

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA18/1106
Description of development:	Proposed Shed
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:	Cityscape Planning & Projects PO Box 127 GLENBROOK NSW 2773
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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	24 April 2019
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POINT OF CONTACT

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

Assessing Officer:	Sarah Sampson
Contact telephone number:	+612 4732 8093

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

Name:	Sarah Sampson
Signature:	

For the Development Services Manager

ATTACHMENT 1 : REASONS FOR REFUSAL

1. The application is not satisfactory for the purpose of Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is inconsistent with the following provisions of the following environmental planning instruments and controls:

State Environmental Planning Policy

A farm shed is prohibited development in accordance with Clause 14 - Zone Objectives and Land Use Table.

Penrith Interim Development Order No.93

A farm shed is prohibited development in accordance with Clause 3.

2. The application is not satisfactory for the purpose of Section 4.15 of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of the ***Penrith Development Control Plan 2014***:

The development does not comply with the following parts:

Part 1.2.1 - Siting and Orientation

The proposed amount of fill is approximately 3m therefore does not comply with the development control of 1m.

Part 1.2.3 - Floor Space, Height and Design

The external wall length of 24m is not comply with the development control of 15m. Additionally the proposed roof pitch of 10° does not satisfy the minimum development control of 15°. Considering the area it is proposed it will have a negative impact from Castlereagh Road.