Civic Centre
62 Flushcombe Rd
BLACKTOWN

DX 8117
BLACKTOWN 2148

Telephone: (02) 9839-6000 Fax: (02) 9831-1961
Web www.blacktown.nsw.gov.au
e-mail council@blacktown.nsw.gov.au

Blacktown
City Council

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

Bing Wei Pty Limited
C/- SWA Group
12/16-18 Malvern Avenue
CHATSWOOD NSW 2067

Determination Number:
SPP-17-00041

Property Description: Lot 79 DP 208203, 95 Cudgegong Road ROUSE HILL

Development: Construction of 2 residential flat buildings in stages, comprising 208 apartments, associated new public roads, stormwater drainage works, landscaping and a temporary access road through the part of the site zoned RE1 Public Recreation

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

- Refusal

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 November 2020

Development Application SPP-17-00041 is refused as it has failed to address Section 4.15 of the Environmental Planning and Assessment Act 1979, for the reasons listed below:

1 Under the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) it is considered that the proposed development is substantially inconsistent with the controls in Blacktown Development Control Plan 2015, Part J Water Sensitive Urban Design (WSUD) and Integrated Water Cycle Management, Council's WSUD standard drawings and Council's Engineering Guide for Development.

2 Under the provisions of Section 4.15(1)(c) of the EP&A Act 1979 the site is not suitable for the development as designed as the road and drainage constraints affecting the subject land have not been resolved.

3 Under Section 4.15(1)(b) of the EP&A Act 1979 the proposal in its current form will have impacts on adjoining development and upstream drainage catchments, due to its numerous compliances with the standard drainage requirements and road design requirements of Council.

4 Inadequate information has been provided to complete an assessment of the DA in terms of engineering and drainage design matters. The proposal cannot be thoroughly assessed to be considered consistent with the provisions of Section 4.15 (1)(b) and (c) of the EP&A Act 1979.

5 Under the provisions of Section 4.15(1)(e) of the EP&A Act 1979 it is considered that, in the circumstances of the case, approval of the development would set an undesirable precedent for similar development and is therefore not in the public interest.

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 November 2020