

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WEST PLANNING PANEL

DATE OF DETERMINATION	Wednesday, 26 July 2017
PANEL MEMBERS	Sean O'Toole (Chair), Mary-Lynne Taylor, Paul Mitchell, Ben Price and Glenn McCarthy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Penrith City Council on Wednesday, 26 July 2017, opened at 1:40 pm and closed at 1:55 pm.

MATTER DETERMINED

2016SYW197 – Penrith - DA16/0999 AT 38 Orth Street, KINGSWOOD (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

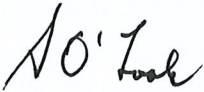


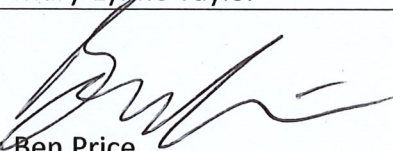
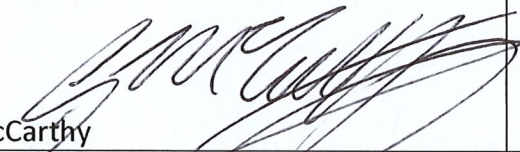
REASONS FOR THE DECISION

The Panel determines the application by refusing it for the following reasons:

1. The proposal does not satisfy requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG) and the Penrith Local Environmental Plan 2010 (PLEP); specifically it is incompatible with the planned future character, building height standard, building separation and as a result there would be inadequate privacy and noise protection, and an excessively large structure.
2. The Panel has reviewed the applicant's request to vary the building height standard by some 31% and believes it is unsatisfactory and that compliance with the standard is both necessary and reasonable.
3. The proposal would have an adverse impact on the immediate streetscape due to excessive vertical elements and insufficient setbacks and landscaping.
4. The internal amenity of many of the proposed apartments would be poor because of inadequate sunlight, their small area and poor individual identity due to excessive internal corridor lengths and large groups of apartments.
5. Overall, the Panel believes that approval of the application would not be in the public interest. While it would be beneficial from a housing supply perspective, the departures from planning objectives and development standards are too great, and the resulting quality of the proposed development too poor.

The Panel requests Council undertake further analysis of the road network and lack of parking opportunities and other relevant strategic planning considerations in and around Nepean Hospital and in the Health and Education Precinct.

CONDITIONS
Not applicable.

PANEL MEMBERS	
 Sean O'Toole(Chair)	 Mary-Lynne Taylor
 Paul Mitchell	 Ben Price
 Glenn McCarthy	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYW197 – Penrith - DA16/0999
2	PROPOSED 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
3	STREET ADDRESS	38 – 40 Orth Street and 1-5 Hargrave Street, Kingswood
4	APPLICANT OWNER	Pamada Pty Limited Desan International Pty Ltd; Kai-Lin Chang; Janelle & Agamemnon Ypermachou
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • Penrith Local Environmental Plan 2010 • Penrith Development Control Plan 2014 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 12 July 2017 • Written submissions during public exhibition: five (5)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting on 23 November 2016 • Final briefing meeting to discuss council's recommendation, 26 July 2017. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sean O'Toole (Chair), Mary-Lynne Taylor, Paul Mitchell, Ben Price and Glenn McCarthy ○ <u>Council assessment staff</u>: Lauren Van Etten, Kate Smith, Robert Craig, Gavin Cherry and Lucy Goldstein
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not supplied