

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0757
Description of development:	Demolition of Existing Dwelling and Construction of 22 x Multi-Housing Units (1 and 2 Storey) for Seniors Living, with Strata Subdivision and associated Tree Removal, Earthworks and Landscaping
Classification of development:	Class 1a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 23 DP 700376
Property address:	103 - 109 Laycock Street, CRANEBROOK NSW 2749

DETAILS OF THE APPLICANT

Name & Address:	Greater Western Group (Nsw) Pty Ltd 7/86 Henry Street PENRITH NSW 2750
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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	26 February 2020
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POINT OF CONTACT

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

Assessing Officer:	Jake Bentley
Contact telephone number:	+612 4732 8087

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:	Jake Bentley
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 as the proposal is inconsistent with the following:

State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004

- Clause 26 Location and access to facilities
- Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply
- Clause 30 Site analysis
- Clause 31 Design of in-fill self-care housing
- Clause 32 Design of residential development
- Clause 33 Neighbourhood amenity and streetscape
- Clause 34 Visual and acoustic privacy
- Clause 35 Solar access and design for climate
- Clause 36 Stormwater
- Clause 38 Accessibility
- Clause 40 Development standards—minimum sizes and building height
- Clause 41 Standards for hostels and self-contained dwellings

Penrith Local Environmental Plan 2010

- Clause 2.3 Zone objectives and Land Use Table
- Clause 7.1 Earthworks

2. The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of ***Penrith Development Control Plan 2014***:

- 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
- C13 Infrastructure and Services
- D2 Residential Development

3. The application is not satisfactory for the purpose of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act in terms of following matters identified during the assessment process and which are likely to result in likely 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 excavation and fill proposed and the finished ground and floor level transitions throughout the development
3. The proposed vegetation removal and proposed planting is not suitable and exacerbates concerns identified regarding the built form, design arrangement and scale of the development
4. The development is considered to be an overdevelopment of the site
5. The proposal does not provide a suitable level of internal amenity stemming from level changes, open space orientation, pedestrian movements and safety and retaining wall construction

6. The split level communal open space is not considered to provide a suitable level of amenity and access, given the nature of the proposed development being housing for seniors or people with a disability, and the inadequate nature of private open space areas within the development
 7. The provision of high retaining walls and 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
 8. The car parking and driveway design, alignment / locations and dimensions do not provide sufficient passing capability, manoeuvring and accessibility within the development and to and from parking spaces noting the nature of the proposed development
4. The application is not satisfactory for the purpose of Section 4.15(1)(d) of the Environmental Planning and Assessment Act due to matters raised in submissions relating to:
- The proposals response to the local character
 - Vegetation removal
 - Lack of consideration regarding impacts to views