

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA14/0027
Description of development:	Proposed Subdivision to Create 9 x Residential Allotments
Classification of development:	N/A

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 68289
Property address:	1439 A Old Castlereagh Road, CASTLEREAGH NSW 2749

### DETAILS OF THE APPLICANT

Name & Address:	Penrith Lakes Development Corporation Ltd PO Box 457 CRANEBROOK NSW 2749
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### DECISION OF CONSENT AUTHORITY

Penrith Council has determined to refuse to grant consent to the subject development application. In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, the reasons for refusal to grant consent are in Attachment 1.

Date of this decision	8 July 2014
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### POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Gavin Cherry
Contact telephone number:	(02) 4732 8125

## NOTES

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### Reasons

The reasons for refusal in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

### Reasons for refusal

Your attention is drawn to the attached reasons for refusal in attachment 1.

### Certification and advisory notes

It is recommended that you read any Advisory Note enclosed with this notice of determination.

### Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

### Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

### Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

## SIGNATURE

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Name:	Gavin Cherry
Signature:	

For the Development Services Manager

## ATTACHMENT 1 : REASONS FOR REFUSAL

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1. The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act for the following reasons:-
  - The proposed development is not a permissible form of development having regard to Clause 4, 7 and 8 of State Environmental Planning Policy (Penrith Lakes Scheme) 1989; and
  - Clause 2(2)(c) (Aims / Objectives) of the SEPP seeks to permit the identification of land which may be rezoned for urban purposes but does not itself permit development for urban purposes.
2. The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act as the application has not sufficiently demonstrated that contamination and remediation, acoustic impacts, site drainage and precinct wide flood management matters have been sufficiently addressed.
3. The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act as the application has not demonstrated the site is suitable for the proposed development with respect to contamination and remediation investigations, acoustic impacts, site drainage and flood management.
4. The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act as the application has not sufficiently demonstrated that the land is suitable for the proposed development with regard to State Environmental Planning Policy No. 55 - Remediation of Land
5. The application is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the aims, objectives and development standards within Penrith Development Control Plan 2006.
6. The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act in terms of likely impacts resulting from the development with respect to flood management, lagoon management, protection of critical vegetation and threatened biodiversity, contamination testing and potential remediation.
7. The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act as the site is not considered to be suitable for the proposed development due to likely environmental and social impacts resulting from the proposed works and the need for further strategic investigation (master planning and structure planning) to ascertain appropriate locations for intensified urban development within the Penrith Lakes Scheme.
8. The application is not satisfactory for the purpose of Section 79C(1)(d) of the Environmental Planning and Assessment Act due to matters raised in the received submissions.
9. The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act as the proposal is not considered to be in the public interest.