

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Friday, 28 May 2021
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Ross Fowler and Jeni Pollard
APOLOGIES	Glenn McCarthy
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 May 2021.

MATTER DETERMINED

PPSSWC-138 – Penrith – DA19/0419.04 at 5-7 Floribunda Drive, Glenmore Park – Section 4.56
Modifications to Approved Residential Aged Care Facility (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.

Modification application

The panel determined to approve the section 4.56 modification application to modify the Court issued development consent granted to DA19/0419 by the Land and Environment Court of NSW on 29 May 2020 (and as subsequently modified) which approved the demolition of existing structures and the construction of a residential aged care facility at 5-7 Floribunda Avenue, Glenmore Park (see judgment at *Penrith City Council ats Principal Healthcare Finance Pty Limited [2020] NSWLEC 1232*).

The modification approved is to alter Condition 1 (where first appearing noting that the consent as annexed to the published judgment includes two conditions numbered “1”) to substitute references to plans A100, A101, and A102 with:

Plan/Report No.	Description	Prepared by	Revision	Date
A100	Lower Ground Floor	CalderFlower	E	02/02/2021
A101	Ground Floor Plan	Calderflower	E	02/02/2021
A102	First Floor Plan	CalderFlower	C	02/02/2021

The decision was unanimous.

REASONS FOR THE DECISION

The modification approved will allow for internal alterations to the originally approved layout of resident rooms to facilitate the introduction of companion rooms.

The alterations will result in an increase of 14 beds from 142 to 156 beds and an increase of one staff car parking space, as well as minor internal alterations to the allied health facility known as the 'wellness centre' to reduce the number of consultation rooms from three to two.

The Panel is satisfied that provision for shared couple rooms within the facility is a desirable addition to satisfy demand for that form of accommodation.

The height and floor space of the development will not significantly change with the modification. The footprint will remain the same.

The DA was approved by the Court under Chapter 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP).

The Panel accepts the advice of the Council staff that the development remains compliant with the provisions of that instrument, and particularly the principles set out in Division 2 of the SEPP.





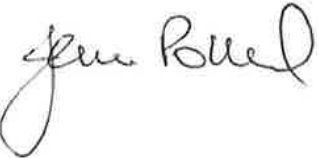
The Panel otherwise accepts and agrees with the reasons for the recommendation for approval outlined in the council assessment report.

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:

- A belief that internal and resident amenity would be adversely affected.
- The scale of the wellness centre was being reduced
- A perceived prioritisation of profits over resident care

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

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurrán
 Louise Camenzuli	 Ross Fowler
 Jeni Pollard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-138 – Penrith – DA19/0419.04
2	PROPOSED DEVELOPMENT	Section 4.56 Modifications to Approved Residential Aged Care Facility including Increase from 142 Beds to 156 Beds, Internal Layout Amendments & Addition of One Surface Car Space
3	STREET ADDRESS	5 – 7 Floribunda Drive Glenmore Park
4	APPLICANT/OWNER	Principal Healthcare Finance Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River ○ Draft SEPP Environment ○ Draft SEPP Remediation of Land ○ Penrith Local Environmental Plan 2010 • 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>: Environmental Planning and Assessment Regulation 2000 • 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: 10 May 2021 • Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Monday, 17 May 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Ross Fowler and Jeni Pollard ○ <u>Council assessment staff</u>: Robert Craig, Kathryn Saunders and Gavin Cherry
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report