



# Penrith Local Planning Panel

## Determination and Statement of Reasons

APPLICATION DETAILS	DA19/0705 – 6 Edith Street Kingswood
DATE OF DETERMINATION	Wednesday 27 November 2019
PANEL MEMBERS	The Hon. Carl Scully (Chair) John Brunton (Expert) Geoff Martin (Community Representative)
APOLOGY	Nil
DECLARATIONS OF INTEREST	N/A
LISTED SPEAKER(S)	Lyndy Rastall – Resident Terry Rastall – Resident Wendy Spinks – Resident Vince Montgomery - Resident Anthony Makhoul

Public Meeting held at Penrith City Council on Wednesday 27 November 2019, opened at 3:30pm

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

Development Application DA19/0705 at Lot 55 DP 241989, No.6 Edith Street Kingswood – Demolition of Existing Structures and Construction of a Two (2) Storey Boarding House Containing 12 Boarding Rooms, Manager's Room and Basement Car Parking.

### **Panel Considerations**

The Panel had regard to the Assessment Report prepared by Council Officers, submissions received, site observations, and the following plans;

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 – Remediation of Land
- State Regional Environmental Plan No.20 – Hawkesbury Nepean River

In terms of considering community views, the Panel noted there were twenty seven (27) submissions received from the public notification of the Development Application. The Panel took into account the views expressed by a number of residents at the meeting in relation to a range of issues which include, but not limited to traffic, parking, noise, bulk and scale, solar access and antisocial behaviour.

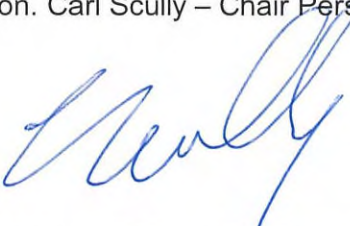

**Panel Decision**

The Panel considered the matters raised within the assessment report and determined to refuse the application. The reasons for refusal are as follows:

- 1. The lack of a remediation action plan prevents the Panel from granting consent.
- 2. The proposal in its current form fails to satisfy several design criteria in the Development Control Plan. Those criteria relate to inadequate setback from side boundaries for the upper levels, the potential for overshadowing on the house to the south, the length of solid walls, the heights of the planter boxes and the number and size of window openings.
- 3. The submitted landscape plan and planting concept is inadequate. The landscape treatment of the site should be consistent with the future character of the area.
- 4. The lack of adequate acoustic report, traffic analysis and Police advice on potential for anti-social behaviour.
- 5. The Panel is mindful of the provisions of Division 8.2 of the Environmental Planning and Assessment Act and the potential for determinations to be reviewed.

**Votes**

The decision was unanimous.

The Hon. Carl Scully – Chair Person 	John Brunton – Expert 
Geoff Martin – Community Representative 