

30 September 2024

John Joseph Marasovic
35 Prince Alfred Parade
NEWPORT NSW 2106

Dear Sir/Madam

Application Number: DA2024/0733
Address: Lot 6 DP 30521 , 35 Prince Alfred Parade, NEWPORT NSW 2106
Proposed Development: Alterations and additions to a dwelling house

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Anaiis Sarkissian
Planner

NOTICE OF DETERMINATION

Application Number:	DA2024/0733
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	John Joseph Marasovic
Land to be developed (Address):	Lot 6 DP 30521 , 35 Prince Alfred Parade NEWPORT NSW 2106
Proposed Development:	Alterations and additions to a dwelling house

DETERMINATION - REFUSED

Made on (Date)	30/09/2024
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Section B6.1 Access Driveways and Works on the Public Road Reserve of the Pittwater 21 Development Control Plan (P21DCP), Section B6.2 Internal Driveways of P21DCP, and B6.3 Off-Street Vehicle Parking Requirements of P21DCP.

Particulars:

i. The submitted driveway long section (1844-4, Revision B, dated 16 August 2024, prepared by J.D. Evans and Company Pty Ltd) is inconsistent with and fails to satisfy the requirements of Section B6.1 Access Driveways and Works on the Public Road Reserve, Section B6.2 Internal Driveway, and Section B6.3 Off-Street Vehicle Parking Requirements of P21DCP.

ii. The driveway long section is to be drawn by a civil engineer, detailing proposed/finished levels and grades, which need to comply with the Australian Standard 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking.

iii. In accordance with Section B6.1 Access Driveway and Works on the Public Road Reserve and Section B6.2 Internal Driveways of P21DCP, the driveway design needs to incorporate Council's standard high-level vehicle crossing profiles, which are detailed in Appendix 10 – Driveway Profiles of P21DCP. The proposed driveway profile fails to do this.

iv. In addressing particulars ii. and iii. above, it is likely that the floor level of the garage will need to be lowered, along with an increased amount of excavation within the driveway.

v. Given the steepness of the driveway and potential conflict between pedestrians and vehicles, pedestrian access stairs are necessary and would have to be designed and located

to be wholly within the property boundary. To do this will necessitate a modified driveway geometry, that integrates stairs.

vi. Insufficient information has been provided to demonstrate that the proposed driveway and parking design will comply with Council's controls and with the relevant Australian Standards. As such, there is a lack of clear detail to demonstrate that the proposed driveway will provide acceptable and safe vehicular and pedestrian access to and from the site.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Anais Sarkissian, Planner

Date 30/09/2024