

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

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| Application number: | DA18/1140 |
| Description of development: | Construction of Single Dwelling, Pool, Shed & OSSM |
| Classification of development: | Class 1a , Class 10a , Class 10b |

DETAILS OF THE LAND TO BE DEVELOPED

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| Legal description: | Lot 3 DP 539282 |
| Property address: | 880 Londonderry Road, LONDONDERRY NSW 2753 |

DETAILS OF THE APPLICANT

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| Name & Address: | M G Cohen 44 Landy Avenue PENRITH NSW 2750 |
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DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse consent to the subject development application. In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal are in Attachment 1.

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| Date of this decision | 7 June 2019 |
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POINT OF CONTACT

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

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| Assessing Officer: | Paul Buttigieg |
| Contact telephone number: | +612 4732 8207 |

NOTES

Reasons

The reasons for refusal in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Reasons for refusal

Your attention is drawn to the attached reasons for refusal in attachment 1.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice.

If the applicant appeals against this 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.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

SIGNATURE

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| Name: | Paul Buttigieg |
| Signature: | |

For the Development Services Manager

ATTACHMENT 1 : REASONS FOR REFUSAL

1. The application is not satisfactory for the purpose of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of Penrith Local Environmental Plan 2010:
 - Clause 2.3 (2) Zone Objectives and Land Use Table.The proposal does not meet the objectives of the zone.
2. The application is not satisfactory for the purpose of Section 4.15 (1)(a) (iii) of the Environmental Planning and Assessment Act as the proposal is not consistent with the following provisions of Penrith Development Control Plan 2014:
 - Section D1.2.1 - Siting and Orientation of Dwellings and Outbuildings.The proposal does not retain as much existing vegetation as possible.
3. The application is not satisfactory for the purpose of Section 4.15 (1)(a) (iii) of the Environmental Planning and Assessment Act as the proposal is not consistent with the following provisions of Penrith Development Control Plan 2014- C2 Vegetation Management.:
 - Section 2.1. - Preservation of Trees and Vegetation.The proposal does not consider the preservation of existing trees and vegetation.