

Attachment A: Draft Reasons for Refusal

1. The application is not satisfactory having regard to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* because it is contrary to the considerations under clause 2.10 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, relating to development on land within the coastal environment area, given that the proposal is likely to cause an adverse impact in relation to fauna and their habitats.
2. The application is not satisfactory having regard to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* because it is contrary to objectives of the R5, RE1, RE2, C2 and C3 Zone Objectives under Part 2 of *Byron Local Environmental Plan 2014* for the following reasons:
 - (a) Zone R5 Large Lot Residential
The proposal would have a significant impact in terms of preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
 - (b) Zone RE1 Public Recreation
The proposal would have a significant impact in terms of protection and enhancement of the natural environment for recreational purposes.
 - (c) Zone RE2 Private Recreation
The proposal would have a significant impact in terms of protection and enhancement of the natural environment for recreational purposes.
 - (d) Zone C2 Environmental Conservation
The proposal would have a significant impact in terms of:
 - (i) protection, management and restoration of areas of high ecological, scientific, cultural or aesthetic values; and
 - (ii) potential for damaging or otherwise having an adverse effect on those values.
 - (e) Zone C3 Environmental Management
The proposal would have a significant impact in terms of protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic values.
3. The application is not satisfactory having regard to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* because it is contrary to prescriptive measure 9 of E8.10.5.1 Biodiversity and Vegetation Management of *Byron Shire Development Control Plan 2014* – Chapter E8 – West Byron Urban Release Area which states that the keeping of cats and dogs other than guide dogs is to be prohibited.
4. The application is not satisfactory having regard to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* because it is contrary to the objectives of E8.10.5.1 Biodiversity and Vegetation Management of *Byron Shire Development Control Plan 2014* – Chapter E8 – West Byron Urban Release Area in relation to potential impacts with respect to:
 - (a) Protecting biodiversity values of the site
 - (b) Maintaining or improving the ecological functions and values of Belongil Creek
 - (c) Environmental buffers to sensitive ecological areas
 - (d) Improving koala ecological values on the site.

5. The application is not satisfactory having regard to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* because it is contrary to the performance criteria of E8.10.5.1 Biodiversity and Vegetation Management of *Byron Shire Development Control Plan 2014* – Chapter E8 – West Byron Urban Release Area in relation to potential impacts with respect to:
 - (a) Protection of potential and core koala habitat areas from development that would compromise habitat quality and integrity and enhance koala habitat to provide connectivity links to facilitate the natural movement of koalas.
 - (b) Protect, maintain and enhance key habitat corridors to improve linkages between habitats.
 - (c) Mitigation of direct and indirect impacts of development.
6. The application is not satisfactory having regard to section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* because of the likely significant ecological and biodiversity impacts of the development as modified including environmental impacts on the natural environments.
7. The application is not satisfactory having regard to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* because the suitability of the site has not been demonstrated for the development as modified.
8. The application is not satisfactory having regard to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* because approval of the application in spite of the significant environmental, ecological and biodiversity impacts would not be in the public interest.