

Development Consent No. 40/18

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”)

Applicant’s Name

██████████
PO Box 733
MILSONS POINT NSW 1565

Land to which this applies

141 Carabella Street, Kirribilli
Lot No.: 15, DP: 1078553

Proposal

Additions and alterations to the existing dwelling including rear extensions, new balconies, and a new bedroom and balcony at roof level.

Determination of Development Application

The development application was considered by the North Sydney Local Planning Panel (NSLPP) on 3 October 2018. 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.

Reasons for refusal

- The Clause 4.6 request does not justify contravening of the height standard and why compliance is unreasonable or unnecessary in the circumstances of the case. Furthermore, the objectives of Clause 4.3 of the LEP 2013 are not satisfied in that the proposed development is not of a scale that is in accordance with and promotes the character of the area. Further, the objective of the R2 Low Density Residential Zone to ensure a high level of residential amenity is not achieved by the proposal.
- Reducing the floor to ceiling height of the floors in the dwelling to minimise overall height will unduly impact on internal amenity.
- The development should be sensitively designed in its context and more in character with the row of terraces in this Heritage Conservation Area as required by Clause 5.10 of the LEP 2013.

- Insufficient detail and information provided on the submitted plans.

How were public submissions taken into account

The original application was notified to adjoining properties and Milson Precinct between 9 March and 23 March 2018.

The first set of amendments was notified to the adjoining properties and Milson Precinct between 17 July and 31 July 2018.

The second set of amendments was notified to the adjoining properties and Milson Precinct between 31 August and 14 September 2018.

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/2018/3_October_2018)

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.

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS