



Mersonn Pty Ltd  
**Attention: Andrew Darroch**  
6/20 Wylde Street  
POTTS POINT NSW 2011

D115/23  
JD6 (CIS)

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

*Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”). Clause 87 of the Environmental Planning and Assessment Regulation 2021 (“the Regulation”)*

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**Development Application Number:** 115/23

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**Land to which this applies:** 115, 117 and 119 Holt Avenue, Cremorne  
Lot No.: 1, DP: 929395

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**Applicant:** Mersonn Pty Ltd

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**Proposal:** Demolition of 3 dwellings and associated works, and construction of a residential flat building of 16 units with basement parking, landscaping and associated works.

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**Determination of Development Application:** The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 2 August 2023. Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, the subject application has been refused for the reasons stated below.

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**Date of Determination:** 2 August 2023

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**Reason for refusal:**

In accordance with Section 4.47 (4) Environmental Planning & Assessment Act, 1979 (EP&A), the North Sydney Local Planning Panel, exercising the functions of Council as the consent authority, refuses to grant development consent to Development Application No. 115/23 for demolition of 3 dwelling houses and associated works, and construction of a 3 storey residential flat building of 16 dwellings on land at 115, 117 and 119 Holt Avenue, Cremorne.

The relevant provision of the EP&A Act Section 4.47 is:

- (4) *If the approval body informs the consent authority that it will not grant an approval that is required in order for the development to be lawfully carried out, the consent authority must refuse consent to the application.*
- (2) *Where:*
- (a) *an application for approval is made to demolish the whole of a building or work; or*  
(b) *an application for approval is made which would, if it were approved, necessitate the demolition of the whole of a building or work,*

*The approval body shall determine that application by refusing approval.*

The above legislative requirements direct that the application be refused.

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**How community views were taken into account:**

The submissions received by Council were addressed in the NSLPP report (see Council's website: <https://www.northsydney.nsw.gov.au/downloads/file/2666/lpp05-115-119-holt-avenue-cremorne-da11523-2-august>)

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**Review of determination and right of appeal:**

Within 6 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**

**7 August 2023**

DATE



Signature on behalf of consent authority

JIM DAVIES

**EXECUTIVE ASSESSMENT PLANNER**

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