

Project Refusal

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, determine the project referred to in Schedule 1, by refusing to approve the proposal pursuant to Section 75J (1) of the Environmental Planning and Assessment Act 1979 (the Act) for the reasons outlined in Schedule 2, having considered all relevant matters prescribed under Section 75J (2) of the Act, including those relevant matters prescribed by Section 75I (2) as contained in the Director-General's Environmental Assessment Report.



The Hon Kristina Keneally MP
Minister for Planning

Sydney,

28 Sept.

2009

SCHEDULE 1

PART A—TABLE

Application made by:	Ashington Management Pty Ltd
Application made to:	Minister for Planning
Major Project Application:	MP No. 08_0100
On land comprising:	Lot 1 in DP 793525 33 Cross Street Double Bay
Local Government Area	Woollahra Municipal Council
For the carrying out of:	<p>The Project Application seeks approval for the following:-</p> <ul style="list-style-type: none"> • demolition of the existing building to the ground floor slab • retention and reconfiguration of the existing basement carpark • construction of a mixed use development including: • a 3 - 5 storey podium level with 1 x 6 storey tower in north-east corner • 1 x 14 storey tower plus plant in the south-west corner and 1 x 11 storey tower plus plant in the south-east corners fronting Cross Street
Estimated Cost of Works	\$146.873 Million
Type of development:	Major Project
S.119 Public inquiry held:	
Determination made on:	

SCHEDULE 2

REASONS FOR REFUSAL

MAJOR PROJECT NO. 08_0100

1. The height, bulk and scale of the tower elements are incompatible with the character of the Double Bay Centre. The tower elements will dominate the immediate surrounds and will contribute negatively to the immediate and local context of the Double Bay Centre.
2. The tower elements will result in unacceptable visual impact in terms of height and bulk.
3. The proposal will have an unacceptable impact on the amenity of the adjoining properties, particularly on the northern boundary of the site. The proposal will create unacceptable amenity impacts in relation to noise and privacy.
4. The proposal will create an unacceptable impact on the *Transvaal Heritage Conservation Area* as identified in the Woollahra Local Environmental Plan 1995.
5. The proposal does not satisfactorily justify the inconsistencies with the floor space ratio and height controls identified in the Woollahra Local Environmental Plan 1995 and Woollahra Double Bay Centre DCP 2002.
6. The proposal is not in the public interest. The impacts of the tower elements on the character of the locality are not outweighed by any potential public benefit resulting from the piazza and public domain improvements (including pedestrian linkages).