

DATE OF DETERMINATION	8 April 2025
DATE OF PANEL DECISION	8 April 2025
DATE OF PANEL MEETING	2 April 2025
PANEL MEMBERS	Chris Wilson (Chair), Juliet Grant, Grant Christmas, Russell Fitzpatrick, Mitchell Nadin
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by videoconference on 2 April 2025, opened at 3pm and closed at 3:40pm.
Papers circulated electronically on 24 March 2025.

MATTER DETERMINED

PPSSTH-327 – Bega Valley – DA2023.338 at 19-21 Weecoon Street, Eden (Lot 50 in DP 1109545) - 3 Lot subdivision with a mixed-use development on proposed Lot 1 and associated stormwater works (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Contravention of a development standard:

The panel considered a written request from the applicant, made under cl 4.6 (3) of the *Bega Valley Local Environmental Plan 2013 (BVLEP)*. The request sought to demonstrate that:

- a) compliance with cl. 4.3 (Height of buildings) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

However, the panel was not satisfied that the applicant's written request adequately addressed the matters required to be addressed under cl 4.6 (3) of the BVLEP. The panel considered that the proposal in its current form is inconsistent with the objectives of the zone noting both the existing built form, and desired future character of the area. Furthermore, the panel considers that the overall design of the proposal has failed to acknowledge and respond appropriately to the constraints of the site, particularly given its prominent coastal location. The panel concluded that the written request did not demonstrate that compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances.

Development application

The panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined not to uphold the request to contravene the development standard under Clause 4.6 (cl 4.3 Height of buildings) and refuse the application for the reasons contained in schedule 2.

The panel was satisfied that Council had undertaken a thorough assessment of the material available as required under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The panel noted that the applicant had failed to respond in any way or form to the request for information (RFI) issued by Council in mid-2024. The request sought a response to a range of outstanding matters including those raised by the community.

Furthermore, the panel was of the view that the urgent need for housing of all types in NSW did not abrogate the applicant's responsibility to address the range of legislative requirements applicable to the assessment and determination of the DA.

CONDITIONS



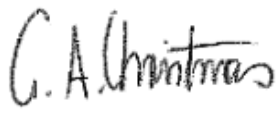


Council recommended refusal and therefore no conditions of consent were prepared.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that key issues of concern included:

- Compliance with Snug Cove Masterplan regarding quality/ access to public domain, height/ scale of development/ building type, car parking,
- Visual impact – on coastline/ the lookout residences and loss of village character
- View loss/ inadequate assessment of impacts / visual permeability
- Impact / reliance on on-street car parking and lack of details regarding footpath provision and treatment, spatial extent of new on-street car parking, future parking/ time restrictions and impact on residents
- Excessive building height
- Interface with adjoining properties regarding retaining walls
- Compatibility with existing residential development in terms of density and coastal character
- Impacts on coastal environment from stormwater runoff and increased flooding
- Overshadowing from the development onto adjoining residential properties
- Loss of mature foreshore trees and lack of accurate identification of vegetation impacted
- Potential economic impacts on existing businesses as a result of the proposed café and lack of assessment to determine impacts/ viability with two other incomplete developments in the town creating a negative perception

