

Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-423

Development application

DA number	SPP-23-00036	Date of lodgement	17 January 2023
Applicant	UPG Pty Ltd		
Owner	Mario Kucic, Elizabeth Kucic, Joseph Hanna & Suzie Hanna		
Proposed development	Demolition of existing structures, tree removal and construction of 4 x 4 storey residential flat buildings containing 146 units basement car parking, landscaping and associated civil works.		
Street address	184 - 194 Guntawong Road, Rouse Hill		
Notification period	22 February to 25 March 2023	Number of submissions	1

Assessment

Panel criteria Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> Capital investment value (CIV) over \$30 million (DA has a CIV of \$33,010,871)
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts - Central River City) 2021 State Environmental Planning Policy No. 65 - Design Quality of Residential Apartments Blacktown City Council Growth Centre Precincts Development Control Plan 2010
Report prepared by	Samuel Vance
Report date	26 June 2023
Recommendation	Refuse, based on the grounds listed in the report.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Applicant's Clause 4.6 variation submission
- 7 Conditions of Consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report? Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Yes

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- The subdivision application (DA-22-00916) that will create the proposed lot boundaries and site levels for the residential flat buildings proposed in this application is currently the subject of an ongoing appeal to the Land and Environment Court of NSW. There is no certainty of outcome and no approved lots.
 - The applicant's Clause 4.6 variation submission is uncertain and unsatisfactory as the proposed buildings exceed the 12 m maximum height limit on the landform which has not yet been approved.
 - The applicant proposes numerous non-compliances with Blacktown City Council Growth Centre Precincts Development Control Plan 2010 and the Apartment Design Guide including landscaped area, setbacks, car parking, deep soil zones, communal open space, building separation, solar access, ventilation, apartment size and layout and materials and finishes.
 - The applicant has not satisfactorily addressed key site constraints including biodiversity, drainage, engineering, heritage and waste collection matters.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have identified issues of concern that cannot be dealt with by conditions.
- 1.3 The application is considered to be unsatisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel refuse the application based on the grounds listed in the Recommendation at section 12 below.

2 Location

- 2.1 The site is located at 184 - 194 Guntawong Road (and on the corner of Clarke Street), Rouse Hill in the Riverstone East Precinct of the North West Growth Area.
- 2.2 The surrounds of the site reflect the ongoing transition of rural land to low and medium density residential land.
- 2.3 The site is approximately 1.5 kilometres north of Tallawong train station.
- 2.4 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The existing site is legally known as Lots 9 and 10 DP 30211, 184 - 194 Guntawong Road, Rouse Hill, which have a combined area of 4.773 hectares.
- 3.2 This development application relates to proposed Lot 170 in a subdivision yet to be created under DA-22-00916 over existing Lots 9 and 10 above. Proposed Lot 170 is intended to have an area of 1.06 hectares in that plan if approved by the court.
- 3.3 The site is zoned R3 - Medium Density Residential and R2 - Low Density Residential under State Environmental Planning Policy (Precincts - Central River City) 2021. Proposed Lot 170, on which this proposal is located, is entirely zoned R3 - Medium Density Residential under State Environmental Planning Policy (Precincts - Central River City) 2021.
- 3.4 Proposed Lot 170 is shown as having frontage to Clarke Street of approximately 80 m, an SP2 - Classified Road. As such, the application was referred to Transport for NSW for comment.

- 3.5 A large electrical overhead powerline transmission easement, 178 m wide traverses the site in an east – west direction. Proposed Lot 170 will be located outside of this easement. However, in accordance with requirements, and as TransGrid is the responsible authority for this easement the application has also been referred for comment.
- 3.6 An aerial image of the site and surrounding area is at attachment 2 and the zoning plan for the site and surrounds is at attachment 3.

