

DATE OF DETERMINATION	Monday, 18 November 2019
PANEL MEMBERS	Nicole Gurran Chair), Bruce McDonald, Glenn McCarthy and Jeni Pollard
APOLOGIES	Justin Doyle
DECLARATIONS OF INTEREST	None

Public meeting held at Penrith City Council, Pasadena Room, 601 High Street, Penrith on 18 November 2019, opened at 3:00pm and closed at 3:40pm.

MATTER DETERMINED

2019WCI03 – Penrith City Council – DA17/0237.03 at 40 - 48 Garswood Road Glenmore Park – Modification Application to approved Seniors Housing Development (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

The panel determined to approve the application to modify the approved development pursuant to section 4.55 (previously section 80/96) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed modification to the approved development, subject to the conditions imposed, continues to adequately satisfy the relevant State Environment Planning Policies, the requirements and provisions of Penrith LEP 2010 (Amendment 4) and the relevant provisions of Penrith DCP 2014.
- The Panel recognises the development of Seniors Housing is permitted on the subject site by virtue of a Site Compatibility Certificate having been issued by the Department of Planning and Environment under the provisions of the Senior's Housing SEPP and that such Certificate includes a requirement that the development provides an appropriate buffer to the Northern Road for visual amelioration purposes. The Panel accepts the conclusion of the Council assessment report that the amended proposal continues to achieve that outcome and that the Compatibility Certificate remains valid. Further the Panel accepts the assessment that, subject to the conditions imposed, the amended proposal will not adversely affect the character and amenity of the surrounding environment and adequately responds to its context.
- Having regard to these conclusions the Panel considers that the modified development, which will provide further seniors housing supply within the City of Penrith and the Sydney Western District, is a suitable use of the site and approval of the proposed modification is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.





- Condition 83, Prior to the issue of a Construction Certificate a Landscape Design Report, a Tree and Retention Plan and a Fencing Plan shall be submitted to, and approved by the Manager of Development Services at Penrith City Council.
The Report and Plan are to be prepared by a suitably qualified and experienced landscape professional and must include the retention of trees in the eastern setback wherever possible and is to include additional supplementary planting to achieve an overall increase in planting density (as marked in red on the stamped approved plans). The landscape design must identify retained trees and their species, and must include details of all perimeter fencing to be installed. Fencing must respond to the interface between the seniors development and the golf club uses.
The revised plans and reports shall be consistent with each other and also correlate with the revised arborist's report. All plant species shall be clearly nominated.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Species selection in the landscaping plan
- Potential impact on the watercourse

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and in the modified conditions of consent and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Nicole Gurrán (Chair)	 Bruce McDonald
 Jeni Pollard	 Glenn McCarthy

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI023 – Penrith City Council – DA17/0237.03
2	PROPOSED DEVELOPMENT	Modifications to Access Driveway Alignment & Landscaping Works – 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 Club Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Penrith Local Environmental Plan 2010 (Amendment 4) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 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 No.65 - Design Quality of Residential Flat Development Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Penrith Development Control Plan 2017 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 September 2019 Council Supplementary assessment report: 18 November 2019 Written submissions during public exhibition: 1 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In support – Nil In objection – Elaine Talbert Council assessment officer – Kathryn Saunders On behalf of the applicant – Georgis Sedgmen
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Monday, 13 May 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Bruce McDonald and Ross Fowler <u>Council assessment staff</u>: Lauren VanEtten Site inspection: Monday, 13 May 2019 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Bruce McDonald and Ross Fowler

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Lauren VanEtten • Final briefing to discuss council's recommendation, Monday, 16 September 2019, 1:30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Glenn McCarthy and Jeni Pollard ○ <u>Council assessment staff</u>: Lauren VanEtten • Final briefing to discuss council's recommendation, Monday, 18 November 2019, 2:30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Nicole Gurran (Chair), Bruce McDonald, Glenn McCarthy and Jeni Pollard ○ <u>Council assessment staff</u>: Lauren VanEtten and Kathryn Saunders
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Nil