

APPENDIX A – REASONS FOR REFUSAL

1. The proposed development does not provide for the orderly development of the site due to insufficient car parking and access arrangements and an unacceptable waste management solution, contrary to Section 1.3 of the EP&A Act 1979.
2. The proposed development is inconsistent with the objectives and standards of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* as contained in cl.13 'floor space ratio' and cl.16A 'character of local area' [Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979].
3. The proposed development is inconsistent with the objectives and standards of the *Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* and the Apartment Design Guide (objective 4A-1) as solar access to the proposed dwellings is inadequate [Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979].
4. The proposed development is inconsistent with the objectives and standards of the *State Environmental Planning Policy (Coastal Management) 2019* as contained in cl.14 'development on land within the coastal use are' as impacts on aboriginal cultural heritage and built environmental heritage are not adequately addressed [Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979].
5. The proposed development is inconsistent with the following clauses of the *Newcastle Local Environmental Plan 2012* [Section 4.15(1)(a)(i) Environmental Planning and Assessment Act 1979].
 - a. Clause 4.3 - Height of Buildings,
 - b. Clause 4.6 - Exception to Development Standards,
 - c. Clause 5.10 – Heritage Conservation,
 - d. Clause 7.4 – Building Separation, and
 - e. Clause 7.5 – Design Excellence.
6. The proposed development is inconsistent with the following requirements of the *Newcastle Development Control Plan 2012* [Section 4.15(1)(a)(iii) Environmental Planning and Assessment Act 1979].
 - f. Section 3.03 - Residential Development - Frontage widths – the applicant has failed to demonstrate that the proposed development does not result in lot isolation.
 - g. Section 3.03 – Residential Development – Amenity and solar access – the development fails to achieve required solar access.
 - h. Section 4.05 – Social impact – the applicant has not submitted a social impact assessment or comment.
 - i. Section 5.04. – Aboriginal Heritage - An adequate aboriginal Cultural Heritage Assessment has not been provided
 - j. Section 5.05. – Heritage Items – Inadequate information with respect to heritage conservation including European and Aboriginal heritage.
 - k. Section 6.02 – Heritage Conservation Areas – The applicant has not adequately justified the extent of the contributory building to be retained.
 - l. Section 6.01 B5 – Public Art – the development is required to provide public art and no details have not been provided.

- m. Section 7.03.02 – Parking Rates - the proposed development fails to provide any car parking provision for the residential units, resulting in a significant shortfall to CN's car parking standard. Further, the proposed development fails to provide any service parking and loading areas in proximity to the site, resulting in an inadequate servicing arrangement for the proposed commercial unit.
 - n. Section 7.08 – Waste Management - The waste servicing strategy is not acceptable. Kerb side collection is proposed which will impact on streetscape amenity and adjoining bus stop.
- 7. The site is not suitable for the proposed development [Section 4.15(1)(c) Environmental Planning and Assessment Act 1979].
 - 8. The proposed development is not considered to be within the public interest [Section 4.15(1)(e) Environmental Planning and Assessment Act 1979].
 - 9. Insufficient information has been provided to facilitate the assessment and determination of the application:
 - a. Clause 4.6 Variation Requests in respect to clause 4.3 'building height' NLEP2012, clause 7.4 'building separation', and cl. 13 'floor space ratio' Affordable Housing SEPP.
 - b. Adequate aboriginal Cultural Heritage Assessment.
 - c. Heritage assessment and justification in respect to the impacts of the development upon the heritage conservation area and existing contributory building.
 - d. A site survey clearly demonstrating ground level in respect to the development site.
 - e. Plans and cost estimate report identifying the elements of the proposal which have been nominated as affordable housing.
 - f. Details of public art.
 - g. Wind tunnelling assessment.
 - h. Revised SEPP 65 Design Verification Statement in respect to the submitted amended plans.