

Relevant Information for Local Planning Panel

FILE: D/2018/1360 **DATE:** 3 April 2019

TO: Local Planning Panel Members

FROM: Graham Jahn, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 6 – Development Application: 21 O’Connor Street, Chippendale

Recommendation

That the Local Planning Panel do not agree to the submission of amended plans.

Background

Item 6 – Development Application: 21 O’Connor Street, Chippendale is recommended for refusal.

Council officers raised a number of concerns during the assessment of the application and requested that the application be amended. These concerns included non-compliance with the height control and the provision of the roof top terrace. Although the application was subject of amended plans, the height of the building and the provision of the roof top terrace remained unchanged.

In response to the reasons for refusal, the applicant has submitted additional information and amended plans. The applicant has provided a cover letter in Attachment A requesting the amended plans be approved with appropriate conditions or alternatively that the panel defer the application for Council staff to assess the amended plans.

The applicant has also provided a cover letter in Attachment B addressing heritage considerations. The letter states that the amended proposal maintains the limited significance of the building and provides for a sympathetic and well-considered alteration to its upper level. It further states that the addition is not excessive in bulk and scale and will not have a detrimental impact on the character of the building and the wider conservation area.

The amended plans delete the roof terrace and external stair and are provided in Attachment C. While the deletion of the roof terrace and external stair is considered positive, the applicant's Clause 4.6 requests to vary the height and floor space ratio development standards failed to demonstrate that compliance with the standards is unreasonable or unnecessary or that there were sufficient environmental planning grounds to justify contravening the standard. An amended Clause 4.6 variation request has not been submitted.

Council's fees and charges provide that a major modification of an application prior to determination is subject to a fee of 50 per cent of the original DA fee (minor modification 25 per cent). A 50 per cent fee is approximately \$768. No additional fees have been paid.

The applicant submitted amended plans and additional information on 29 March 2019 after the assessment of the application had been completed, the report to the Local Planning Panel had been finalised and the agenda for 3 April meeting had been published.

Clause 55 (1) of the Environmental Planning and Assessment Regulation 2000 allows for the submission of amended plans but only with the agreement of the consent authority. The Clause reads as follows:

(1) A development application may be amended or varied by the applicant (but only with the agreement of the consent authority) at any time before the application is determined.

It is recommended that the Local Planning Panel do not agree to the submission of amended plans at this late stage.

Prepared by: Zeb McInnes, Planner

Attachments

- Attachment A.** Cover Letter
- Attachment B.** Heritage Letter
- Attachment C.** Amended Plans

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport