

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act, 1979 (Section 4.18)

N Patel
307/1 Burbank Place
BAULKHAM HILLS NSW 2153

Determination Number:
SPP-20-00002

Property Description: Lot 13 DP 1190560 H/N 971 Richmond Road MARSDEN PARK

Development: Demolition of existing structures, Construction of a staged 8 storey mixed use development comprising 6 buildings containing retail floor space in multiple tenancies, a child care centre, a gym, and 234 residential units above, subdivision of 1 lot into 22 Torrens title lots, basement carparking, new roads and civil/drainage works.

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

- Refusal

DETERMINED BY COUNCIL UNDER THE DELEGATION GRANTED BY THE 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 OAM
CHIEF EXECUTIVE OFFICER

Per

Date 17 December 2020

Refuse Development Application SPP-20-00002 for the following reasons:


- a 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.
- b 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.
- c 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 non-compliances with the standard drainage requirements and road design requirements of Council.
- d 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.
- e 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 create an unacceptable risk for the public due to risk of downstream inundation as a result of poorly managed stormwater runoff and roads that do not match adjoining approved development at their boundaries 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 OAM
CHIEF EXECUTIVE OFFICER

Per


Blacktown City Council
17.12.2020