

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0178
Description of development:	Alterations and Additions to the Southern Side of Westfield Penrith Shopping Centre (Mondo Precinct) Including New Retail Tenancies and Facade Alterations
Classification of development:	Class 6

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1137699
Property address:	569 - 595 High Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Scentre Group Limited C/- Urbis Level 23, Tower 2, 201 Sussex Street SYDNEY NSW 2000
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DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse consent to the subject development application. In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal are in Attachment 1.

Date of this decision	9 July 2019
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POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Kathryn Saunders
Contact telephone number:	+612 4732 8567

NOTES

Reasons

The reasons for refusal in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Reasons for refusal

Your attention is drawn to the attached reasons for refusal in attachment 1.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

SIGNATURE

Name:	Kathryn Saunders
Signature:	

For the Development Services Manager

ATTACHMENT 1 : REASONS FOR REFUSAL

1. The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the following provisions of State Environmental Planning Policy No. 55 - Remediation of Land:
 - Clause 7 Contamination and remediation to be considered in determining development application.
2. The application is not satisfactory for the purpose of Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, as the proposal is inconsistent with the following provisions of Draft State Environmental Planning Policy N0. 55 - Remediation of Land:
 - Part 3 Policy and provision changes.
3. The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposal is inconsistent with the following provisions of Penrith Development Control Plan 2014:
 1. Part A DCP Principles
 - Principle 6.
 2. Part C - City-wide Controls
 - C1 Site Planning and Design Principles
 - C2 Vegetation Management,
 - C3 Water Management,
 - C4 - Land Management,
 - C5 Waste Management,
 - C6 Landscape Design,
 - C8 Public Domain,
 - C10 Transport, Access and Parking, and
 - C12 Noise and Vibration.
 3. Part D Land Use Controls
 - D Other Land Uses, Section D5.5 Application of certification system and Section D5.5 Parent friendly facilities.
 4. Part E11,
 - Part A Penrith City Centre.
4. The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal does comply with the following provisions of Penrith Local Environmental Plan 2010:
 - Clause 2.1 Aims of the plan
 - Clause 2.3 Zone objectives
 - Clause 8.4 Design excellence
5. The application is not satisfactory for the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in terms of:
 - Acoustic impacts of the development on nearby and adjacent sites,
 - Visual and amenity impacts of tree removal, overshadowing and architectural impacts of the design on neighbouring developments and the on the community area known as the Mondo,
 - Amenity impacts of unresolved waste, servicing, plant machinery and deliveries on the existing car park and on pedestrian amenity and safety.
 - Negative impacts related to land contamination.

- Negative relationship with the Joan PAC.

6. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the site is not suitable for the proposed development due to matters related to site contamination and drainage design, and architectural design, sustainability, solar access, acoustic, circulation and amenity impacts.
7. The application is not satisfactory for the purpose of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, due to matters raised in submissions which include:
 - Negative and unacceptable architectural design, acoustic, safety and amenity impacts on neighbouring developments.
8. The application is not satisfactory for the purpose of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as the proposal is not in the public interest.