

DEVELOPMENT APPLICATION DRAFT REASONS FOR REFUSAL

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2023/0130
Applicant:	J Cosgrove, Mr C Zincirci
Property Description:	109A Church Street LIDCOMBE NSW 2141, Lot 1 DP 778492
Development:	Demolition of existing buildings and construction and operation of an organic waste transfer station. Integrated Development - Section 43(b) of Protection of the Environment Operations Act 1997. The proposal is Designated Development under the provisions of the Environmental Planning and Assessment Regulation 2021
Determined by:	Sydney Central City Planning Panel

Reasons for Refusal

The Application has been refused on the following grounds:

- 1. NSW Environment Protection Authority – Concurrence**
Concurrence has not been received from the NSW Environment Protection Authority due to insufficient information submitted.
- 2. Sydney Trains – Concurrence**
In accordance with *s4.47(4) of the Environmental Planning & Assessment Act 1979* the application must be refused as Sydney Trains were unable to provide their concurrence due to works within Sydney Train's easement and potential impacts to electrical assets.
- 3. Insufficient Information**
Insufficient information has been submitted with the development application to allow a proper and thorough assessment of the likely impacts of the proposed development or the suitability of the site to accommodate the proposed development. (*Environmental Planning and Assessment Act 1979 s4.15(1)(a)*).
- 4. Adverse Impact on Adjoining Properties**
The proposed development will have an adverse environmental impact in the locality as it fails to demonstrate the likely adverse impacts on amenity of adjoining properties can be effectively mitigated. (*Environmental Planning and Assessment Act 1979 s4.15(1)(b)*).
- 5. Inconsistent with objectives of the E4 General Industrial zone under the Cumberland Local Environmental Plan 2021**
The proposal is not consistent with the objectives of the E4 zone under the Cumberland Local Environmental Plan 2021 as the proposal has not demonstrated that the development minimises any adverse effect on other land uses given the adjoining residential areas and outstanding environmental issues. (*Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)*).
- 6. Inconsistent with Requirements of DCP**
The proposed development does not comply with the provisions of the Cumberland Development Control Plan 2021, including:
 - *Part D – Development in Industrial Zones, specifically Part 2.12 Operational Management.*

- *Part G3 – Traffic, Parking, Transport & Access (Vehicle)*, specifically *Part 4.5 Development in Industrial zones – Control C5*.
- *Part G5 - Sustainability, Biodiversity and Environmental Management*, specifically *Part 2.4 Air quality*
(*Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)*).

7. Public Interest

The circumstances of the case and the public interest (*Environmental Planning and Assessment Act s4.15(1)(e)*).