4 Background

- 4.1 The subject site is proposed to be created under DA-22-00916 and is identified as proposed Lot 170. DA-22-00916 proposes the Torrens title subdivision of 184 - 194 Guntawong Road into 80 residential lots and 1 super-lot over 2 stages. It is on this super-lot that this development (SPP-23-00036) is proposed. DA-22-00916 also includes tree removal, construction of public roads, stormwater drainage, retaining walls and associated site works.
- 4.2 The same applicant for this DA also lodged an appeal against the deemed refusal of DA-22-00916 with the NSW Land and Environment Court on 18 October 2022.
- 4.3 A Section 34 Mediation Conference for DA-22-00916 was held 28 March 2023, however, no agreement was entered into as engineering and drainage issues remain unresolved. To date, no hearing date in the Land and Environment Court has been set and a number of engineering and drainage issues remain outstanding. As such, it is considered unlikely that DA-22-00916 can be determined in the short term.
- 4.4 This DA proposal, SPP-23-00036, was presented at a Sydney Planning Panel briefing on 9 March 2023, at which time Council's concerns were discussed including that the application cannot be comprehensively assessed with any certainty regarding finished land levels and engineering requirements, until such time that the lot is at least approved in parent subdivision application (DA-22-00916) by the Court. At that briefing:
- The Chair affirmed Council's concerns that there is insufficient information to undertake an assessment or make an effective determination and that the application is premature, recommending withdrawal of the application.
 - The Chair put to the applicant that if not withdrawn, the Panel will move to determine the DA in the target timeframe, and that this is unlikely to be a positive determination as insufficient information is available.
 - The applicant acknowledged that it was a commercial decision for them to have lodged the application at this early time notwithstanding the appeal on foot for the subdivision.
- 4.5 The Sydney Planning Panel were supportive of Council's view that the application is considered to have been lodged prematurely and that the application be withdrawn. In the afternoon of 9 March 2023, it was then requested that the applicant withdraw the application. No response was received. A second request to withdraw the application was sent to the applicant 15 May 2023 to which no response has been received to date.

5 The proposal

- 5.1 The development application has been lodged by UPG Pty Ltd.
- 5.2 The applicant proposes:
- Demolition of existing structures onsite, including 2 dwelling houses, outbuildings and garages.
 - Tree removal.

- Construction of 4 x 4 storey residential flat buildings consisting of 1146 units over 3 levels of basement car parking for 207 resident and 30 visitor space.
- Associated civil works and landscaping.

5.3 The unit mix proposed is:

- 16 x 1-bedroom units.
- 19 x 2-bedroom units.
- 111 x 3-bedroom units.

5.4 A Clause 4.6 variation submission to the height plane limit of 12 m in this area has been lodged and this is considered in detail at section 8.2 of this report.

5.5 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

6 Assessment against planning controls

6.1 A summary assessment of the development application against the section 4.15(1)(a) matters is provide below but only for those planning controls that directly relate to its refusal.

6.2 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment
a. The provisions of: (i) Any environmental planning instrument	<p>The proposal does not comply with Appendix 11, Part 4 Clause 4.3 of State Environmental Planning Policy (Precincts - Central River City) 2021 relating to height of buildings. The proposal exceeds the 12 m building height limit. However, the applicant has lodged a variation request pursuant to Clause 4.6 'Exceptions to development standards' under State Environmental Planning Policy (Precincts - Central River City) 2021 to vary the height limit. This Clause 4.6 variation request cannot be considered as the final finished land form in the subdivision is uncertain and the sought height variations may change depending on the engineering solutions agreed by the Land and Environment Court in its determination of the subdivision creating this lot.</p> <p>The proposal does not adequately comply with the SEPP 65 Apartment Design Guide in terms of building setbacks, public domain interface, communal open space, amenity, unit design and configuration and materials and finishes.</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>A draft amendment to the Growth Centres SEPP 2006 was exhibited by the (then) Department of Planning and Environment (DPE) in May 2017, referred to as the 'North West Draft Exhibition Package.' This exhibition was undertaken to coincide with the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new development does not impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area).</p> <p>A key outcome sought through the proposed amendment is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently, the planning controls nominate only a</p>

Heads of Consideration	Comment
	<p>minimum density. This proposal, if gazetted, will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts.</p> <p>The density bands for land zoned R3 Medium Density Residential in the Riverstone East Precinct are proposed to be a:</p> <ul style="list-style-type: none"> • minimum of 25 dwellings per hectare which equates to 27 dwellings • maximum of 35 dwellings per hectare which equates to 37 dwellings (currently no maximum). <p>This proposal is for 146 apartments, which equates to 137 dwellings per hectare. This results in 102 (291%) more apartments being provided than anticipated by the exhibited maximum density band. As the proposed amendments have not proceeded to be finalised, there is no certainty that they will have legislative effect.</p> <p>A draft amendment to Clause 4.6 of the Standard Instrument was exhibited by the Department of Planning and Environment between March and May 2021. Under the proposed revised Clause 4.6, the consent authority must be directly satisfied that the applicant's written request demonstrates the following essential criteria in order to vary a development standard:</p> <p>The proposed development is consistent with the objectives of the relevant development standard and land use zone.</p> <p>The contravention will result in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened. In deciding whether a contravention of a development standard will result in an improved planning outcome, the consent authority is to consider the public interest, environmental outcomes, social outcomes or economic outcomes.</p> <p>The proposed development is considered to not satisfy the essential criteria to vary the maximum building height as the finished ground levels of proposed Lot 170 are still unknown. The final land form in the subdivision is uncertain and the height variations may change depending on the engineering solutions agreed by the Land and Environment Court in its determination of the subdivision creating this lot.</p>
Any development control plan	The proposal has numerous non-compliances with Blacktown City Council Growth Centre Precincts Development Control Plan 2010, including landscaped area, private open space, setbacks, building separation, car parking spaces, car parking dimensions, deep soil zones and common open space requirements.
(v a) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,	NA

