

Original signed by **Robyn Pearson** on **17/01/2022**

Kristina Arutyunova  
46 Beattie Street  
BALMAIN NSW 2041

D258/21  
origTH2 (CIS)

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

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**Development Application Number:** **258/21**

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**Land to which this applies:** 50 Cammeray Road, Cammeray  
Lot No.: 2, DP: 205124

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**Applicant:** Kristina Arutyunova

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**Proposal:** Carport and enclosed bin storage area with landscaping within the front setback.

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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:** 17 January 2022

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**Reason for refusal:**

**1. Carports within the front setback**

- (i) The carport is located within the front setback of the site contrary to Provision P10, s1.5.4 'Vehicular Access and Car Parking' in NSDCP 2013. The carport proposed within the front setback located between the primary street frontage and primary street façade of the semi-detached dwelling is not supportable due to its adverse visual impact on the appearance of the streetscape and the existing dwelling. The carport would create an adverse visual impact upon the streetscape due to the limited width of the site and the location of the carport directly in front of the principal façade of the semi-detached dwelling. Any additions within the front setback are likely to have a significant impact on views of the dwelling from the streetscape. The siting including width of the carport would have an adverse impact upon the appearance of the street and the building contrary to Objective O4 of s1.5.4 'Vehicular Access & Car Parking' of the NSDCP 2013.
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**2. Limited Dimensions of the Carport and Parking Area**

- (i) Provision P17 of s1.5.4 in the NSDCP 2013 requires a minimum of 5.5m for the length of the car parking space to allow any vehicle to stand wholly within the property. The length of the carport measuring 4.59m is insufficient to provide safe compliant parking and contrary to P17, s1.5.4 of the NSDCP 2013.
- (ii) The proposed length of the car space would not ensure adequate parking of a vehicle not compliant with the base dimension for a B85 vehicle (4.91m) referred to in the Australian Standard 2890.1:2004.
- (iii) The front setback is unable to accommodate vehicles other than a small car therefore utilising the existing driveway for parking of a vehicle will require part of any car to overhang the public footpath causing a safety hazard for pedestrians using the footpath. The front setback is unable to adequately accommodate vehicles for on-site car parking for residents of 50 Cammeray Road and is therefore contrary to Objective O1 of s1.5.4 'Vehicular Access and Car Parking' of the NSDCP 2013.

**3. Colours and Materials**

- (i) The materials for the carport including a polycarbonate roof are considered to be incompatible with the high standard of materials generally in Cammeray Road. The materials for both the carport and waste bin enclosure gates introduce an extensive use of metal and plastic within the front setback of the site having a significant impact on the character of the front façade of the dwelling which is highly visible from the street. The steel framed carport, steel gates of the bin enclosure combined with steel fencing above the bin enclosure are contrary to Provision P3, s1.4.12 of the NSDCP 2013 adding extensive metal detracting from the appearance of the dwelling.

**4. Bin Store**

- (i) The garbage storage area is not considered to be complementary to the streetscape being so close to the footpath and therefore highly visible from the street. Additionally, the bin store encompasses large steel gates measuring 1.6m x 1.8m that adjoins the footpath and are highly visible in the streetscape. The garbage storage area due to its immediate proximity to the footpath and proposed design, and poor-quality materials and finishes do not complement the streetscape character contrary to Provision P10, s1.5.12 of the NSDCP 2013.
  - (ii) The semi-detached dwelling has an existing garage integrated within the building footprint providing sufficient internal space to accommodate bin storage. The existing dwelling and ground floor garage would provide an ideal opportunity for integrated garbage storage to ensure that bins are securely stored away and not visible from the street. The current garage on the ground floor of the dwelling provides an opportunity for garbage storage integrated within the building pursuant to directions in Provision P12, s1.5.12 of the NSDCP 2013.
  - (iii) The gates for the bin store would open out to the public footpath which is likely to be a safety hazard for pedestrians using Council's footpath contrary to the requirements of O1, s1.5.3 of NSDCP 2013. The proposal is not in the public interest thereby failing to satisfy the 'public interest' matter for consideration in s4.15 'Evaluation' of the Environmental Planning and Assessment Act 1979.
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**How community views were taken into account:**

The subject application was notified to adjoining properties and the Bay Precinct for 14 days where concerns were raised about the potential adverse impact of the garbage bin enclosure both in terms of visual impact to the streetscape and physical obstruction to pedestrians using the footpath.

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**Review of determination and right of appeal:**

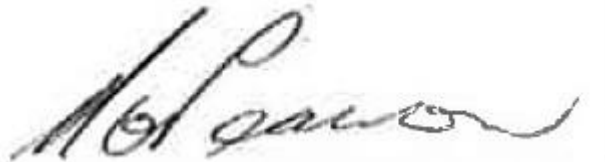
Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as 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**

17 January 2022

DATE



Signature on behalf of consent authority

ROBYN PEARSON

**TEAM LEADER ASSESSMENTS**

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