



Penrith Local Planning Panel

Determination and Statement of Reasons

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| DATE OF DETERMINATION | 24 October 2018 |
| PANEL MEMBERS | The Hon. Carl Scully (Chair) John Brunton (Expert) Christopher Hallam (Expert) Geoff Martin (Community Representative) |
| APOLOGY | Mary- Lynne Taylor (Expert) |
| DECLARATIONS OF INTEREST | N/A |
| LISTED SPEAKER(S) | N/A |

Public Meeting held at Penrith City Council on Wednesday 24 October 2018, opened at 4:00pm.

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

Development Application DA18/0240 at 41 – 43 Barber Avenue, Penrith – Demolition of Existing Structures, Construction of a Six (6) Storey Residential Flat Building containing 45 Apartments and Two (2) Levels of Basement Car Parking.

Panel Consideration/Reasons for the Decision

The Panel has considered the assessment report prepared by Council Officers and supports the recommendation for refusal for the reasons below:-

1. The proposal is considered to be inconsistent with the aims of the Penrith Local Environmental Plan and the objectives of the R4 High Density Zone under that plan with respect to the resulting residential amenity of the development and its impact on the desired future character for the area
2. The proposal has not sufficiently demonstrated design quality compliance having regard to the design quality principles within State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide with respect to communal open space, deep soil, CPTED principles, building separation, amenity of apartments, solar access and waste management including provision of a service dock on site.

3. The proposal has not demonstrated suitable compliance with the objectives and development standards outlined within Penrith Development Control Plan 2014 as outlined within the assessment report and reasons for refusal.
4. The proposal is not considered to be of a suitable scale and form having regard to the nature and constraints of the site and the surrounding built form context, in particular, the lower density housing form to the east with the reduced setbacks and the resulting landscape design treatments between the built forms.
5. The proposal fails to adequately consider the potential impact on the existing development to the east in terms of its amenity and potential for redevelopment.
6. The proposal is not considered to be in the public interest due to the resulting site isolation of adjoining land, overshadowing and privacy impacts that would result from the development and which are outlined within the received submission.

In terms of considering community views, the Panel noted there was one submission received from the public exhibition of the Development Application and the issues raised within that submission are addressed within the reasons for determination above.

Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA18/0240 for Demolition of Existing Structures, Construction of a Six (6) Storey Residential Flat Building containing 45 Apartments and Two (2) Levels of Basement Car Parking be refused subject to the reasons in the Council staff assessment report to the Local Planning Panel meeting of 24 October 2018. This includes amendments to the reasons for refusal as outlined below:-

Reason No. 2

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 the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide in that:

- (i) the proposal fails to demonstrate that the design is representative of the nine Design Quality Principles listed under Schedule 1; and
- (ii) the proposal does not comply with the applicable provisions of the Apartment Design Guide including the objectives and design guidance statements in particular those related to:
 - (a) Communal open space provision
 - (b) Principles of Crime Prevention Through Environmental Design
 - (c) Building separation
 - (d) Solar access
 - (e) Servicing and waste management provisions
 - (f) natural cross ventilation
 - (g) deep soil zones
 - (i) internal amenity of apartments

Reason No. 4

The application is not satisfactory for the purpose of Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act as the proposed development was not accompanied by all of the information as required under Schedule 1 Forms of the Regulations including:

- Proposed finished levels of the land in relation to existing and proposed buildings and roads,
- Development compliance with building setbacks and building envelope controls, marked on plans, sections and elevations,
- A sample board of the proposed materials and colours of the façade, and
- Detailed sections of proposed facades
- Inadequate site analysis
- a design verification certificate

The amended set of architectural plans were not accompanied by a design verification statement in conflict with the requirements of Clause 50(1A) and (1B) of the Regulations.

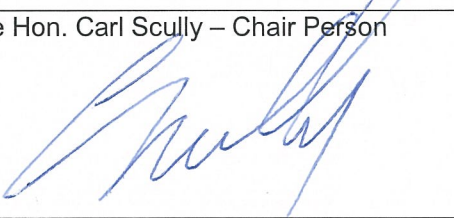
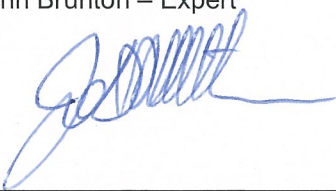
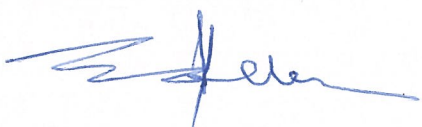
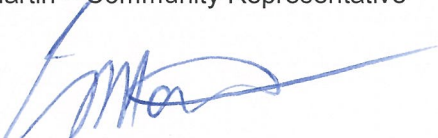
Reason No. 7

The application is not satisfactory for the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 due to the negative impacts likely to resulting from the proposed development related to:

- (i) streetscape and local character,
- (ii) limited landscaping and deep soil zone,
- (iii) traffic, access and car parking,
- (iv) bulk, scale and overbearing,
- (v) solar access and privacy impacts,
- (vi) waste management impacts,
- (vii) amenity, safety and security impacts related to the ground floor layout, and
- (viii) site isolation
- (ix) natural cross ventilation
- (x) communal open space

Votes

The decision was unanimous.

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| The Hon. Carl Scully – Chair Person  | John Brunton – Expert  |
| Christopher Hallam - Expert  | Geoff Martin – Community Representative  |