

Project Vision Consulting  
11/8 Avenue of America  
NEWINGTON NSW 2127

D88/21  
KRR (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
NOTICE OF DETERMINATION - Refusal

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Development Application Number: 88/21

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Land to which this applies: 20 Larkin Street, Waverton  
Lot No.: 2, DP: 1062058

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Applicant: Project Vision Consulting

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Proposal: Demolition of the existing dwelling and construction of a new two-storey dwelling with basement garage and associated landscaping

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Determination of Development Application: Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, approval has been granted subject to conditions in the notice of determination.

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Date of Determination: 31 August 2021

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Reasons for Refusal:

1. Insufficient Information has been provided by the applicant to enable assessment of the impacts of the proposal

Additional plans and information are required to thoroughly assess the merits of the Application under the EPA Act having regard to s4.67 of that Act.

- a) The proposal does not have an arborist report to detail the impacts of the development to trees on adjoining properties.
- b) The Application does not contain view loss drawings or diagrams that address the impact of the building form sought by this application.

- c) Concept amendments which were submitted are incomplete and do not contain elevations or section
- d) The Statement of Environmental Effects (SEE) was not amended as part of the Application

**2. Overdevelopment of the Site**

The proposed development due to new exposed basement and the excessive bulk and scale of the new dwelling is considered to be an overdevelopment of the site. The proposal would present above ground bulk and scale to Larkin Street of an inappropriate scale and not be in keeping with the established character of the zone and locality.

Particulars

- a) The site coverage of the building is excessive for the size of the site and is not characteristic of surrounding developments or the area. The proposed development is contrary to the following provisions:
  - i. Aims of NSLEP 2013, specifically (2)(a) and (b)(i);
  - ii. Contrary to the objectives of the *E4 Environmental Living Zone objectives 1, 2 and 3*.
  - iii. Clause 4.3 Building Height of NSLEP 2013
  - iv. Clause 6.10 Earthworks of NSLEP 2013
  - v. Objective O1 and Provisions P1 and P4 in Part B Section *1.3.1 Topography* on NSDCP 2013
  - vi. Objective O1 and O2 and Provisions P1 - P4 in Part B Section *1.3.6 Views* on NSDCP 2013
  - vii. Objective O1 and Provision P2 in Part B, Section *1.4.7 Form Massing and Scale* in NSDCP 2013;
  - viii. Objective O1 to O4 and Provision P1 in Part B, Section *1.5.5 Site Coverage* in NSDCP 2013;
  - ix. Objective O1 and Provision P1 in Part B, Section *1.5.6 Landscaped Area* in NSDCP 2013;
  - x. Objective O2 and Provision P2, P3 in Part B, Section *1.5.7 Excavation* in NSDCP 2013;
  - xi. Control P1 *Form Massing and Scale* of Part C Section *10.6.3 Desired Built Form* of Section 10.6 *Waverton Neighbourhood* character statement

**3. Failure to satisfy the following relevant objectives and controls within the North Sydney Development Control Plan 2013.**

The proposed development fails to satisfy the objectives of a number of the controls within the North Sydney Development Control Plan 2013 (NSDCP 2013).

Particulars

- a) The non-compliances with the following controls of North Sydney Development Control Plan (NSDCP 2013) result in a development that is uncharacteristic and represents an overdevelopment of the site and will not be in keeping with the established character of the area.

The proposed development is contrary to the following:

- i. Objective O1 and Provisions P1 and P4 in Part B Section 1.3.1 *Topography* on NSDCP 2013
- ii. Objective O1 and O2 and Provisions P1 - P4 in Part B Section 1.3.6 *Views* on NSDCP 2013
- iii. Objective O1 and Provisions P3 – P8 in Part B Section 1.3.10 *Visual Privacy* on NSDCP 2013
- iv. Objective O1 to O4 and Provisions P1 – P2 in Part B Section 1.4.6 *Setbacks* on NSDCP 2013
- v. Objective O1 and Provision P2, P3, P4, P5 in Part B, Section 1.4.7 *Form Massing and Scale* in NSDCP 2013;
- vi. Objective O1 and Provision P1 and P2 in Part B, Section 1.4.9 *Dwelling entry* in NSDCP 2013;
- vii. Objective O1 and Provision P7 and P8 in Part B, Section 1.4.10 *Roofs* in NSDCP 2013;
- viii. Objective O1 to O4 and Provision P1 in Part B, Section 1.5.5 *Site Coverage* in NSDCP 2013;  
Objective O1 and Provision P1 in Part B, Section 1.5.6 *Landscaped Area* in NSDCP 2013;
- xii. Objective O2 and Provision P2, P3 in Part B, Section 1.5.7 *Excavation* in NSDCP 2013;
- xiii. Control P1 *Form Massing and Scale* of Part C Section 10.6.3 *Desired Built Form* of Section 10.6 *Waverton Neighbourhood* character statement

4. Not considered to be in the public interest

The proposed development would set undesirable precedent for the subject site nor in the public interest.

Particulars

- a) The size of the proposed building is not considered to be suitable for the site nor would be characteristic within the *E4 Environmental Living Zone* and contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended)
- b) Public submissions were received against the application raising particular concerns about the excessive bulk, scale and density of the development, uncharacteristic built form, non-compliance with the landscape area, and privacy. The proposal in its current form is not considered to be in the public interest contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

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How community views were taken into account:

The relevant issues raised by submitters have largely been addressed within this report. Council concurs that the bulk and scale will result in adverse amenity impacts as well as potential view impact.

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Review of determination and right of appeal:

Within six months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

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Endorsed for and on behalf of North Sydney Council

*31 August 2021*

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DATE

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Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER - ASSESSMENTS**

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