**Attachment 7: Draft Reasons for Refusal**

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:

1. Proposed building separation is not compliant with Clause 8.6 of Wollongong Local Environmental Plan 2009 (WLEP 2009).
2. The proposed development is not considered to satisfy the definition of shop top housing as defined in Wollongong Local Environmental Plan 2009 (WLEP 2009).
3. The proposal does not have regard to the objectives of the B3 Commercial Zone under Wollongong Local Environmental Plan 2009 in that there is insufficient commercial floor area proposed.
4. The proposed development does not demonstrate design excellence as required by clause 7.18 of the WLEP:
   1. does not have regard to the Design Quality Principles as listed under State Environmental Planning Policy No 65 ,Schedule 1 or compliance with the Apartment Design Guide with particular regard to privacy, setbacks and natural cross ventilation.

2. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not have regard to the provisions of Wollongong Development Control Plan 2009, Chapter D13, Section 2.5 Side and Rear Building Setbacks and Building Separation. A variation request has not been submitted in this regard.

3. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development site is not suitable for the proposed development due to non-compliances with the applicable planning controls.

4. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.