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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Environmental Planning and Assessment Act, 1979 (Section 4.18)

Design Cubicle c/o Merc Capital  
44 Sorrell Street  
NORTH PARRAMATTA NSW 2151

**Determination Number:**  
SPP-16-04462

**Property Description:** Part Lot A in DP389673 and part Lot 18 in DP13137 H/N 5 Schofields Road, SCHOFIELDS

**Development:** Integrated development for the construction of 2 x 5 storey residential flat buildings containing 100 units and 137 car parking spaces over 2 basement levels, associated demolition of dwellings and outbuildings as well as tree removal, stormwater drainage works and landscaping.

**Determination:** *Under Section 4.16 of the Act Council advises that the Development Application has been determined by:*

- Refusal on the grounds specified.

BY SYDNEY CENTRAL CITY PLANNING PANEL

### Right of Appeal

Section 8.7 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 8.7 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

### Review of Determination

Section 8.3 of the Act provides that an applicant may request the Council to review the determination. Section 8.3 does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 8.2 of the act in respect of Crown applications.

**Note:** This Consent is generally valid for a period of 5 years effective from the date of this Notice, unless specified otherwise by Sections 4.20 and 4.53 of the Act, or by conditions of this Consent.

Kerry Robinson  
**CHIEF EXECUTIVE OFFICER**

Per 

Date 24 September 2020

### GROUNDS FOR REFUSAL

The proposal is considered to be unsatisfactory with respect to the following matters for consideration under section 4.15 of the Environmental planning and Assessment Act 1979 (EP&A Act):

1. The subdivision DA-16-05461, that will create the finished ground levels and site boundaries that will determine the design of this development, has not yet been approved. Consequently, the likely impacts of the development and the suitability of the site for the development cannot be adequately considered and assessed in accordance with Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
2. The site is land locked and proposes an unsatisfactory temporary access arrangement that could potentially lead to traffic impacts un-associated with this development. The site is therefore considered unsuitable under the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. The proposed building exceeds the maximum height limit for the site. The finished floor level of the site is still unknown since the subdivision application has not been approved. Therefore, the actual extent of the maximum height exceedance is currently unknown. The application therefore cannot be adequately considered in relation to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. Inadequate information has been provided to complete an assessment of the DA in terms of traffic, engineering, waste, architecture and planning. Given that inadequate information has been submitted, approval of the application is not considered to be in the public interest under Section 4.15(i)(e) of the Environmental Planning & Assessment Act, 1979. The application can also not be thoroughly assessed to determine whether it is consistent with the provisions of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
5. The proposed development does not demonstrate satisfactory architectural design due to poor unit design and configuration, excessive use of cement render, overbearing building length, inadequate solar access to common open space areas, poor accessibility to common open space areas and no direct street access provided to ground floor units and lobbies. The application is therefore considered to be inconsistent with the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
6. Valid concerns have been raised by the public during notification that are consistent with the reasons above and therefore the application is considered

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

Kerry Robinson  
CHIEF EXECUTIVE OFFICER

Per 

Blacktown City Council  
24 September 2020

to not be in the public interest under the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

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