



## **Additional Item**

**Agenda:** *Development Control Committee*

**Date:** *Monday 17 February 2014*

**Time:** *8.00 pm*

**Session:** *Two*

**Item:** *D11*

**Development Control Committee**

## **Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the objector speaks first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

## **Recommendation only to the Full Council or to the Strategic and Corporate Committee (“R” Items)**

- Specified developments, as may be determined and listed by the Council by resolution taken from time to time.
- Matters which involve broad strategic or policy initiatives within responsibilities of Committee.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters not within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

## **Delegated Authority (“D” Items)**

To determine all development applications and related applications, which are not required to be determined by the Council under Council’s adopted procedures for the call up of applications **except:**

- a) Applications for review of a determination under section 82A of the *Environmental Planning and Assessment Act 1979* (“*the Act*”) where the DCC determined the original application.
- b) Development applications for development on community land which may not be delegated for determination under section 47E of the LG Act.

**Committee Membership:** 7 Councillors

**Quorum:** The quorum for a committee meeting is 4 Councillors.

**Additional Item**  
**Meeting Agenda**  
**Session Two - Commencing at 8.00pm**

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
D11	DA477/2012 – 1 Cascade Street, Paddington – Alterations to façade to reinstate heritage detail & addition to 1 <sup>st</sup> floor above including a change of use of the shop to a residential use – 9/11/2012 <b>*See Recommendation Page 529</b>	527-529

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>ITEM No.</b>	D11
<b>FILE No.</b>	DA 477/2012/1
<b>ADDRESS</b>	1 Cascade Street PADDINGTON
<b>SITE AREA</b>	98.7m <sup>2</sup>
<b>ZONING</b>	Residential 2(a)
<b>PROPOSAL</b>	Alterations to facade to reinstate heritage detail and addition to first floor above including a change of use of the shop to a residential use
<b>TYPE OF CONSENT</b>	Local Development
<b>COST OF WORKS</b>	\$80,000.00
<b>DATE LODGED</b>	09/11/2012
<b>APPLICANT</b>	Roth Architects
<b>OWNER</b>	Black Eagle Media Pty Ltd
<b>AUTHOR</b>	Mrs L Holbert
<b>TEAM LEADER</b>	Mr G Fotis

### EXECUTIVE SUMMARY

#### 1. LOCALITY PLAN



## 2. HISTORY

At its meeting on Monday 22<sup>nd</sup> April 2013 full Council resolved to refuse DA477/2012 for alterations to the facade to reinstate heritage detail, a first floor addition above the existing shop building and for a change of use of the shop to a residential use. The Council resolved the following:

*‘THAT the Council, refuse Development Application No. 477/2012 for alterations to facade to reinstate heritage detail and addition to first floor above including a change of use of the shop to a residential use on land at 1 Cascade Street Paddington, for the following reasons’:*

- 1. Historically the buildings are two separate structures and the proposed ensuite addition does not comply with Objective O2, O3 and Control C1 of Part 4.3.1 of the Paddington Heritage Conservation Area Development Control Plan.*
- 2. The building is on prominent street corner and will have a poor streetscape outcome.*
- 3. Significant amenity impacts to the adjoining properties to the west (No's 34 and 36 Paddington Street, Paddington) including increased overshadowing and loss of ventilation.*

On the 10<sup>th</sup> December 2013 the applicant filed a Class 1 appeal to the Land and Environment Court. On the 5<sup>th</sup> February 2014 Council's Solicitors attended a directions hearing before the Acting Registrar. The Acting Registrar directed that the matter be listed for a section 34 conciliation conference to commence on the 3<sup>rd</sup> March 2014.

As Council staff recommended that this matter be approved, Council's Solicitors (Wilshire Webb Stauton Beattie) have sought the advice of a number of heritage consultants and consultant planners in order to seek support of Council's refusal of this development application (DA477/2012). Advice was sought from the following consultant planners:

1. Kerry Gordon
2. Anthony Rowan
3. Deborah Laidlaw

Advice was sought from the following heritage consultants:

1. Colin Brady
2. Robert Moore
3. Anthony Rowan

The advice received from the above mentioned consultants have been annexured to the confidential report.

Having regard to the above mentioned independent expert advice, Council's Solicitors were instructed to provide prospects of success advice in relation to this matter.

### **3. CONSIDERATION**

Council's solicitors provided prospects of success advice in relation to the Land and Environment Court matter at No.1 Cascade Street, Paddington on 12<sup>th</sup> February 2014. The information within this prospects of success advice contains privileged information which needs to be considered in a closed session.

### **4. RECOMMENDATION: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979**

- A. THAT the Committee resolves to enter into closed session with the press and public excluded to consider the confidential report on this matter in accordance with the provisions of Section 10A(2)(g) of the Local Government Act 1993.
- B. THAT in accordance with Council's Policy of Confidentiality, the confidential report remains confidential for a period of six (6) months.

Mrs L Holbert  
**ASSESSMENT OFFICER**

Mr G Fotis  
**TEAM LEADER**

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**Political Donations – matters to be considered by Councillors at Meetings**

