



**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**

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DA No.	DA12/0626
Description of development	Secondary Dwelling

**DETAILS OF THE APPLICANT**

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Name & Address	Cityscape Planning & Projects PO Box 127 GLENBROOK NSW 2773
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**DETAILS OF THE LAND TO BE DEVELOPED**

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Legal Description:	Lot 15B DP 344265
Property Address:	77 Lethbridge Street, PENRITH NSW 2750

**DATE OF DETERMINATION**

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Date of notice	13 September 2012
Date of decision	11 September 2012

## DECISION OF CONSENT AUTHORITY

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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 proposal is not suitable for the purpose of Section 79 C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal does not meet the objectives of Penrith Local Environmental Plan 1998 (Urban Land) and particularly Clause 7(e)(i) and (ii) stated hereunder relating to residential character due to the design deficiencies of the proposal.
  - i) *to promote the community's desired character by ensuring that future development in all residential localities reflects features or qualities of traditional detached houses that are surrounded by private gardens.*
  - ii) *to enhance the essential character and identity of established residential areas.*
2. The proposal is not satisfactory for the purpose of Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979 as the landscaped area does not meet the requirements of Clause 12(3) of Penrith Local Environmental Plan 1998 (Urban Land).
3. The proposal is not satisfactory for the purpose of Section 79C(l)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal does not take account of the provisions of Clause 14(b), (c) and (e) of Penrith Local Environmental Plan 1998 (Urban Land) due to the unsatisfactory design and unsatisfactory provision of contemporary standards of amenity within the proposed dwelling and associated private open space.
4. The proposal is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposal does not meet the design requirements of Penrith Development Control Plan 2006, Section 4.3, as stated hereunder.

*Development should demonstrate a variety of architectural features:*

- *to accentuate articulation of building forms incorporate a variety of windows and doors in all visible walls, use a range of projecting roofs, awnings and verandahs and provide a combination of building materials: painted and face brickwork, and light-weight cladding.*

"Articulate" all building forms and facades by design measures that cast deep shadows across every elevation:

- *external walls should not be longer than 5m between distinct corners.*

5. The proposal is not satisfactory for the purpose of Section 79C(1)(a)(iv) of the Environmental Planning and Assessment Act 1979 as the application does not confirm that the structural components of the building are adequate and whether the proposal would meet the requirements of the Building Code of Australia.
6. The proposal is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as the design of the building is out of character with other dwellings in the neighbourhood.

7. The proposal is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as it would be contrary to the public interest in light of the reasons for refusal numbered 1 to 6 above.

## **REVIEW OF DETERMINATION & RIGHTS OF APPEAL**

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1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within six (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. If a written objection was made in respect to an 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, the 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**

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

Assessing officer	Stephen Fryer Consultant Environmental Planner
Contact telephone number	(02) 4732 7991

## **SIGNATURE**

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Name	Robert Craig
Signature	Principal Planner

For the Development Services Manager