

ATTACHMENT 7 – RECOMMENDED REASONS FOR REFUSAL

RECOMMENDATION

It is recommended that the Southern Regional Planning Panel determine the application by way of refusal for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the development is not acceptable when evaluated having regard to the design quality principles outlined in Schedule 1 of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposal does not satisfy the relevant design criteria objectives of the Apartment Design Guide, particularly in regard to site analysis, orientation, public domain interface; communal and public open space; deep soil zones, visual privacy, bicycle and car parking, solar and daylight access, natural ventilation, ceiling heights, apartment size and layout, private open space and balconies, common circulation and spaces, storage, acoustic privacy, apartment mix, facades, roof design, landscape design, universal design, awnings and signage, water management and conservation, waste management and building maintenance.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is unsatisfactory with regard to the matters for consideration in Clause 2.119 and 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, in the opinion of Council, the proposed development does not exhibit design excellence and therefore consent cannot be granted pursuant to Clause 7.18 of Wollongong Local Environmental Plan 2009.
5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, in the opinion of Council, the proposed development does not adequately address matters for consideration relating to flood planning and consent cannot be granted pursuant to Clause 7.3 of Wollongong Local Environmental Plan 2009.
6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development does not comply with the provisions of Wollongong Development Control Plan 2009 in relation to the following chapters:
 - B1 Residential Development;
 - B4 Development in Business Zones;
 - D13 Wollongong City Centre;
 - E2 Crime Prevention Through Environmental Design;
 - E3 Car parking, Access, Servicing/loading Facilities and Traffic Management;
 - E6 Landscaping;
 - E7 Waste Management;
 - E13 Floodplain Management;
 - E14 Stormwater Management.
7. Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the impact of the development on trees to be retained within the site and on trees on adjoining properties has not been fully assessed. Requested information has not been provided.
8. Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the impact of the development on floodplain management has not been fully assessed. Requested information has not been provided.
9. Pursuant to Section 4.15(1)(b) and (e) of the Environmental Planning & Assessment Act 1979, having regard to the above matters, particularly the concerns raised in relation to bulk and scale, view loss, overshadowing and privacy impacts, the proposal represents an over-development of the site and approval of the application would not be in the public interest.
10. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered in the circumstances of the case approval of the development would not be in the public interest.