



# Penrith Local Planning Panel

## Determination and Statement of Reasons

APPLICATION NUMBER	DA19/0757 - 103-109 Laycock Street Cranebrook
DATE OF DETERMINATION	26 February 2020
PANEL MEMBERS	Jason Perica (Chair) John Brunton (Expert) Christopher Hallam (Expert) Stephen Welsh (Community Representative)
DECLARATIONS OF INTEREST	Nil
LISTED SPEAKER(S)	Elaine Talbert Marion Jennings Rocco Alvaro

Public Meeting held at Penrith City Council on Wednesday 26 February 2020, opened at 3:00pm.

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

Development Application DA19/0757 at 103-109 Laycock Street Cranebrook - Demolition of Existing Dwelling and Construction of 22 x Multi-Housing Units (1 and 2 Storey) for Seniors Living, with Strata Subdivision and associated Tree Removal, Earthworks and Landscaping.

### **Panel Considerations**

The Panel visited the site and had regard to the assessment report prepared by Council Officers including the following plans;

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 and the Seniors Living Guideline
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

In terms of considering community views, the Panel noted there were fourteen (14) submissions received from the public notification of the Development Application.

## Panel Decision




The Panel determined to refuse the application. The reasons for refusal are as follows:

1. Recommended Reasons for Refusal No. 1, 2 and 6 as per Council's Assessment Report
2. The replacement of Recommended Reasons for Refusal Nos. 3, 4 and 5 with the following reasons for refusal:-
  - I. The design, scale and nature of the proposed development is not considered to be consistent with the existing and desired future character of the immediate locality
  - II. The development is not considered to be site responsive due to the extent of excavation and fill proposed and the finished ground and floor level transitions throughout the development
  - III. The proposed vegetation removal and proposed planting is not suitable and exacerbates concerns identified regarding the built form, design arrangement and scale of the development
  - IV. The development is considered to be an overdevelopment of the site
  - V. The proposal does not provide a suitable level of internal amenity stemming from level changes, open space orientation, pedestrian movements and safety and retaining wall construction
  - VI. The split level communal open space is not considered to provide a suitable level of amenity and access, given the nature of the proposed development being housing for seniors or people with a disability, and the inadequate nature of private open space areas within the development
  - VII. The provision of high retaining walls and fencing on top does not provide suitable boundary wall / edge conditions as viewed from neighbouring properties and from within internal private open space areas within the development
  - VIII. The car parking and driveway design, alignment / locations and dimensions do not provide sufficient passing capability, manoeuvring and accessibility within the development and to and from parking spaces noting the nature of the proposed development

It was also the opinion of the Panel that resolution of the above matters and the recommended reason for refusal, warrants a significant redesign of the proposal that commences with a site responsive design philosophy that minimises earthworks, maximises vegetation retention, provides easy and legible accessibility, good internal amenity and a scale and density that is responsive to the character of the immediate locality.

**Votes**

The decision was unanimous.

<p>Jason Perica – Chair</p> 	<p>John Brunton - Expert</p> 
<p>Christopher Hallam – Expert</p> 	<p>Stephen Welsh – Community Representative</p> 