

2 December 2019

Queenscliff Developments Pty Ltd  
Suite 29.03 Level 29 9 Castlereagh Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** DA2019/0730  
**Address:** Lot 4 DP 345419 , 71 A Queenscliff Road, QUEENSCLIFF NSW 2096  
Lot 41 DP 300057 , 71 Queenscliff Road, QUEENSCLIFF NSW 2096  
**Proposed Development:** Demolition Works, construction of a residential flat building and lot consolidation.

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Rodney Piggott  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

|                            |                         |
|----------------------------|-------------------------|
| <b>Application Number:</b> | DA2019/0730             |
| <b>Determination Type:</b> | Development Application |

### APPLICATION DETAILS

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|--|---|
| <b>Applicant:</b>                      | Queenscliff Developments Pty Ltd  |
| <b>Land to be developed (Address):</b> | Lot 4 DP 345419 , 71 A Queenscliff Road QUEENSCLIFF NSW 2096<br>Lot 41 DP 300057 , 71 Queenscliff Road QUEENSCLIFF NSW 2096 |
| <b>Proposed Development:</b>           | Demolition Works, construction of a residential flat building and lot consolidation.  |

### DETERMINATION - REFUSED

|                       |            |
|-----------------------|------------|
| <b>Made on (Date)</b> | 27/11/2019 |
|-----------------------|------------|

### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as the extent of non-compliance will result in a development that is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the locality.
2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and the associated Apartment Design Guide.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.
4. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of Clause Zone R3 Medium Density Residential of the Warringah Local Environmental Plan 2011.
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 Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011.
6. 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 Clause B2 Number of Storeys of the Warringah Development Control Plan.

7. 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 Clause B3 Side Boundary Envelope of the Warringah Development Control Plan.
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 Clause B5 Side Boundary Setbacks of the Warringah Development Control Plan.
9. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B9 Rear Boundary Setbacks of the Warringah Development Control Plan.
10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed driveway access is inconsistent with the provisions of Clause C3 Parking Facilities of the Warringah Development Control Plan.
11. 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 Clause C4 Stormwater of the Warringah Development Control Plan.
12. 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 Clause C9 Waste Management of the Warringah Development Control Plan.
13. 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 Clause D1 Landscaped Open Space and Bushland Setting of the Warringah Development Control Plan.
14. 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 Clause D7 Views of the Warringah Development Control Plan due to the unreasonable loss of views from Unit 7 75 Queenscliff Road Queenscliff. Insufficient information has been submitted to determine the extent of the loss of views from 73 Queenscliff Road and the rear units of 75 Queenscliff Road.
15. 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 Clause D8 Privacy of the Warringah Development Control Plan.
16. 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 Clause D9 Building Bulk of the Warringah Development Control Plan.
17. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the numerous noncompliances and inconsistencies with relevant legislation and policies will result in a development that is not suitable for the site.

## 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                      Rodney Piggott, Manager Development Assessments

Date                        27/11/2019