

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA21/0268
Description of development:	Shed and Attached Awning
Classification of development:	Class 10a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1181666
Property address:	259 West Wilchard Road, CASTLEREAGH NSW 2749

DETAILS OF THE APPLICANT

Name & Address:	Outlook Planning & Development PO Box 8 BERESFIELD NSW 2322
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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.

Date of this decision	10 June 2021
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POINT OF CONTACT

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

Assessing Officer:	Luke Caruana
Contact telephone number:	+612 4732 7553

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.

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 twelve 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 twelve 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 56 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 56 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

Name:	Luke Caruana
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, 1979 - the proposed development is prohibited under the relevant Environmental Planning Instrument's (EPI's):
 - i. The subject site is zoned 'Residential' under the State Environmental Planning Policy (Penrith Lakes Scheme) 1989. A farm building is prohibited development in accordance with Clause 14 – Zone objectives and Land Use Table and;
 - ii. It is noted that the plans illustrate hay storage for 70 cattle. The subject site is zoned 'Rural A2' under the Penrith Interim Development Order No. 93. A farm building is not listed as development for which interim development may be carried out only with the consent of the Council under Clause 3 - General development control.
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 inconsistent with the following provisions of Penrith Development Control Plan 2014:

The application has not satisfied Council with respect to the requirements under section D1 Rural Land Uses, specifically:

- The development does not meet the controls for D1.1 Rural Character; and
- The development does not meet the controls for D1.2.3 Site Coverage, Bulk and Massing; and
- The development does not meet the controls for D1.2.4 Height Scale and Design; and
- The development does not meet the controls for D1.3.1 Siting and Orientation; and
- The development does not meet the controls for D1.3.2 Floor Space, Height and Design.

3. The application is not satisfactory for the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act in terms of the likely impacts of the development including those related to:
 - Negative impacts upon the streetscape and local character due to size, height, bulk and scale.
4. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act as the site is not suitable for the following reasons:
 - The proposed development design is not cohesive with, contributory to or sympathetic towards the established rural amenity of the immediate area; and
 - The proposal does not adequately address or justify the impacts related to existing vegetation, local character, streetscape, bulk, scale and amenity.
5. The application is not satisfactory for the purpose of Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979 - the proposed development may cause significant impact to the amenity of the area and is therefore not in the public interest.