



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>APPLICATION DETAILS</b>	DA18/1253 – 8 Linksvie Avenue, Leonay
<b>DATE OF DETERMINATION</b>	Wednesday 8 May 2019
<b>PANEL MEMBERS</b>	Jason Perica (Chair) John Brunton (Expert) Christopher Hallam (Expert) Stephen Welsh (Community Representative)
<b>DECLARATIONS OF INTEREST</b>	N/A
<b>LISTED SPEAKER(S)</b>	Tony Best (Resident) Alison Lopes (Resident) Beth Finn (Resident) Rod Finn (Resident) Warwick Stimson (Stimson & Baker Planning) Andrew Elia (IDG Architects) Dominic Hogan (Glenstone Holdings Two)

Public Meeting held at Penrith City Council on Wednesday 8 May 2019, opened at 3:30pm

### **Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979**

Development Application DA18/1253 at Lots 68 & 69 DP 218969, No. 8 Linksvie Avenue, Leonay – Demolition of Existing Structures & Construction of a Seniors Housing Development Including 6 x Villas and Associated Works.

### **Panel Consideration/Reasons for the Decision**

The Panel had regard to the Assessment Report (and a further Council memo dated 8 May 2019) and site observations.

The Panel generally agreed with the assessment by Council staff although added or changed some reasons for refusal.

In terms of considering community views, the Panel considered the objections raised in submissions and at the meeting and generally agreed with the Council staff's summary and

response, and with the position taken by those making a submission that the proposal should be refused.

Further information was tabled by the applicant at the meeting, in conjunction with a verbal request to defer consideration of the DA. This information and request appeared to concentrate on rebutting merit and technical issues within the Council staff report, and not likely alter the proposal to any significant degree. The panel gave consideration to the request although took the view that sufficient information existed in order to come to an informed decision.

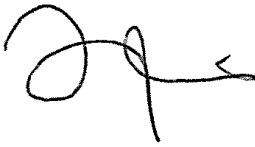



### Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA18/1253 for Demolition of Existing Structures & Construction of a Seniors Housing Development Including 6 x Villas and Associated Works at No. 8 Linksvie Avenue, Leonay be refused for the reasons in the Council staff assessment report to the Local Planning Panel meeting of Wednesday 8 May 2019, with the following amendments:

1. In reasons 1(a) include after clause 26 the words “the panel was not satisfied the applicant had provided by written evidence the requisite details to ensure compliance with clause 26 (1) & (2)”.
2. In reason 1(a) change reference to Schedule 3, Part 1, Clause 5(a) to Schedule 3, Part 1, Clause 5.
3. Deletion of reference to Remediation issues in Reason 1(b).
4. Adjust reason for refusal no.2 (iv) from Australian Standard 2890 to Australian Standard AS/NZS 2890.6:2009.
5. Add a sentence to the end of Reason 5 to state “This includes the extent of earthworks and tree removal associated with the proposal”.

### Votes

The decision was unanimous.

Jason Perica – Chair Person 	John Brunton - Expert 
Christopher Hallam – Expert 	Stephen Welsh – Community Representative 



# MEMORANDUM

Reference: DA18/1253

To: Penrith City Council Local Planning Panel

From: Lauren Van Etten, Development Assessment Planner

Date: 8 May 2019

Subject: **Demolition of Existing Structures & Construction of a Seniors Housing Development Including 6 x Villas and Associated Works 8 Linksvie Avenue Leonay**

I refer to the above matter scheduled for determination with the Penrith City Council Local Planning Panel on Wednesday 8 May 2019 and a request for clarification from The Local Planning Panel dated 5 May 2019 and provide the following clarification on the matter/recommend the following;

LPP comment	Assessment Officer Comment
Is owners consent needed for the works beyond the site for access to the bus stop on Council land?	The proposed footpath, kerb ramp and bus boarding point works would be on Council owned verges that, in part, front various homes. These works would be subject to Council requirements (Roads Act type "owner's consent") from Development Engineering and Assets Branch regarding, Road Occupancy Permits, Road Opening Permits, Council specifications and requirements, Traffic and Pedestrian Control Plans (TCP and PCPs) and stakeholder consultations including consultation with other property owners fronting the works, bus company, utility authorities, dial before you dig, emergency services, et al.
Remediation – other reports for residential-residential have not required ESIs if no history or signs of contamination – is this different	This application is no different and therefore remediation has been removed from the reasons for refusal.
Draft SEPP's	A discussion against relevant draft SEPP's has been included in the major assessment report, as follows:  <b>Draft Environment SEPP</b>  The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.  Changes proposed include consolidating Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997) among other policies. The proposal was found to be compliant with the general planning considerations of the existing SREP No.20 and the aforementioned draft Policy.



# MEMORANDUM

	<p><b>Draft Remediation of Land SEPP</b></p> <p>The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.</p> <p>The main changes proposed include the expansion of categories of remediation work which requires development consent, a greater involvement of principal certifying authorities particularly in relation to remediation works that can be carried out without development consent, more comprehensive guidelines for Councils and certifiers and the clarification of the contamination information to be included on Section 149 Planning Certificates.</p> <p>As previously noted, SEPP No. 55 was not addressed as part of this application. The Draft SEPP will not, however, alter or affect the findings in respect to contamination of the Site.</p>
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Lauren Van Etten  
**Development Assessment Planner**