

REASONS FOR REFUSAL

1. The proposed development fails to exhibit Design Excellence as required by clause 6.14 of *Rockdale Local Environmental Plan 2011* and as such application of the 12m height bonus is not permitted. The proposal significantly breaches the 28m height limit under clause 4.3 and no clause 4.6 variation request has been provided to support the breach of the control.
2. The proposed development will have an unacceptably bulky streetscape presentation to Bay Street due to the failure to break the tower element of the design into two towers and fails when assessed against the Design Principles of Context and Neighbourhood Character and Built Form and Scale of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, Part 4.2 Streetscape and Site Context and the Built Form and Character controls of Part 7.5 - Rockdale Town Centre of *Rockdale Development Control Plan 2011*.
3. The proposed development will have an unacceptably bulky streetscape presentation to Chapel Lane due to the failure to provide a setback above the podium for the northern tower which will result in a height, bulk and scale of development that cannot be supported on such a narrow street and fails when assessed against the Design Principles of Context and Neighbourhood Character and Built Form and Scale of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, Part 4.2 Streetscape and Site Context and the Built Form and Character controls of Part 7.5 - Rockdale Town Centre of *Rockdale Development Control Plan 2011*.
4. The proposed development will have an unacceptable streetscape presentation to Lister Avenue due to the failure to provide a satisfactory transition in height, setback and landscaped setting to the lower scale residential development adjoining the site to the west and on the opposite site of Lister Avenue and fails when assessed against the Design Principles of Context and Neighbourhood Character and Built Form and Scale of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, Part 4.2 Streetscape and Site Context and the Built Form and Character controls of Part 7.5 - Rockdale Town Centre of *Rockdale Development Control Plan 2011*.
5. The proposed development fails to provide adequate separation for the height of buildings proposed both within the site (between buildings on Sites A and B) and to adjoining properties, resulting in unacceptable visual bulk, privacy and shadow impacts. The proposal fails when assessed against Part 3F – Visual Privacy of the *Apartment Design Guide*.
6. The proposed development fails when assessed against the setback and podium controls applicable to the Chapel Street Precinct under Part 7.5 - Rockdale Town Centre of *Rockdale Development Control Plan 2011*, resulting in a form of development that is inconsistent with the desired future character of the Chapel Street Precinct.
7. The proposed development does not provide adequate deep soil landscaping within the site and within the road reserve of Chapel Lane, failing when assessed against the minimum 7% deep soil requirement of Part E – Deep Soil Zones of *Apartment Design Guide*., the 10% landscape requirement of Part 4.3.1 Open Space and Landscape Design and the 50% soft landscaping requirement for communal open space of Part 4.3 Communal Open Space of *Rockdale Development Control Plan 2011*. The proposal also fails when assessed against the criteria of Part 4O – Landscape Design of the *Apartment Design Guide*.

8. The design of the proposed development does not provide for an appropriate level of solar access to the apartments, failing to provide sufficient number of apartments that achieve two hours of solar access and providing an excessive number of apartments that will receive no solar access in midwinter and fails when assessed against Part 4A – Solar and Daylight Access of the *Apartment Design Guide*.
9. The SIDRA modelling provided to assess the traffic generation of the development adopts incorrect cycle times for the Princes Highway/Bay Street intersection and does not reflect the actual operation of the signals and therefore the modelling is not supported. Given certain approaches to the intersection are shown to be failing and heavily congested, the traffic impact of the development cannot be supported without an accurate SIDRA modelling that shows the impact upon the road system is acceptable.
10. The impact of the development upon the operation of the Lister Avenue/Princes Highway signalised intersection has not been assessed in the SIDRA modelling and the development cannot be supported without an accurate SIDRA modelling that shows the impact upon that intersection is acceptable.
11. The provision of public car parking spaces in two basement levels is inconsistent with the requirements of Part 7.5 - Rockdale Town Centre of *Rockdale Development Control Plan 2011* which require that a minimum of 40 public parking spaces be provided with the redevelopment of the Chapel Street Precinct at-grade in a single location, either on or off street. The pedestrian access to the lift of the car park off Bay Street is inappropriate and inadequate information has been provided to show how the spaces would be managed.
12. Inadequate information has been provided to establish that garbage collection, loading and unloading can be carried out on site and that the design includes provision for Council's garbage vehicles to be able to enter and leave the site in a forward direction (in compliance with Council's Waste Management Technical Specification).
13. The design will result in a poor level of amenity for a significant number of apartments within the development due to non-compliance with the provisions of Part 2E - Building Depth, Part 3B – Orientation, Part 4B – Natural Ventilation Cross-over/Cross, Part 4D – Apartment Size and Layout, Part 4E – Private Open Space and Balconies, Part 4F – Common Circulation and Spaces and Part 4H – Acoustic Privacy of the *Apartment Design Guide*. The breaches result in apartments of substandard size, with substandard size or dimension of balconies, with inappropriate acoustic or visual privacy and/or with inappropriate natural ventilation and an excessive number of apartments share a lift lobby.
14. The proposed development provides for an inappropriate apartment mix with an excess of one bedroom apartments and an inadequate number of three bedroom apartments and fails when assessed against Part 4K – Apartment Mix of the *Apartment Design Guide* and Part 4.5.1 Housing Diversity and Choice of *Rockdale Development Control Plan 2011*.
15. The design choice to provide a large, single level retail suite within the building on Site C results in a poor private/public interface relationship to Bay Street and Chapel Street and inferior accessibility which is not equitable and fails when assessed against Part 4.5.2 Equitable Access of *Rockdale Development Control Plan 2011*.

16. Confirmation has not been provided that the development will not penetrate the Limitation or Operations Surface for Sydney Airport or that no objection is raised to the penetration and as such the proposed development is inconsistent with Clause 6.3 of *Rockdale Local Environmental Plan 2011*.
17. Inadequate information has been provided to allow an assessment of the impact of the proposed excavation for basements upon trees located on No. 41 Bay Street and Nos. 2-4 Lister Avenue to show the trees will survive the works and no owner's consent has been provided for the removal of such trees.
18. The Detailed Site Investigation prepared by Environmental Investigations Australia identifies the site as containing contaminated land and indicates that further investigation and a Remediation Action Plan is required. No such information has been provided and as such the development application does not satisfy the requirements of *State Environmental Planning Policy No.55 - Contaminated Land* and Part 4.1.5 Contaminated Land in *Rockdale Development Control Plan 2011*.
19. The proposed development application as amended fails to provide a BASIX Certificate as required by State Environmental Planning Policy (BASIX).
20. The proposed development application as amended failed to provide an updated Wind Impact Report as required by Part 4.4.7 Wind Impact of *Rockdale Development Control Plan 2011*.