

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

JRPP Ref. No.:	2019WCI015
Application number:	DA18/1244
Description of development:	Demolition of Existing Structures and Construction of a Seniors Housing Development including Three 6 Storey Buildings Comprising a 120 Bed Residential Aged Care Facility, 74 Independent Living Units, Associated Facilities, Basement Car Parking, Landscaping, Stormwater Management and Site Remediation Works
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot C DP 154478 Lot D DP 154478 Lot A DP 160027 Lot 21 DP 979866 Lot 22 DP 979866 Lot 23 DP 979866 Lot 24 DP 979866 Lot 1 DP 198621 Lot 2 DP 198621 Lot 106 DP 1215261 Lot B DP 160027
Property address:	230 Derby Street, PENRITH NSW 2750 228 Derby Street, PENRITH NSW 2750 226 Derby Street, PENRITH NSW 2750 222 Derby Street, PENRITH NSW 2750 3 Reserve Street, PENRITH NSW 2750 5 Reserve Street, PENRITH NSW 2750 7 Reserve Street, PENRITH NSW 2750 106 Woodriff Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Greengate Development Pty Ltd Level 1 156 Gloucester Street THE ROCKS 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	17 December 2019
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POINT OF CONTACT

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

Assessing Officer:	Wendy Connell
Contact telephone number:	+612 4732 7908

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:	Wendy Connell
Signature:	

For the Development Services Manager

ATTACHMENT 1 : REASONS FOR REFUSAL

1. The application is not satisfactory for the purposes of Section 4.15(1)(a)(l) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the following provisions:
 - a) State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004
 - Clause 33 - Neighbourhood amenity and streetscape
 - Clause 34 - Visual and acoustic privacy
 - Clause 34 - Solar access and design for climate
 - Clause 36 - Stormwater
 - Clause 39 - Waste Management
 - b) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development
 - 3H-1 Vehicle access
 - 4B- 3 Natural ventilation
 - 4G-1 Storage
 - 4O-1 Landscaping design
 - 4V-2 Water management and conservation
 - 4Q-1 Waste management
 - c) Penrith Local Environmental Plan 2010
 - Clause 1.2 Aims of the Plan specifically in relation to Council's vision for Penrith and the protection of the environment.
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 is inconsistent with the following provisions of Penrith Development Control Plan 2014:
 - Section C1 Site Planning and Design Principles.
 - Section C2 Vegetation Management, specifically the retention and ongoing viability of the existing tree on site.
 - Section C3 Water Management, specifically relating to stormwater and drainage.
 - Section C5 Waste Management, specifically adequate infrastructure and management.
 - Section C6 Landscape Design, specifically the enhancement of the neighbourhood character.
 - Section C10 Transport, Access and Parking, specifically relating to the basement access and loading dock.
 - Section E11 Part A Penrith City Centre, specifically the desired future character.
3. The development application is not satisfactory for the purpose of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* in terms of the likely impacts of the development, specifically:
 - future resident amenity
 - landscaping and tree management
 - stormwater management
 - waste management
4. 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 scale of the proposed development.
5. Based on the above deficiencies and submissions received, approval of the development would not be in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.