

Original signed by: **Robyn Pearson** Dated:.....07/06/2021

Ocean King Enterprise Pty Ltd
C/- CMBR Marine Pty Ltd
Level 3, 223 Liverpool Street
DARLINGHURST NSW 2010

D308/20
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: 308/20

Land to which this applies: 11 Bennett Street, Cremorne
Lot No.: 1, DP: 1110849

Applicant: Ocean King Enterprise Pty Ltd
C/- CMBR Marine Pty Ltd

Proposal: Construction of part two and part three storey dual occupancy in semi-detached arrangement on each of the two allotments (Lots 1 and 2).

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 2 June 2021. 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 June 2021

- 1. The proposed dual occupancy is a form of development prohibited within a conservation area where existing structures on the site have not been demolished pursuant to Clause 6.6(2)(a) in NSLEP 2013.**

Particulars:

- a) The proposed development is contrary to Clause 6.6(2)(a) in NSLEP 2013.

- 2. Unacceptable Form Bulk and Scale**

The proposed dual occupancy is unacceptable in terms of its form, bulk and scale and its relationship with the adjoining heritage items within the conservation area.

Particulars:

- a) The proposed development does not satisfy the aims of North Sydney LEP 2013 including Clause (2)(a) because the proposal provides an inappropriate response to the context of the locality; Clause (2)(b)(i) because the form, bulk and scale of the proposed development is incompatible with the desired character of the area; and Clause (2)(f) due to the adverse effects on heritage significance within the area.
- b) The proposed development does not satisfy the planning objective (Dot Point 3) for the R2 (Low Density Residential) zone in the Lane Use Table in Part 2 of NSLEP 2013 because the form, bulk and scale of the proposal will have adverse impacts on the significance of the nearby heritage listed items and the Cremorne Conservation Area.
- c) The built form of the proposed development does not respond to the existing character and context of the adjoining heritage items and the site context contrary to the planning objectives concerned with context in Section 1.4.1 in Part B of NSDCP 2013.
- d) The proposed development does not reflect, reinforce or compliment the existing character of the locality and is contrary to the provisions in Section 1.4.8 (Built Form Character) in Part B of NSDCP 2013.
- e) The proposed development is excessive in terms of bulk and scale because its design is contrary to the provisions in Section 1.4.7 (Form, Bulk and Scale) in Part B of NSDCP 2013.

- 3. Public Interest**

Particulars:

- a) The approval of the proposed development is not in the public interest because the development is prohibited in accordance with Clause 6.6(2)(a) in NSLEP 2013; and the adverse impacts on the significance of the adjoining heritage items and the conservation area given the built form and the inappropriate bulk and scale of the proposal.

How community views were taken into account:

The submissions received by Council were addressed in the NSLPP report (see Council's website: [North Sydney Council - 2 June 2021 \(nsw.gov.au\)](http://www.northsydney.nsw.gov.au))

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)