Heads of Consideration	Comment
(v a) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The DA is contrary to Clause 36 of the Environmental Planning and Assessment Regulation 2021 as the applicant is required to provide all the necessary and requested information to Council to allow for a proper assessment of the application.
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	Due to the uncertainty about the subdivision and the creation of the proposed lot for the development including its expected final land form, the approval cannot be considered in isolation of these impacts and engineering features as we don't know what impact these 4 x 4 storey residential flat buildings will have on stormwater management, biodiversity, visual bulk, scale and land form and heritage. All these matters cannot be satisfactorily addressed with any certainty whilst the parent subdivision application remains undetermined.
c. The suitability of the site for the development	The site is not suitable for the development due to the fact the proposed lot does not exist and has not even been approved. As a result, there is a lack of certainty surrounding the expected final design and finished ground levels for the site.
d. Any submissions made in accordance with this Act, or the regulations	We received 1 submission during the notification period. Many of the issues raised including interface and compatibility with an approved adjoining development on 14 - 28 Clarke Street and road and drainage design levels are valid and are similar to our own concerns with the development. We are unable to respond to the issues raised with any certainty as these leave no alternative but it is concluded that the proposal will have an impact on the neighbours.
e. The public interest	The application is not in the public interest as it is a premature application resulting in our concerns regarding its likely impact on the land and its surrounding planning, biodiversity, drainage, engineering, heritage and waste collection issues have not been satisfactorily addressed.

7 Key issues and reasons for refusal

7.1 The parent/subdivision application that will create the subject land has not been approved

- 7.1.1 Subdivision application DA-22-00916, which will create the subject lot and set the finished site levels for the residential flat buildings in this application is the subject of a deemed refusal appeal in the NSW Land and Environment Court (refer Section 4, Background)
- 7.1.2 A thorough planning and engineering assessment of the proposed residential flat buildings is not possible for this development without certainty of the outcome of the subdivision application which will approve the lot boundaries, the finished ground levels for the proposed lot in relation to the rest of the subdivision including roads and drainage.
- 7.1.3 It is inappropriate to consider this application for 4 x 4 storey residential flat buildings ahead of the subdivision application, the outcome of which is still unknown. Without clear approval, the risk of serious non-compliance with relevant planning standards and controls is too great in isolation on the existing mother lots.

- 7.1.4 As this residential flat building application is premature and on a lot that does not exist it cannot be assessed and it should be refused. The applicant can lodge a new application for residential flat buildings after the court approves the application for the subdivision.

7.2 The applicant's Clause 4.6 variation request to the 12 m maximum height limit is not satisfactory

- 7.2.1 The applicant has submitted a clause 4.6 variation request to the maximum permissible building height of 12 m. The overall height of the buildings proposed is 14.5 m, which exceeds the maximum height limit applicable for the site by 2.5 m or a 21% variation. The portions of the building that exceed the height limit are non-habitable, including part of the roof slab, hot water plant, lift overrun, clerestory windows and roof top balustrades.
- 7.2.2 However, the applicant has calculated this on the assumed levels in the subdivision development application that has not been determined. The full extent of the height exceedance is unknown because the proposed land, road and finished ground levels for the development are still unknown. They cannot be established with any certainty until the subdivision of the land that creates the subject lot is determined favourably by the Land and Environment Court.

7.3 The proposal is not compliant with the key requirements of Blacktown City Council Growth Centre Precincts Development Control Plan 2010 and the SEPP 65 Apartment Design Guide

- 7.3.1 A review of the proposal has found key non-compliances with Blacktown City Council Growth Centre Precincts Development Control Plan 2010 and the Apartment Design Guide. These matters include:

Blacktown City Council Growth Centre Precincts Development Control Plan 2010:

- The minimum dimensions of the landscaped area are unknown.
- Several units on level 4 do not meet front setback requirements.
- Garage and car parking as shown in the basement car park do not meet DCP requirements, including a proposal for multiple tandem car parking spaces.
- Total area and dimensions of the deep soil zones are unclear.
- The location of the common open space is unsatisfactory, and results in a confusing and ad hoc design, as further detailed under Apartment Design Guide assessment provided below.

