



**DEVELOPMENT APPLICATION No. 2017-1180**

**Reasons for Refusal**

1. The proposal does not satisfy the provisions of Section 79C of the Environmental Planning & Assessment Act 1979 in relation to clauses (1)(a)(i), (iii), (b), (c) and (d).
2. The application is not supported on heritage grounds by the Conservation Advisory Panel or by Council's Heritage Adviser.
3. The removal of trees and vegetation from the site to enable the subdivision of the land is unacceptable.
4. The location of sandstone outcrops and walls along the northern boundary has not been adequately addressed in the plans submitted with the application.
5. It is considered that the proposal does not meet the objectives for character of new development in the River front Area controls as set out under clause 6.7 of LEP 2012 in that the natural or aesthetic significance of the land will not be maintained due to the subdivision.
6. The subdivision pattern proposed for the development is unacceptable in that the two (2) new residential lots to be created are deemed to be too shallow for any reasonable dwelling house design giving compliance to the design controls of DCP 2013. Both new lots will have an average depth of less than 10 metres and if a nominal building line to Crescent Street is followed and the 6 metre rear boundary setback is complied with, the lots will not be able to be reasonably developed in accordance with the DCP 2013.
7. The proposal does not comply with clause 3.8.3 of DCP 2013 in that the amount of land to be excised from the existing allotment will be 39.1% of the total site area compared to the maximum set out in that clause of 20%.
8. The subdivision will encroach beyond the edge of the embankment into the level area immediately surrounding the church which is acknowledged as contributing to the setting of the church in the Conservation Management Plan as submitted with the application.
9. Noise, dust and vibration due to excavation will provide a very real potential for damage to the heritage listed buildings including the church and Nos. 1 and 3 Crescent Street.
10. There will be a reduction in the existing grassed area around the church and the existing grassed area to the east of the church will have to be used more for off-street parking facilities during particular services held at the church.
11. There will be an excessive intrusion upon the natural topography at the northern end of the site due to the need for large amounts of excavation that will be required.
12. The 'primary views' of the heritage item from Futuna Street will be altered by the removal of the trees backdrop and its likely replacement with a 1.8 metres high paling fence with dwellings rising above the embankment edge.



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13. The proposal would create an undesirable precedent for Council.
14. The proposal would not be in the public interest.

27 February 2018

Steve Kourepis  
GROUP MANAGER  
DEVELOPMENT & REGULATORY CONTROL

Reference is made to your correspondence relating to the above development.

The matter was dealt with by Delegated Authority Report on 27 February 2018  
✓ which your comments were considered.

Council resolved to refuse the application and a copy of Council's determination is attached for your perusal.

Steve Kourepis  
GROUP MANAGER  
DEVELOPMENT AND REGULATORY CONTROL

Notes:

- (1) Section 82A allows an applicant to request a review of determination any time before expiry of making an appeal under Section 97.
- (2) For DAs lodged prior to 28 February 2011 Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environmental Court exercisable within 12 months after receipt of this notice. For DAs lodged after the 28 February 2011, Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 6 months after receipt of this notice.
- (3) You are advised that where a condition requires submission of additional information or amendments prior to release of the building plans, you are required to attend at the Council offices between 9.00 a.m. to 10.00 a.m., or otherwise by appointment, to finalise the outstanding matters, with the relevant Council Officer.