

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	25 June 2018
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Karen McKeown and Glenn McCarthy
<b>APOLOGIES</b>	Ross Fowler
<b>DECLARATIONS OF INTEREST</b>	Ms McKeown declared conflict of interest as she knew Ms Elaine Talbert who is speaking at the meeting today and did not participate in public meeting.

Public meeting held at Penrith Council on 25 June 2018, opened at 5.10pm and closed at 5.34pm.

#### MATTER DETERMINED

2017SWT003 – Penrith – DA17/0237 – 40-48 Garswood Road, Glenmore Park (AS DESCRIBED IN SCHEDULE 1)

#### PANEL CONSIDERATION AND DECISION

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

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

#### REASONS FOR THE DECISION

The Panel noted the response to notification by the Council from Elaine Talbert who raised the following matters:

- (a) The proposal may be a trojan horse for another form of development in the future.
- (b) She has observed other golf courses converted to private uses.
- (c) She believed that the DA material referred to the word “hostel,” and was concerned about the use of the proposed facility for more intensive uses.
- (d) The capacity of the local road to accept additional traffic should be carefully considered.

The Applicant responded by providing a photographic presentation which explained how the application had been progressed to address Council concerns particularly in terms of its appearance from the public domain.

The reasons for the Panel’s decision were:

1. The proposed development will provide further seniors housing within the City of Penrith and the Sydney Western City District.

2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Housing for Seniors or People with Disability) SEPP 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP 65- Design Quality of Residential Apartment Development and its associated Apartment Design Guide and Sydney Regional Environmental Plan No, 20 -Hawkesbury Nepean River. The Panel notes that under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, seniors housing of this form and scale been determined as being compatible with this specific site.
3. In regard to SEPP 65 the Panel recognises that while the subject site is located in a context of predominantly semi -rural character, the Panel accepts the Department's assessment that the building's placement landscaping is such that the proposal adequately responds to that context.
4. The proposal adequately satisfies the applicable objectives and provisions of Penrith LEP 2010 and Penrith DCP 2014. In this regard the Panel notes that the subject site is zoned RE2 Private Recreation but the proposed development is permitted on the subject land by virtue of a Site Compatibility Certificate having been issued by the Department of Planning and Environment under the provisions of the Housing for Seniors SEPP That Certificate specifically addresses this proposal for 160 self-contained dwellings constructed within a maximum height of 4 storeys.
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the character of the surrounding semi- rural locality appreciated from surrounding sites and adjacent roads, the local ecology or the operation of the road system.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

## **CONDITIONS**

The development application was approved subject to the conditions in council assessment report with the following changes –

- Condition 24 added as a new condition to read as follows –

### **Heritage/Archaeological relics**

#### **C003 - Uncovering relics**

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

- Condition 29 renumbered to Condition 30 and revised as per Panel request.

Condition 30 modified to read as follows –

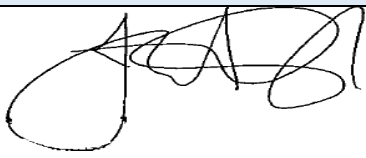



#### D011 - Noise assessment

**Prior to the issue of a Construction Certificate** an acoustic report is to be provided to and approved by the Council (and where necessary, amended in such manner as may reasonably be required by the Council prior to its approval).

The acoustic report is to address the following:

- 1) Road traffic noise impacts associated with The Northern Road upgrades currently under construction. The road traffic noise assessment must be prepared in accordance with Development Near Rail Corridors and Busy Roads- Interim Guideline, 2008 and the NSW Environment Protection Authority Road Noise Policy
- 2) Noise associated with the operation of the golf club including the function and dining areas, amplified music and speech, car park noise (such as vehicles entering/exiting, engines starting and doors closing), patron noise in internal and external areas (based on worst case scenario of full occupation of function and dining facilities), and mechanical plant and equipment. The noise impact assessment must be prepared in accordance with the NSW EPA's Noise Policy for Industry.

The report is to be prepared by a suitably qualified and experienced acoustic consultant and all recommendations and requirements outlined within this report when approved, are to be incorporated into the design prior to the issue of a Construction Certificate.

PANEL MEMBERS	
	
Justin Doyle (Chair)	Nicole Gurrán
	
Bruce McDonald	Glenn McCarthy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT003 – Penrith – DA17/0237
2	PROPOSED DEVELOPMENT	Seniors Housing Development comprising 160 Self-Care Apartments, Related Facilities, Basement Car Parking & Associated Works
3	STREET ADDRESS	40-48 Garswood Road, Glenmore Park
4	APPLICANT/OWNER	Applicant – The Sunshine Property Investment Group Owner – Penrith Golf & Recreation Investment Club Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	<b>General development over \$30 million</b>
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Local Environmental Plan 2010 (Amendment 4)</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River</li> <li>○ SEPP Housing for Seniors 2004</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 11 June 2018</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Elaine Talbert</li> <li>○ On behalf of the applicant – Adam Coburn and Damian Barker</li> </ul> </li> </ul>

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection and briefing meeting – 25 June 2018</li> <li>• Final briefing meeting to discuss council’s recommendation, 25 June 2018 – 4.45pm to 5.10pm</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Bruce McDonald, Karen McKeown and Glenn McCarthy</li> <li>○ <u>Council assessment staff</u>: Lauren VanEtten and Gavin Cherry</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with Council Assessment Report