Apartment Design Guide:

- The applicant seeks variation to the maximum permissible building height, as described in Section 7.2 of this report. In addition, multiple apartments are below street level in order to seek as much density as possible below the maximum permissible building height, resulting in poor unit amenity.
- The proposed building separation of 9 m between each proposed residential flat building will result in poor unit amenity and reduced solar access for multiple units, as the applicant has simply proposed narrow windows with limited outlook and opaque glazing to meet ADG requirements for visual privacy. In addition, several units feature private balconies located in front of bedrooms which decreases the internal privacy of residents.
- Stairs to the rooftop terrace encroach into the 6 m front setback requirement.
- Location of a substation adjacent to Unit 2003 results in poor amenity, reduces sunlight and the opportunity for passive surveillance.

- Communal open space is provided over several levels requiring retaining walls and stairs, without orderly transition, which results in multiple confusing and disjointed communal open space areas. The boundary between the communal open space is not clearly defined and results in users of the communal open space having direct vision into ground floor units.
- In addition, the principle, useable part of the communal open space, which contains the playground, amphitheatre, community room, spill out spaces, BBQ, garden and lawn area receives no direct sunlight during the winter solstice. The parts of the communal open space that do receive sunlight are instead areas of circulation.
- Solar and daylight access to the building should be improved. There are no shading devices proposed. This could be improved by the use of vertical louvres for east and west facing elevations, and horizontal louvres for north facing elevations, operable louvres and screen which residents can adjust depending on weather conditions and the time of day, and the use of a high-performance glass with a low reflectance level.
- Natural ventilation falls below the 60%-unit requirement, as Unit 1001 has been included in the applicant's calculations, when it is a single-aspect unit.
- Apartment size and layout is unsatisfactory in terms of access to bedrooms from living areas, the location of balconies separate to living areas (and instead accessible from bedrooms) and the location of air conditioning units on balconies.
- There is uncertainty in relation to the materials of the building which are predominantly lightweight and paint finishes. Significant weathering and degrading over time are expected.
- Whilst the communal open space does receive a minimum 50% sunlight at the winter solstice, the central, principle useable part of the communal open space receives no direct sunlight during this time period.

7.4 Biodiversity matters have not been satisfactorily addressed

- 7.4.1 The applicant proposes the removal of all trees and vegetation from the site. Whilst the site is biodiversity certified, the applicant has not attempted to retain any vegetation, a requirement of 2.3.4 of Blacktown City Council Growth Centres Precincts Development Control Plan 2010.
- 7.4.2 Our Biodiversity Officer does not support the proposal in its current form, and requires additional information, including amendments to the Statement of Environmental Effects, an Arboriculture Impact Assessment, amended landscape plans, a Biodiversity Management Plan and a Construction Environment Management Plan.
- 7.4.3 Alternatively, the applicant needs to wait and see what the court will do in regards to biodiversity for the subdivision assuming the court approves the subdivision.

7.5 Drainage and engineering matters have not been satisfactorily addressed

- 7.5.1 This application proposes onsite stormwater detention on another lot proposed under the parent subdivision, DA-22-00916. As DA-22-00916 has not been determined, our Drainage Engineers cannot adequately assess the proposal (including the finished levels of all approved works, the extent of works at the boundary to ensure compatibility with the surrounding area and driveway profiles) against our requirements and what easements benefitting the subject land will be provided in the court determination of the subdivision. In addition, a number of amendments to drainage plans are required.

7.6 Heritage matters have not been satisfactorily addressed

- 7.6.1 The site contains 2 known Aboriginal Heritage Sites, as listed on the Aboriginal Heritage Information System. The application is therefore identified as Nominated Integrated Development under Section 90 of the National Parks and Wildlife Act 1974, and an Aboriginal Heritage Impact Permit is required.
- 7.6.2 As the applicant has not supplied any evidence to show that a permit has been determined to disturb these known sites, as is proposed, the application is premature.
- 7.6.3 Again the issue may be addressed by the Court in its determination of the subdivision application as the main bulk earth works will happen as part of that approval.

7.7 Waste collection has not been satisfactorily addressed

- 7.7.1 Waste collection is proposed to be undertaken in the basement by Council vehicles. Our Waste Management section requires additional information, including ramp grades, bin transfer grades, cross sections, swept paths, waste vehicle headroom allowance and the correct number of waste and recycling bins needed.
- 7.7.2 These matters have not, and are unable to be adequately addressed until the outcome of the parent/subdivision application is known because the ramp grade to the still to be the basement will only be determined by the final road level of Guntawong Road ascertained in the subdivision.

