

Resolution of Local Planning Panel

30 January 2019

Item 7

Development Application: 82 City Road, Chippendale

The Panel refused Development Application No. D/2018/842 for the following reasons:

- (A) The proposal does not comply with the following provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* which will have an unacceptable impact on the amenity of the future occupants:
 - (i) Clause 29 2(c) - Solar Access
 - (ii) Clause 29 2(d) - Private Open Space
 - (iii) Clause 29 2(f) - Accommodation Size
 - (iv) Clause 30 1(h) - Motorcycle Parking
 - (v) Clause 30A - Character of the Local Area
- (B) The proposal does not comply with Clause 4.6 of the *Sydney Local Environmental Plan 2012* in relation to the written request for a waiver of the requirements under Clause 30 1(h) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* as it is considered to not be in the public interest.
- (C) The proposal results in unsympathetic alterations and additions to a contributory building within a conservation area which fail to respect the characteristic built form of a row of contributory terraces, resulting in detrimental impacts on the Chippendale heritage conservation area (C9). The proposed development is therefore contrary to the requirements of Clauses 5.10 of *Sydney Local Environmental Plan 2012*, and Sections 3.9.6, 3.9.7 and 3.9.13 of *Sydney Development Control Plan 2012*.
- (D) As a result of the unsympathetic additions, the proposal alters the profile and form of the original building and extends beyond the predominant rear alignment of contributory buildings within the street block. The proposal fails to respond to the scale and character of the existing building or adjoining development and is therefore inconsistent with Section 4.2.2 of *Sydney Development Control Plan 2012*

- (E) The proposed development fails to demonstrate design excellence in accordance with Clause 6.21 of *Sydney Local Environmental Plan 2012* as it results in unacceptable bulk and scale, detrimental impacts on the character of the conservation area, detrimental impacts on the amenity of neighbouring properties and on the streetscape on Maze Lane.
- (F) The application has failed to demonstrate that the proposal will not have detrimental impacts on the amenity of neighbouring properties by way of unacceptable visual privacy and overshadowing impacts, and as such is inconsistent with the requirements of Section 4.2.3 of *Sydney Development Control Plan 2012*.
- (G) The application has failed to demonstrate the proposed excavation will not have detrimental impacts on the subject and adjoining properties contained within the heritage conservation area in accordance with Section 3.9.13 of the *Sydney Development Control Plan 2012*.
- (H) The proposed boarding house will have unacceptable amenity impacts to the future occupants due to the proposal's noncompliance with the following sections of the *Sydney Development Control Plan 2012*:
 - (i) Section 4.4.1.2 - Bedrooms
 - (ii) Section 4.4.1.4 - Communal Living Areas and Open Space
 - (iii) Section 4.4.1.5 - Bathroom, Laundry and drying facilities
 - (iv) Section 4.4.1.6 - Amenity, safety and privacy
- (I) The submitted Waste Management Plan does not adequately address the requirements of Section 3.14 of the *Sydney Development Control Plan 2012*.
- (J) The proposal does not comply with the provisions of tree management under Section 3.5.3 of the *Sydney Development Control Plan 2012* due to the loss of tree canopy and insufficient information to support the proposed removal of 3 trees.
- (K) The proposed development is not in keeping with the future desired character of the area and is not considered to be in the public interest.

Carried unanimously.

D/2018/842