

Resolution of Central Sydney Planning Committee

25 June 2020

Item 14

Development Application: 205-213 and 215-225 Euston Road, Alexandria - D/2018/907

Moved by the Chair (the Lord Mayor), seconded by Councillor Thalís -

It is resolved that consent be refused for Development Application No. D/2018/907 for the following reasons:

- (A) The development is not consistent with the concept consent D/2018/989/A for the site. As such, the proposal does not comply with clause 4.24(2) of *the Environmental Planning and Assessment Act 1979*.
- (B) The proposed height exceeds the maximum permitted height development standard by up to 44%. The additional height and bulk of the building means that the development will overshadow and be more imposing on Sydney Park. As such, the development does not comply with:
 - (i) Clause 4.3 of *Sydney Local Environmental Plan 2012*, including objective (a)
 - (ii) Clause 4.15(1)(e) of *the Environmental Planning and Assessment Act 1979*
 - (iii) Clause 6.21 of *Sydney Local Environmental Plan 2012*
 - (iv) Section 4.2.1 of the *Sydney Development Control Plan 2012*.
- (C) The proposed setbacks to the south and west boundaries are inadequate. The setbacks do not comply with the concept consent or parts 2F and 3F of the Apartment Design Guide (ADG). The development will detract from the quality and amenity of the Sydney Park. The development will also result in the removal of three (3) trees within Sydney Park, the pruning of one (1) tree and encroachment into the tree protection zone of 28 trees. In this regard, the development does not comply with:
 - (i) Clause 6.21 of the *Sydney Local Environmental Plan 2012*
 - (ii) Clause 4.15(1)(e) of *the Environmental Planning and Assessment Act 1979*

- (iii) Clause 1.2(l) of the Sydney Local Environmental Plan 2012
 - (iv) Schedule 1 of the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
 - (v) Parts 2F and 3F of the Apartment Design Guide
 - (vi) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
 - (vii) Section 3.5.1 of the Sydney Development Control Plan 2012
 - (viii) Sections 35, 36G and 36L of the Local Government Act 1993
 - (ix) Sydney Park Plan of Management.
- (D) The proposal has not demonstrated how the flood risk on the site will be managed, or how the site will be drained. In this regard, the development does not comply with:
- (i) Clause 7.15 of the Sydney Local Environmental Plan 2012
 - (ii) City's Interim Floodplain Management Policy
 - (iii) Section 3.7 of the Sydney Development Control Plan 2012.
- (E) The proposal has not demonstrated how access from Euston Road will be provided to the site. It is not clear where the deceleration lane will go, how the footpath will be realigned, how this land will be dedicated and what the setback of the building will be relative to the new property boundary. These are fundamental components of the development, and in the absence of clarity, mean the development cannot be approved. In this regard, the development does not comply with:
- (i) Clause 4.15(1)(c) of the Environmental Planning and Assessment Act 1979
 - (ii) Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007
 - (iii) Section 3.11 of Sydney Development Control Plan 2012.
- (F) The proposed remediation approach does not properly consider the works required to Sydney Park, the impact on trees or the impact on future residents. It also does not adequately demonstrate how the site can be made suitable for the proposed uses. In the absence of clarity of these issues, the development has not demonstrated that the site can be made suitable for the proposed use. In this regard, the development does not comply with:
- (i) Clause 7(1)(b) of State Environmental Planning Policy No 55 - Remediation of Land
 - (ii) Clause 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*
 - (iii) Clause 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*
 - (iv) Clause 6.21 of *Sydney Local Environmental Plan 2012*.

- (G) The proposed development will likely require works to be undertaken on Sydney Park. This has not been sufficiently detailed. No land owners consent has been sought or is provided for the works required to be undertaken in Sydney Park. Tree removal and development works for the purposes of a private development is contrary to the objectives of management of Sydney Park. In this regard, the development does not comply with:
- (i) Clause 78A of the Environmental Planning and Assessment Act 1979
 - (ii) Clauses 49 and 50, and Schedule 1 of the Environmental Planning and Assessment Regulations 2000
 - (iii) Sections 35, 36G and 36L of the Local Government Act 1993
 - (iv) Sydney Park Plan of Management.
- (H) The site is impacted by road noise, aircraft noise and noise from nearby industrial land uses, including three (3) concrete batching plants. The proposal has not properly considered this acoustic condition, and has not demonstrated how the development can achieve the required internal noise levels and receive natural ventilation. In this regard, the development does not comply with:
- (i) Clause 7.18 of Sydney Local Environmental Plan 2012
 - (ii) Clause 102 of the State Environmental Planning Policy (Infrastructure) 2007
 - (iii) Department of Planning and Industry Development near rail corridors and busy roads- interim guidelines
 - (iv) Schedule 1 of the State *Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*
 - (v) Part 4B of the Apartment Design Guide
 - (vi) Clause 6.21 of *Sydney Local Environmental Plan 2012*.
- (I) The development does not comply with the minimum separation distances between habitable openings, as required by parts 2F and 3F of the ADG. The apartments will have compromised visual and acoustic privacy, and the internal plaza will feel narrow and more enclosed. In this regard, the development does not meet the objectives of the following:
- (i) Schedule 1 of the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
 - (ii) Parts 2F and 3F of the Apartment Design Guide
 - (iii) Clause 6.21 of *Sydney Local Environmental Plan 2012*.
- (J) The development does not provide a compliant ramp into the basement to allow Council's waste vehicles to adequately service the development. In this regard, the development fails to comply with section 3.14 of the Sydney Development Control Plan 2012.

- (K) The development in its current form does not demonstrate design excellence. The form and external appearance of the proposed development will detract from the quality and amenity of the public domain. The flood risk on the site has not been mitigated. The internal amenity of a majority of apartments is compromised. The development does not demonstrate whether the ecologically sustainable development targets have been implemented within the development. The access to the site does not demonstrate how pedestrian amenity will be prioritised. In this regard, the development does not meet clause 6.21 of Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2018/907