

## Resolution of Local Planning Panel

**13 June 2018**

### Item 9

#### **Development Application: 15 Bourke Road, Alexandria**

The Panel refused consent for Development Application No. D/2018/56 for the following reasons:

1. The development proposes an excessive amount of floor space which will result in an overdevelopment of the site. The development will result in a significant breach of Clause 4.4 floor space ratio under Sydney Local Environmental Plan 2012. While a Clause 4.6 variation to development standard under Sydney Local Environmental Plan 2012 was submitted, it does not demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstance. In this regard, the development does not comply with;
  - (a) Clause 4.4 floor space ratio of Sydney Local Environmental Plan 2012; and
  - (b) Clause 4.6 Exception to development standards under Sydney Local Environmental Plan 2012.
2. The development proposes a retail premises within the site. This use is prohibited in the B7 business park zone. In this regard, the development does not comply with B7 business park land use in Sydney Local Environmental Plan 2012.
3. The proposal does not demonstrate how the site can be made suitable for the proposed use as required by State Environmental Planning Policy No 55 - Remediation of land.

4. The proposal does not illustrate that there will be no unreasonable environmental impacts of the proposed development. It fails to assess the condition of the groundwater within the site, it does not include any details of investigation for underground service tanks or other potential contaminants including hydrocarbons. It also fails to address the potential for offsite migration of contaminants onto neighbouring sites. In this regard, the development fails to comply with:
  - (a) State Environmental Planning Policy No 55 - Remediation of land;
  - (b) Clause 7.14 Acid Sulphate Soils of Sydney Local Environmental Plan 2012;
  - (c) Section 3.17 and 5.8.7.3 of Sydney Development Control Plan 2012.
5. The proposal results in an overdevelopment of the site and results in poor public domain outcomes. The proposal will not result in a high standard of architectural, urban or landscape design, and as such is not considered to represent design excellence. In this regard, the development fails to comply with Sydney Local Environmental Plan 2012.
6. The proposal does not adequately address flooding or stormwater management. The application also proposes to protrude into the one metre clearance zone adjacent to the canal, which is not supported by Sydney Water. In this regard, the development does not comply with:
  - (a) Clause 7.15 of Sydney Local Environmental Plan 2012; and
  - (b) Section 3.7, 5.2.7 and 5.8.7.1 of Sydney Development Control Plan 2012.
7. The size of the basement opening is not sufficient to enable onsite loading and waste collection. In this regard, the development does not comply with:
  - (a) Section 3.11, 3.14 and 4.2.6 of Sydney Development Control Plan 2012.
8. The proposed development will result in a poor interface with the public domain. The development has not been designed to the correct flood levels and no provision for accessible access into the building has been provided. No public benefit offer has been provided to facilitate the dedication of the front and rear setbacks to Council. In addition to this, building elements are proposed to overhang into the front and rear setbacks which is inconsistent with the need to provide setbacks clear to the sky. In this regard, the development fails to comply with:
  - (a) Clause 6.21 of Sydney Local Environmental Plan 2012;
  - (b) Section 3.1, 3.2, 3.12, 4.2.2, 4.2.4 and 5.2.9 of Sydney Development Control Plan 2012.

9. The building has not been designed to consider the interface of the eastern façade with the future proposed street. In doing so, the development is not considered to recognise the local planned infrastructure, or the desired future character of the site and surrounding locality. In this regard, the development does not comply with;
  - (a) Section 3.1, 3.2, 5.2.1, 5.2.3 and 5.2.4 of Sydney Development Control Plan 2012.
10. The building has not been designed to accommodate deep soil, or maximise access to natural light and ventilation. In this regard, it fails to comply with section 5.8.2.5.1 and 5.8.2.4 of Sydney Development Control Plan 2012.
11. The development is not considered to be in the public interest as it is contrary to the provisions of relevant planning instruments, development control plans and has raised concern from adjoining landowners. In this regard, the development fails to satisfy section 4.15 of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

D/2018/56