

Conditions of consent (draft)

| | |
|-----------------------------|--|
| 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. |
| Property description | Lots 9 and 10 DP 30211, 184 - 194 Guntawong Road, Rouse Hill. |

GROUNDINGS 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. The proposed Lot 170 is yet to be created as the application to subdivide the land 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. The finished floor level of the site is still unknown since DA-22-00916 that creates Lot 170 has not been determined by the NSW Land and Environment Court, therefore 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. Inadequate information has been provided to complete an assessment of the DA 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. The application can also not be thoroughly assessed to consider it to be consistent with the provisions of Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act 1979.
- e. 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.