



MOD: 18-00331  
JRPP-15-2703

24 September 2020

Stellar Rouse Hill Pty Ltd  
C/O- Minto Planning Pty Ltd  
PO Box 225  
Thornleigh NSW 2120

Dear Sir or Madam,

**Property: 103 Schofields Road, Rouse Hill**

**Proposal: Modification to Notice of Determination No. JRPP- 15-2703 under  
Section 4.55 of the Environmental Planning and Assessment Act 1979**

Reference is made to the Section 4.55(1A) application (MOD-18-00331) lodged with Council for the modification of development consent Notice of Determination No. JRPP-15-02703 dated 11 April 2017

Please be advised that the Sydney Central Planning Panel determined to refuse the modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended).

**GROUND 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):

a Insufficient information

(i) Pursuant to the provisions of Section 4.16(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, no response has been received to Council's correspondence dated 18 May 2020, requesting additional information/amended plans.

b Inconsistent with State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development

(i) Pursuant to the provisions of Section 4.16(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and specific criteria of the Apartment Design Guide with respect to building separation and communal open space requirements.

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Council Chambers - 62 Flushcombe Road - Blacktown NSW 2148

Telephone: (02) 9839 6000 - DX 8117 Blacktown

Email: [council@blacktown.nsw.gov.au](mailto:council@blacktown.nsw.gov.au) - Website: [www.blacktown.nsw.gov.au](http://www.blacktown.nsw.gov.au)

All correspondence to: The Chief Executive Officer - PO Box 63 - Blacktown NSW 2148

- (ii) Pursuant to the provisions of Section 4.16(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with State Environmental Planning Policy (Sydney Region Growth Centres) 2006 with respect to Appendix 6, Clause 4.3 Height of buildings.
- (iii) The Panel noted that the minimum required 3.1m floor-to-floor ceiling height does not appear to be proposed, or achievable, within the current building envelope.

c Inconsistent with Blacktown City Council DCP

- (i) Pursuant to the provisions of Section 4.16(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the controls in Blacktown Development Control Plan 2015, Part J WSUD and Integrated Water Cycle Management and Council's WSUD standard drawings.

d Public interest

- (i) Pursuant to the provisions of Section 4.16(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

e Inadequate

- (i) Pursuant to the provisions of Section 4.15(i)(e) of the Environmental Planning and Assessment Act 1979, given that inadequate information has been submitted, approval of the application is not considered to be in the public interest.

**Right of Appeal:**

If you are dissatisfied with this decision, Sections 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months of the date of determination.

**Right of Review:**

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged within 28 days of the date of determination and determined within 6 months of the date of determination.

Note: To enable the Section 8.2 review to be considered within the six (6) months' timeframe prescribed by under the Environmental Planning and Assessment Act 1979, you must lodge the application for review under Section 8.2 within twenty-eight (28) days to facilitate the statutory timeframes.

Section 8.2 does not apply to a determination of an application to modify a complying development certificate, a determination in respect of designated development, a

determination made by the Council under section 4.33 in respect of an application by the Crown, or a determination that is taken to have been made because the council has failed to determine an application.

Note: Sections 8.3, 8.4 and 8.5 apply to a review under this section.

Should you have any further enquiries concerning this matter, please contact Council's Town Planner Kelly Coyne on 9839 6000.

Yours faithfully



Judith Portelli

Manager Development Assessment