

## Recommended Reasons for Refusal

1. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory having regard to the matters for consideration under section 147(1) of State Environmental Planning Policy (Housing) 2021, for the following reasons:
  - a. The proposed development is inconsistent with the applicable design principles under Schedule 9 of the State Environmental Planning Policy (Housing) 2021, including but not limited to those relating to context and neighbourhood character, built form, and landscape.
  - b. The proposed development is inconsistent with the Apartment Design Guide, including but not limited to the Objectives of Part 3G (Pedestrian access and entries), Part 3J (Bicycle and car parking), Part 4P (Planting on structures), and Part 4Q (Universal design).
2. Pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development has not adequately demonstrated that stormwater impacts can be appropriately managed and is therefore inconsistent with the requirements Byron Shire Development Control Plan 2014, Chapter B3 Services, Part B3.2.3 Stormwater Management.

In particular:

- a. The submitted stormwater modelling is unreliable, as the DRAINS and MUSIC models do not accurately reflect the proposed stormwater system or site conditions. The DRAINS model does not appropriately represent the hydraulic behaviour of the proposed outlet configuration, and the MUSIC model relies on treatment areas and detention assumptions that cannot be physically achieved on site. As a result, Council cannot be satisfied that the modelling accurately predicts system performance or demonstrates compliance with stormwater management requirements.
- b. The stormwater system is inadequately resolved and contains internal inconsistencies between flow management and water quality outcomes. The lack of extended detention, high-flow bypass, and reliance on podium-level surcharge pits creates an unacceptable risk of poor system performance and localised flooding during heavy rainfall events.
- c. The stormwater system design conflicts with the approved landscaping concept, which proposes substantial soil depths and mature vegetation on the podium. The modelling does not account for these elements or their potential impacts on drainage infrastructure, raising concerns about the long-term functionality and effectiveness of the stormwater system.

3. Pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Byron Shire Development Control Plan 2014, Chapter E5 Certain Locations in Byron Bay and Ewingsdale, Part E5.5 Habitat.

In particular:

- a. The loss of a key internal pedestrian connection through Precinct 1 is inconsistent with the adopted Precinct Plan under Part E5.5.3.4 and undermines the permeability and desired future character of the Habitat precinct.
  - b. The podium-based built form is inconsistent with Part E5.5.4.3 Building Design, as it introduces excessive visual bulk and does not reflect the Byron vernacular style or design principles envisaged for Habitat.
  - c. The proposal is inconsistent with Part E5.5.4.6, as it has not been demonstrated that the proposed stormwater management system can achieve appropriate water quality and flow outcomes consistent with the principles of integrated Water Cycle Management and Water Sensitive Urban Design.
4. Pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Byron Shire Development Control Plan 2014, Chapter D1 Residential Accommodation in Urban, Village and Special Purpose Zones, Part D1.10.6 'Site Facilities', because the proposal does not incorporate car washing bays or sufficiently justify why such facilities are not required.
  5. Pursuant to section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to result in significantly adverse impacts on the built environment and streetscape character of the locality.

In particular:

- a. The podium-based design results in excessive visual bulk at ground level, which is inconsistent with the established and desired future built form character of the locality and detracts from the quality of the public domain.
  - b. The proposed removal of Penny Lane and its replacement with a large at-grade car parking area would unreasonably diminish pedestrian permeability and internal site connectivity, thereby adversely affecting urban design outcomes for the site.
  - c. Insufficient information has been provided to demonstrate proper functioning of the stormwater detention and filtration system which could potentially result in localised flooding and poor water quality outcomes if the system does not function effectively.
6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the proposal would set an undesirable precedent and is contrary to the public interest.