

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0423
Description of development:	Alterations and Additions to an Existing Dwelling and Change of Use to a Community Facility with Associated Car Parking & On-Site Waste Water Management System
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 252556
Property address:	682 Castlereagh Road, AGNES BANKS NSW 2753

DETAILS OF THE APPLICANT

Name & Address:	Corona Projects PO Box 1749 BONDI JUNCTION NSW 1355
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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	23 September 2020
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POINT OF CONTACT

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

Assessing Officer:	James Heathcote
Contact telephone number:	+61247328378

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:	James Heathcote
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 has not demonstrated that the proposed development is permitted in the zone and that the associated structures contribute to the objectives of the RU1 Primary Production Zone of Penrith Local Environmental Plan 2010.
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:
 - B - DCP Principles,
 - C1 Site Planning and Design Principles,
 - C2 Vegetation Management,
 - C3 Water Management,
 - C6 Landscape Design,
 - C7 Culture and Heritage,
 - C10 Transport, Access and Parking,
 - C12 Noise and Vibration,
 - C13 Infrastructure and Services,
 - D1.1 Rural Character,
 - D1.2 Rural Dwelling and Outbuildings,
 - D1.5 Non-Agricultural Development.
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:
 - Visual impact and local character,
 - Noise and privacy impacts,
 - Traffic congestion, hazard and parking,
 - Social and economic impacts.
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 proposed development due to:
 - The proposed use has not satisfactorily demonstrated permissibility as a 'Community Facility', nor demonstrated that the proposal has achieved the objectives of the RU1 zone.
 - The design of the development and its streetscape presentation is not considered to be compatible with, nor complementary to, the character of the local area or the future desired character of the area.
 - The proposal does not adequately demonstrate that impacts related to local character, streetscape presentation, scale, noise and amenity is adequately mitigated against nor addressed through the design of the development.
5. The application is not satisfactory for the purpose of Section 4.15(1)(e) of the Environmental Planning and Assessment Act as the proposal is not in the public interest.