



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.	DA13/0354
Description of development	Rural Shed, Fencing and formal approval for Second Driveway and associated earthworks

DETAILS OF THE APPLICANT

Name & Address	T A Gosling, D V Gosling PO Box 1201 WINDSOR NSW 2756
----------------	---

DETAILS OF THE LAND TO BE DEVELOPED

Legal Description:	Lot 122 DP 709303
Property Address:	41-47 Jolly Street CASTLEREAGH NSW 2749

DATE OF DETERMINATION

Date of this Notice	09 October 2013
Date of this decision	03 October 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 application has not adequately demonstrated that the shed will be used to store materials and equipment associated with the residential use of the property which are permissible in the zone. As a result the proposed works are not considered to be ancillary to the existing dwelling and therefore not permissible in the 1(b) - Rural B zone - Smallholding zone under the provisions of the *Penrith Local environmental Plan 201 (Rural Lands)* zone.
- 2 The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979* as the scale and cumulative building footprint of the shed and manoeuvring area is excessive and cannot be categorised as being ordinarily incidental and ancillary to the existing dwelling on the property and is inconsistent with *Penrith Local environmental Plan 201 (Rural Lands)*.
- 3 The proposed development is inconsistent with the general aims and objectives of the *Penrith Local Environmental Plan 201 (Rural Lands)* (Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).
- 4 The proposed development is inconsistent with the objectives of the zone 1(b) - Rural B zone - smallholdings (Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*).
- 5 The proposal is not satisfactory for the purposes of Section 79C(1)(a)(ii) of the *Environmental Planning Assessment Act 1979* as the proposal is inconsistent with the objectives of the draft E4 - Environmental Living zone under the provisions of the exhibited *Draft Local Environmental Plan* being the preservation and complement of natural resources through appropriate land management practices.
- 6 The proposed development is inconsistent with the objectives outlined in Part 4.2, Part 4.9 and Part 4.10 of *Penrith Development Control Plan 2006*, in respect to the promotion rural residential character (Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*).
- 7 The proposed development is unsightly and its construction and use would undermine the rural residential context of the area (Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*).
- 8 The proposed development would have an adverse impact upon the existing area, having regard to the submissions made (Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*).
- 9 The proposed development will cause significant impact to the amenity of the rural residential area and is therefore not be in the public interest (Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*).

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	Mahbub Alam Environmental Planner
Contact telephone number	(02) 4732 7693

SIGNATURE

Name	Mahbub Alam
Signature	

For the Development Services Manager