

ATTACHMENT A – REASONS FOR REFUSAL

1. The proposal fails to demonstrate it has considered the objects of the *Environmental Planning Act 1979* to facilitate ecologically sustainable development, promote the orderly and economic use of the land or promote good design and amenity of the built environment.
2. The application has failed to demonstrate the proposal meets the requirements of the *Coastal Management Act 2016* (cl. 27) which provides that development consent must not be granted to development for the purpose of *coastal protection works*, unless the consent authority is satisfied that works will not be likely to unreasonably limit public access to or use of a beach or headland, or pose or be likely to pose a threat to public safety, and that satisfactory arrangements have been made (via conditions of consent) for the following for the life of the works for beach restoration any increased erosion of the beach or adjacent land and the maintenance of the works.
3. The application has failed to demonstrate the proposal meets the requirements of the *Marine Estate Management Act 2014* (s.56(2)) including demonstrating that the proposal will not have unacceptable impacts on the plants or animals of a marine park and their habitat.
4. The proposal fails to adequately consider the characterisation of the development including addressing the unauthorised works resulting in an application which cannot be supported and pursuant to Section 4.16(1)(b) of the EP&A Act, DA 0095/24 is recommended for refusal.
5. The application has failed to demonstrate the proposal meets the requirements of the *Biodiversity Conservation Act 2016* (section 7.3) which requires consideration of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.
6. The applicant has failed to demonstrate the proposal meets the aims and objectives or considered the environmental impacts of the proposal as required under the provisions of applicable Acts and State Environmental Planning Policies, including *State Environmental Planning Policy (Resilience and Hazards) 2021*, undertaking works without development consent and failing to demonstrate the site is suitable for development in relation to contaminated land.
7. The applicant has failed to demonstrate the proposal meets the aims and objectives or considered the environmental impacts of the proposal as required under the provisions of applicable Acts and State Environmental Planning Policies, including *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, undertaking works without development consent including vegetation and tree removal and failing to demonstrate the site is suitable for development in relation to the potential impacts on biodiversity and the natural environment.
8. The proposal fails to satisfy the relevant aims of the *Eurobodalla Local Environmental Plan 2012*.
9. The proposal fails to satisfy the zone objectives of the R2 Low Density Residential zone of *Eurobodalla Local Environmental Plan 2012*.
10. The proposal fails to demonstrate the proposed building height variation (Proposed building height: 9.114m in a Height of Buildings area of 8.5m (exceeding height limit

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by 614mm or 7.2%) is compatible with the objectives and provisions of *Eurobodalla Local Environmental Plan 2012* Clause 4.3 Height of Buildings and has failed to demonstrate the variation to the development standard meets the objectives, standards and requirements of Clause 4.6 Exceptions to development standards.

11. The proposal fails to demonstrate the proposal is compatible with the objectives and provisions of *Eurobodalla Local Environmental Plan 2012* including:
 - *Clause 2.3 Permissibility and zone objectives*
 - *Clause 4.3 Height of buildings*
 - *Clause 4.6 Variation to a development Standard*
 - *Clause 6.4 Earthworks*
 - *Clause 6.9 Stormwater management*

12. The proposal fails to satisfy the intent or performance criteria for development within the *Residential Zones Development Control Plan* for sections:
 - *2.1 Siting*
 - *2.2 Setbacks*
 - *2.3 Garages, Carports & Sheds*
 - *2.5 Landscaping*
 - *2.6 Parking and Access*
 - *2.8 Views*
 - *4.1 Bulk and Scale*
 - *4.2 Street Frontage and Façade Treatment*
 - *4.3 Style and Visual Amenity*
 - *5.1 Visual Privacy*
 - *5.2 Solar Access*
 - *6.2 Tree Preservation*
 - *6.3 Biodiversity*
 - *7.2 Earthworks*
 - *7.3 Stormwater Management*
 - *7.5 Waste*

13. The application has failed to demonstrate the proposal has adequately considered geotechnical constraints and the coastal environment including adequately addressing development on cliff edges, sloping land, slope instability or demonstrating that the proposal will not have unacceptable impacts on the coastal cliff environment.

14. The proposal has failed to demonstrate it will not have an adverse impact on the on adjoining properties and the adjoining coastal environment including the built and natural environment and natural coastal processes including but not limited to vegetation and biodiversity, earthworks and geotechnical stability, stormwater management and disposal, bulk and scale, character, parking, view loss, overshadowing and visual impacts.

15. The proposal has failed to demonstrate it will not pose a potential risk to public safety, particular in relation to works undertaken without consent in vicinity of the beach, cliff and coastline and adjoining properties.

16. The proposal is not in the public interest as it is not suitable for the site, resulting in unacceptable built form, natural, social, economic environmental impacts including impacts on the coastal environment.