

Attachment A: Reasons for refusal

1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposed development fails to comply with Clause 23 of the Environmental Planning and Assessment Regulation 2021 as Council, the owner of Cudgera Creek Road, has not provided written consent to the development application.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the following Aims of the Tweed Local Environmental Plan 2014:
 - a. to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents;
 - b. To promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, built environment, and cultural heritage;
 - c. to conserve or enhance the biological diversity, scenic quality and geological and ecological integrity of Tweed;
 - d. to conserve or enhance areas of defined high ecological value; and
 - e. to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to be satisfied that the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, Section 2.8, have been met and that the development will not significantly impact on:
 - a. the biophysical, hydrological or ecological integrity of the adjacent coastal wetland area, or
 - b. the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland area.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to be satisfied that the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2, Section 2.10, have been met and that the development and associated vegetation removal will not result in an adverse impact on significant ecological values.
5. Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to be satisfied that the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, Section 4.6, have been met in relation to potential land contamination and appropriate remediation.
6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfactorily address the provisions of Part 5 of the Tweed Coast Comprehensive Koala Plan of Management 2020, an approved koala plan of management under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
7. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed caravan park use extends into the RU1 Primary Production zone under the Tweed Local Environmental Plan 2014, where caravan parks are a prohibited land use.
8. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not align with the objectives of the RU1 Rural Landscape zone under the Tweed Local Environmental Plan 2014, particularly in protecting prime agricultural land.

9. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not align with the objectives of the RU2 Primary Production zone under the Tweed Local Environmental Plan 2014, particularly in maintaining rural character.
10. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate that the proposal is compliant with the provisions of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, particularly regarding water supply and the disposal of sewage.
11. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided regarding the importation of fill as required under Clause 7.2 Earthworks of the Tweed Local Environmental Plan 2014.
12. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided regarding the flood impacts of the development as required under Clause 5.21 of the Tweed Local Environmental Plan 2014.
13. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided as an acid sulfate soil management plan has not been provided as required under Clause 7.1 of the Tweed Local Environmental Plan 2014.
14. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to determine that the proposal incorporates adequate arrangements for the provision of essential services including suitable access, supply of water and the disposal and management of sewage as required under Clause 7.10 Essential Services of the Tweed Local Environmental Plan 2014.
15. Pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy Section A19 Biodiversity and Habitat Management of the Tweed Development Control Plan 2008 in relation to the avoidance, protection and management of red flagged biodiversity values.
16. Pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy Section B21 Pottsville Locality Based Development Code of the Tweed Development Control Plan 2008 as the proposed development conflicts with Pottsville's character.
17. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will likely result in an unacceptable impact on the environmental attributes of the land in regards to flora and fauna.
18. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application does not provide sufficient information to determine the likely impacts associated with the proposed development including in relation to contamination, flooding, traffic, bushfire and land use conflict.
19. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the assessment of the proposal has had regard to the 155 community submissions objecting to the proposal and the issues raised have not been adequately addressed or mitigated.
20. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, for the reasons particularised above, the proposed development is not in the public interest.