The panel considered that concerns raised by the community had not been adequately addressed which in part informed the Council's recommendation for refusal.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 Mitchell Nadin
 Russell Fitzpatrick	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-327 – Bega Valley – DA2023.338
2	PROPOSED DEVELOPMENT	3 Lot subdivision with a mixed use development on proposed Lot 1 and associated stormwater works.
3	STREET ADDRESS	19-21 Weecoon Street, Eden (Lot 50 in DP 1109545)
4	APPLICANT/OWNER	Applicant: Benn Lane C/- HDC Planning Owners: Hank Pty Ltd, DC Peters, Ludeman Pty Ltd, and others (not specified)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings Bega Valley Local Environmental Plan 2013 Draft environmental planning instruments: <ul style="list-style-type: none"> Housing Diversity Planning Proposal – various additions to BVLEP 2013 - Amendment No 43 (gazetted 5 July 2024) - Introduced Clause 6.19 and Clause 6.20 in relation to Diverse Housing and Adaptable Housing Development control plans: <ul style="list-style-type: none"> Bega Valley Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 22 March 2025 List any clause 4.6 variation request re clause 4.3 (Height of buildings) Written submissions during public exhibition: 19 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Speakers: Frazer East (Ciceast), Dr Suyin Tan Council's assessing officer- Michael Brewer (415 Urban Planning) On behalf of the applicant – Benn Lane (Justice Fox Property Group) Total number of unique submissions received by way of objection: 19
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 16 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Russell Fitzpatrick, Mitchell Nadin <u>Council assessment staff</u>: Mark Fowler <u>Councils assessing officer</u>: Michael Brewer (415 Urban Planning) <u>Applicant representatives</u>: Benn Lane (Justice Fox), Ivan Kokotovic (HDC Planning), Ali Murray (Justice Fox) <u>DPIE</u>: Amanda Moylan

		<ul style="list-style-type: none"> • Site inspection: 23 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Russell Fitzpatrick ○ <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock ○ <u>Councils assessing officer</u>: Michael Brewer (415 Urban Planning) • Final briefing to discuss council's recommendation: 2 April 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, Mitchell Nadin, Russell Fitzpatrick ○ <u>Council assessment staff</u>: Mark Fowler, Cecily Hancock, Emily Harrison, Derek Bracht ○ <u>Councils assessing officer</u>: Michael Brewer (415 Urban Planning) ○ <u>DPIE</u>: Amanda Moylan, Nikita Lange, Tracey Gillett
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable (refusal)

SCHEDULE 2 – REASONS FOR REFUSAL

1. The proposed development does not satisfy the provisions of the following clauses of the Environmental Planning and Assessment Regulation 2021:
 - Clause 23 – The application has not demonstrated that the consent of all owners of the subject land have consented to the application being made.
 - Clause 23 – The development is Integrated Development and proposes works outside the subject Site and has not demonstrated that owner's consent has been obtained from the relevant agencies or landowners.
 - Clause 25 - The application fails to provide the mandatory list of all authorities from which concurrence is required or the approvals required under Section. 4.46 of the Environmental Planning and Assessment Act 1979.
 - Clause 29(2)(b) - the Design Verification Statement does not adequately address the Design Principles or confirm how the development addresses the objectives in Parts 3 and 4 of the Apartment Design Guide.
2. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of State Environmental Planning Policy (Housing) 2021 in that it does not:
 - (a) demonstrate the relevant Design Quality Principles have been effectively considered and applied to deliver a high quality residential apartment development.
 - (b) demonstrate the Apartment Design Guide provisions relevant to Building Height, Building Depth, Building Separation, Communal Open Space, Solar Access to Communal Open Space, Deep Soil Zones, Visual Privacy, Bicycle Parking, Solar Access, Minimum Apartment Size, Minimum Private Open Space Size and Storage have been achieved.
3. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of State Environmental Planning Policy (Industry and Employment) 2021 in that sufficient, adequate and accurate information has been provided to demonstrate the provisions of *Cl.3.11 - Matters for Consideration* have been effectively considered and the proposed signage will have an acceptable level of impact
4. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 2.10(1) – Development on Land Within the Coastal Environment Area* of State Environmental Planning Policy (Resilience and Hazards) 2021 in that it does not adequately demonstrate the proposal will not have an adverse impact on:
 - The integrity and resilience of the biophysical, hydrological and ecological environment.
 - Coastal environmental values and natural processes.
 - The water quality in the marine estate.
 - Marine vegetation, native vegetation and fauna and their habitats,

undeveloped headlands and rock platforms.

- Existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.
- Aboriginal cultural heritage, practices and places.
- the use of the surf zone.

5. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 2.10 (2) – Development on Land Within the Coastal Environment Area* of State Environmental Planning Policy (Resilience and Hazards) 2021 in that the lack of sufficient, adequate and accurate information does not allow the consent authority to be satisfied:

- The development has been designed, sited and will be managed to avoid an adverse impact on the surrounding built and natural environments.
- That where an impact cannot be reasonably avoided, that the development has been designed, sited and can be managed to minimise that impact.
- That where an impact cannot be minimised, the development can be managed to minimise that impact.

6. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 2.11(1) – Development on Land Within the Coastal Use Area* of State Environmental Planning Policy (Resilience and Hazards) 2021 in that it does not adequately demonstrate the proposal will not cause an adverse impact on:

- Ensuring safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, in accordance with the established strategic planning framework and development controls for the Site.
- Views from public places to the foreshore.
- Visual amenity and scenic qualities of the coast when viewed from adjoining properties and public spaces.
- Aboriginal cultural heritage.
- European cultural and built environment heritage

7. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 2.11 (2) – Development on Land Within the Coastal Environment Area* of State Environmental Planning Policy (Resilience and Hazards) 2021 in that the lack of sufficient, adequate and accurate information does not allow the consent authority to be satisfied:

- The development has been designed, sited and will be managed to avoid an adverse impact on the surrounding built and natural environments.

- That where an impact cannot be reasonably avoided, that the development has been designed, sited and can be managed to minimise that impact.
 - That where an impact cannot be minimised, the development can be managed to minimise that impact.
 - That the proposal achieves a visual form that is consistent with the character and values of the surrounding coastal environment or adjoining built form in accordance with the established strategic planning framework and development controls for the Site.
8. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 2.12 – Development in Coastal Zone Generally— Development Not to Increase Risk of Coastal Hazards* of State Environmental Planning Policy (Resilience and Hazards) 2021 in that the proposal has not provided sufficient, adequate and accurate information regarding any proposed coastal protection works or adequately demonstrated either the subject Site or adjoining land will not be subject to an increased risk of coastal hazards.
 9. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 4.6(1) – Contamination and Remediation to be Considered in Determining Development Application* of State Environmental Planning Policy (Resilience and Hazards) 2021 in that the proposal has not demonstrated that it is suitable in its present, contaminated state, for the purpose for the intended use, or that the land will be remediated in a suitable manner before the intended use occurs without causing environmental harm, given the land requires remediation.
 10. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 2.1 – Standards for BASIX development and BASIX optional development* of State Environmental Planning Policy (Sustainable Buildings) 2022 in that there has been no verification that the submitted BASIX Certificate satisfies the prescribed standards contained in Schedule 2 or that it relates to the submitted plans, or that the single phase air conditioning units with a 3.5 star rating stated in the Certificate are to be provided, given the omission of any relevant details on the plans.
 11. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the applicable provisions of *Cl. 3.2 – Development consent for non-residential development* of State Environmental Planning Policy (Sustainable Buildings) 2022 in that the proposal does not demonstrate how the following matters prescribed in subclause (1) have been considered and addressed:
 - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials.
 - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology.
 - (c) a reduction in the reliance on artificial lighting and mechanical heating and

cooling through passive design.

- (d) the generation and storage of renewable energy.
- (e) the metering and monitoring of energy consumption.
- (f) the minimisation of the consumption of potable water.

