

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 12 February 2024, 11:00am to 11:30am
LOCATION	Ms Teams

BRIEFING MATTER(S)

PPSSWC-296 – Penrith – DA22/1171 – 1-3 Emerald Street, Emu Plains - Construction of Seniors Housing Development including Five (5) Buildings (3 to 4 Storeys) containing 146 Independent Living Units & Communal Clubhouse, Two (2) Single Level Basement Car Parks & Associated Demolition Works, Tree Removal, Earthworks, Landscaping & Stormwater Drainage Works.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Carlie Ryan, Ross Fowler
APOLOGIES	NIL
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Gavin Cherry
APPLICANT	John Philpott, Onofrio Marzulli, Felipe Strahovsky, Grace Carpp, Belinda Barrie, Alister Eden
RSDA	Renah Givney, Sharon Edwards, Tim Mahoney

KEY ISSUES DISCUSSED

This DA had been scheduled for a final briefing anticipated to allow the Panel to determine the DA by circulation of papers.

The Council reports however that revised information is expected to be submitted by the Applicant before 12 February 2024, for which re-referral to NSW Reconstruction Authority and internal departments will be necessary. It is reported that this will allow for the Sydney Western City Planning Panel determine the DA by March 2024.

There are significant departures to the mapped development standard for height for the site. The large size of the site, the beneficial use, and the three road frontages would suggest departure from the development standard is reasonable. However, the design must respond to the proximity of the residential yard to the south west. The modifications requested by Council staff would seem to be directed to that objective.

The Council report sets out that four submissions were received during exhibition of the DA as originally lodged, with one further submission received during the second exhibition period when the DA was re-

notified and re-exhibited between 8 November and 8 December 2023. The Panel has reviewed those submissions and notes the following matters raised:

Issue

A complaint that the proposal will overshadow the private open spaces of adjoining dwellings to which it will cause privacy impacts.

Comment

Shadow diagrams and sun eye diagrams have been provided which appear to suggest that reasonable solar access will be maintained with good afternoon sun expected, and that privacy can be protected through appropriate design. However, where such issues are exacerbated by any portion of the buildings proposed which exceed the height development standard applying to the site.

Issue

Design of Buildings C, D and E has potential overlooking impacts from balconies onto school play areas.

Comment

Again this issue is of greater concern where overlooking arises from any non-compliant portions of the building. Building design and landscaping should be used to prevent or limit such overlooking. The Panel notes that the setback 7.3 metres should allow issues of acoustic privacy to be satisfactorily resolved particularly with the deletion of the rooftop terrace.

Issue

Parking proposed on the site is said to be inadequate so as to adversely impact street parking

Comment

While the issue of parking is not addressed in the Council's interim report, Panel was advised that the parking exceeds the SEPP requirements. Council is satisfied that the present parking plan is adequate.

Issue

Additional traffic generation, dust and noise impacts during the demolition and construction phases.

Comment

This issue ought to be able to be addressed by appropriate conditions and the preparation of a construction management plan. Given the delay in the determination, the Applicant ought to be directed to supply that plan, or at least key principles which it is to adopt.

Issue

Biodiversity impacts

Comment

Notably Council's tree officer is noted in the report not to have commented on the DA. However, Council is requiring additional setbacks to respect the existing canopy which would assist in mitigating the privacy impacts and bulk of the proposal.

The Panel asks that the final assessment report taking into account those matters be made available to the Panel through the Secretariat by Friday 22 March 2024, at which time the Panel will determine whether a further briefing is required.

Ecological performance and provision for electrical vehicle charging will presumably be addressed in the final report and conditions.

TENTATIVE DETERMINATION DATE SCHEDULED FOR APRIL

Planning Panels Secretariat

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