



Mr Phillip Leaver
PO Box 426
NORTH SYDNEY NSW 2060

D24/24
JV1 (CPE)

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

Development Number:	24/24
Land to which this applies:	2 Lloyd Avenue, Cremorne Lot No.: 12, DP: 577458
Applicant:	Phillip Leaver
Proposal:	Demolition of a wall, construction of a driveway and single hardstand car space
Determination of Development Application:	Subject to the provisions of Section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> , the subject application has been refused for the reasons stated below.
Date of Determination:	20 May 2024

Reasons for Refusal:

- The proposed development is inappropriate to its context and the character of the Lloyd Avenue streetscapes.**

The proposed development is incompatible with the character of its context by virtue of the impact on the site's front setback landscape appearance, and its failure to respond to the established pattern of development on adjoining properties.

Particulars:

- The application is considered to be unacceptable pursuant to the provisions Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* in that the proposed development will breach Section 1.5.6 Landscaped Area; Section 1.5.8 Front Gardens of North Sydney Development Control Plan 2013.

- b. The application is considered to be unacceptable pursuant to the provisions Section 4.15(1)(b) of *the Environmental Planning and Assessment Act 1979* in that the proposed development would have an amenity impact upon surrounding properties and the streetscape presentation of the site and would result in an uncharacteristic development that is unsympathetic to existing development within the street and surrounding area.
- c. The application is considered to be unacceptable pursuant to the provisions of Section 4.15(1)(c) of *the Environmental Planning and Assessment Act 1979* in that the proposal is not suitable for development of the proposed form.
- d. The application is considered to be unacceptable pursuant to the provisions of Section 4.15(1)(e) of *the Environmental Planning and Assessment Act 1979* in that the proposed development will be inappropriate with the established pattern of development of its context, will create an undesirable outcome and is, therefore, not in the public interest.

2. The proposed development is does not comply with the provision of the Australian Standards

The proposed development is not suitable due to the proposed driveway crossover's proximity to the intersection at Lloyd Avenue and Ellalong Road.

Particulars:

- a. The application is considered to be unacceptable pursuant to the provisions of Section 4.15(1)(b) and 4.15(1)(c) of *the Environmental Planning and Assessment Act 1979* in that the proposed hardstand and associated driveway breaches the requirements outlined in Australian Standard AS2890.1:2004 Off-street car parking, specifically 3.2.3 Access driveway location.

3. The proposed development is not suitable for the site.

The design of the proposed development is unacceptable because it is unsuitable for the site.

Particulars:

- a. The application is considered unacceptable pursuant to the provisions of Section 4.15(1)(c) and (d) of *the Environmental Planning and Assessment Act 1979* in that the proposed development is not suitable for the site due to the adverse environmental impacts on the amenity of adjoining properties and the local character.

4. Insufficient and inadequate plans and supporting information.

The supporting information is inadequate.

Particulars:

- a. The application is considered unacceptable pursuant to the provisions of Section 4.15(1)(a)(iv) of *the Environmental Planning and Assessment Act 1979*, in that the proposed development fails to meet the requirements outlined in Clauses 23 and 36 of the *Environmental Planning and Assessment Regulation 2021*. The application failed to submit a Landscape Plan. The landscaping of the proposal, as a result, could not be fully assessed in accordance with Section 1.5.7 and 1.5.8 of the North Sydney Development Control Plan 2013.

How community views were taken into account:

The application has been notified in accordance with Council's Community Consultation Plan with adjoining properties and notified between 1 March and 15 March 2024. The notification of the application has attracted one submission.

The submission advocated for the support of the application noting that the proposal is well received by residents of Lloyd Avenue in allowing for on-street parking to be freed for visitors and others.

The proposal will take parking off street; however, it will also remove an on-street space through the construction of the driveway crossover, therefore resulting in a net-neutral parking outcome within the locality and along Lloyd Avenue. No additional spaces will be 'freed' through the proposal as suggested in the submission.

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

20 May 2024

DATE



Signature on behalf of consent authority
ISOBELLA LUCIC
TEAM LEADER (ASSESSMENTS)