

ATTACHMENT A: REASONS FOR REFUSAL

1. The proposed development is inconsistent with, and has not demonstrated compliance with the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
 - a. Section 2.1(a) & (b) – *Aims of chapter*, in that the proposal fails to protect the biodiversity values of trees and the amenity of the area.
 - b. Section 6.27 *Zone objectives and Land Use Table*, in that the proposal is considered inconsistent with the following:
 - *To minimise the number, scale and extent of artificial structures, considering the function of the structures.*
 - *To allow commercial water-dependent development that—*
 - c) *results in a visual outcome that is compatible with the planned character of the locality.*
 - *To minimise congestion and conflict arising from the use of waters in the zone and the adjoining foreshores.*
 - *To ensure the scale and size of development are appropriate to the locality.*
 - *To ensure the scale and size of development protect and improve the natural assets and the natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in the zone or from areas of public access.*
 - c. Section 6.9(1)(a) *Recreation and public access*, in that the proposal is considered to result in adverse impacts to the recreational uses within the Leichhardt Park foreshore.
 - d. Section 6.11(b) *Land within 100m of natural waterbody*, in that the development is not considered to minimise the conflict between land uses within the Leichhardt Park foreshore.
 - e. Section 6.28(1)(a) *General*, in that the proposal is not consistent with the principles of the Sydney Harbour in that the public good has precedence over the private good, and the protection of the natural assets take precedence over all other interests.
 - f. Section 6.28(1)(c) *General*, in that the proposal will have an adverse impact of the foreshores and waterway area including recreational uses.
 - g. Section 6.28(2)(e) *General*, the proposal has not demonstrated that the unique visual qualities are enhanced, protected or maintained, including views and vistas to and from the foreshore and waterways area, and public places.
 - h. Section 6.33(a), and (c) *Boat storage facilities*, in that the boat storage component not available for general public use.
 - i. Section 6.33(e) *Boat storage facilities*, in that the proposal has not adequately minimised the visual intrusion caused by the structure.

- j. Section 6.53(4), and (5) *Requirement for development consent*, in that the heritage interpretation plan is inappropriate to the heritage significance of the site.
2. The proposed development is inconsistent with, and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
- b. Section 1.2(2)(b), (c), and (g) - *Aims of Plan*, in that the proposal fails to conserve the natural and built heritage, reduce community risk from natural hazards, create a high quality urban place through the application of design excellence to the built environment and public domain, and prevent adverse environmental impacts on the local character of the Inner West, including cumulative impacts.
 - c. Section 2.3 Zone objectives and Land Use Table, in that the proposal is considered inconsistent with the following:
 - *To provide a range of recreational settings and activities and compatible land uses.*
 - *To protect and enhance the natural environment for recreational purposes.*
 - *To conserve, maintain and enhance biodiversity and the natural environment, including terrestrial, aquatic and riparian habitats and natural land forms.*
 - d. Section 5.10(1)(a), (1)(b) and 4 - *Heritage Conservation*, in that the heritage interpretation plan is inappropriate to the heritage significance of the site.
 - e. Section 5.21 (1)(a), (1)(b), (2)(b), (2)(e), and (3)(a) – *Flood Planning*, in that the lowering of the sea wall does not minimise the flood risk during flood events nor ensure the development is compatible with the future flood functions as a result of climate change.
 - f. 6.5(3)(a) and (3)(b) – *Limited development on foreshore area*, in that insufficient information has been provided to demonstrate the location of the proposed development and the impacts on the amenity of the area.
3. The proposed development is inconsistent with, and has not demonstrated compliance with the *Leichhardt Development Control Plan 2013*, pursuant to Section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
- b. Chapter 1.0 – *General Provisions*, as the proposal is not considered to result in safe, convenient, and efficient movements within the building and Leichhardt Park, and is not compatible with the character of the surrounding area in accordance with O2, O3, O5 and O6.
 - c. Chapter 1.13 – *Open space Design within the Public Domain*, as the proposal does not enhance the character of the neighbourhood or integrates well within Leichhardt Park and the Bay Run in accordance with O1 a., b., c., and d.
 - d. Chapter C1.11 – *Parking*, in that insufficient information has been provided to demonstrate the parking demand and traffic impacts from the whole development will result in acceptable impacts in accordance with O7, C14, C18, C23, C30, and C32.
 - e. Chapter 1.14 – *Tree Management*, in that the proposal fails to protect and retain existing trees which contribute to the canopy cover targets, biodiversity and amenity of the Inner West Local Government Area in accordance with O3, O4, O5, C8, C10, C13.

- f. Chapter 1.20 – *Foreshore Land*, as the proposal leads to visual congestion and is incompatible with the surrounding landscape, in accordance with O1 b., c., and e.
 - g. Chapter 2.2.4.4 – *Iron Cove Parklands Distinctive Neighbourhood*, as the proposal is inconsistent with the desired future character given the creation of a new building in accordance with O1, C1 and C2.
 - h. Part E – *Water*, as the lowering of the sea wall does not minimise the flood risk and foreshore risk during flood events in accordance with O5 and O8.
- 4. The proposal fails to meet the land use definition of a community facility. Community facilities are not permitted to include retail components, and the inclusion of a kiosk is contrary to the land use definition.
- 5. The proposed development will result in adverse built environment impacts in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
- 6. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
- 7. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.