



Mr Edward Dieppe
Dieppe Design
1/50 Yeo Street
NEUTRAL BAY NSW 2089]

D188/22
MR5 (CIS)

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

Development Number:	188/22
Land to which this applies:	39 Union Street, McMahons Point Lot No.: 1, DP: 948494
Applicant:	E Dieppe
Proposal:	Alterations and additions to existing dwelling
Determination of Development Application:	Subject to the provisions of Section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> , the subject application has been refused for the reasons stated below.
Date of Determination:	17 April 2023

Reasons for Refusal:

1. Pursuant to Section 4.15 (1)(a) of the EP&A Act 1979, the proposed development does not comply with the following relevant environmental planning instruments and development controls as follows:
 - a. North Sydney Local Environmental Plan 2013 - Aims of the Plan - unable to satisfy the key aims (2)(a), (2)(b) and (2)(f).
 - b. North Sydney Local Environmental Plan 2013 - objectives of R3 zone relating to not compromising amenity of surrounding area and natural and cultural heritage of the area.
 - c. North Sydney Local Environmental Plan 2013 - Clause 5.10 - unable to satisfy the provisions under this clause.
 - d. North Sydney Development Control Plan 2013, Part B, Section 1 - General Objectives (Section 1.1) - failure to meet objectives.
 - e. North Sydney Development Control Plan 2013, Part B, Section 1 - Quality Built Form (Section 1.4) - failure to meet objectives and controls.

- f. North Sydney Development Control Plan 2013, Part B, Section 1 - Quality Urban Environment (Section 1.5) - failure to meet objectives and controls.
 - g. North Sydney Development Control Plan 2013, Part B, Section 13 - Heritage and Conservation - failure to meet objectives and controls.
 - h. North Sydney Development Control Plan 2013, Part C, Section 9 - Union, Bank, Thomas Street Conservation Area (Section 9.10) - failure to meet objectives and controls.
2. Pursuant to Section 4.15(1)(b) of the EP&A Act 1979, the proposed development is likely to have adverse impacts on the following aspects on the environment: heritage and streetscape.
 3. Pursuant to Section 4.15(1)(c) of the EP&A Act 1979, the subject site is not suitable for the proposed development for the following reasons: excessive bulk and density, and poor design/architectural response to context and local setting and not sympathetic to heritage conservation area.
 4. Pursuant to Section 4.15(1)(e) of the EP&A Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent including poor design response to local context and conservation areas.

How community views were taken into account:

Council received a total of four (4) submissions from the community that raised some valid and substantive concerns and issues including bulk and scale and streetscape impacts. These concerns and issues have been discussed in this report and some of these have not been adequately addressed by the final scheme.

Any variation to the Development Consent can only be made with the written approval of the Council. Major variations will require a new or amended Development Consent.

Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.

Section 4.55 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act, 1979.

Endorsed for and on behalf of North Sydney Council



17 April 2023

DATE

Signature on behalf of consent authority
MIGUEL RIVERA
SENIOR ASSESSMENT OFFICER