

**RECORD OF DEFERRAL**  
**SYDNEY WESTERN CITY PLANNING PANEL**

<b>DATE OF DETERMINATION</b>	16 September 2019
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, Jeni Pollard and Glenn McCarthy
<b>APOLOGIES</b>	Ross Fowler
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Penrith City Council on Monday, 16 September 2019, opened 3.35pm and closed at 5.30pm.

**MATTER DEFERRED**

PPSSWC-4 - Penrith – DA19/0419, Address – 5-7 Floribunda Avenue, 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 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.

The Panel determined to defer the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

1. The Panel accepted that there were significant improvements that could be made to the present design which were likely to be necessary to warrant approval. While no issue was determined finally, the issues requiring attention included:
  - (a) The location of a substantial carpark adjacent to consulting rooms adjacent to Floribunda Avenue had consequences for the character of the area. Relocation of that parking possibly into the basement should be considered. That may allow for a less intrusive presentation to the street.
  - (b) While the proposed relocation of the setback to the side boundary is supported, it may be that consideration of a stepping of height to the boundary with the residences along Freesia Place would mitigate the institutional character of the development adjacent to those houses.
  - (c) A justification of any non-compliance with the development standards in the SEPP simply based on the objective of providing more yield on the site would not be a strong one. Further, it did not follow that the licensing by the Department of Health of

a potential nursing home site to provide for a particular number of beds did not lead to an assumption that all of the total number licensed could be accommodated acceptably within the site having regard to the considerations under s.4.15 of the Environmental Planning & Assessment Act.

- (d) The Panel would consider a request to vary a development standard where the non-compliance objected to arose as a consequence of features adopted in the DA design which removed planning impacts of the development related to the specifics of the site.





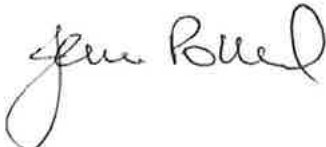
2. Given the Applicant indicated that it wished to explore amendments which took those matters into account, the Panel saw the requested deferment of the DA to be appropriate.

### Submissions

The Panel received presentations from three residents of Freesia Place and one who lived opposite the development.

Issues raised included:

- (a) The compatibility of the development with the area;
- (b) Traffic and parking expected to be generated;
- (c) The bulk and appearance of the development.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Bruce McDonald	 Glenn McCarthy
 Jeni Pollard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-4 - Penrith – DA19/0419
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a two (part three) storey residential aged care facility including 142 beds, at-grade car parking earthworks and landscaping.

3	STREET ADDRESS	5-7 Floribunda Avenue, Glenmore Park
4	APPLICANT/OWNER	Applicant/Owner – Principal Healthcare Finance Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Penrith Local Environmental Plan 2010 (Amendment 4)</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>○ Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Penrith Local Environmental 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: 16 September 2019</li> <li>• Written submissions during public exhibition: 21</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ In support – Nil</li> <li>○ In objection – Elaine Talbert, May Stenter, Brian Clark and Mark Wang</li> <li>○ Council assessment officer – Kathryn Saunders</li> <li>○ On behalf of the applicant – John Cole-Clark, Andrew Cowan and Lara Calder</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE	<ul style="list-style-type: none"> <li>• Site inspection and briefing: 19 August 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Bruce McDonald (Acting Chair), Mark Grayson,</li> </ul> </li> </ul>

	<b>PANEL</b>	<p>Ross Fowler and Glenn McCarthy</p> <ul style="list-style-type: none"> <li>○ <u>Council assessment staff:</u> Kathryn Saunders</li> <li>• Final briefing to discuss council's recommendation, 16 September 2019, time 2.00pm</li> <li>• Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members:</u> Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, Jeni Pollard and Glenn McCarthy</li> <li>○ <u>Council assessment staff:</u> Kathryn Saunders</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Refusal
<b>10</b>	<b>DRAFT CONDITIONS</b>	N/A