

Mike and Shan Pty Ltd & Ivas Investments Pty Ltd
C/- Urbis
Level 23, Tower 2 Darling Park
201 Sussex Street
SYDNEY NSW 2000

GM (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 100 of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)*

Development Application Number: 296/18

Land to which this applies:

12A Shirley Road, Wollstonecraft
Lot No.: 21, DP: 1208672

Applicant:

Mike and Shan Pty Ltd & Ivas Investments Pty Ltd

Proposal:

Integrated Development – Subdivision into 2 lots; demolition of existing buildings; construction of child care centre for 100 children; construction of new dwelling; landscaping and tree removal.

Determination of Development Application:

At its meeting of 14 March 2019, the **Sydney North Planning Panel (SNPP)**, as the consent authority, considered SNPP Reference No. 2018SNH053 – North Sydney - Development Application No. **296/18** and the subject application has been refused for the reasons stated below.

Date of Determination:

14 March 2019

Reasons for refusal:

The Panel notes that the Applicant requested a deferral to gain the outstanding RFS approval. However, in the Panel’s view the changes required for the DA to be acceptable would be so significant it would require a new application:

The panel refused the application for the following reasons:

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1. Integrated approval from the Rural Fire Service has not been granted.
 2. The bulk and scale of the buildings, the amount of excavation and the site cover are excessive and result in the destruction of much of the site's natural features.
 3. The proposed development is inconsistent with objectives of the E4 Environmental Living Zone under North Sydney Local Environmental Plan 2013, with regard to the loss of trees and natural features.
 4. The proposed development will result in adverse parking and traffic impacts in the surrounding area.
 5. The proposed development does not satisfy the Heritage Provisions under clause 5.10 of North Sydney Local Environmental Plan 2013 and it does not comply with Part B section 13.4 of North Sydney Development Control Plan 2013.
 6. The proposed development does not comply with the Landscape Controls in Part B section 1 of North Sydney Development Control Plan 2013.
 7. The proposed development does not satisfy several matters for consideration in Part 3 of the Child Care Planning Guideline under SEPP Education and Child Care.

How community views were taken into account:

In coming to its decision, the Panel considered more than 300 written submissions made during public exhibition and heard from 14 members of the community including the mayor at the public meeting.

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.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
**GEOFF MOSSEMENEAR
EXECUTIVE PLANNER**
