

Attachment 7 – Recommended Reasons for Refusal

DA22/0214 – 6-8 Wiseman Road, Bowral

1. The proposed development does not satisfy the objectives of the C3 Environmental Management zone under the provisions of the Wingecarribee Local Environmental Plan 2010 as the scale and density of the development proposed is considered to be inconsistent with the aesthetic values of the existing landscape and development in the area.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

2. Insufficient information has been submitted to demonstrate the site is suitable for its intended use in accordance with clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021. No Preliminary Site Investigation or Detailed Site Investigation has been submitted to demonstrate the site is suitable for its intended use.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

3. Insufficient information has been submitted to demonstrate that the development (and each relevant stage) will have a neutral or beneficial effect (NorBE) on water quality in the Sydney Drinking Water Catchment Area in accordance with Chapter 8 of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

4. Insufficient information has been submitted to demonstrate that the development will not impact on koalas or potential koala habitat in accordance with clause 11 of State Environmental Planning Policy (Koala Habitat Protection) 2021. No information prepared by a suitably qualified person that demonstrates that the site does not contain core koala habitat and will not impact on koalas or potential koala habitat has been submitted.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

5. The proposed development does not satisfy the requirements of Section C8.3 of the Bowral Township Development Control Plan relating to neighbourhood amenity and streetscape as follows:

- The design of the proposed development does not reflect the desirable elements of the locations current character or contribute to the quality and identity of the area.
- The proposed development does not provide setbacks that are consistent with existing development in the area resulting in an increase in scale and bulk of built form within the area.
- The proposed development involves the removal of existing significant vegetation to accommodate the proposed built form.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

6. The proposed development does not satisfy the requirements of Section C8.4 of the Bowral Township Development Control Plan relating to visual and acoustic privacy as the proposed dwellings have not been sited and designed to provide adequate visual and acoustic privacy for residents.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

7. The proposed development does not satisfy the objectives and requirements of Section 23 of the Bowral Township Development Control Plan relating to the Wiseman Precinct as follows:

- The proposed development does not reflect the desired transition between the urban interface of developments located to the north of Boardman Road and the rural landscape setting located to the south of Wiseman Road.
- The design of the development provides a significant increase in the density of development within the area with reduced setbacks between dwellings and the road frontages.
- The development does not appropriately recognise the desirable elements of the location's current character or contribute to the quality and identify of the area by providing a built form, scale and density that is compatible with existing development in the area or the C3 zoning of the site and adjoining land.
- Insufficient information has been submitted with the application to demonstrate that at least 45% of the site is landscaped area.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

8. Insufficient information has been submitted with the application to satisfy the requirements of Section C8.5 of the Bowral Township Development Control Plan relating to solar access and design for climate as no Shadow Diagrams or solar access study was submitted.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

9. Insufficient information has been submitted with the application to satisfy the requirements of Section C8.7 of the Bowral Township Development Control Plan relating to accessibility as no specific details on pedestrian accessibility within the development has been submitted as part of the development and therefore the consent authority cannot be satisfied that the development provides a safe environment for pedestrians within the site or surrounding area.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

10. The proposed development does not satisfy the objectives of Section A2.2.4 of the Bowral Township Development Control Plan relating to residential amenity as it is not sympathetic to existing or desired neighbourhood character of the area and does not positively contribute to the enhancement of the urban amenity.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

11. The proposed development does not satisfy the objectives of Section A2.2.6 of the Bowral Township Development Control Plan relating to visual amenity as it does not enhance the

character of the area and the proposed private open space areas do not make a positive contribution to the overall visual amenity of the locality.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)].

12. The proposed development will have an adverse environmental impact on the character and residential amenity in the locality as the scale and density of development is inconsistent with the existing and desired future character of the area.

[Environmental Planning and Assessment Act 1979 s4.15(1)(b)].

13. The subject site is not considered to be suitable for the scale and density of development proposed.

[Environmental Planning and Assessment Act 1979 s4.15(1)(c)].

14. Insufficient information has been submitted with the development application to address the issues raised in the public submissions received during public notification of the application.

[Environmental Planning and Assessment Act 1979 s4.15(1)(d)].

15. The proposed development is not in the public interest.

[Environmental Planning and Assessment Act 1979 s4.15(1)(e)].