

Attachment D

Original Notice of Determination

3 April 2019

Mr A Rodgers and Ms B T Mullin
C/- Kreis Grennan Architecture
319-325 Trafalgar St
PETERSHAM NSW 2049

NOTICE OF DETERMINATION - REFUSAL

DEVELOPMENT APPLICATION FOR 21 O'Connor Street, CHIPPENDALE NSW 2008
APPLICATION NO: D/2018/1360

Dear Sir/Madam

Please find enclosed the Notice of Determination relating to your development application at the above site. The application was **refused** for the reasons outlined in the enclosed Notice.

A copy of the planning report by the Council officers, which assessed the proposal is available online at the City's website development.cityofsydney.nsw.gov.au/DASearch/

If further information is required, please contact **Zeb McInnes** ph. **02 9246 7263**, email **zmcinnes@cityofsydney.nsw.gov.au**.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Zeb McInnes'.

Zeb McInnes
Planner

NOTICE OF DETERMINATION – REFUSAL issued under Section 4.16(1)(b)
of the Environmental Planning and Assessment Act 1979

Development Application No. D/2018/1360

Applicant Mr A Rodgers and Ms B T Mullin

Land to be developed 21 O'CONNOR STREET, CHIPPENDALE NSW
2008

LOT 59 DP 1070354

Proposed development Alterations and additions to existing mixed-use
warehouse building to include a new commercial
studio, courtyard and garage on the ground floor,
internal reconfiguration of the first floor, extension of
the second floor onto the existing outdoor terrace,
and addition of a roof terrace above.

Cost of development \$611,128

Determination The application was determined by the Local
Planning Panel and was **refused** consent.

Date of refusal 3 April 2019

Reasons for refusal

1. The variations sought to development standards prescribed under Clause 4.3 Height and Clause 4.4 Floor Space Ratio of the Sydney LEP 2012 are inconsistent with the provisions of Clause 4.6 and are not considered to be in the public interest.
2. The proposal results in unsympathetic alterations and additions to a contributory building within the Chippendale Heritage Conservation Area (C9). The proposal is therefore contrary to the requirements of Clause 5.10 of the Sydney LEP 2012 and Section 3.9 of the Sydney DCP 2012.
3. The proposal fails to demonstrate design excellence in accordance with Clause 6.21 of the Sydney LEP 2012 as it is excessive in bulk and scale, will have detrimental impacts on the character of the contributory building and wider heritage conservation area, and will have adverse impacts on the amenity of neighbouring buildings.
4. The proposal will have detrimental impacts on the amenity of neighbouring properties by way of unacceptable visual privacy impacts as well as potential acoustic impacts, and as such is inconsistent with the provisions of Section 4.2.3 of the Sydney DCP 2012.
5. The proposal is not in keeping with the desired future character of the area and is not considered to be in the public interest.

Community Consultation

Two submissions were received. Issues raised in all submissions have been taken into account in the report.

Right of appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months of the date of this notification.

Division 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination.

Division 8.2 does not apply to complying development, designated development, integrated development or a determination made by Council under Division 4.2 in respect of Crown applications.



per

GRAHAM JAHN AM

Director - City Planning, Development & Transport