

SITE COMPATIBILITY CERTIFICATE

RECORD OF DECISION

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DECISION	Monday, 22 June 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Ross Fowler and Glenn McCarthy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

SITE COMPATIBILITY CERTIFICATE APPLICATION

PPSSWC-86 – Penrith City Council – SCC_2019_PENRI_001_00 at Leonay Parade, Leonay (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

By circulation of papers the panel considered: the material listed at item 5 of Schedule 1 and the matters raised and/or observed at briefings and site inspections listed at item 6 in Schedule 1.

Based on this information, the Panel determined:

- to issue a site compatibility certificate subject to satisfaction of certain requirements (as listed below), because the application has demonstrated that the site is suitable for more intensive development and it is compatible with the surrounding environment.
- to refuse to issue a site compatibility certificate, because the application:
 - has not demonstrated that the site is suitable for more intensive development
 - has not demonstrated the proposed development is compatible with the surrounding environment and land uses having regard to (at least) the criteria specified in clause 25(5)(b) of SEPP (Housing for Seniors or People with a Disability) 2004.

The panel authorises the Chair to issue the Site Compatibility Certificate and notify the applicant, Council and the Department of Planning and Environment of the Panel's decision.

The decision was unanimous.

REASONS FOR THE DECISION

1. The proposed seniors housing development offers the opportunity to locate suitable accommodation for the aged and disabled in a desirable location within Leonay to provide retirement housing and housing for the disabled for residents of the Penrith Local Government Area and surrounds.
2. The site has been found to be suitable for the issuing of three previous Site Compatibility Certificates.

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3. The Panel is satisfied there is adequate infrastructure to allow for the proposed form of development.
4. The proposed form of development is compatible with the surrounding residential environment and the adjacent private golf club having regard to the criteria specified in clause 25 (5) (b) and the matters set out in this determination. The reduction in the area of the golf course will not threaten its survival.
5. There will be no unacceptable impacts on the natural environment. While there will be a loss of existing trees, the remainder of the golf club will sufficiently preserve site vegetation with additional street planting to be determined at DA stage. The site is not identified by any of the exclusions listed in schedule 1 of the SEPP.
6. There are services and community infrastructure available in the wider community of Leonay and Emu Plains accessible by public transport. There is a bus stop outside the property with bus routes connecting with local shopping. The issue of safe and easy access to the public transport available can be further reviewed at DA stage. The site is adequately serviced.
7. There were no objections to the issuing of the certificate.
8. The proposed built form is compatible with the surrounding residential development, and there are no bushfire or flooding affectations. There will be no unacceptable impact on local heritage including nearby Buring House.
9. The Panel is satisfied that the land is “zoned primarily for urban purposes” within the meaning of clause 15 of the Housing for Seniors or People with a Disability SEPP, taking into account the considerations listed in Preston CJ’s judgment in *Murlan Consulting Pty Ltd v Ku-ring-gai Municipal Council* [2007] NSWLEC 182. The land is zoned “RE1 Public Recreation” but the relevant “public” who were no doubt intended to use the recreation facilities provided on the site can be expected to be occupants of the urban housing which surrounds the site. Providing recreation facilities is an essential urban facility provided for in even dense urban areas for residents. The Panel has reviewed the decision of Commissioner O’Neill in *Wirrabara Village Pty Limited v The Hills Shire* [2018] NSWLEC 1187, but are of the opinion the facts in that case (which held that a public park zoned RE1 adjoining an RU6 zone was not zoned for urban purposes) can be distinguished because this land comprises a private golf course and the permitted uses in this zone are slightly different. Further, the zoning on this land within an urban residential area can be seen to be directed to servicing that urban zone, in contrast to the RU6 Transitional zone considered in the Wirrabara Village case.
10. Council has also questioned whether the proposal has demonstrated compliance with the relevant provisions of the Greater Sydney Region Plan, the Western City District Plan, and the objectives of the Housing for Seniors or People with a Disability SEPP. The Western City District Plan states, in particular, provision for seniors and aged care housing, is an important part of a diverse housing strategy.

REQUIREMENTS TO BE IMPOSED ON DETERMINATION

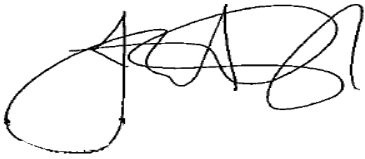




DESCRIPTION OF THE KIND OF DEVELOPMENT CERTIFIED TO BE COMPATIBLE WITH THE SURROUNDING ENVIRONMENT HAVING REGARD TO THE CRITERIA SPECIFIED IN CLAUSE 25(5)(B) OF STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The development certified to be compatible with the surrounding development is a seniors housing development consistent with the Concept Plan submitted with the application, but subject to the following requirements:

- (a) The development is to retain trees where feasible and is to incorporate additional tree planting and street tree planting to mitigate the loss of the trees removed.

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- (b) The development is to provide for safe pedestrian access to public transport for residents (taking into account the present absence of a foot path on the development side of the road).
- (c) The development is to address the potential for golf ball strike.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurrán
 Louise Camenzuli	 Ross Fowler
 Glenn McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DEPT REF.	PPSSWC-86 – Penrith City Council – SCC_2019_PENRI_001_00
2	SITE DESCRIPTION	Leonay Parade, Leonay
3	DEVELOPMENT DESCRIPTION	The applicant seeks a site compatibility certificate (SCC) to permit 8 seniors housing - self-contained dwellings and carparking for 16 vehicles. The 8 self-contained dwellings would each be single storey detached dwellings and would all include 3 bedrooms as well as individual landscaped area / private open space. The dwellings are proposed to all have their own vehicle access from Leonay Parade which will access a garage with parking space for 2 vehicles.
4	APPLICATION MADE BY	Think Planners
5	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Site compatibility certificate application documentation • Assessment report from Department of Planning and Environment • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • the Greater Sydney Region Plan • the Western City District Plan
6	BRIEFINGS, SITE INSPECTIONS & CIRCULATION OF PAPERS BY THE PANEL	<ul style="list-style-type: none"> • Briefing with Department of Planning, Industry and Environment: Monday, 15 June 2020 at 3:05pm <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Glenn McCarthy and Ross Fowler ○ Department of Planning, Industry and Environment staff in attendance: Mark Yee, Gina Metcalfe and Ian Bignell • Papers were circulated electronically between: 16/06/2020 and 26/06/2020