

Original signed by: Lara Huckstepp Dated: 14/5/2019

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D292/18
LH(CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
Notice to Applicant of Determination of a Development Application

Pursuant to Section 4.18 of the Act notice is hereby given of the determination by the consent authority of the **Development Application No. 292/18** for alterations and additions to a pair of terraces on land described as **107-109 Union Street, McMahons Point** and as indicated on the following drawings:

No.	Issue	Title	Dated	Prepared	Received
DA01	A	Site Plan	April 2019	Peter Princi Architects	16/04/2019
DA02	A	Basement plan	April 2019	Peter Princi Architects	10/04/2019
DA03	A	Ground floor plan	April 2019	Peter Princi Architects	10/04/2019
DA04	A	Upper floor plan	April 2019	Peter Princi Architects	10/04/2019
DA05	A	Plan - attic	April 2019	Peter Princi Architects	16/04/2019
DA06	A	North Elevation	1.04.19	Peter Princi Architects	16/04/2019
DA07	A	South Elevation	1.04.19	Peter Princi Architects	16/04/2019
DA08	A	Section A-A, Western Elevation	1.04.19	Peter Princi Architects	16/4/2019

Panel Reason

The Development Application has been determined by the **North Sydney Local Planning Panel (NSLPP)** at its meeting of 1 May 2019 by **refusing consent** for the reasons identified in the Officer's report.

The Panel is not satisfied the plans, the subject of the Development Application warrant approval because of lack of detail and impacts on the contributory item in the Conservation Area.

The reasons for refusal as identified in the Officer's report, are as follows: -

1. The proposed development does not satisfy the aims of North Sydney Local Environmental Plan 2013 (NSLEP 2013) which seeks to ensure new development is appropriate and compatible to the context and character of the area.

Particulars

Clauses 1.2(2)(a) and 3(b)(i) in Part 1 of NSLEP 2013

2. The proposed development does not satisfy the objectives of the IN2 (Light Industrial) zone in that the development is not compatible with the scale and character of the surrounding area.

Particulars

Land Use table in Part 2 NSLEP 2013

3. The proposed dormer window additions on the primary elevation would have a detrimental impact on the subject Contributory Items and the Union, Bank, Thomas Street Conservation Area.

Particulars

Clause 5.10 NSLEP 2013 (Heritage Conservation)

Section 13.9.2 NSDCP 2013 (Dormer windows)

Section 1.4.11 NSDCP 2013 (Dormers)

Character Statement Union, Bank, Thomas Street Conservation Area NSDCP 2013

4. The proposed increase in the height of the primary roof ridge and the bulk, scale and design of the rear additions, would have a detrimental impact upon the subject Contributory Items and the Union, Bank, Thomas Street Conservation Area.

Particulars

Clause 5.10 NSLEP 2013 (Heritage Conservation)

Section 13.6 NSDCP 2013 (Heritage Conservation Areas)

Character Statement Union, Bank, Thomas Street Conservation Area NSDCP 2013

5. The proposed development would likely set an undesirable precedent for future development in the Union, Bank, Thomas Street Conservation Area.

Particulars

Clause 5.10 NSLEP 2013 (Heritage Conservation)

Section 13.6 NSDCP 2013 (Heritage Conservation Areas)

Character Statement Union, Bank, Thomas Street Conservation Area NSDCP 2013

6. The Clause 4.6 Objection to support the variation to the height of building standard in Clause 4.3(2) NSLEP 2013 is not considered to be well founded and is not supported.

Particulars

Clause 4.3 NSLEP 2013 (Height of buildings)

Clause 4.6 NSLEP 2013 (Exception to development standards)

7. The plans fail to clearly detail the extent of those elements proposed to be modified and provide inadequate detail.
8. The proposed development is not in the public interest.

Particulars

Section 4.15 Environmental Planning and Assessment Act 1979

How community views were taken into account

Adjoining properties and the Union Precinct were notified of the proposed development between 21 September 2018 – 10 October 2018. A notice was placed in the Mosman Daily on 20 September 2018, in accordance with Section A4 of NSDCP 2013.

The notification resulted in two (2) submissions. The issues raised in the submissions were considered in the Officer’s report and where appropriate included within the reasons for refusal.

Review of determination and right of Appeal

Within 6 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 than two months after the date of notification of the decision to enable the review to be completed within the six month period.

DATE

Signature on behalf of consent authority
LARA HUCKSTEPP
EXECUTIVE PLANNER