

Attachment 9 - Draft reasons for refusal

1. Insufficient information has been submitted pursuant to the provisions of Section 4.12 of the Environmental Planning and Assessment Act 1979 to enable Council to properly assess the application. In this regard under Clause 54 of the Environmental Planning and Assessment Act Regulation, 2000. Additional details were requested in Council's letter dated 8 May 2020 and the information that has been provided to Council does not adequately address the matters raised. Determination has been made on the basis of information submitted to date.
2. Pursuant to section 1.7 of the Environmental Planning and Assessment Act 1979, the application submission fails to demonstrate the development proposal is consistent with the provisions of Part 7 of the Biodiversity Conservation Act 2016.
3. Insufficient information has been submitted pursuant to the provision of Section 4.46 of the Environmental Planning and Assessment Act 1979 to enable the NSW Rural Fire Service to issue a Bushfire Safety Authority pursuant to Section 100B of NSW Rural Fires Act 1997. Therefore, the consent authority cannot be satisfied that the proposed development conforms to the specifications and requirements with the provisions of the Planning for Bushfire Protection 2006.
4. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the application submission fails to demonstrate the development proposal is both permissible and consistent with the objectives of the E2 Environmental Conservation zone of Wollongong Local Environmental Plan 2009.
5. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the application submission fails to demonstrate the development proposal is consistent with the objectives of the R2 Low Density Residential of Wollongong Local Environmental Plan 2009.
6. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the application submission fails to demonstrate the development proposal is consistent with Wollongong Local Environmental Plan 2009 with respect to:
 - Clause 4.6 Exceptions to development standard
 - Clause 5.10 Heritage conservation
 - Clause 7.2 Natural resource sensitivity – biodiversity
 - Clause 7.6 Earthworks
 - Clause 7.8 Illawarra Escarpment area conservation
 - Clause 7.14 Minimum site width
7. Pursuant to the provisions of Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act 1979, it is considered the application submission fails to demonstrate the development proposal is consistent with State Environmental Planning Policy (Koala Habitat Protection) 2019.
8. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered the application submission fails to demonstrate the development proposal is consistent with the following Chapters of Wollongong Development Control Plan 2009:
 - Chapter A2 Ecologically Sustainable Development
 - Chapter B1 Residential Development
 - Chapter B6 Development in the Illawarra Escarpment
 - Chapter D1 Character Statement
 - Chapter E2 Crime Prevention through Environmental Design

- Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management
 - Chapter E6 Landscaping
 - Chapter E7 Waste Management
 - Chapter E10 Aboriginal Heritage
 - Chapter E11 Heritage Conservation
 - Chapter E14 Stormwater Management
 - Chapter E16 Bush Fire Management
 - Chapter E17 Preservation and Management of Trees and Vegetation
 - Chapter E19 Earthworks (Land Reshaping Works)
 - Chapter E22 Soil Erosion and Sediment Control
 - Chapter E23 Riparian Land Management
9. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered the application submission fails to demonstrate the likely impacts of the development proposal will not be adverse in the locality
 10. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered the application submission fails to demonstrate the site is suitable for the development proposal.
 11. Pursuant to the provisions of Section 4.15 (1) (d) and (e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case and with submissions received, approval of the development proposal would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.