

Rachel Bentley
Bentley Design
24/43-53 Bridge Road
STANMORE NSW 2048

D428/18
RA3 (CIS)

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

Development Application Number: 428/18

Land to which this applies: 22 Cairo Street, Cammeray
Lot No.: 1, DP: 1067809

Applicant: Rachel Bentley

Proposal: New dividing fence and wall in the front setback.

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: 17 June 2019

Reason for refusal: The proposal has been considered against the questions identified in the Land and Environment Court Planning Principle —*Building to the side boundary in residential areas* established in *Galea v Marrickville Council* [2003] NSWLEC 113, and is considered to be unsatisfactory in this regard given that access has not been granted from the neighbouring site for construction purposes and for the maintenance of the proposed structure and contrary to the requirements of Clause 4.2 (1) (a) in the EP and A Act 1979 and Clause 49 in the EP and A Regulations 2000.

How community views were taken into account: On 20 December 2018, DA428/18 was advertised to surrounding properties and the Plateau Precinct seeking comment from 11 January to 1 February 2019. Three (3) submissions were received by Council from the same objector that resulted in the refusal of the application.

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.

Plans endorsed by the consent authority – please refer to condition A1.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER ASSESSMENTS
