



CITY OF PARRAMATTA

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA/49/2024 PAN-358006
Applicant	Christopher Jones PO Box 1201 Windsor NSW 2756
Description of development	Demolition of existing tennis courts and maintenance shed. Construction of an indoor sports facility and maintenance shed. Construction of a landscaped terraced amphitheatre to rectify the existing landslip issue. Construction of other ancillary facilities, including internal roads. Landscaping and drainage work.
Property	2 MASONS DRIVE NORTH PARRAMATTA 2151 100/-/DP1260159
Determination	Refused Consent Authority - Council
Date of determination	2/09/2024
Building Code of Australia building classification	9b

Under section 4.18(1)(a) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reason for Refusal

That Council refuse Development Application DA/49/2024 for the following reasons:

1. Environmental Planning and Assessment Act 1979

- a. Clause 4.14: It has not demonstrated that compliance with section 6.8 of Planning for Bush Fire Protection 2019 and Appendix B of Planning for Bush Fire Protection – Addendum 2022 can be achieved.

2. Rural Fires Act 1997

- a. Clause 100B: Concurrence from the NSW Rural Fires Service has not been received with regards to a development identified as a “*special fire protection purpose*”; being a school.

3. State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2: Vegetation in non-rural areas

- a. Clause 2.6: It has not been demonstrated that the biodiversity values of trees and other vegetation on the site has been protected or preserved.

4. State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4: Remediation of Land

- a. Clause 4.6: It has not been demonstrated that the land is suitable for the proposed use.

5. Paramatta Local Environmental Plan 2023

- a. Clause 5.10: Heritage Conservation: Insufficient information has been provided to enable a full and proper assessment.
- b. Clause 6.3: Biodiversity Protection: Insufficient information has been provided to enable a full and proper assessment.
- c. Clause 6.5: Stormwater Management: Insufficient information has been provided to enable a full and proper assessment.

6. Parramatta Development Control Plan 2023

The proposed development is inconsistent with the following controls of Parramatta Development Control Plan 2023:

Part 4 – Non – Residential Development

- 4.5 Educational Establishments:
 - Acoustic Privacy

Part 5 – Development Principles

- 5.1 Water Management:
 - 5.1.2 Water Sensitive Design
 - 5.1.3 Stormwater Management
- 5.2 Hazard and Pollution Management:
 - 5.2.5 Land Contamination
 - 5.2.7 Bush Fire Prone Land
- 5.3 Protection of the Natural Environment:
 - 5.3.1 Biodiversity
 - 5.3.2 Waterways and Riparian zones
 - 5.3.4 Tree and Vegetation Preservation
 - 5.4.8 Waste Management

Part 7 – Heritage and Archaeology:

Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979

6. Public interest

The proposed works are not in the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

A handwritten signature in cursive script that reads "G. Anderson".

George Anderson
Senior Development Assessment Officer
Person on behalf of the consent authority

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means CITY OF PARRAMATTA COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Parramatta Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Sydney Central City Planning Panel.