

Platino Properties Pty Ltd
Attention: Paula Motter
Suite 11, Level 2, 20 Young Street
NEUTRAL BAY NSW 2089

D80/19
GJY (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: 80/19

Land to which this applies:

314-316 West Street, Cammeray
Lot No.: 1, DP: 10312

Applicant:

Platino Properties Pty Ltd

Proposal:

Demolition of two dwellings and erection of a multi dwelling development containing nine (9) dwellings

Determination of Development Application:

The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 2 October 2019. 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:

2 October 2019

Reason for refusal:

Panel Determination and Reasons:

The Panel has the benefit of a site inspection and submissions received both oral and written.

The Panel notes the applicant has prepared preliminary plans to address some of the issues raised, however these should be discussed at a pre-DA meeting and they are not appropriate for the Panel to consider at this late stage. These plans should be considered in light of the reasons for refusal.

The Panel considers the Clause 4.6 written request to vary the height standard contained in the North Sydney LEP fails to demonstrate the requirements of Clause 4.6(3) and environmental planning grounds to justify the variation are not accepted. Furthermore the objectives of the standard and the objectives of the LEP are not met and therefore the development is not in the public interest.

The Council Officer's Report and Recommendation is endorsed by the Panel for the reasons contained in the Officer's report and as shown below:

1. The proposed development does not satisfy the definition of multi dwelling housing and is most appropriately categorised as a residential flat building, which is prohibited development in the R3 Medium Density zone.
2. The proposed development has the appearance of a residential flat building and does not exhibit many of the characteristics of traditional multi dwelling housing, such as townhouse, terrace and villa development. The proposed residential flat building typology is inconsistent with the existing and desired future character in the vicinity of the site which is zoned for medium density residential development.
3. The proposed development is excessive in terms of height, bulk and scale, as indicated by the proposed FSR of approximately 1.36:1. The proposal has a four (4) storey appearance, exceeds the 8.5m height limit and results in excessive excavation within the R3 zone. The written request to vary the height limit, under clause 4.6 of NSLEP 2013 is not supported.
4. The proposed building is unsatisfactory with regard to configuration and amenity. The design includes habitable rooms below existing ground level, no ground level open space for six (6) out of nine (9) dwellings, unsatisfactory internal planning with wet areas located above living areas in separate dwellings, no central waste storage area, poor streetscape presentation, a lack of an identifiable entry or legible street address, privacy impacts on adjoining dwellings to the west and north, and other associated issues.
5. The proposal is unsatisfactory with regard to the provisions of the Low Rise Medium Density Design Guide for development applications, particularly in relation to not exhibiting the key characteristics of multi dwelling housing including each dwelling having a frontage to a public road, being located side by side and having its entry and private open space located at ground level. The proposed FSR of 1.36:1 substantially exceeds the 0.8:1 design criteria in the Low Rise Medium Density Design Guide for development applications and is indicative of the FSR of a residential flat building. The proposed 4 storey height is uncharacteristic of medium density development in an area with a height of building limit of 8.5m.
6. The proposal is not in the public interest as the development is inconsistent with a number of the height of building objectives under clause 4.3 and zone objectives in the R3 Medium Density Residential zone, under NSLEP 2013.

The Panel considers that the development as proposed is not permissible in the zone as separate ground level access to each dwelling is not provided and the development does not reflect the desired future character of the area in terms of typology, bulk and scale. The written request to vary the height standard also fails the Clause 4.6 tests.

How community views were taken into account:

The owners of adjoining properties and the Bridgeview Precinct were notified of the proposed development for a 14-day period, between 5 April 2019 and 23 April 2019 in accordance with section A4 of NSDCP 2013. 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/2019/2_October_2019)

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 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
GEORGE YOUHANNA
EXECUTIVE PLANNER
