

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA20/0483 – 3 Edward Street KINGSWOOD NSW 2747
DATE OF DETERMINATION	28 October 2020
PANEL MEMBERS	John Brunton (Chair) Mary-Lynne Taylor (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	Jason Perica declared a non-pecuniary Interest for this item, as his company is currently doing work with the company who is the applicant and author of the SEE on an unrelated matter (in a peer review capacity), and this could lead to a perceived apprehension of bias. Accordingly, Mr Perica did not chair this matter and took no part in discussions, deliberation or the decision.
LISTED SPEAKERS	Vince Montgomery Lyndy Rastall Wendy Spinks Joanne McLoughlin Ekaraj Silwal Allan McWhinney Warren Miller Lourdes Katague Chris Wheaton Anthony Hussey
LISTED ATTENDEES	Matthew Quinn Nandamuri Viswa Prasad Lynette Winton Roman Gumkowski

	Klaus Bientreu
	Rachael Berwick
	John Gordon
	Mike Abasen
	Irene Kelso
	John Barlow
	Col & Judy Meridith
	Lisa Palmeri
	Bernice Hines
	Neil Hatchman
	Beth Pritchard
	Johannes & Alexandra Schaecken
	Brock Bon Senden

Public Meeting held via video conference on Wednesday 28 October 2020, opened at 3:00pm.

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

Development Application DA20/0483 at Lot 36 DP 237831, 3 Edward Street KINGSWOOD NSW 2747- Construction of Two (2) Storey Boarding House Containing 14 Boarding Rooms & At-Grade Car Parking

Panel Consideration

The Panel had regard to the assessment report prepared by Council Officers, submissions received, 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 No 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

In terms of considering community views, the Panel noted there were thirty-three (33) submissions received in objection from the public notification of the Development Application.

Panel Decision

Development Application DA20/0483 at Lot 36 DP 237831, 3 Edward Street KINGSWOOD NSW 2747- Construction of Two (2) Storey Boarding House Containing 14 Boarding Rooms & At-Grade Car Parking to be refused for the attached reasons:

1. Those persons who made submissions be notified of the decision.
2. Council's in-house legal team have carriage of the appeal before the Land and Environment Court and engage an expert witness in the proceedings.

Reasons for the Decision

The design of the proposal fails to adequately consider the character of the area and the desired future character of the locality.

The proposal does not adequately respond to the characteristics of the site.

The proposed development would have an unacceptable impact on the streetscape due to the removal of a prominent tree, and the bulk and scale of the building.

The Panel is in agreement with the Council officer's reasons for refusal.

The overwhelming community concern regarding the social dislocation and impact of a cluster of similar boarding houses concentrated within close proximity to this site.



In the circumstances of this application the development represents an overdevelopment that is unsuitable for the site and not in the public interest.

The proposal does not deal satisfactorily with demonstrating solar access, has provided no basix certificate, nor compliance with SEPP 55 Remediation.

The panel authorises the council to defend the court case and to retain suitable expert witnesses for the defence.

Votes

The decision was unanimous

John Brunton – Chair 	Mary-Lynne Taylor – Expert 
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Stephen Welsh – Community Representative	
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