

20 December 2021



Peter Downes
77 Riviera Avenue
AVALON BEACH NSW 2107

Dear Sir/Madam

Application Number: DA2021/1164
Address: Lot 129 DP 16902 , 521 Barrenjoey Road, BILGOLA BEACH NSW 2107
Proposed Development: Construction of a Dwelling House including a swimming pool

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

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Tony Collier
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2021/1164
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Peter Downes
Land to be developed (Address):	Lot 129 DP 16902 , 521 Barrenjoey Road BILGOLA BEACH NSW 2107
Proposed Development:	Construction of a Dwelling House including a swimming pool

DETERMINATION - REFUSED

Made on (Date)	15/12/2021
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Reasons for Refusal:

1. Pursuant to Section 4.47 (4) of the Environmental Planning and Assessment Act 1979 Transport for NSW have not granted concurrence.
2. The proposed development does not comply with the Clause 4.3 of the Pittwater LEP 2014 and a request to vary the height of buildings development standard was not submitted pursuant to clause 4.6 of the Pittwater LEP.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the State Environmental Planning Policy (Coastal Management) 2018. In particular:
 - a) Clause 11 - 'Development on land in proximity to coastal wetlands or littoral rainforest, and
 - b) Clause 13 - 'Development on land within the coastal environment area'.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Pittwater Local Environmental Plan 2014. In particular, Clause 1.2 - 'Aims of the Plan'.
5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Pittwater Local Environmental Plan 2014. In particular, Clause 2.3(2) - 'Zone objectives and land use table'.
6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Pittwater Local Environmental Plan 2014. In particular, Clause 2.5 and Schedule 1(24) - 'Use of certain land in Zone SP2 Infrastructure intended to be acquired for public purposes'.
7. Pursuant to Section 4.15(1)(a)(i) the proposed development is inconsistent with the provisions of the Pittwater Local Environmental Plan 2014. In particular:
 - a) Clause 4.3 – 'Height of Buildings';

- b) Clause 5.10 - 'Heritage Conservation';
 - c) Clause 7.2 – 'Earthworks';
 - d) Clause 7.6 - 'Biodiversity Protection'
 - e) Clause 7.7 - 'Geotechnical Hazards'; and
 - f) Clause 7.10 - 'Essential Services'.
8. 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 the Pittwater 21 Development Control Plan. In particular:
- a) Clause A4.3 - 'Bilgola Locality';
 - b) Clause B1.2 - 'Heritage Conservation';
 - c) Clause B4.4 - 'Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor';
 - d) Clause B4.22 - 'Preservation of Trees and Bushland Vegetation';
 - e) Clause B6.1 - 'Access Driveways and Works on the Public Road Reserve';
 - f) Clause B6.2 - 'Internal Driveways';
 - g) Clause B6.5 - 'Access Driveways and Works on Road Reserves on or Adjacent to a
 - h) Clause B6.7 - 'Transport and Traffic Management';
 - i) Clause B8.1 - 'Construction and Demolition: Excavation and Landfill';
 - j) Clause B8.5 - 'Construction and Demolition: Works in the Public Domain';
 - k) Clause B8.6 - 'Construction and Demolition: Construction Traffic Management Plan';
 - l) Clause C1.1 - 'Landscaping';
 - m) Clause C1.3 – 'View Sharing';
 - n) Clause C1.5 – 'Visual Privacy';
 - o) Clause D3.1 - 'Character as Viewed from a Public Place';
 - p) Clause D3.6 - 'Front Building Line';
 - q) Clause D3.9 - 'Building Envelope';
 - r) Clause D3.11 - 'Landscape Area - Environmental Sensitive Land';
 - s) Clause D3.13 - 'Fences - Flora and Fauna Conservation Areas';
 - t) Clause D3.14 - 'Construction, Retaining Walls, Terracing and Undercroft Area'; and
 - u) Clause D3.15 – 'Scenic Protection Category One Areas'.
9. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to enable the assessment of the application.
10. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not in the public interest. In particular:
- a) The development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective zoning.
 - b) Having regard to the public submissions and the adverse impacts of the proposed development.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act

1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority



Name Tony Collier, Manager Development Assessments

Date 15/12/2021