three (3) Storey Seniors Housing Development comprising Three (3) Buildings including 33 Independent Living Units, Related Communal Facilities, Basement Car Parking & Associated Site Works be approved subject to the conditions recommended by Council staff contained in the report to the Panel meeting of 11 November 2020, subject to the following changes:

- Conditions 2, 4, 43 and 46 be deleted;
- The 4<sup>th</sup> dot point in Condition 18 being deleted;
- Condition 13 be revised as follows:

*As the proposal has been granted pursuant to Clause 4.6 to vary a development standard, and because the variation granted is linked to the quality of the design, in order to ensure the design quality excellence of the development is retained to completion, the design architect(s) comprising Smith & Tzannes is to have direct involvement in the design documentation and construction stages of the project, including at Construction Certificate stage. The design architect/s is not to be changed without prior notice and approval of the Council's Development Assessment Coordinator. Such approval should not be unreasonably withheld by Council.*

*Any future Modification Applications which change the design of the approved development are to include a written review from the design architect upon the reasonable request of Council staff.*

### **Reasons for the Decision**

The Panel agreed with the assessment contained with Council's Assessment Report.

The use is suited to the site and is permissible in the zone. The proposal is satisfactory when considered against the relevant provisions of State Environmental Planning Policy (Housing for Seniors or people with a Disability) 2004, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014.




The Panel had regard to the applicant's Clause 4.6 contravention request regarding the maximum Building Height within Clause 40(4)(a) of State Environmental Planning Policy (Housing for Seniors or people with a Disability) 2004 ("the SEPP") and Clause 4.3 of Penrith LEP 2010 and formed the view the applicant's written request satisfactorily addressed required matters within Clause 4.6(3) of the LEP. The Panel was satisfied the proposal was consistent with the SEPP, the zone objectives and the objectives of Clause 4.3 of Penrith Local Environmental Plan 2010 and that, notwithstanding the non-compliance, granting consent would be in the public interest. In forming its view, the Panel had regard to the proposal, nature of the site, applicant's written request, nature of the non-compliance, design, relationship with surrounding land, information in the assessment report and the circumstances of the case.

The Panel had regard to the applicant's request to modify a number of conditions. Certain amendments were made, as outlined in the decision above, where deemed reasonable by the Panel.

In terms of considering community views, no submissions were made.

**Votes**

The decision was unanimous.

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