



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>APPLICATION DETAILS</b>	DA19/0172 – 12 Anthony Crescent, Kingswood
<b>DATE OF DETERMINATION</b>	Wednesday 24 April 2019
<b>PANEL MEMBERS</b>	Deborah Dearing (Chair) Christopher Hallam (Expert) Virginia Barrios (Community Representative)
<b>APOLOGY</b>	John Brunton (Expert) Mary-Lynne Taylor (Expert)
<b>DECLARATIONS OF INTEREST</b>	N/A
<b>LISTED SPEAKER(S)</b>	Vince Montgomery (Resident) Wendy Spinks (Resident) Wayne Dalgleish (Resident) Peter Zaccazan (Applicant - Zaccazan Pty Ltd)

Public Meeting held at Penrith City Council on Wednesday 24 April 2019, opened at 4:00pm

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

Development Application DA19/0172 at Lot 67 DP 212261, No.12 Anthony Crescent, Kingswood – Demolition of Existing Structures & construction of a Two (2) Storey Boarding House containing 19 Boarding Rooms & Basement Car Parking.

### **Panel Considerations**

The Panel had regard to the Assessment Report, 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 No 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

Submissions and concerns raised at the meeting included:

- traffic generation,
- access for emergency services
- notification processes
- impact of waste management
- number of occupants
- antisocial behaviour with no manager on site

### **Panel Decision**

The Panel determined to refuse the application for the reasons outlined in Councils assessment report with the following changes;

1. (ii) Clause 2.3 Zone objectives – The proposal is inconsistent with the objectives of the R3 medium density residential zone, specifically;
  - The proposed boarding house does not ensure that a high level of residential amenity is achieved and maintained; and
  - The proposed boarding house does not ensure that the development will reflect the desired future character of the area.

2. The application is not satisfactory for the purpose of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 as follows;



The Development Application does not comply with Part 2, Division 3, Clause 29 Standards that cannot be used to refuse consent (2)(b) landscaped area (excessive paving in front setback area), (c) Solar Access (inadequate in common room), (f) Accommodation size (many rooms do not meet the 12sqm minimum area for single lodgers) and Clause 30A Character of local area (inadequate treatment of front setback area).

3. The Development Application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the following provisions of Penrith Development Control Plan 2014.

- (vi) the application has not satisfied Council with respect to the requirements under Section C10 'Traffic, Access and Parking', specifically;
  - The proposed access ramp is considered insufficient as the width and grade must comply with the Australian Standard 2890.1 for two-way movement.
  - The second driveway and proposal to use the driveway as the main entry pathway is an unacceptable design solution.
  - Five (5) of the ten (10) provided car parking spaces are insufficient in width as required by AS2890.1 and AS2890.6.

## Votes

The decision was unanimous.

<p>Deborah Dearing – Chair Person</p> 	<p>Christopher Hallam – Expert</p> 
<p>Mary-Lynne Taylor – Expert</p> <p>Apology</p>	<p>Virginia Barrios – Community Representative</p> 