

Notice of Refusal of Modification Application

Section 4.16 and Section 4.33 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces, I refuse the Modification Application referred to in Schedule 1 for the reasons set out in Schedule 2 under section 4.16 and 4.33 of the *Environmental Planning and Assessment Act 1979*.



Keiran Thomas
Director – Regional Assessments

10 January 2024

Sydney

Development consent: **DA 9876** granted by the Land and Environment Court on 31 March 2022
For the following:

- Torrens title subdivision of three lots into four environmental lots and one residual lot;
- subdivision of the residual lot into 93 Community title lots and one community association lot;
- thirteen (13) development stages;
- earthworks to achieve the final site levels;
- construction of internal roads, including a slip lane to Old Castlereagh Road, footpaths and shared pathways and infrastructure to be dedicated to Council;
- landscaping works including removal of 36 trees and certain vegetation and planting of new trees and vegetation; and
- freestanding advertisement signage.

Applicant: Great River NSW Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 14-98 Old Castlereagh Road, Castlereagh, Lots 1, 2 and 3 in Deposited Plan 1263486

Modification: DA 9876-Mod-1

Deletion of condition C23(b) requiring the provision left turn deceleration lane from Castlereagh Road to Lugard Street at Stage 9.

SCHEDULE 2

The reasons for refusing the modification application are:

- a) The modification does not satisfy the matters for consideration contained in section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, particularly:
 - i. clause b) the modification has not demonstrated that the traffic impacts of the removal of condition C23(b) are acceptable.
 - ii. clause e) the development is not considered to be in the public interest.
- b) The modification does not satisfy the matters for consideration contained in clause 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021 with respect to:
 - i. clause 2.122(4)(b)(ii)(a) - the accessibility to the site is decreased in terms of the efficient movement of people and freight to and from the site as a result of the deletion of condition C23(b)
 - ii. clause 2.122(4)(b)(iii) - there is an increase in potential traffic safety and road congestion implications as a result of the deletion of condition C23(b)