

Myrtle 29 Pty Ltd
PO Box 222
CAMMERAY NSW 2062

D180/19
DWH (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: 180/19

Land to which this applies: 13 Eden Street, North Sydney
Lot No.: 0, SP: 96224

Applicant: Myrtle 29 Pty Ltd

Proposal: Change of use of six (6) commercial suites known as G01-G06 to motel accommodation.

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 4 December 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.

- Reasons for refusal:**
- 1) The proposal is inconsistent with the B4 Mixed Use zone with respect to providing acceptable residential amenity to existing residences.
 - 2) The design of the existing building does not facilitate the proposed use of the ground floor for motel style accommodation.
 - 3) While the commercial component may have exclusive use of the ground floor, an open corridor/foyer provides access to the proposed motel rooms with no separation to the central open atrium that is shared with the residential component.
 - 4) The proposal is also inconsistent with the following provisions of North Sydney DCP 2013:
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- Part B S 2.3.2 Noise – O1, P6.
 - Part B S 2.3.9 Acoustic Privacy – O1.
 - S.2.2.4 Hotel Design – O1, P3 and P4.
 - S.2.2.5 Hotel Management – O1, P1 to P5.
 - S.2.5.4 High Quality Residential Accommodation – O1, P2 and P13.
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How community views were taken into account:

Adjoining properties and the Hayberry Precinct were notified of the proposed development between 12 July 2019 and 26 July 2019 and a notice was placed in the Mosman Daily on 11 July 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/2019/4_December_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
DAVID HOY
TEAM LEADER (ASSESSMENTS)
