



Penrith Local Planning Panel

Determination and Statement of Reasons

APPLICATION NUMBER	DA19/0713 – 38-40 Orth Street Kingswood and 26 Somerset Street Kingswood
DATE OF DETERMINATION	25 March 2020
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Mary-Lynne Taylor (Expert) Geoff Martin (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKER(S)	Nick Juradowitch Planning Consultant (Applicant)

Public Meeting held at Penrith City Council on Wednesday 25 March 2020, opened at 3:30pm.

Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

Development Application DA19/0713 at Lot 60, 61 and 62 DP 36728 at 38-40 Orth Street, Kingswood and 26 Somerset Street, Kingswood – Demolition of Existing Structures and Construction of a Seven (7) Storey Mixed Use Development Including Ground and First Floor Commercial Tenancies, 41 Residential Apartments & Three (3) Levels of Basement Car Parking.

Panel Consideration

The Panel had regard to the assessment report prepared by Council Officers, submissions received, including the following plans;

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

In terms of considering community views, the Panel noted there was one (1) submission received from the public notification of the Development Application.

The Panel noted that the design verification statement was prepared by Moderinn Pty Ltd. The regulations require that the designer must verify that he or she designed or directed the design and this specific verification has not been provided.

Reasons for the Decision

The Panel agreed with the assessment contained with Council's Assessment Report and the recommended reasons for refusal. Given the Panel refused the application, the reasons for the decision are outlined within the terms of the refusal.

The Panel noted the applicant's verbal request to defer the determination of the application to enable some revisions to the plans and a response to the recommended reasons for refusal. The Panel considered this request but was of the view that due to some fundamental issues regarding massing, site planning and setbacks there was insufficient certainty that key issues associated with the proposal were able to be resolved in a timely and efficient way.

Panel Decision

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, Development Application DA19/0713 for Demolition of Existing Structures and Construction of a Seven (7) Storey Mixed Use Development Including Ground and First Floor Commercial Tenancies, 41 Residential Apartments & Three (3) Levels of Basement Car Parking at 38-40 Orth Street, Kingswood and 26 Somerset Street, Kingswood be refused as recommended within the assessment report to the Local Planning Panel Meeting of 25 March 2020.

Votes

The decision was unanimous.

Jason Perica – Chair 	John Brunton - Expert 
Mary-Lynne Taylor – Expert 	Geoff Martin – Community Representative 