

# 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 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—*
      1. *results in a visual outcome that is compatible with the planned character of the locality.*
    - *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.*
  - b. 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.
  - c. Section 6.28(1)(c) *General*, in that the proposal will have an adverse impact of the foreshores and waterway area including recreational uses.
  - d. 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.
  - e. Section 6.33(e) *Boat storage facilities*, in that the proposal has not adequately minimised the visual intrusion caused by the structure.
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:
  - a. Section 1.2(2)(b), (c), and (g) - *Aims of Plan*, in that the proposal fails to conserve the natural and built heritage, 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.
  - b. 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.*
- c. 6.5(3)(a) and (3)(b) – *Limited development on foreshore area*, in that the location of the proposed development adversely 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:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
- 4. 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*.
- 5. 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*.
- 6. 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*.