



**PENRITH
CITY COUNCIL**
Serving Our Community

DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

DESCRIPTION OF DEVELOPMENT

DA No.	DA12/0920
Description of development	Residential-New Second Occupancy

DETAILS OF THE APPLICANT

Name & Address	J C Zammit 232-252 Llandilo Road LLANDILO NSW 2747
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DETAILS OF THE LAND TO BE DEVELOPED

Legal Description:	Lot 4 DP 510842
Property Address:	1-11 Sixth Road BERKSHIRE PARK NSW 2765

DATE OF DETERMINATION

Date of this Notice	07 February 2013
Date of this decision	07 February 2013

DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse to grant consent to the subject development application. In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal to grant consent are as follows:

- 1 The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the following provisions of Penrith Local Environmental Plan 2010:
 - i. Clause 1.2 aims of the plan, specifically:

to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.
 - ii. the objectives of the zone, specifically:

To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.

- 2 The application is not satisfactory for the purpose of Section 79C(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 2010:
 - i. General objectives of Section 1.1 Rural Character, specifically:
 - a) Preserve the rural character of the City of Penrith, including its scenic and landscape qualities;
 - b) Retain and protect each of the elements that make up the rural character of Penrith; and
 - c) Address the visual impact assessment requirements for major applications, as required.
 - ii. General objectives of Section 1.3.2 Site Coverage, Bulk and Massing, specifically:
 - a) Ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and
 - b) Ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area.
 - iii. General objectives of Section 1.2.4. Height, Scale and Design, specifically for rural dwellings and outbuildings to adopt:
 - a) An appropriate height and scale for the size of the site and character of the area; and
 - b) A high quality of design that is sympathetic to the rural character but also promotes innovation.

- 3 The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in terms of the likely visual impacts of that development.
- 4 The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as the site is not suitable for the proposed development due to the developments lack of adherence to the desired character for rural settings.
- 5 The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act as the proposal is not in the public interest as it would set an undesirable precedent.

REVIEW OF DETERMINATION & RIGHTS OF APPEAL

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

3. Right of Appeal if the application was for Designated Development
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

POINT OF CONTACT

If you have any questions regarding this consent you should contact:

Assessing officer	Alison Butler
Contact telephone number	Graduate Environmental Planner (02) 4732 8222

SIGNATURE

Name	Schandel Jefferys – Principal Planner
Signature	

For the Development Services Manager