

Development Application No. 162/18

Notice of Determination

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”)

Applicant’s Name

MM+ J Architects Pty Ltd

Land to which this applies

8 Queens Avenue, McMahons Point
Lot No.: 27, DP: 3713

Proposal

Alterations and additions to dwelling including double carport.

Determination of Development Application

Pursuant to Section 4.18 of the EP & A Act 1979, notice is hereby given of the determination by the consent authority of Development Application No. 162/18.

The application has been determined under delegated authority by refusing consent for the reasons below.

Refused Plans

Drawings numbered DA01-DA24, rev. A dated 31/05/2018, drawn by MM+J Architects, and received on 31 May 2018

Reason for refusal

1. The proposal does not satisfy the provisions of *North Sydney Local Environmental Plan 2013*. In particular:
 - (a) The proposal is inconsistent with the Clause 1.2 Aims of Plan in that the proposed double carport obscures a significant proportion of the main façade of the contributory building within the Conservation Area. The double carport adversely affects the intactness and therefore the significance of the Conservation Area.

- (b) The proposed double carport compromises the heritage of the area and so does not meet Objective (d) of the R3 Medium Density Zone.
 - (c) The proposed double carport does not conserve the setting and heritage significance of the Conservation Area and so does not meet objectives (a) and (b) of Clause 5.10 Heritage Conservation.
2. The proposal does not satisfy the heritage provisions of *North Sydney Development Control Plan 2013*. The proposed carport would adversely and unreasonably impact on the character and heritage significance of Queens Street and the McMahons Point North Conservation Area. Particulars:
- (a) The Conservation Area is significant for its high quality streetscapes, particularly in Princes Street which is an intact example of a Federation subdivision. The site is upon Queens Street which bookends Princes Street and which contains a number of contributory items in the Conservation Area.
 - (b) The proposed double carport is 14.2m wide across the front property boundary. The carport is more than 50% of the width of the existing main building.
 - (c) The proposed double carport does not respond positively to its context of the main building and the Conservation Area.
 - (d) The carport obscures the main window and dwelling entry of the main building from the street.
 - (e) A covered structure to the existing single uncovered hardstand space prevents the installation of a groundcover centre to the space, softening its presentation to the street.
 - (f) The carport compromises the streetscape and the heritage significance of the Conservation Area. The carport is inconsistent with:
 - i. Sections 1.4.1 Context, 1.4.7 Form, Massing & Scale, 1.4.9 Dwelling Entry, 1.5.4 Vehicular Access & Car Parking and 1.5.9 Front Gardens in Part B;
 - ii. Sections 13.6.2 Form, Massing & Scale and 13.9.5 Garages & Carports in Part B; and
 - iii. Section 9.7 McMahons Point North Conservation Area in Part C.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Review of determination

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request Council to review the determination of a development. The review must be completed within six (6) months after the date of receipt of this Notice of Determination.

Should you intend to lodge a request for a review it is recommended that the request, together with payment of the appropriate fees, is lodged as early as possible in order to allow sufficient time for notification, assessment, reporting, etc, prior to the expiration of the 6 month review period. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)