

Joseph Georghy
PO Box 41
MILSONS POINT NSW 1565

D71/21
GM (CIS)

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

Development Application Number: 71/21

Land to which this applies: 54 High Street, North Sydney
Lot No.: 105, SP: 8461

Applicant: Joseph Georghy

Proposal: To use roof structure for residential purposes.

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: 18 May 2021

Reasons for refusal:

1. The structure does not comply with the provisions of the BCA and is not suitable for residential occupation. Given the extent of non-compliances identified within the submitted BCA Report, any future application must include all building works (excluding those required by Council's Fire Order) which are required to ensure compliance with the BCA 2019 Amendment 1. External changes to the structure will also require consideration of the relevant controls under Clause 4.3 and Clause 4.6 North Sydney Local Environmental Plan 2013.
 2. Clause 49(1)(b) of the Environmental Planning and Assessment Regulation 2000 provides that a development application may be made by any person with the consent of the owner of the land. The relevant land is common property which is owned by the Owners Corporation - Strata Plan 8461. The consent of the owner has not been provided; accordingly, Council is without power to grant consent.
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How community views were taken into account:

The subject application was notified to adjoining properties and the Milson/Anderson Precinct for 14 days where a number of issues raised were addressed in the assessment report.

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**
