**REASONS FOR REFUSAL – DA/1750/2022 – PPSHCC-146**

**Reason 1**

The proposal has failed to demonstrate that it is permissible in accordance with Clause 16 of Schedule 1 (Additional permitted uses) of *Central Coast Local Environmental Plan 2022.* Council is not satisfied that under the proposal tourist and visitor accommodation will remain the dominant use on the land as a whole as required by the clause.

**Reason 2**

The development does not achieve the zone objectives of the SP3 Tourist zoning of the Central Coast Local Environmental Plan 2022:

1. The proposal has not demonstrated the provision of limited permanent accommodation in the form of a mixed use development. On the contrary the number of proposed residential units (98) and gross floor area exceeds the proposal for tourist accommodation (97).
2. The application has not demonstrated how the proposal protects or enhances the natural environment. On the contrary Council has concerns about potential impacts on threatened ecological communities and coastal wetlands.

**Reason 3**

The development has not demonstrated the permissibility of ancillary works in either RE2 zone or C3 Environmental Management zone of the *Central Coast Local Environmental Plan 2022.*

**Reason 4**

The development does not achieve the zone objectives of the C3 Environmental Management zoning of the Central Coast Local Environmental Plan 2022 as the removal of vegetation is not consistent with the zone objectives.

**Reason 5**

The proposal is inconsistent with the approved master plan for the site which identifies a maximum three storey building on the site for the purposes of tourist accommodation.

**Reason 6**

The proposal fails to promote a high standard of urban design that responds appropriately to the existing or desired future character of the area which is an aim of the Central Coast Local Environmental Plan 2022. The height, scale, form and density of the development is not acceptable within the locality having regard for existing development in the area and will result in adverse visual impacts.

**Reason 7**

The development results in the clearing of native vegetation and there is inadequate information to determine if the area of native vegetation to be cleared requires preparation of a BDAR under the *Biodiversity Conservation Act 2016.* A BDAR has not been submitted with the application.

**Reason 8**

There is inadequate information to assess the potential impacts on coastal wetlands and the coastal wetland proximity area as required by *State Environmental Planning Policy (Resilience and Hazards) 2021.*

**Reason 9**

There is insufficient information available to Council to adequately assess the impacts of the development application in accordance with the requirements of Clause 4.9 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. A Koala Assessment Report prepared in accordance with the Draft Koala Habitat Protection Guideline 2020 has not been submitted.

**Reason 10**

The proposal fails to comply with the requirements of SEPP 65 as:

1. The proposal is contrary to the 9 design quality principles.
2. The proposal is contrary to the ADG requirements with respect to context and building type, building depth, visual privacy, car parking and vehicle access, apartment size, room depth, private open space, solar access, natural ventilation, common circulation, storage, acoustic privacy, apartment mix, facades, mixed use developments, energy efficiency and waste management.

**Reason 11**

In accordance with the requirements of Clause 4.6(2) of *State Environmental Planning Policy (Resilience and Hazards) 2021* the applicant has failed to provide a report to the consent authority that specifies the findings of a preliminary investigation of the subject land in accordance with the contained land planning guidelines.

**Reason 12**

Insufficient information has been provided in relation to the following:

* 1. Acoustic assessment
  2. Social impact assessment
  3. Economic assessment
  4. Acid sulfate soils
  5. Dewatering
  6. Geotechnical constraints
  7. Aboriginal due diligence
  8. Site contamination
  9. Sewer and water
  10. Construction management – dust, odour and environmental impacts
  11. Waste management

**Reason 13**

The proposal fails to comply with the requirements of the Central Coast Development Control Plan 2022:

1. Chapter 2.3 – Residential flat buildings
   1. Building height
   2. Floor space ratio
2. Chapter 2.13 – Transport and Parking
   1. With respect to the amount of car parking provided.
3. Chapter 2.14 – Site Waste Management
   1. Not demonstrated that waste truck can enter the development
   2. Does not comply with the Central Coast Waste Control Guidelines.

**Reason 14**

The proposal will result in unacceptable impacts on the residential amenity of neighbours from:

1. Adverse visual impacts from the height, bulk and scale of the development
2. Overlooking
3. Noise impacts
4. Light overspill

**Reason 15**

The consent of the Community Association has not been provided with the application. The proposal relies on infrastructure (roads and sewerage) that are owned and operated by the Community Association. Accordingly, their consent to the application is required.

**Reason 16**

The proposal fails to comply with Clause 5.21 of *Central Coast Local Environmental Plan 2022* as it has not been demonstrated that the development incorporates appropriate measures to manage risk to life in the event of a flood.

**Reason 17**

The consent authority is not satisfied to the granting of consent in relation to Clauses 5.21 (Flood planning) and 7.6 (Essential services) of *Central Coast Local Environmental Plan 2022*.

**Reason 18**

The site is not suitable for the proposed development having regard for the provisions of Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979.*

**Reason 19**

The proposal is not in the public interest.