

Original signed by: David Hoy on: 19/12/19

ArchiSpectrum  
Attention: Martin Bednarczyk  
c5/ 8 Allen Street  
WATERLOO NSW 2017

D250/19  
MD1 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
NOTICE OF DETERMINATION – Refusal**

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**Development Application Number:** 250/19

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**Land to which this applies:** 2 Commodore Crescent, McMahons Point  
Lot No.: 1, DP: 17113

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**Applicant:** ArchiSpectrum

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**Proposal:** Construction of a garage and a lift and enclosure of a rear balcony.

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**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.

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**Date of Determination:** 19 December 2019

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**1. Inadequate Plans and Detail**

That adequate plans and detail has not been submitted to address the likely impacts of the proposal. The applicant is deficient in the following respects:

**Reasons for refusal:**

- (a) The application does not include:
- i. A recent survey plan and other plans showing all site features;
  - ii. Existing floor plans; and
  - iii. Plans with all detail listed on Council's Development Application Form, including all proposed roof levels on each roof, elevation and section plans.
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- (b) The application did not clarify:
- i. The existing floor level of the workshop;
  - ii. The proposed use of the workshop;
  - iii. The use of the existing single garage to the rear; and
  - iv. The approval of existing excavation in the area of the proposed double garage.

Council requested this information in writing on 26 August 2019 and 27 September 2019, but this information has not been provided.

**2. Sweep Paths**

The northern side parking space within the proposed double garage would likely conflict with vehicles parked in the two-hour on-street parking opposite the site. The application has not included vehicle sweep paths demonstrating adequate ingress and egress to each proposed parking space. The resulting development would not comply with the car parking design provisions under Section 1 Residential Development and Section 10 Car Parking and Transport in *North Sydney Development Control Plan 2013*.

**3. Site Coverage**

The proposed site coverage, including the cubby house and covered area at the rear, exceeds the maximum permitted site coverage under Section 1.5.5 Site Coverage of *North Sydney Development Control Plan 2013*.

**4. Car Parking Quantity**

Provision of both the workshop and proposed garage as car parking would result in an excessive number of off-street car parking spaces and would be contrary to Section 10 Car Parking and Transport in *North Sydney Development Control Plan 2013*.

**5. Stormwater**

The application has not included a concept stormwater plan prepared by a suitably qualified hydraulic engineer is required indicating how stormwater runoff would be managed on site in accordance with Section 18 Stormwater Drainage in *North Sydney Development Control Plan 2013* and the *North Sydney Council Performance Guide and Infrastructure Specification Manual*.

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**How community views were taken into account:**

The owners of adjoining properties and the local community precinct committee were notified of the proposed development for a 14-day period in accordance with section A4 of NSDCP 2013 and Council's Community Engagement Protocol. The notification resulted in five submissions.

Submissions raised concerns with vehicle manoeuvring into the proposed garage requiring the loss of the two opposite on-street parking spaces, building finishes and materials, and excavation.

Council's Development Engineer has reviewed the proposal and identified that the northern side parking space within the proposed double garage may conflict with vehicles parked in the two-hour on-street parking opposite the site. On 27 September 2019 Council requested vehicle sweep paths demonstrating adequate ingress and egress to each proposed parking space. At the time of the assessment report, the applicant has not submitted additional information.

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**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.

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**Endorsed for and on behalf of North Sydney Council**

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DATE

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

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