

Original signed by: Robyn Pearson Dated: 18/12/2019

Ms Rosetta Stevens
111 Milson Road
CREMORNE POINT NSW 2090

D289/19
RP(CIS)

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

Development Application Number: 289/19

Land to which this applies: 111 Milson Road, Cremorne Point
Lot No.: 1, DP: 1108080

Applicant: Rosetta Stevens

Proposal: New Double Carport

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.

The development application has been assessed against all applicable environmental planning instruments, including in relation to the North Sydney LEP 2013 and North Sydney DCP 2013.

Reason for refusal: There were no submissions after the application was notified to adjoining properties and the local precinct. The proposal will result in an adverse effect on the local built environment but will not result in any unreasonable adverse social or economic impacts. The proposal is not supported with regard to heritage as it does not satisfy clause 5.10 of NSLEP 2013 or Part B Section 13 of NSDCP 2013. The proposal also does not satisfy Part B Section 1.5.4 of NSDCP 2013 (parking) or Part B Section 1.5.5 & 1.5.6 of NSDCP 2013 (site cover, landscaped area and unbuilt upon area). Having regard to the provisions of Section 4.15 of the EP&A Act 1979, the application is recommended for refusal for the following reasons:

1. The proposal would cause a detrimental impact upon the Conservation Area

Particulars:

- a. The proposal does not satisfy Clause 5.10 of North Sydney Local Environmental Plan 2013 because the carport would obscure views of the contributory item located on the site having a detrimental impact upon the significance of the conservation area .
- b. The proposal does not satisfy Part B Section 13 within the North Sydney Development Control Plan 2013 because proposal would dominate the landscaped setting that is required to maintain the significance of the contributory item within the Cremorne Point Conservation Area.
- c. The proposal does not satisfy Part B Section 1.5.4 of North Sydney Development Control Plan 2013 because the carport would be located within the front setback with a driveway off Milson Road not off the rear lane contrary to the requirement of P10, P11(b)(h), P13 and P14.
- d. The proposal does not satisfy Part B Section 1.5.5 of North Sydney Development Control Plan 2013 given that there would be a significant non-compliance with the permissible site coverage thereby reducing opportunities for further landscaping within the front setback to maintain a landscaped setting for the contributory item.
- e. The proposed carport would provide an uncharacteristic element within the conservation area contrary to the requirements of section 6.4.7 in Part C (Character Statements) in NSDCP 2013.

How community views were taken into account:

The application was notified to adjoining properties and the Cremorne Point Conservation Precinct inviting comment between 4 and 18 October 2019. There were no submissions.

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)
