

REASONS FOR REFUSAL WITHOUT PREJUDICE

1. Concurrence has not been received from the Office of Environment and Heritage in accordance with *Threatened Species Conservation Act 1995* (s. 79B(3) *EP&A Act 1979*).
2. The development fails to satisfy State Environmental Planning Policy No.44 Koala Habitat Protection and the Port Stephens Koala Plan of Management. The development results in the fragmentation of fauna corridors and will result in unacceptable impacts to Koalas in the Tomago Sandbed locality (s.79C(1)(a)(i) *EP&A Act 1979*).
3. The development is inconsistent with the aims and clause 8 of State Environmental Planning Policy No.71 Coastal Protection as; the site is not suitable (cl.8 (d)), the development does not ensure the conservation of animals, plants, and their habitats (cl.8(g)), the proposal impacts to existing wildlife corridors (cl.8(i)), and the cumulative impacts of the development on the environment are unacceptable (cl.8(p)(i)) (s. 79C(1)(a)(i) *EP&A Act 1979*).
4. The development does not conform with the provisions of the *Port Stephens Local Environmental Plan 2013*. The development has not been designed and sited so as to reasonable manage or mitigate adverse impact to the drinking water catchment (cl.7.8(4)). Further, the development fails to incorporate appropriate measures to manage risk to life and flood for the lots proposed in Stage One (cl.7.3) (s. 79C(1)(a)(i) *EP&A Act 1979*).
5. The development fails to conform to the controls contained within the Port Stephens Development Control Plan. The development; results in a unreasonable maintenance burden to council (Part B1), has not provided suitable stormwater infrastructure for water quality management (Part B2), and results in unacceptable impacts to vegetation and koala habitat (Part B2) (s.79C(1)(a)(iii) *EP&A Act 1979*).
6. The development has the potential to adversely impact upon the environment and ecology and therefore the site is not suitable for the development (s. 79C(1)(c) *EP&A Act 1979*).
7. The development is inappropriate for the site given existing site constraints and is therefore not in the public interest (s. 79C(1)(e) *EP&A Act 1979*).