

ATTACHMENT 4 – Draft Reasons for Refusal

- 1 The proposed development is defined as ‘business premises’ and ‘residential flat building’, pursuant to the provisions of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, ‘residential flat buildings’ are prohibited within the B6 Enterprise Corridor zone under Wollongong Local Environmental Plan 2009.
- 2 Accordingly, the proposed application has failed a threshold issue, and is therefore not considered permissible.
- 3 Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the objectives of the zone in Wollongong Local Environmental Plan 2009.
- 4 Pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that as “residential flat building” are prohibited in the zone as outlined in 1 above the site is deemed to be unsuitable for the proposed development.
- 5 Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development application would set an precedent for similar inappropriate development and is therefore not in the public interest.