

ATTACHMENT 5 – 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, in the opinion of Council, the development is not acceptable when evaluated having regard to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, particularly in regard to clauses 29, 33, 34, and 36.
2. 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 5.21 of Wollongong Local Environmental Plan 2009.
3. 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 comply with the provisions of Wollongong Development Control Plan 2009 in relation to the following chapters:
 - B1 Residential Development
 - E3 Car parking, Access, Servicing/loading Facilities and Traffic Management
 - E6 Landscaping
 - E10 Aboriginal Heritage
 - E13 Floodplain Management
 - E14 Stormwater Management
 - E17 Preservation and Management of Trees and Vegetation
 - E23 Riparian Land Management
4. Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, in the opinion of Council, the development requires entry into the Biodiversity Offset Scheme and a Biodiversity Assessment Report is required but has not been provided.
5. Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, in the opinion of Council, the installation of stormwater infrastructure on community land is not permitted under the Local Government Act 1993..
6. 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 flooding, tree removal, on-site car parking and privacy impacts, approval of the application would not be in the public interest.
7. 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.