

Original signed by: **Robyn Pearson** Dated: **12 July 2022**

Shweta Arora
104 Wycombe Road
NEUTRAL BAY NSW 2089

D295/21
RT (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
NOTICE OF DETERMINATION - Refusal

Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 ("the Act"). Clause 100 of the Environmental Planning and Assessment Regulation 2000 ("the Regulation")

Development Application Number: **295/21**

Land to which this applies: 104 Wycombe Road, Neutral Bay
Lot No.: 101, DP: 630573

Applicant: Shweta Arora

Proposal: Alterations and additions to a single storey heritage listed detached dwelling including internal alterations, a first floor rear addition and a swimming pool.

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 6 July 2022. Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, the subject application has been refused for the reasons stated below.

Date of Determination: 6 July 2022

Reasons for refusal:

1. Unacceptable Heritage Impacts

The proposed development is unacceptable because of the adverse impacts on the subject heritage item.

Particulars

- (i) The proposed development does not satisfy Clause 5.10(1)(a), Clause 5.10(1)(b) and Clause 5.10(4) in Part 5 of NSLEP 2013 due to the detrimental impacts of the proposed development on the subject heritage listed item, in particular the introduction of an uncharacteristic first floor addition at the rear of the dwelling.
- (ii) The proposal does not satisfy the aims of North Sydney Local Environmental Plan 2013 (NSLEP 2013) as listed in Clauses 1.2 (2)(a), (2)(b)(i), and (2)(f) in Part 1 of NSLEP 2013.
- (iii) The proposed development does not satisfy the objective of the R4 (High Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because of the adverse impacts of the proposed development on the significance of the subject heritage listed item, particularly dot point 4.
- (iv) The proposed development does not satisfy the Area Character Statement for South Cremorne Planning Area in Section 6.0 in Part C of North Sydney DCP 2013 (NSDCP 2013) given that the proposal does not promote a quality built form within the planning area because the design of the proposal fails to reflect and reinforce the distinctive built form of the existing heritage listed building.
- (v) The application fails to satisfy the development controls for the following sections in Part B of the NSDCP 2013 and is therefore considered unacceptable:
 - a. 13.1.1 Guiding Statement: in terms of managing North Sydney's heritage for present and future generations in accordance with the principles of intergenerational equity as per the Burra Charter
 - b. 13.1.2 – General Objectives
 - c. Section B – 13.5.1 – Protecting heritage significance
 - d. Section B – 13.5.2 – Form massing and scale
 - e. Section B – 13.5.3 – Additional Storeys
 - f. Section B – 13.5.4 – Roofs
 - g. Section B – 13.5.5 – Interior Layout
 - h. Section B – 13.9.4 – Materials

2. Inappropriate context, excessive height, bulk and scale

The proposed development is unacceptable because of the proposed first floor rear addition is inappropriate for the built form of the existing building.

Particulars

- (i) The proposed development is inappropriate in its context being a heritage item because the proposed first floor addition will alter the form of the subject single storey dwelling which is contrary to aim 1.2 (2)(a) in NSLEP 2013 as well as section 1.4.1 in Part B of NSDCP 2013.
- (ii) The proposed development is contrary to Section 1.4.7 and 1.4.8 in Part B of NSDCP 2013 because the proposed first floor addition will increase the bulk and scale of the existing dwelling with an uncharacteristic built form due to the creation of an additional storey that would detract from the significance of the subject heritage item.

3. Excessive Site Coverage

The proposed development is unacceptable because the non-complying site coverage.

Particulars

- (i) The proposed development will result in a non-compliance with the maximum site coverage for the subject site and is contrary to section 1.5.5 in Part B of NSDCP 2013.

4. View Loss

The proposed development is unacceptable because the proposed first floor rear addition will cause some loss of water views that could be retained with a more skilful design.

Particulars

- (i) The proposed first floor rear addition will cause some loss of water view of Sydney Harbour currently seen from the adjoining property to the north and is contrary to aim 1.2 (2)(a) in NSLEP 2013 as well as section 1.3.6 in Part B of NSDCP 2013.
- (ii) The proposed development does not satisfy the objective of the R4 (High Density Residential) zone in the Land Use Table in Part 2 of NSLEP 2013 because of the adverse impacts of the proposed development on the amenity of the neighbouring properties in terms of the loss of significant views.

5. Public Interest

The approval of the proposed development is not in public interest because of the adverse impacts on the significance of the subject heritage listed item and the failure to protect heritage buildings within North Sydney.

How community views were taken into account:

The submissions received by Council were addressed in the NSLPP report (see Council's website: https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/NSLPP/2022/6_July_2022)

Review of determination and right of appeal:

Within six months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)