12. The proposed development does not satisfy the applicable provisions of *Chapter 2 - Infrastructure* of State Environmental Planning Policy (Transport and Infrastructure) 2022 in that it does not demonstrate the proposal will satisfy the relevant provisions relating to *Subdivision 2 - Development Likely to Affect an Electricity Transmission or Distribution Network* of *Division 5 – Electricity Transmission or Distribution* in that the applicant has not complied with the request from Essential Energy as the electricity supply authority to submit a Network Encroachment Form for approval.
13. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it is incompatible with the general character and amenity of the surrounding locality, which does not satisfy the following specific aims of the Bega Valley Local Environmental Plan 2013:
 - (a) *to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change.*
 - (b) *to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology.*
 - (c) *to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors.*
 - (e) *to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley.*
 - (f) *to provide opportunities for a range of housing choices, including affordable and adaptive housing, in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities.*
 - (h) *to identify and conserve the Aboriginal and European cultural heritage of Bega Valley.*
 - (i) *to restrict development on land that is subject to natural hazards.*
 - (j) *to ensure that development has minimal impact on water quality and environmental flows of receiving waters.*
14. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it does not satisfy the objectives of the MU1 Mixed Use zone under the Bega Valley Local Environmental Plan 2013 as the application proposes land uses (a restaurant and a café) for which adequate and accurate information has not been provided to determine whether such uses will be contrary to the zone objectives, whether they will adversely affect the amenity of the existing surrounding

development or the residential development proposed in this application, or that their operation will not be adverse to other such similar premises within the Eden Town Centre.

15. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 4.3 – Height of Buildings, in that the proposed height of the development is excessive and inappropriate in the context of the predominant form and scale of surrounding development, and is inconsistent and incompatible with the present and likely future development, surrounding landforms and the visual setting, as well as the expressed desired future character and will not protect residential amenity, views, privacy and solar access both to and of adjoining development and within the proposal..
16. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 4.6 – Exceptions to Development Standards in that the consent authority is not satisfied the applicant has demonstrated:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.
17. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 5.10 – Heritage Conservation as the proposal will have an unacceptable adverse impact on the surrounding Heritage Items, the character of the South Imlay Street Heritage Conservation Area or that adequate due diligence has been undertaken with respect to the potential for places of Aboriginal cultural heritage.
18. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 5.21 – Flood Planning as the application does not provide sufficient, adequate and accurate information to allow the consent authority to be satisfied the Site will not be adversely affected by coastal inundation or that any works will not adversely impact on adjoining properties.
19. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 6.1 – Acid Sulfate Soils as the application does not provide sufficient, adequate and accurate information to allow the consent authority to be satisfied the Site is not affected by acid sulfate soils, which have been identified in the Snug Cove Masterplan as potentially being present.
20. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 6.2 – Earthworks

in that it fails to provide sufficient, adequate and accurate information in order for the Consent Authority to be satisfied that the proposal will not have an adverse effect on the soils and groundwater flows of the surrounding area.

21. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 6.4 – Coastal Risk in that it fails to provide sufficient, adequate and accurate information in order for the Consent Authority to be satisfied that the proposal will not be exposed to coastal risks or cause adjoining properties to likewise be exposed or alter coastal processes and the impacts of coastal hazards to the detriment of the environment.
22. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the Bega Valley Local Environmental Plan 2013 with respect to Clause 6.5 – Terrestrial Biodiversity in that it fails to provide sufficient, adequate and accurate information in order for the Consent Authority to be satisfied that the proposal will not adverse impact on the condition, ecological value and significance of the fauna and flora on the land through the clearing of vegetation and that the proposal has not been designed, sited and managed to avoid, minimise or mitigate the impacts of the development.
23. The proposed development does not satisfy the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as it fails to demonstrate compliance with the provisions of the Bega Valley Development Control Plan 2013 with respect to the following matters:
 - *Section 3.1.7 – Eden* in that the proposal results in a bulk, scale and height that is inconsistent with the existing coastal setting and well beyond that to be expected as a result of the Snug Cove Masterplan.
 - *Section 3.2 – General Requirements* in that the proposal does not satisfy the Objectives of the section, given the adverse impacts on the character of the area, conservation of the scenic qualities of the coastal landscape and foreshore, conservation of important views, vistas, landscapes and the relationships between places and the Harbour and visual impacts.
 - *Section 3.3 Specific Requirements – Mixed Use Development* insofar as the proposal (notwithstanding the lack of sufficient, adequate and accurate information) presents an unsatisfactory outcome as a consequence of the bulk, scale, height, extent of excavation and poor internal amenity, which will not achieve the identified requirements specified in relation to:
 - 3.3.1 Design
 - 3.3.2 Amenity
 - 3.3.3 Environment
 - 3.3.4 Accessibility and Adaptability
 - *Section 5 – General Development* insofar as the proposal (notwithstanding the lack of sufficient, adequate and accurate information) presents an unsatisfactory outcome as a consequence of the bulk, scale, height, extent of excavation and poor internal amenity, which will not achieve the identified requirements specified in

