

CO-AP (Architects)
Studio 3, 283 Liverpool Street
DARLINGHURST NSW 2010

D177/21
LD (CIS)

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

Development Application Number: 177/21

Land to which this applies: 68 Albany Street, Crows Nest
Lot No.: B DP: 442085

Applicant: CO-AP (Architects)

Proposal: Construction of a new garage to Albany Lane and associated landscaping works

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.

Date of Determination: 17 August 2021

Reasons for Refusal:

1. Non-compliance with the maximum site coverage control in NSDCP 2013

The proposal results in a significant non-compliance with the maximum site coverage control in Section 1.5.5 of NSDCP 2013, which indicates an over-development of the site.

Particulars

- a) The proposed site coverage of 75% is significantly and unacceptably non-compliant with the maximum site coverage control of 60% for the Site (Provision P1 in Part B, Section 1.5.5 'Site Coverage').
 - b) This significant exceedance of the maximum site coverage control would result in over-development that is neither balanced nor in keeping with the optimum capacity of the site (Objective O1 in Part B, Section 1.5.5 'Site Coverage').
 - c) The significant exceedance of the maximum site coverage control would fail to adequately ensure that development promotes the existing or desired future character of the neighbourhood (Objective O2 in Part B, Section 1.5.5 'Site Coverage').
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- d) The significant exceedance of the maximum site coverage control would fail to limit the building footprint so as to ensure that adequate provision is made for private open space at the rear of the site (Objective O4 in Part B, Section 1.5.5 'Site Coverage'). The proposal would not provide private open space at the rear of the site of a sufficient size for it to be useable (Objective O2 in Part B, Section 1.5.9 'Private and Communal Open Space.'

2. *Uncharacteristic roof form to garage*

The proposed pitched roof form of the garage is inconsistent with the characteristic flat roof form of other garages along the southern side of Albany Lane.

Particulars

- a) The proposed pitched roof form does not positively relate nor is it consistent with the characteristic roof form of other garages along the southern side of Albany Lane that have a flat roof form. The proposal is, therefore, inconsistent with P1 and P2 in Part B, Section 1.4.10 'Roofs' in NSDCP 2013.

3. *Non-compliant garage width and setback to Albany Lane*

The proposed garage width and setback to Albany Lane is non-compliant with the relevant controls in NSDCP 2013.

Particulars

- a) The proposed garage has a nil setback to Albany Lane. Provision P9 in Part B, Section 1.4.4 'Laneways' and Provision P7 in Part B, Section 1.4.6 'Setbacks' in NSDCP 2013 require new structures to be setback 1.2m from the laneway boundary. The non-compliant setback contributes to the excessive bulk and scale of the garage.
- b) The proposed garage occupies the entire width of the frontage to Albany Lane. Provision P6 in Part B, Section 1.4.4 'Laneways' in NSDCP 2013 limits the maximum width of garages to 50% of the width of laneway frontages. The proposed garage occupying the full width of the laneway frontage limits opportunities for additional landscaping and useable private open space within the rear part of the site.

How community views were taken into account:

The issues raised in the one (1) submission are addressed in the report.

Review of determination and right of appeal:

Within six 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

18 August 2021

DATE

Signature on behalf of consent authority
LUKE DONOVAN
SENIOR ASSESSMENT OFFICER