

MEMORANDUM

To: Jason Perica (Chair), Penrith Local Planning Panel
From: Kathryn Saunders – Senior Development Assessment Planner
Date: 2 July 2020
Subject: Status Update & Request for e-Determination – DA18/0663 at 1 Leonay Parade, Leonay

The following information is provided for your consideration in relation to development application no. DA18/0663.

The development application proposes the construction of a seniors housing development, comprising of eight single storey dwellings and a two lot Torrens title subdivision at 1 Leonay Parade, Leonay.

Background

The application was reported to a public meeting of the Penrith Local Planning Panel on 18 December 2019. Prior to the public meeting, the Panel attended a site visit and were presented the proposal by Council officers.

The listed speakers included three residents and two representatives of the applicant. A total of 16 submissions were received as a result of the public exhibition of the application.

The Panel determined to defer a decision on the application for the reasons outlined in the Local Planning Panel's Reasons for the Decision, dated 18 December 2019, attached at **Appendix 11**, and which primarily require the submission of a valid Site Compatibility Certificate, noting that the previously issued Certificate had expired, to enable the determination of the application.

The Reasons for the Decision note that 'an increased number of proposed trees are considered necessary to address the proposed tree loss as a consequence of the proposed development' and that 'consideration should also be given to providing light coloured roofs to reduce heat load, consistent with Council's Cooling the City Strategy'.

The recommended conditions of consent have been amended (refer **Attachment 12**) to include the requirement for the submission of an amended materials and finishes schedule which indicates light coloured roofs for each dwelling (Condition 2), and to require that a greater number of trees are planted than are to be removed (Conditions 2 and 67).

The Panel's Reasons for the Decision note that 'upon receipt of a valid Site Compatibility Certificate, delegation is granted to the Chairperson of the Penrith Local Planning Panel to determine the application by way of electronic determination. This is on the basis that there are no conditions in the Site Compatibility Certificate that would warrant further amendment to the proposed development'. In the case where the Site Compatibility Certificate required amendments to the proposed development, the application was to be reported back to the Local Planning Panel for consideration and determination.

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The Site Compatibility Certificate

The Sydney Western City Planning Panel (SWCPP) issued a Site Compatibility Certificate (SCC) for the proposed development on 22 June 2020 (refer **Appendix 9**).

Schedule 2 of the Certificate lists the requirements imposed on the determination which include:

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

Summary and Recommendation

The requirements of Schedule 2 of the SCC were considered by Council in its assessment of the application as was presented to the Local Planning Panel in December 2019 and adequate conditions of consent have been recommended which respond to the above requirements imposed on the SCC.

In response to (a), (b) and (c) above, the following is noted:

- Conditions 2 and 67 require more trees to be planted than are to be removed as a consequence of the development and Condition 59 will address the requirement for tree retention where possible.
- Condition 58 requires the construction of a 1.5m wide pedestrian pavement along Leonay Parade across the frontage of the site and which connects with the bus stop nearest to the Emu Plains Sporting & Recreation Club entry, and which spans from the western side of the existing pedestrian crossing (south of the site) to the site's frontage.
- Amendments sought at Condition 2 will address the potential for golf ball strike.

The provision of the Site Compatibility Certificate for the proposed development, in combination with the amended recommended conditions set (refer **Appendix 12**), is considered to now enable the determination of the application.

The application is recommended for approval, subject to recommended conditions including the need to comply with the requirements imposed on the determination of the SCC and as listed in Schedule 2.

Modified Recommended Conditions

Conditions 1, 2, and 67 (refer **Appendix 12**).



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List of Attachments

- Appendix 1 - Architectural Plans
- Appendix 2 - Landscape Plans
- Appendix 3 - Materials and Finishes Schedule
- Appendix 4 - Acoustic Report
- Appendix 5 - Statement of Environmental Effects
- Appendix 6 - Original Assessment Report and Conditions Set - December 2019
- Appendix 7 - Previous Expired SCC
- Appendix 8 - New SCC Determination Letter to Council
- Appendix 9 - New SCC Panel Approval
- Appendix 10 - New SCC Determination
- Appendix 11 - LPP Determination and Statement of Reasons - December 2019
- Appendix 12 - Amended Recommended Conditions Set - July 2020