relation to:

- 5.1 Aboriginal Heritage
- 5.2 Non-Aboriginal Heritage
- 5.3 Access and Mobility
- 5.4 Social and Economic Impacts
- 5.5 Sustainable Design Principles
- 5.6 Tree and Vegetation Preservation
- 5.8 Planning for Hazards
- 5.9 Off Street Car and Bicycle Parking
- 5.10 – Subdivision Standards
- 5.11 – Signage and Advertising
- *Section 5 – General Development (7.6 – Snug Cove)* insofar as the proposal (notwithstanding the lack of sufficient, adequate and accurate information) fails to comply with the following provisions of the Snug Cove Masterplan:
 - *Objectives* in that it does not provide access to the foreshore of Yallumgo Cove in the manner sought; retain the identified vegetation; or adequately take into account coastal processes.
 - Existing Character and Future Character Statement
 - Natural Setting, Views and Foreshore links – Principles and Controls
 - Pedestrian & vehicular access & circulation linkages - Principles and Controls
 - Character Statement – Future
 - Natural Setting - Principles, Controls and the Plan
 - Views and Visual Character - Principles, Controls and the Plan
 - Activities and Uses - Principles, Controls and the Plan
 - Open Space and Public Facilities - Principles, Controls and the Plan
 - Pedestrian Access and Circulation - Principles, Controls and the Plan
 - Car Parking and Parking Provision - Principles, Controls and the Plan
 - Built Form and Building Heights - Principles, Controls and the Plan
 - Built Form Building Footprints - Principles, Controls and the Plan
 - Active Ground Level, Setbacks, Alignment & Articulation - Principles, Controls and the Plan
 - Landscape Character - Principles, Controls and the Plan
 - Subdivision - Principles, Controls and the Plan

24. The proposed development does not satisfy the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the impacts on the values of the adjacent heritage items and conservation areas have been adequately addressed in the relevant heritage management documents.

25. The proposed development does not satisfy the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as it will have significant adverse impacts on the built and natural environments and the social and economic impacts on the locality with respect to:
- Land and water contamination
 - The loss of coastal vegetation
 - Coastal processes and risks
 - Excessive earthworks
 - The provision and capacity of infrastructure networks and emergency services
 - Stormwater management
 - Residential amenity, including privacy, solar access, views and outlook, access to private and communal open space and access to residential facilities
 - Views and vistas
 - Landscaping
 - Access, parking and transport Land use conflict
 - Alienation of identified future public land
 - European and Aboriginal cultural heritage
 - Pedestrian access, wayfinding and public safety
 - Social impacts and the provision of community support services and resources
 - Economic impacts
 - Sustainability
26. The proposed development does not satisfy the provisions of Section 4.15(1)(c) in that the supporting documentation has not demonstrated the site is suitable the intended development given the failure to address and comply with the applicable statutory and policy controls intended to ensure development is designed, located and operated in a manner that does not adversely affect the amenity of the surrounding residential environment.
27. The proposed development does not satisfy the provisions of Section 4.15(1)(e) approval of a development that does not achieve good planning outcomes is contrary to the public interest, given the circumstances of the case`.