

**Proposed Reasons For Refusal - DA/426/2012**  
**2A Bayview Avenue, The Entrance**

- 1 Pursuant to the provisions of Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979, the proposed development fails to adequately address the design quality principles of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development, is inconsistent with the Residential Flat Design Code and received a recommendation from the Design Review Panel that the application be refused.
- 2 Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the controls and objectives of Council's Development Control Plan No.64 – Multiple Dwelling Residential in relation to setbacks, site coverage, privacy, communal open space and quality of architectural design.
- 3 Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the controls and objectives of Council's Development Control Plan 69 Controls for Site Waste Management in that waste management arrangements related to the proposal are unsatisfactory.
- 4 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted with the application to enable an adequate assessment of the impacts of the proposal.
- 5 Pursuant to the provisions of Section 79C(1)(b) Environmental Planning and Assessment Act, 1979, the proposed development is likely to have a detrimental impact on the local context having regard to the scale (bulk, height and mass), form, density and design of the development.
- 6 Pursuant to the provisions of Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act, 1979, the proposal, given the various areas of non compliance with Council's requirements (eg. setbacks, site coverage and height) and the lack of suitable or usable communal open space is considered as an overdevelopment of the site
- 7 Pursuant to the provisions of Section 79C(1)(d) Environmental Planning and Assessment Act, 1979, the proposed development does not adequately address issues raised in public submissions relating to the height of the proposed buildings, the existing character of the locality and the loss of privacy to adjoining and nearby properties.