

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at **Penrith City Council** on **Thursday 19 March 2015 at 12noon**

Panel Members: Mary-Lynne Taylor (Chair), Paul Mitchel, Bruce McDonald, Ross Fowler and Glenn McCarthy

Apologies: None

Declarations of Interest: None

Determination and Statement of Reasons

2014SYW142 – Penrith, DA14/1209, Seniors Housing Development comprising 100 Residential Aged Care Units, 48 Independent Living Units & Associated facilities, 72 - 84 Empire Circuit, Penrith

Date of determination: 19 March 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development will add to the supply and choice of aged and disabled persons housing within the Western Metropolitan sub-region and the City of Penrith in a location benefiting from the services and amenity afforded by Penrith City Centre and the transport offered by Penrith Station transport node. It is noted in this regard that the proposal itself provides dedicated bus transport to future residents of the development.
2. The proposal is of a scale and character consistent with the planned use of the locality in which it is placed.
3. The proposal adequately satisfies the requirements of the following State Environmental Planning Policies:
 - SEPP (Housing for Seniors or People with a Disability) 2004
 - SEPP 65 – Design Quality of Residential Flat Development

The panel notes that the requirements to comply with SEPP 55 – Remediation of Land have yet to be satisfied and this is addressed via consent conditions.

4. The proposal adequately satisfies the objectives and provisions of Penrith City Centre LEP 2008, Penrith DCP 2006 and North Penrith Design Guidelines 2013.
5. The proposal, subject to the conditions imposed, will not generate any unacceptable impacts on the built or natural environment, including the performance of the local road network, the amenity of nearby residential development including the retention of views, heritage items and onsite vegetation. The proposed development is considered to adequately address the matters raised in submissions received including retention of views to the protected tree areas, a dilapidation report to be supplied for the residential complex at the rear (Condition 81), attention to privacy concerns treated by appropriate landscaping and building design and remote location of staff car parking and consideration of concerns regarding safety of shared use areas.
6. In consideration of conclusion 1 to 5 above the panel consider that subject to the conditions imposed including those requiring demonstration of adequate site remediation, that the proposed

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development is a suitable use of the site and approval is in the public interest.





AMENDED CONDITION NO. 108

A Remediation Action Plan (RAP) is to be prepared by a suitably qualified and experienced company or individual. The RAP is to address the findings of the "Report on Detailed Site Investigation for Contamination, Seniors Housing Development, Lot 2034 Empire Circuit, Penrith" prepared by Douglas Partners and dated August 2014 and shall be submitted to Council for assessment. Once approved, the works specified in the RAP are to be undertaken by a suitably experienced construction contractor.

Upon completion of the works specified in the RAP, a validation report is to be prepared by an EPA Accredited Site Auditor. No other construction works are to occur until the auditor has certified that the site is suitable for the proposed use.

Conditions: The development application was approved subject to the conditions in the Council Assessment Report with amendments to Condition 108 at the meeting.

Panel members:

 Mary Lynne-Taylor (Chair)	 Paul Mitchell	 Bruce McDonald
Ross Fowler	 Glenn McCarthy	

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SCHEDULE 1

1	JRPP Reference – 2014SYW142, LGA – Penrith City Council, DA14/1209
2	Proposed development: 2014SYW142 – Penrith, DA14/1209, Seniors Housing Development comprising 100 Residential Aged Care Units, 48 Independent Living Units & Associated facilities, 7
3	Street address: No. 72 - 84 Empire Circuit, Penrith
4	Applicant/Owner: Applicant – Southern Cross Care (NSW & ACT) , Owner – Urban Growth NSW
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy 55 – Remediation of Land ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River Catchment ○ Penrith Local Environmental Plan 2010 ○ SEPP (Housing for Seniors or People with a Disability) 2004 ○ SEPP 65 – Design Quality of Residential Flat Development • Development control plans: <ul style="list-style-type: none"> ○ Penrith Development Control Plan 2006 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council assessment report with draft recommended conditions, location plan, aerial view of site, architectural plans, landscape plans and written submissions. Verbal submissions at the panel meeting: <ul style="list-style-type: none"> • John McFadden, DFP Planning • Lara Calder, Calder Flower Architects Pty Limited
8	Meetings and site inspections by the panel: 27 November 2014 - Briefing Meeting, 19 March 2015 - Site Inspection and Final Briefing meeting.
9	Council recommendation: Approval
10	Conditions: Attached to council assessment report