

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	14 May 2024
DATE OF PANEL DECISION	8 May 2024
DATE OF PANEL MEETING	6 May 2024
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Carlie Ryan, Ross Fowler
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 30 April 2024.

MATTER DETERMINED

PPSSWC-412 – Penrith – Mod23/0292 at 94-100 EXPLORERS WAY ST CLAIR 2759

Section 4.56 Modification Application, to modify a Court granted Development Consent, for a Residential 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 listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report.





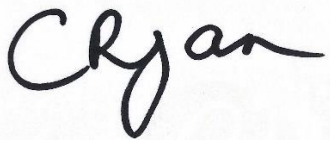
The proposed modifications relate to repositioning and reconfiguration of various building uses and other miscellaneous changes, primarily relating to walls, doors and windows. The building footprint, overall floor area and building height remain unchanged by the proposed modifications and the Panel is satisfied there are no additional impacts arising from the proposed changes.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that two submissions were received, which raised matters in relation to the overall development, which has already been approved and not issues related to the specific proposed modifications.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 David Kitto	 Ross Fowler
 Carlie Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-412 – Penrith – Mod23/0292 at 94-100 EXPLORERS WAY ST CLAIR 2759
2	PROPOSED DEVELOPMENT	Section 4.56 Modification Application, to modify a Court granted Development Consent, for a Residential Care Facility.
3	STREET ADDRESS	94-100 Explorers Way, St Clair
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 (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2002 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 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 2021</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: 29 April 2024 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 6 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Ross Fowler <u>Council assessment staff</u>: Robert Walker, Gavin Cherry <u>Applicant representatives</u>: Tyron Nicholson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report