



Alexander Laykoski
C/- Nolan Planning Consultants
75 Oliver Street
FRESHWATER NSW 2096

D395/21
AB7 (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 APPLICATION 395/21/2 - REFUSAL**

Development Consent Number: 395/21

Land to which this applies: 15A Lower Wycombe Road, Neutral Bay
Lot No.: 24, DP: 3183

Applicant: Alexander Laykoski, C/- Nolan Planning Consultants

Proposal: Modification of DA 395/21 to delete Condition C8(2)

The 4.55 application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 7 September 2022.

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **395/21** and registered in Council's records as Application No. **395/21/2** relating to the land described as **15A Lower Wycombe Road, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 12 July 2022 has been refused for the following reasons.

Reason for Refusal:

The Panel is of the opinion that the original reason for the imposition of the condition still stands. The applicant's submission to justify the width of the crossing implies that vehicles will exit the garage without the need to use the turntable. If the turntable is utilised for both entry and exit then there is no need for the wider crossing. It is also considered that the approval as issued provides an improved streetscape and the opportunity for increased green verge.

How community views were taken into account:

The proposed modification was not required to be notified in accordance with Council's North Sydney Community Engagement Protocol.

Any variation to the Development Consent can only be made with the written approval of the Council. Major variations will require a new or amended Development Consent.

Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.

Section 4.55 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act, 1979.

Endorsed for and on behalf of North Sydney Council

15 September 2022

DATE



Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)