



CITY OF PARRAMATTA

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA/101/2024 PAN-371661
Applicant	Phillip Kirby 1B Villiers Street, Parramatta
Description of development	Retention of the existing heritage listed building, removal of trees and construction of additional buildings to be used as a 110-place centre based childcare centre over basement parking. The site is a local heritage item (I412) under the provisions of the Parramatta Local Environmental Plan 2023.
Property	6 Hammers Road, Northmead, 2152 Lot 9/DP7339
Determination	Refused Consent Authority - Council staff under delegated authority
Date of determination	21/01/2025

Under section 4.18(1)(a) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reason for Refusal

- The proposed development does not satisfy the requirements of Part 2 of Chapter 3 - Educational Establishments and Child Care Facilities under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to context, built form, landscaping, amenity and safety.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Part 3 (Matters for Consideration) of Chapter 3 - Educational Establishments and Child Care Facilities under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to site selection and location, local character, streetscape, building orientation, envelope and design, landscaping, visual and acoustic privacy, traffic, parking and pedestrian circulation.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Part 4 (Applying the national Regulations to Development Proposals) of Chapter 3 - Educational Establishments and Child Care Facilities under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to natural environment.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Parramatta Local Environmental Plan (PLEP) 2023 in relation to the objectives of the R2 low density residential zone, heritage conservation, stormwater management and car parking.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
- The proposed development does not satisfy the requirements of Parramatta Development Control Plan (PDCP) 2023 in relation to preliminary building envelope, building form and massing, streetscape and building address, fencing, open space and landscape, centre-based childcare facilities, water management and parking and vehicular access.
(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).

- The submitted plans are inadequate and lack detail which has prevented a complete assessment of the application.
(Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act, 1979).
- The proposal is not in the public interest given the submissions received, and since it is not demonstrated that the development is compatible with the surrounding context.
(Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act 1979).

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Eamon Murphy
Senior Development Assessment Officer
Person on behalf of the consent authority

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means .

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Parramatta Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Central City Planning Panel.