

Attachment A- REASONS FOR REFUSAL

1. The proposed development is inconsistent with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021. Insufficient evidence has been submitted to satisfy the consent authority that the land is or will be suitable for the purpose for which the development is to be carried out.
2. The proposed development does not comply with Chapter 2 - Vegetation in Non-rural areas and Chapter 6 Water catchments of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The proposed development is considered unacceptable pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not comply with Chapter 3 - Educational Establishments and Childcare Facilities of State Environment Planning Policy (Transport and Infrastructure) 2021. Insufficient information has been provided to ascertain that the Childcare complies with the requirements under Chapter 3, and therefore it is considered unacceptable pursuant to Section 4.15(1)(a)(i), 4.15(1)(b), and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. The proposed development does not comply with Chapter 4 – Design of Residential Apartment Development of State Environmental Planning Policy (Housing) 2021. Insufficient information has been provided to ascertain the residential flat building complies with the requirements under Chapter 4 and the Apartment Design Guide and therefore it is considered unacceptable pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
5. The proposed development does not comply with Clause 5.10 Heritage Conservation pursuant to Liverpool Local Environmental Plan 2008. The application is not supported by detailed Historical Archaeological Report to demonstrate the proposal would not impact upon the existing local heritage item, and therefore is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979/
6. The proposed development does not comply with Clause 7.1 Objectives for Development in Liverpool City Centre in which the applicant has not demonstrated the proposal complies with the objectives of the Clause and therefore is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
7. The proposed development does not comply with Clause 7.3 Carparking in Liverpool City Centre in which the proposal has a significant deficiency in parking. Furthermore, the Applicant has not demonstrated that any contravention of this development standard is satisfactory pursuant to Clause 4.6(3) of the Liverpool Local Environmental Plan 2008 and



is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979

8. The proposed development is inconsistent with Clause 734 Building Separation in Liverpool City Centre of the Liverpool Local Environmental Plan 2008, the applicant has not provided suitable or suitable mitigation measure to respect the CI 7.4 Zone, whilst also the proposals impact to neighbouring properties is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
9. The proposed development is inconsistent with Clause 7.5 Design Excellence of the Liverpool Local Environmental Plan 2008, the applicant has not submitted a response to the Design Excellence Panel comments who do not support the proposal and therefore is not considered suitable pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
10. The proposed development is inconsistent with Clause 7.5a Additional provisions relating to certain land at Liverpool City Centre pursuant to the Liverpool Local Environmental Plan 2008, insufficient information has been provided to determine the extent of earthworks proposed pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
11. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not adequately demonstrated the likely impacts of the development, and otherwise, based on the information submitted, is likely to have an adverse impact in terms of the following:
 - a) Natural Environment - the applicant has not demonstrated that the proposed development would not create a detrimental impact on the existing natural environment, primarily to the existing heritage landscaping of the site, as the proposed built form will dominate over the heritage landscaping.
 - b) Built Environment - the proposed development is undesirable, both in the existing residential and commercial environment, as it would likely result in significant adverse impacts on the residential amenity of adjoining private land through visual amenity, design, bulk and scale in terms of the interface with the Heritage Item including the site's layout and extent of site coverage, is considered an overdevelopment.
 - c) Social Impact - the proposal lacks an aesthetic that contributes positively to the social fabric of the locality as is required by development within the zone, and the detrimental material impacts on adjoining land would set an undesirable precedent and would likely undermine the intent of zone objectives in maintaining residential amenity.



12. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be an ill-conceived design, which has not adequately demonstrated the suitability of the site for the development.
13. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest, having regard to the above reasons of refusal, and that undermining the zone objectives and surrounding character and context in such a way would risk allowing an undesirable precedent considering the perceived impacts to the surrounding sites for development currently within the locality, and in the future.

ADVISORY NOTES

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- b) Section 8.7 and 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.



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