

Modog Pty Ltd  
PO Box 222  
CAMMERAY NSW 2062

D144/21  
GJY (CIS)

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

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**Development Application Number:** 144/21

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**Land to which this applies:** 89 Colin Street, Cammeray  
Lot No.: 24 DP: 2407

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**Applicant:** Modog Pty Ltd

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**Proposal:** Swimming Pool

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**Determination of Development Application:** Subject to the provisions of Section 4.17 of the *Environmental Planning and Assessment Act 1979*, approval has been granted subject to conditions in the notice of determination.

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**Date of Determination:** 13 September 2021

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**Reasons for Refusal:**

1. The proposed site coverage of 47.2% does not comply with the maximum permissible site coverage under s.1.5.5 of NSDCP 2013 of 40%. Further, the proposal is inconsistent with the objectives of the 40% site coverage control, in relation to desired future character, site density, adequate landscaped area and over development.
2. The proposed landscaped area of 31.8% does not comply with the minimum landscaped area requirement under s.1.5.6 of NSDCP 2013 of 40%. Further, the proposal is inconsistent with the objectives of the 40% landscaped area control, in relation to desired future character, absorption of surface water, promoting substantial landscaping including canopy trees, site density, streetscape and amenity.
3. The proposed nil front setback is unsatisfactory and does not comply with s.1.5.11 of NSDCP 2013 which requires a minimum 1.2 m setback from any boundary.

4. The proposed swimming pool height above ground level of approximately 2.0 m is unsatisfactory and does not comply with the 0.5m height limit under s.1.5.11 of NSDCP 2013.
5. The submitted plans are inaccurate and misleading. Sections B and C depict a setback from the front boundary which is non-existent and inconsistent with the site plan and ground floor plan.

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**How community views were taken into account:**

The subject application was notified to adjoining property owners and the Plateau and Bay Precincts between 28 May 2021 and 11 June 2020. No submissions were received.

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**Review of determination and right of appeal:**

Within six 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.

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**Endorsed for and on behalf of North Sydney Council**

**15 September 2021**

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DATE

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Signature on behalf of consent authority  
**GEORGE YOUHANNA  
EXECUTIVE PLANNER**