

Resolution of Local Planning Panel

4 July 2018

Item 4

Development Application: 52 Argyle Place, Millers Point

The Panel refused consent for Development Application No. D/2018/194 for the following reasons:

- (A) In accordance with Section 4.47(A) of the Environmental Planning and Assessment Act 1979, the NSW Heritage Council have advised they will not grant approval to the proposal and the Local Planning Panel must refuse the application.
- (B) The proposal involves a basement level and excavation across the site which will result in adverse heritage impacts to the State Heritage item, particularly on archaeological and historical values of the site.
- (C) The proposed development is contrary to Clause 1.2(2) (Aims of Plan) of the Sydney Local Environmental Plan 2012, in particular, Clauses 1.2(2)(j) and (k), as the proposed development will adversely impact on the State Listed Heritage item.
- (D) The proposed development does not comply with Clause 5.10 (Heritage Conservation) of the Sydney Local Environmental Plan 2012 and Clause 3.9 (Heritage) of the Sydney Development Control Plan 2012 as the proposed works will have an adverse impact on the heritage character of the State Listed Heritage Item.
- (E) The proposal is contrary to Clause 6.21 'Design Excellence' of the Sydney LEP 2012 as the proposed external works create undesirable changes to heritage fabric of the State Listed Heritage item.
- (F) The proposed development does not comply with 2.8 (Millers Point Special Character Area) of the Sydney Development Control Plan 2012 as the proposed development does not retain and conserve the heritage significance of Millers Point.
- (G) The proposed development is not considered to be in the public interest as required under Section 4.15(e) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

D/2018/194