

# PENRITH LOCAL PLANNING PANEL

## DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA23/1104
DATE OF DETERMINATION	26/06/2024
PANEL MEMBERS	Pamela Soon (Chair) Bruce Simpson (Expert) Lisa Trueman (Expert) Vanessa Howe (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	Clondic Mvura - Objector (Online) Mary-Anne Andreopoulos - Objector (In-person) Jennifer Clissold - Objector (Online) Kinza Sulfiqar - Objector (Online) Jade Borg - Objector (In-Person) Danica Solina - Objector (In-person)
LIST OF ADDITIONAL ATTENDEES	Michael Harvey - Objector (Online) Natalie Piggott - Council (In-person) Tania Shephard - Council (In-person) Gavin Cherry - Council (In-person) Katelyn Davies - Council (In-person)

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

DA23/1104 - Demolition of Existing Structures and Construction of a Two Storey Co-Living Development Containing 23 Rooms for 38 Lodgers, with Five Car Parking Spaces, a First Floor Outdoor Deck, Landscaping and Parking for Motorbikes and Bicycles at No. 36 First Street, Kingswood.

### **Panel Consideration**

The Panel had regard to the assessment report prepared by Council staff, supporting plans and information, and the following environmental planning instruments and policies:

- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience & Hazards) 2021
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there were twenty (20) unique submissions received in response to the public notification of the Development Application, whilst the Panel also listened to registered speakers at the public meeting. The submissions were noted within Council's Assessment Report. The Panel noted that nature of some of the community concerns did not relate to planning considerations for this application.

### **Panel Decision**

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA23/1104 for Demolition of Existing Structures and Construction of a Two Storey Co-Living Development Containing 23 Rooms for 38 Lodgers, with Five Car Parking Spaces, a First Floor Outdoor Deck, Landscaping and Parking for Motorbikes and Bicycles at No. 36 First Street, Kingswood be refused as recommended by Council Staff.




It is however acknowledged that a co-living development provides opportunity for housing diversity, however the proposed development is not able to be supported for the reasons outlined below.

## Reasons for the Decision

- i. The Panel agreed with the reasons for refusal outlined within the Council's Assessment Report.
- ii. The proposed development is not considered to be in the public interest noting that the proposal is inconsistent with the existing and desired future context and character of the immediate locality.
- iii. The proposal presents a building mass, scale, length and architectural design which is inconsistent with the established built form character of the locality.
- iv. The application provides insufficient information to demonstrate that the proposal provides suitable and compliant waste management infrastructure.
- v. The application has not sufficiently demonstrated that the site is suitable for the proposed development with respect to contamination considerations.
- vi. The application has not sufficiently addressed flood planning considerations and has not demonstrated that the proposal will not have an adverse impact on flood behaviour.
- vii. The application has not sufficiently addressed noise management as outlined within the assessment report.
- viii. The Panel considered representations made during the Public Meeting concerning traffic, safety and parking. The Panel were not satisfied that these matters were adequately addressed in the Proposal as outlined in Council Officers report.

## Votes

The decision was unanimous.

Pamela Soon (Chair) 	Bruce Simpson (Expert) 
Lisa Trueman (Expert) 	Vanessa Howe (Community Representative) 