

ATTACHMENT 1 – RECOMMENDED REASONS FOR REFUSAL (PPSSTH-540 – DA 26/0352)

1. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to enable the consent authority to determine whether the site is suitable for the proposed development, having regard to the requirements of section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021.
2. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, in the absence of concurrence from WaterNSW, insufficient information has been provided to demonstrate that the proposed development will achieve a Neutral or Beneficial Effect on water quality within the Sydney Drinking Water Catchment, as required by Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application does not include any assessment addressing the interface between the proposed development and the adjoining rail corridor, including potential operational or traffic-related impacts associated with the development's proximity to rail infrastructure as required under Section 2.98 – Development adjacent to rail corridors under chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
4. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, no supporting information has been provided to demonstrate that the potential safety impacts of the proposed development, including any risks to the integrity and operation of the gas infrastructure as required under section 2.77 – Determination of development applications adjacent to land in a pipeline corridor under chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
5. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate compliance with section 3.2 (Development consent for non-residential development) of Chapter 3 of the State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP).
6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to ensure that the proposed development is consistent with the following objectives of the E4 General Industrial zone under the Wingecarribee Local Environmental Plan 2010.
 - *To minimise any adverse effect of industry on other land uses.*
 - *To ensure new development and land uses incorporate measures that take into account the spatial context and mitigate potential impacts on neighbourhood amenity and character and the efficient operation of the local and regional road system.*
7. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to ensure that the proposed development is consistent with the following clauses under the Wingecarribee Local Environmental Plan 2010:
 - 5.21 Flood Planning
 - 7.3 Earthworks
 - 7.5 Natural resource sensitivity – water

8. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with the Objectives and Controls as they relate to the following provisions of the Moss Vale Enterprise Corridor Development Control Plan:
 - 3.1 Land Use
 - 3.4 Building sitting and design
 - 3.5 Energy Efficiency
 - 3.9 External lighting
 - 3.10 Landscaping
 - 3.11 Utility Services
 - 3.12 Biodiversity Conservation
 - 3.15 Air Quality
 - 3.16 Flood-prone land and stormwater management
9. Pursuant to section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*, the proposed facility has a total generating capacity of approximately 80 MW and is therefore capable of supplying more than 30 MW of electrical power. The development is consequently classified as designated development under Clause 7 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2021*. Notwithstanding this classification, the development application has not been lodged as designated development and has not been accompanied by the statutory documentation, assessment processes, and public notification procedures required under the Act for designated development.
10. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the application does not provide sufficient information to determine that the development is unlikely to have an adverse impact on both the natural and built environments in the locality.
11. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the application lacks sufficient information to demonstrate that the site is suitable for the proposed development.
12. Pursuant to section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been provided to address substantiated concerns raised in submissions made in accordance with the Act.
13. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development is not in public interest.