

# PENRITH CITY COUNCIL

Our Reference: DA21/0268

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12 May 2021

Outlook Planning & Development  
PO Box 8  
BERESFIELD NSW 2322

Dear Sir/Madam

**Development Application No.: DA21/0268**  
**Proposed: Shed and Attached Awning**  
**Address: 259 West Wilchard Road CASTLEREAGH NSW 2749**

A preliminary assessment of your Development Application has been undertaken and I wish to advise that the following issues have arisen for your consideration and action:

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, 1979 - The proposed development is inconsistent with the following objectives of Penrith Development Control Plan 2014 (D1 - Rural Land Uses):
  - i. (Part 1.3. Farm Buildings) To ensure the siting, size, design, external appearance and uses of farm buildings do not detract significantly from the rural and environmental qualities of the locality;
  - ii. (Part 1.3.1. Siting and Orientation) To integrate farm buildings with the landscape so they complement the rural character of an area and are not visually dominant;
  - iii. (Part 1.3.2. Floor Space, Height and Design) To control the size and height of farm buildings to minimise their visual impact on the landscape and;
  - iv. (Part 1.3.2. Floor Space, Height and Design) To ensure that the size of farm buildings is consistent with the intended use and the size of the property.

3. The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 - The proposed development does not comply with the following development controls of Penrith

Development Control Plan 2014 (D1- Rural Land Uses) - Part 1.3.2. Floor Space, Height and Design. Please note that unless specifically stated, the controls for farm buildings also apply to all sheds and outbuildings ancillary to any permissible use of rural land (specific to the relevant zone), whether or not that use is considered an agricultural use:

- i. For allotments between 3 and 10 hectares in size or less, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 400m<sup>2</sup>. The proposed accumulative footprint of farm buildings/awnings is approximately 831m<sup>2</sup>.
- ii. A farm building should not be more than 8m high. The proposed farm building height is 10.2m;
- iii. A farm building should have a maximum external wall length of 15m between distinct corners or significant features such as awning. The proposed external wall length is 24m and;
- iv. A farm building shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°. The proposed roof pitch is 13°.

4. The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979 - the proposed development is not in keeping with the character of the area, is not sympathetic to existing locality and is therefore unsuitable for the site.

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.

6. The trail shown on the plans noted as 're-use existing trail for access to farm building' including the retaining walls adjacent to the dwelling and a trail are not approved and are located within a biodiversity conservation corridor and are not accepted due to impact on trees.

You are advised that Council will not support the application. Accordingly, you are requested to withdraw the application within 14 days of the date of this email, after which time Council will proceed to determine the development application based on the information already submitted by way of refusal.

Should you have any further queries on this matter, please contact me on +612 4732 7553.

Yours sincerely

Luke Caruana  
**Environmental Health and Building Surveyor**