

Hao Huynh
5 Burke Street
CONCORD WEST NSW 2138

D242/19
RT (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: 242/19

Land to which this applies: 6 Shellbank Parade, Cremorne
Lot No.: 134, DP: 10291

Applicant: Hao Huynh

Proposal: Alterations and additions to a three storey detached dwelling.

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 2 October 2019. 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: 2 October 2019

Reason for refusal:

- The development within 1.5 metres from a significant lemon scented gum tree provides amenity to the foreshore and the district. Approval to allow extensions in close proximity of the tree would set an undesirable precedent and would not be in the public interest.
- The amenity impacts on adjoining properties are unnecessary and unreasonable.
- The long term viability of the lemon-scented gum tree would be compromised by the balconies and by the roof being extended to within 1.5 metres of the tree.

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- The incursion of the proposed development beyond the established building setbacks to the foreshore is not good planning practice and is not in the public interest.
 - The architectural integrity of the dwelling would be further compromised by the design of the proposed balconies.
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How community views were taken into account:

The proposal was notified to adjoining property owners and the Willoughby Precinct for a period of 14 days between 30 August and 13 September 2019. The submissions received by Council were addressed in the NSLPP report (see Council's website: https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/NSLPP/2019/2_October_2019)

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
ROBYN PEARSON
TEAM LEADER ASSESSMENTS
