

DATE OF DETERMINATION	Monday 30 April 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Ross Fowler, Glenn McCarthy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Penrith City Council, 601 High Street Penrith on 30 April 2018, opened at 4:15pm and closed at 4:25pm.

MATTER DETERMINED

2017SWT015 – Penrith – DA17/1107 at 29 Derby Street Kingswood (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 4.16 of the *Environmental Planning and Assessment Act 1979*.






The decision was unanimous in favour.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will provide health services and facilities to the Sydney Western City District and the City of Penrith within the Penrith Health and Education Precinct nominated in the Penrith Local Environmental Plan adding to the now established public and private hospital facilities and services within Kingswood.
2. The proposed development, subject to the conditions proposed to be imposed, satisfies the relevant State Legislation and State Environmental Planning Policies including the Water Management Act 2000, SEPP 55 - Remediation of Land, SREP 20 - Hawkesbury Nepean River and SEPP (Infrastructure) 2007.
3. The Panel notes that while the proposed development is not a permitted use within the applicable B4 Mixed Use zoning under Penrith LEP 2010, a health service facility is permitted by virtue of Clause 57 of SEPP (Infrastructure) 2007 which overrides the provisions of Penrith LEP 2010. The proposed development otherwise adequately satisfies the objectives and provisions of the LEP noting particularly that the proposal is consistent with the objectives of the Penrith Health and Education Precinct.
4. The proposed development adequately satisfies the objectives and provisions of Penrith DCP 2014.
5. The proposed development is considered to be of appropriate scale and form, consistent with that of the adjacent Nepean Hospital and the emerging character of the Penrith Health and Education Precinct.

6. The proposed development, subject to the conditions imposed, which include General Terms of Approval issued by NSW Office of Water, will have no unacceptable adverse impacts on the natural or built environments including the natural groundwater system the amenity of adjoining and nearby residential premises or the operation of the local road system.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Nicole Gurran	 Ross Fowler
 Glen McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SWT015 – Penrith – DA17/1107
2	PROPOSED DEVELOPMENT	Demolition of Existing Structures & Construction of Four (4) Storey Health Services Facility including Private Hospital & Specialist Health Services & Four (4) Levels of Basement Car Parking.
3	STREET ADDRESS	29 Derby Street KINGSWOOD
4	APPLICANT OWNER	Day Procedures Australia Pty Ltd Louise A Almazan
5	TYPE OF REGIONAL DEVELOPMENT	General Development with a Capital Investment >\$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No.55 – Remediation of Land Sydney Regional Environmental Plan No.20 Hawkesbury Nepean River (Deemed SEPP) Penrith Local Environmental Plan 2010 (Amendment 4) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 16 April 2018 Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – Adam Brynes and Simon Hanson
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing meeting: 29 January 2018 Final briefing meeting to discuss council's recommendation, 30 April 2018 at 4:15pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Chair Justin Doyle, Panel Member Bruce McDonald, Panel Member Nicole Gurran, Panel Member Ross Fowler and Panel Member Glenn McCarthy <u>Council assessment staff</u>: Paul Anzellotti, Peter Wood, Robert Craig and Wayne Mitchell
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report