

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

SWCPP Ref. No.:	PPSSWC-69
Application number:	DA20/0167
Description of development:	Construction of Part Seven (7) Storey & Part 46 Storey Mixed Use Development including Four (4) Storey Podium containing Basement Parking, Retail Premises & Car Parking, Office Premises, Serviced Apartments with 35 Suites, 272 Residential Apartments & Associated Site Works
Classification of development:	Class 2 , Class 3 , Class 5

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 10 DP 1162271
Property address:	614 - 632 High Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Urban Property Group Level 10 11-15 Deane Street BURWOOD NSW 2134
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DECISION OF CONSENT AUTHORITY

The Sydney Western City Planning Panel has determined to Refuse 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 provided at Attachment 1.

Date of this decision	4 June 2021
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POINT OF CONTACT

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

Assessing Officer:	Kathryn Saunders
Contact telephone number:	+612 4732 8567

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 twelve 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 twelve 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 56 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 56 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:	Kathryn Saunders
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 provisions of Penrith Local Environmental Plan 2010 as follows:
 - The proposal is inconsistent with Clause 1.2, Aims of Plan, and the objectives of the B4 Mixed Use zone, and
 - The proposal is unsatisfactory having regard to the following provisions of PLEP:
 - (a) Clause 4.3 Height of buildings,
 - (b) Clause 4.4 Floor space ratio,
 - (c) Clause 7.2 Flood planning,
 - (d) Clause 8.4 Design excellence, and
 - (e) Clause 8.7 Community infrastructure on certain key sites.
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 provisions of:
 - State Environmental Planning Policy (Infrastructure) 2007,
 - State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development, and
 - State Environmental Planning Policy No. 55 - Remediation of Land.
3. The application is not satisfactory for the purpose of Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*, as the proposal is inconsistent with the provisions of the Draft Remediation of Land Policy.
4. The 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:
 - C1 Site Planning and Design Principles;
 - C3 Water Management;
 - C5 Waste Management;
 - C8 Public Domain; and
 - C10 Transport, Access and Parking.
5. 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 the likely impacts of the development including those related to:
 - (i) unsatisfactory traffic, parking, access and related pedestrian safety impacts; and
 - (ii) unsupportable impacts of overshadowing.
6. 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 proposed development.
7. The application is not satisfactory for the purpose of Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* due to matters raised in submissions which include:
 - Impacts of the development on traffic, safety, access and parking.

8. The application is not satisfactory for the purpose of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as the proposal is not in the public interest.