8 Issues raised by the public

- 8.1 The proposed development was notified to 14 property owners and occupiers in the locality between 22 February and 25 March 2023. The development application was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 We received 1 submission.
- 8.3 The issues raised by the individual relate to the proposed development and its interface and compatibility with an approved adjoining development on 14 - 28 Clarke Street and road and drainage design levels. These matters cannot be satisfactorily addressed with any certainty whilst the parent subdivision application remains undetermined.
- 8.4 The objection is considered sufficient to warrant refusal of the application on the basis that the concerns are similar to our own and have not been satisfactorily addressed by the applicant.

9 External referrals

- 9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Department of Planning and Environment Heritage	Not received. This referral was required due to the 2 known Aboriginal Heritage Sites located on the subject site.
Department of Planning and Environment Water	No objections, controlled activity not required
TransGrid	Acceptable subject to conditions
Transport for NSW	No objections

10 Conclusion

- 10.1 The proposed development has been assessed against all relevant matters and is not considered to be satisfactory. It is considered that the likely impacts of the development have not been satisfactorily addressed and that the proposal is not in the public interest. The site is not considered suitable for the proposed development.

11 Disclosure of political donations and gifts

- 11.1 Under Section 10.4 of the Environmental Planning and Assessment Act 1979, a disclosure statement must be lodged in certain circumstances in relation to any planning application, i.e. a development application, an application to modify a consent and an application to make an environmental planning instrument or development control plan.
- 11.2 A disclosure statement of a reportable political donation or gift must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.
- 11.3 A disclosure statement may be made available for viewing upon a written request to Council in line with Section 12 of the Local Government Act 1993.
- 11.4 Disclosures:
- Political donations Has a Disclosure statement been received in relation to this application? No
 - Gifts Have staff received a 'gift', that needs to be disclosed, from anyone involved with this application? No

12 Recommendation

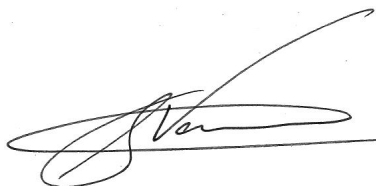
- 1 The Clause 4.6 variation request to exceed the maximum building height limit be rejected because the full extent of the height exceedance is unknown due to the proposed finished ground levels for the development being subject to a decision on the parent/subdivision development application currently before the Land and Environment Court. There is a risk that the ground levels may change and the final expected height of the residential flat building against the height plane therefore remains unclear.
- 2 Refuse Development Application SPP-23-00036 based on the following grounds:
 - a The proposed Lot 170 is yet to be created as the application to subdivide the land under DA-22-00916 is yet to be determined by the NSW Land and Environment Court. Submission of this application is considered premature since the outcome and timing of the subdivision application is still unknown. Council is unable to carry out a comprehensive assessment as the final finished ground levels and lot boundaries are unknown. The application is inconsistent with the provisions of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
 - b There are outstanding issues relating to the subdivision DA-22-00916 that have not been satisfactorily addressed. The unknown outcome of DA-22-00916 will continue to leave the outstanding concerns of this application unaddressed and delay its determination further, for an unknown period of time. The application is therefore inconsistent with the provisions of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979)

- c The proposed buildings exceed the maximum height limit for the site, because DA-22-00916, that creates Lot 170, has not been determined by the NSW Land and Environment Court, the actual extent of the maximum height exceedance is currently unknown. This 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.
- d The application is contrary to Clause 36 of the Environmental Planning and Assessment Regulation 2021 as inadequate information has been provided to complete an assessment of the application in terms of biodiversity, drainage, engineering, heritage, planning and waste collection. 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.
- e The application can also not be thoroughly assessed and the site is considered not suitable for the development and is therefore not consistent with the provisions of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
- f Due to the valid concerns raised by the public during notification, including those that are similar to those arising from Council's assessment of the proposal, the application is considered to not be in the public interest under the provisions of Section 4.16(1)(e) of the Environmental Planning and Assessment Act 1979.

3 Council officers notify the applicant and submitters of the Panel's decision.

13 Declaration and endorsement

We, the undersigned, declare, to the best of our knowledge that we have no interest, pecuniary or otherwise, in this development application or persons associated with it; and we have provided an impartial assessment.



Samuel Vance
Senior Town Planner



Judith Portelli
Manager Development Assessment



Peter Conroy
Director City Planning and Development