

Original signed by: Kim Rothe on: 14/11/19

Colliers International Project Management Pty Ltd
Level 30, 225 George Street
THE ROCKS NSW 2000

D107/19
KRR (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: 107/19

Land to which this applies:

4 Holt Street, McMahons Point
Lot No.: 104, DP: 1185623

Applicant:

Colliers International Project Management Pty Ltd

Proposal:

Part demolition of existing building and construction of new three storey office premises.

Determination of Development Application:

The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 6 November 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:

6 November 2019

Reasons for refusal:

- 1. The Clause 4.6 Written Request to Vary the Height Development Standard in the NSLEP 2013 Clause 4.3(2) is not considered to be well founded**

Particulars:

The Clause 4.6 written request to contravene the height standard does not fulfil the requirements of 4.6(3) nor is it consistent with the objectives of the height standard, including:

- (b) to promote the retention and, if appropriate, sharing of existing views,
- (f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.

The development is also inconsistent with the zone objective, “To permit development that is compatible with the scale and character of the surrounding residential area”.

Given the above objectives of the standard and zone objective are not met, the proposed development is found not to be in the public interest.

2. Overdevelopment of the Site

Particulars:

The proposed development due to the Building Height breach is considered to be an overdevelopment of the site and contrary to the following:

- i. Aims of NSLEP 2013, specifically Cl.(2)(a), (2)(b)(i) and (2)(d)(ii)
- ii. Objectives of the IN2 Light Industrial Zone of NSLEP 2013
- iii. Clause 4.3 Building Height of NSLEP 2013
- iv. Clause 5.10 Heritage Conservation of NSLEP 2013
- v. Objective O1 and O13 in Part B, Section 2.1.1 *General Objectives* in NSDCP 2013
- vi. Part B Section 2.3.8 *Views* in NSDCP 2013
- vii. Part B Section 2.4.1 *Context* of NSDCP 2013
- viii. Part B Section 2.4.6 *Skyline* of NSDCP 2013.

3. View Loss resulting from the non-complying elements of the Development and Building Height

Particulars:

- a) The Building Height exceeds the height standard applicable to the site resulting in unacceptable impacts to views afforded from surrounding premises and fails to promote the principles of view sharing. The development is contrary to the following:
 - i. Aims of NSLEP 2013, specifically Cl.(2)(a), (2)(b)(i) and (2)(d)(ii)
 - ii. Clause 4.3 Building Height of NSLEP 2013
 - iii. Part B Section 2.3.8 *Views* in NSDCP 2013
 - iv. Part B Section 2.4.6 *Skyline* of NSDCP 2013.

4. The Building Height of the Development is not appropriate for a Building located in the Union Bank and Thomas Street Conservation Area

Particulars:

- a) The Building Height exceeds the Height control applicable to the site and is not appropriate in the context of the *Union, Bank and Thomas Street Conservation Area*. The development is contrary to the following:

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- i. Clause 4.3 Building Height of NSLEP 2013
 - ii. Clause 5.10 Heritage Conservation of NSLEP 2013
 - iii. Part B Section 2.4.1 *Context* of NSDCP 2013
 - iv. Part B Section 2.4.6 *Skyline* of NSDCP 2013
 - v. Part C Section 9.10 *Union Bank and Thomas Street Conservation Area*
 - vi. Part B Section 13.8 *Demolition of Neutral Items*.
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How community views were taken into account:

The owners of adjoining properties and the **Union Precinct** were notified of the proposed development for a 14-day period, between **17 May 2019 and 31 May 2019**, in accordance with section A4 of NSDCP 2013. The notification of the application resulted in a total of **twenty-six (26) submissions** being received during the course of the assessment of the proposal. 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/2019/6_November_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
DAVID HOY
TEAM LEADER (ASSESSMENTS)
