



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>DATE OF DETERMINATION</b>	10 October 2018
<b>PANEL MEMBERS</b>	The Hon. Carl Scully (Chair) Mary- Lynne Taylor (Expert) Christopher Hallam (Expert) Cody Masterfield (Community Representative)
<b>APOLOGY</b>	N/A
<b>DECLARATIONS OF INTEREST</b>	N/A
<b>LISTED SPEAKER(S)</b>	Eric Easternbrook – Resident Stephen Worley - Resident Stevie Hickey – Resident Anne Gale - Resident Adrian Ciano – Uniting on behalf of the applicant head of Property Development John Phillpott – Property Development Manager

Public Meeting held at Penrith City Council on Wednesday 10 October 2018, opened at 3:00pm.

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

Development Application DA18/0306 at 1 – 3 Emerald Street & 6 Troy Street, Emu Plains – Construction of a Three (3) Storey Development Including a 100 Bed Residential Aged Care Facility, Ancillary Services, Car Parking and Associated Demolition and Site Works.

### **Panel Consideration/Reasons for the Decision**

The Panel has considered the assessment report prepared by Council Officers and supports the recommendation for approval for the reasons below;

1. The proposed development is considered consistent with the objectives of the R3 Medium Density Residential zone and the requirements of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. The Panel has considered the applicants request to vary the Development Standards contained in the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 in relation to the maximum 8m height limit and the provision of not more than 2 storeys adjacent to the boundary of a site. Compliance with the standards is unreasonable and unnecessary in the circumstances of this case as the proposed variations will not generate unacceptable impacts on nearby properties and is considered to remain consistent with the objectives of the standards. The written request for variation is upheld and considered to be well founded.

3. The proposal adequately satisfies the requirements and provisions of Penrith LEP 2010 (Amendment 4) and Penrith Development Control Plan 2014.
4. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of existing or proposed nearby premises, the heritage significance of the existing sandstone Uniting Church on the subject site, the location of existing mature vegetation of both the Great Western Highway and Emerald Street frontages or the operation of the local road system.
5. In terms of considering community views, the Panel noted there were no submissions received from the public exhibition of the DA. The Panel also noted that some residents of the existing aged care facility attended the meeting and aired their dissatisfaction with the need to move around the facility during the new construction.




### Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA18/0306 for Construction of a Three (3) Storey Development Including a 100 Bed Residential Aged Care Facility, Ancillary Services, Car Parking and Associated Demolition and Site Works be approved subject to the conditions in the Council staff assessment report to the Local Planning Panel meeting of 10 October 2018 and the amendments to the conditions as per below;

- Condition 16 be deleted
- Conditions 80, 81 & 88 to be amended to provide a RL level of 27.35.
- Condition 83 to be amended to provide a RL level of 26.85.
- Condition 90 to be amended to read as follows; '*Prior to the issue of any Occupation Certificate all bare areas on the Road Reserve resulting from construction activities are to be turfed to the satisfaction of Council*'.
- Condition 91 to be amended to read as follows; '*All proposed services for the development are to be located underground in accordance with the relevant authorities regulations and standards*'.

### Votes

The decision was unanimous.

<p>Hon. Carl Scully – Chair Person</p> 	<p>Christopher Hallam – Expert</p> 
<p>Mary-Lynne Taylor - Expert</p> 	<p>Cody Masterfield – Community Representative</p> 