

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0315
Description of development:	Demolition of Existing Structures, Tree Removal and Construction of 13 x Townhouses with Car Parking, Drainage and Landscaping
Classification of development:	Class 1a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 69 DP 562334 Lot 68 DP 562334
Property address:	11 Gibson Avenue, WERRINGTON NSW 2747 9 Gibson Avenue, WERRINGTON NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Newton Developments Pty Ltd 42 Pemberton Street STRATHFIELD NSW 2135
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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	16 March 2020
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POINT OF CONTACT

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

Assessing Officer:	Pukar Pradhan
Contact telephone number:	+612 4732 7726

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:	Pukar Pradhan
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:

Penrith Local Environmental Plan 2010:

- Clause 2.3 - the objectives of the zone.

- i) To ensure that a high level of residential amenity is achieved and maintained.
- ii) To ensure that development reflects the desired future character and dwelling densities of the area.

- Clause 7.1 Earthworks.

2. The development 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 has failed to achieve a design outcome consistent with the following Penrith Development Control Plan 2014 provisions:

- C1 Site Design and Design Principles
- C2 Vegetation Management
- C3 Water Management
- C6 Landscape Design
- C10 Transport, Access and Parking
- D2 Residential Development

3. 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 following matters identified during assessment process and which are likely to result in adverse impacts:
 1. The design, scale and nature of the proposed development is not considered to be consistent with the existing and desired future character of the immediate locality.
 2. The development is not considered to be site responsive due to the extent of fill and the finished ground levels throughout the development proposed to drain the site.
 3. The proposed vegetation removal and proposed planting is not suitable and exacerbates concerns identified regarding the built form, internal amenity and scale of the development.
 4. The proposal does not provide a suitable level of internal amenity which stems from the orientation of the units, limited solar access to units located on the southern side of the development site, internal dimension of living areas, overall length of buildings, car parking and drainage.
 5. The provision of retaining walls with fencing on top does not provide suitable boundary wall/edge conditions as viewed from neighbouring properties and from within internal private open space areas within the development.
4. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as it has not been demonstrated that the site is suitable for the proposed development as the application has failed to demonstrate that a satisfactory drainage design can be achieved for the development.