

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

JRPP Ref. No.:	2016SYW197
Application number:	DA16/0999
Description of development:	Demolition of Existing Structures, Construction of a Seven (7) Storey Mixed Use Development including Ground Floor Commercial Tenancy, 121 Residential Apartments, Three (3) Levels of Basement Car Parking & Associated Works
Classification of development:	Class 2 , Class 5 , Class 7a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 61 DP 36728 Lot 55 DP 215146 Lot 56 DP 215146 Lot 54 DP 215146 Lot 62 DP 36728
Property address:	38 Orth Street, KINGSWOOD NSW 2747 40 Orth Street, KINGSWOOD NSW 2747 3 Hargrave Street, KINGSWOOD NSW 2747 1 Hargrave Street, KINGSWOOD NSW 2747 5 Hargrave Street, KINGSWOOD NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Pamada Pty Limited Level 9 189 Kent Street SYDNEY NSW 2000
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DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse to grant consent to the subject development application. In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal to grant consent are in Attachment 1.

Date of this decision	26 July 2017
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POINT OF CONTACT

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

Assessing Officer:	Kate Smith
Contact telephone number:	+612 4732 7705

NOTES

Reasons

The reasons for refusal in the attached schedule have been imposed in accordance with Section 80A 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

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. The objector cannot appeal if a Commission of Inquiry was held.

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 West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

SIGNATURE

Name:	Kate Smith
Signature:	

For the Development Services Manager

ATTACHMENT 1 : REASONS FOR REFUSAL

1. The development is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal does not represent design quality in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.
2. The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as insufficient detail in order to assess the impacts of the proposal in terms of stormwater quality against the provisions of State Regional Environmental Plan No 20 - Hawkesbury Nepean River.
3. The development is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the development is inconsistent with the provisions of the Penrith Local Environmental Plan 2010 in relation to:
 - the aims of the plan,
 - the zone objectives,
 - height of buildings,
 - variation to development standards, and
 - earthworks.
4. The development is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the development is inconsistent with the provisions of Penrith Development Control Plan 2014 relating to context and character, residential amenity, public domain, landscape design, water management, waste management and traffic.
5. The application has not demonstrated that the site is suitable for the proposed development in accordance with the requirements of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.
6. The development is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the development is not in the public interest. The development is contrary to the primary aims, objectives and controls of the applicable planning instruments and will result in negative and unacceptable impacts.
7. The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in terms of the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.