



Mr Mohammed Helou
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D454/21
DK4 (PE)

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

Development Number: 454/21

Land to which this applies: 8 Eaton Street, Neutral Bay
Lot No.: 1, DP: 110220

Applicant: Mohammed Helou

Proposal: Demolition of existing dwelling house and associated works, construction of a 6 unit, multi dwelling housing development, basement parking and associated works.

Determination of Development Application: 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.

Date of Determination: 19 March 2024

Reasons for Refusal:

1. Pursuant to Section 4.15 (1)(a) of the *EP&A Act 1979*, the proposed development does not comply with the following relevant environmental planning instruments and development controls as follows:
 - a. North Sydney Local Environmental Plan 2013 - Aims of the Plan - unable to satisfy the key aim (2)(e)(i).
 - i. The proposal fails to maintain and protect natural landscapes due to the negative impact to *T12 Eucalyptus microcorys* and *T10 Grevillea robusta*.
 - b. North Sydney Development Control Plan 2013, Part B, Section 1 - General Objectives (1.1) -

failure to meet objective Q5, Q7 due to the negative impact to T12 *Eucalyptus microcorys* and T10 *Grevillea robusta* and failure to provide sufficient replacement plantings.

- c. North Sydney Development Control Plan 2013, Part B, Section 1 - Landscaping (Section 1.5.7) - failure to meet objectives and controls with respect to the negative impact to T12 *Eucalyptus microcorys* and T10 *Grevillea robusta* and failure to provide sufficient replacement plantings.
 - d. North Sydney Development Control Plan 2013, Part B, Section 16 - Tree and Vegetation Management (Section 16.1) - failure to meet objectives and controls with respect to the negative impact to T12 *Eucalyptus microcorys* and T10 *Grevillea robusta* and failure to provide sufficient replacement plantings.
2. Pursuant to Section 4.15(1)(b) of the *EP&A Act 1979*, the proposed development is likely to have adverse impacts on T12 *Eucalyptus microcorys* and T10 *Grevillea robusta*.
 3. Pursuant to Section 4.15(1)(e) of the *EP&A Act 1979*, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

How community views were taken into account:

The subject application was notified to surrounding properties and the Plateau and Bay Precinct for 14 days where two (2) submissions were received, identifying several issues that have been considered in this report and support the refusal of the development application.

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

19 March 2024

DATE



Signature on behalf of consent authority
DAMON KENNY
EXECUTIVE PLANNER (ASSESSMENTS)