

PENRITH LOCAL PLANNING PANEL

DETERMINATION AND STATEMENT OF REASONS

APPLICATION NUMBER	DA25/0256
DATE OF DETERMINATION	22 October 2025
PANEL MEMBERS	Donna Rygate (Chair) Kate Bartlett (Expert) Chris Young (Expert) Laura Howard (Community Representative)
DECLARATIONS OF INTEREST	No conflicts of interest were declared
LISTED SPEAKERS	No Registered Speakers
LIST OF ADDITIONAL ATTENDEES	Jacqueline Klincke – Council – Senior Development Assessment Planner Gavin Cherry – Council – Development Assessment Coordinator Katelyn Davies – Council – Panel Management Support Officer
APOLIGIES	Robert Craig – Council – Principal Planner

Electronic Meeting held via online video conference on Wednesday, 22 October 2025 starting at 9.30am.

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

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city

DA25/0256, Demolition of Existing Structures & Construction of Three (3) Storey Co-Living Housing Development including 29 x Double Occupancy Rooms, Rooftop Communal Open Space, Undercroft Car Parking & Associated Site

Works at Nos. 32 Hargrave Street, Kingswood, NSW, 2747 and 5 Derby Street, Kingswood, NSW, 2747

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 (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2022
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

In terms of considering community views, the Panel noted there were zero (0) submissions received in response to the public notification of the Development Application.

Panel Decision

In accordance with Section 4.16 of the Environmental Planning and Assessment Act 1979, DA25/0256, Demolition of Existing Structures & Construction of Three (3) Storey Co-Living Housing Development including 29 x Double Occupancy Rooms, Rooftop Communal Open Space, Undercroft Car Parking & Associated Site Works at Nos. 32 Hargrave Street, Kingswood, NSW, 2747 and 5 Derby Street, Kingswood, NSW, 2747 be refused as recommended by Council Staff.

Reasons for the Decision

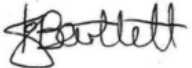
- The Panel generally agreed with the reasons for refusal outlined within the Council's Assessment Report.
- The proposed architectural form and design expression, building scale and relationship with adjacent development and the public domain is not consistent with the established desired character of the locality.
- The proposal does not result in a building form or design that complies within the zone objectives pursuant to PLEP 2010. The proposal does not

enhance the essential character of the area or reflect the desired future character of the area. The proposal also does not ensure a high level of residential amenity is achieved or maintained.

- The application does not include sufficient information to allow for adequate assessment and a determination of suitability having regard to the statutory provisions pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979.
- The proposal does not comply with Clause 5.21 – Flood Planning of PLEP 2010 as it has not been demonstrated that the proposal is compatible with the flooding characteristics of the site and immediately locality.
- The proposal does not comply with Clause 7.30 – Urban Heat of PLEP 2010 which requires that development consent must not be granted if the objectives of the clause are not satisfied. The proposal does not maximise green infrastructure or utilise materials that minimise the impacts of urban heat.
- The proposal does not comply with the height of building development standard pursuant to Clause 4.3 of PLEP 2010 and the Panel considered the Clause 4.6 Variation Request submitted in this regard. The Clause 4.3 objectives specifically require buildings to be compatible with the height, bulk and scale of the existing and desired future character of the locality, which the proposal is contrary to, as detailed above. In addition, the proposal does not reflect a high-quality urban form, contrary to the clause objectives.

Votes

The decision was unanimous.

Donna Rygate (Chair) 	Kate Bartlett (Expert) 
Chris Young (Expert) 	Laura Howard (Community Representative) 

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrith.city