

DEVELOPMENT APPLICATION DRAFT REASONS FOR REFUSAL

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2023/0775
Applicant:	Pacific Planning Pty Ltd Level G 16 Leavesden Place SYLVANIA NSW 2224
Property Description:	2 Bachell Avenue LIDCOMBE NSW 2141, Lot 2 DP 219413
Development:	Demolition of existing structures, construction of a mixed use development across nine-storeys with associated parking for specialised retail, high technology industries, light industrial, office and medical uses, storage units, recreation facility (indoor), food and drink premises, centre based child care facility, neighbourhood shop and an animal boarding facility. Integrated Development - sections 89 & 90(2) of the Water Management Act 2000.
Determined by:	Sydney Central City Planning Panel

REASONS FOR REFUSAL

1. That Council is not satisfied that the applicant's written request to vary the Development Standard relating to the Floor Space Ratio as contained within Clause 4.4 of Cumberland Local Environmental Plan 2021 and has not adequately addressed the matters to be demonstrated by Clause 4.6(3). The justification provided in the Clause 4.6 "Exception to development standards" is not well founded.
2. The Floor Space Ratio identified in the application as 3.24:1 is incorrect as it excludes areas that should be included as Gross Floor. Therefore, the Clause 4.6 has not adequately addressed the actual breach relating to the Floor Space Ratio.
3. The proposed development is in breach of the car parking provisions at Part C and G3 of the Cumberland Development Control Plan, Guide to Traffic Generating Developments and the proposal does not provide for the required number of car parking spaces on-site to service the development.
4. Insufficient information has been submitted to enable a full and thorough assessment of the development against the stormwater drainage provisions at Part G4 Stormwater and Drainage of Chapter G Miscellaneous Development Controls of the Cumberland Development Control Plan 2021 for the following reasons:
 - a. In accordance with the Section 2.5 and 2.7 Cumberland DCP2021 Part G4, the development must incorporate the Water Sensitive Urban Design (WSUD) measures to comply with the controls outlined therein and achieve the pollutant removal targets. The WSUD measure must accompany a MUSIC Model.
 - b. No details have been provided. The submitted plans lacks sufficient information to demonstrate functioning of the system and meets objectives.

In this regard, Clause 6.4(1)(d) Essential services of Cumberland Local Environmental Plan 2021 has not adequately addressed the stormwater drainage.

5. Insufficient information has been submitted on the stormwater plan that details for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention (OSD) Policy", the "Stormwater and On Site Detention Drawing Submission Checklist" and the

“Upper Parramatta River Catchment Trust’s On-site Stormwater Detention Handbook”. The stormwater plan lacks sufficient details addressing the following matters.

- a. Details of the proposed tanked system for preventing infiltration of subsoil water into the basement are to be provided.
 - b. The runoff from the site shall undergo water quality treatment system. In this regard, sufficient cross-sectional and long-sectional details of the underground tank and the water quality treatment system shall be prepared demonstrating that the incorporation of the water quality treatment system into the On-site detention (OSD) system are hydraulically functional as intended and achieve water flow control and pollution removal targeted objectives.
 - c. The OSD design and storage capacity shall be sufficient to account for additional OSD storage volume due to the proposed submerged orifice condition. The submitted design calculation overestimates orifice size and under estimate the storage requirements.
 - d. The catchment area that drains into the OSD system and the area that bypass the OSD system must be delineated on the Stormwater layout plan and the area (in m²) shown on the plan.
6. Insufficient information has been submitted to adequately address the proposed traffic related alteration at the intersection of the Rawson Street and Bachell Avenue. In this regard, the applicant has not provided sufficient information regarding the proposed roundabout design in accordance with the Council’s requirements, the required road widening and management plan, and relevant information associated with the alteration works at the intersection.
 7. The matters raised by the Design Excellence panel have not been adequately addressed particularly the layout of the various uses, wayfinding and site access.