

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0595
Description of development:	Integrated Housing and Subdivision Development Compromising of 57 Dwellings on 57 Residential Lots, Two Residue Residential Lots, One Residue Road Lot, Open Space Lot, Public Road Construction with Dedication and Associated Works (Stage 3c)
Classification of development:	Class 1a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1248480
Property address:	1 Wianamatta Parkway, JORDAN SPRINGS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Lendlease Corporation Ltd 2/88 Phillip Street PARRAMATTA NSW 2124
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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	3 February 2021
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POINT OF CONTACT

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

Assessing Officer:	Kathryn Sprang
Contact telephone number:	+612 4732 7834

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.

OTHER APPROVALS

APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Service	14 February 2020	DA-2019-03334	2	Rural Fires Act 1997

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

SIGNATURE

Name:	Kathryn Sprang
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 provisions of Sydney Regional Environmental Plan No 30- St Marys:
 - Clause 3 Aims of this plan
 - Clause 24 Conservation
 - Clause 31 Urban Form
 - Clause 40 Urban Zone objectives

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 Central Precinct Plan and Development Control Strategy, Central Precinct St Marys
 - Section 5.3.4 Street Planting
 - Section 5.3.5 Lighting
 - Section 5.6.8 Urban Sleeve Dwellings
 - Section 5.7.2 Landscaping
 - Section 5.7.3 Visual and Acoustic Privacy
 - Section 5.7.7 Solar Access
 - Section 5.7.9 Servicing

3. The application is not satisfactory for the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act in terms of the likely impacts of the development, including:
 - The design of the proposed development is not considered consistent with the existing and desired future character of the immediate locality.
 - The design of the proposed development presents as garage dominant and results in excessive driveways presentation on street frontages.
 - The development will result in adverse traffic impacts as it does not propose the delivery of the intersection for the East-West Connector Road.
 - The development is considered to be of an inappropriate bulk and scale.
 - The development is considered to be an over-development of the site.
 - The development is unsatisfactory in regards to the principals of Crime Prevention Through Environmental Design (CPTED).
 - The proposal does not provide a suitable level of internal amenity stemming from solar access and visual and acoustic privacy.
 - The proposal demonstrates a lack of consistency in the architectural language between the dwellings.
 - The proposal represents poor spatial planning in respect to the urban sleeve dwelling locations.
 - The development does not provide sufficient waste infrastructure to service the dwellings.
 - The development does not provide compliant driveways/kerb return locations, resulting in non compliance with Australian Standard 2890.1.
 - The proposal does not allow for sufficient on street parking.

4. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act as the site is not considered suitable for the proposed development.
 - The application has not demonstrated that the site is suitable for the proposed use, as geotechnical

information on the filling of the land has not been provided.

- The application has not demonstrated that the development on the site, specifically the bush fire measures required, will not have an adverse impact on the delivery of the future Regional Open Space.
5. The application is not satisfactory for the purpose of Section 4.15(1)(e) of the Environmental Planning and Assessment Act as the proposal is not in the public interest.