



# Penrith Local Planning Panel

## Determination and Statement of Reasons

<b>APPLICATION DETAILS</b>	DA19/0241 – 159 Jamison Road Penrith
<b>DATE OF DETERMINATION</b>	Wednesday 10 July 2019
<b>PANEL MEMBERS</b>	Deborah Dearing (Chair) John Brunton (Expert) Christopher Hallam (Expert) Geoff Martin (Community Representative)
<b>APOLOGY</b>	Mary-Lynne Taylor (Expert)
<b>DECLARATIONS OF INTEREST</b>	N/A
<b>LISTED SPEAKER(S)</b>	Poonam Suri (Resident) Charnajeet Sandhu (Resident) Jim Armstrong (Resident) Jean Mauad (Applicant) Mark Boutros (Planner) Matthew Pisarkiewicz (Builder Designer)

Public Meeting held at Penrith City Council on Wednesday 10 July 2019, opened at 3:00pm

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

Development Application DA19/0241 at Lot B DP 413314, No.159 Jamison Road Penrith – Demolition of existing structures and construction of a Two (2) Storey Boarding House with Basement Parking Level and 21 Boarding Rooms.

### **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 (Building Sustainability Index: BASIX) 2004
- 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**


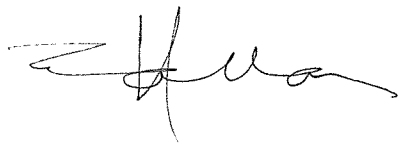

The Panel determined to refuse the application. The reasons for refusal are as follows:

1. Carparking provision is deficient by one space and two spaces are very difficult to access
2. The report title "Overland Flood Study" submitted by the applicant has been reviewed by Councils engineers. They note that floor levels of the proposed development have not been set 0.5m above Councils adopted 1% AEP flood levels and the proposal cannot meet the requirements of Councils Policy.
3. The trees on the site are intrinsic to the neighbourhood character and the panel is not convinced that they all need removal.
4. Amenity within the building in particular the unit on level 1 adjacent to the lift has no window to the bedroom. Amenity of the common room could be greatly increased if it were associated with the private open space.
5. The area nominated as private open space does not have adequate privacy for its intended purpose.
6. The setback to the eastern boundary is not consistent with the anticipated medium density character of the area and the DCP requirements for such development.
7. The driveway access to the carpark has inadequate allowance for planting adjoining the northern boundary.
8. Based upon the above inadequacies the proposal is an overdevelopment of the site.

In response to the applicant's claim that the application has not been properly processed by Council, the Panel notes that under Section 8.2 of the Environmental Planning and Assessment Act 1979 an amended design can be submitted to address the reasons for refusal with a request for a review of the determination.

### **Votes**

The decision was unanimous.

<p>Deborah Dearing – Chair Person</p> 	<p>Christopher Hallam – Expert</p> 
<p>John Brunton – Expert</p> 	<p>Geoff Martin – Community Representative</p> 