

## Development Application No. 141/18

### 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”)

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#### **Applicant’s Name**

Craig Sloane  
C/- Luke Moloney Architecture  
PO Box 179  
BALMAIN NSW 2041

#### **Land to which this applies**

47 Colin Street, Cammeray  
Lot No.: A, DP: 440704

#### **Proposal**

Alterations and additions to the existing semi-detached dwelling including a new first floor.

#### **Determination of Development Application**

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.

#### **1. Uncharacteristic addition within the Plateau Conservation Area**

The first floor addition is an uncharacteristic addition within the Plateau Conservation Area and likely to overwhelm the existing Federation style semi-detached dwelling and detract from its heritage significance.

#### Particulars

- a) The first floor addition is contrary to Aims of Plan 1.2(2)(f) in NSLEP 2013 and Objective (1)(b) in Clause 5.10 in NSLEP 2013.

- b) The proposed first floor addition is not complimentary to the heritage significance of the dwelling in that it does not respond submissively to the original Federation building form, rather the addition is higher in scale and competes visually with its massing contrary to the following:
- a. Part B, Section 13.6.1 '**General Objectives**' in NSDCP 2013 – Objective O1 '*Ensure that new development is designed to retain and complement the character and significance of the conservation area*';
  - b. Part B, Section 13.6.2 '**Form, Massing and Scale**' in NSDCP 2013 - Objective O1 '*To ensure new development has a compatible and complimentary building form and scale to that which characterises the conservation area*';
  - c. Part B, Section 13.6.3 '**Roofs**' in NSDCP 2013 - Objective O1 '*To maintain the characteristic roof profiles and roofing materials within a heritage conservation area*';
  - d. Part B, Section 13.6.4 '**Additional Storey and Levels**' in NSDCP 2013 - Provision P3 '*typically, additions should be set back behind the main roof lines and should be located substantially within the existing roof*';
  - e. Part B, Section 13.10.2 '**Single Storey Attached Dwellings**' – Objective O1 '*To maintain the scale, form and integrity of the original or main building*'.
  - f. The proposed first floor addition is excessive in scale and not located within a single storey roof line contrary to Provision P4 in Part C, Section 4.5.6 in NSDCP 2013.
  - g. The proposed first floor addition is considered to be 'over scaled' which is identified as an uncharacteristic element within the Plateau Conservation Area. The proposal is therefore contrary to Provision P1 in Part C, Section 4.5.7 in NSDCP 2013.
- c) The proposed materials are not consistent with the characteristic materials of the Plateau Conservation Area contrary to the following:
- a. Part B, Section 13.9.4 '**Materials**' in NSDCP 2013 - Objective O1 '*To ensure that materials and finishes are consistent with the characteristic elements of the heritage item or heritage conservation areas*'

## **2. Non-compliance with the maximum site coverage control in NSDCP 2013**

The proposal is non-compliant with the maximum site coverage control in NSDCP 2013.

- a) The architectural plans indicate a site coverage of 54.8% which is significantly non-compliant with the maximum site coverage control of 50% specified in Provision P1 in Part B, Section 1.5.5 in NSDCP 2013.

## **3. Insufficient information**

Insufficient information was submitted with the application to enable a detailed assessment of the application.

Particulars

- a) A stormwater line long-section that indicates ground surface levels and pipe invert levels, from the first downpipe at the back of the building, all the way to the kerb invert, proving that stormwater can be gravity fed must be submitted with the application.
- b) The long sections submitted with the application are unclear in providing their location. One of the section plans does not have a 'drawing bar' that indicates the drawing title, scale, architect details etc.
- c) No view lines were submitted with the application demonstrating that the proposed first floor eastern window to bedroom 1 (W1/01) will maintain reasonable privacy with the dining room of the adjoining property at No. 45 Colin Street.
- d) Amended plans were not submitted with the application confirming the deletion of the swimming pool and shed from the proposal.

**How were community views taken into account in making the decision**

The issues raised in the submission were considered in the assessment of the application.

**Review of determination and right of appeal**

Within 6 months after the date of determination, 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. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six month period, which includes Council's review to be met.

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DATE

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