

4 December 2020



Built Projects , Minto Planning Services Pty Ltd  
C/- Minto Planning Services Po Box 225  
THORNLEIGH NSW 2120

Dear Sir/Madam

**Application Number:** DA2020/0502  
**Address:** Lot 34 DP 4689 , 36 Bardo Road, NEWPORT NSW 2106  
Lot 33 DP 4689 , 34 Bardo Road, NEWPORT NSW 2106  
**Proposed Development:** Demolition works and construction of Seniors Housing  
comprising 12 self-contained dwellings and site 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,



Lashta Haidari  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2020/0502
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Built Projects Minto Planning Services Pty Ltd
<b>Land to be developed (Address):</b>	Lot 34 DP 4689 , 36 Bardo Road NEWPORT NSW 2106 Lot 33 DP 4689 , 34 Bardo Road NEWPORT NSW 2106
<b>Proposed Development:</b>	Demolition works and construction of Seniors Housing comprising 12 self-contained dwellings and site consolidation

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	02/12/2020
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### Reasons for Refusal:

1. The Panel is not satisfied that:

1) the applicant's written requests under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify contraventions of clause 26 under the SEPP (Housing for Seniors and People with a Disability) 2004 development standards has adequately addressed and demonstrated that:

- a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
- b) there are sufficient environmental planning grounds to justify the contraventions.

2) the proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

2. 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 Pittwater Local Environmental Plan 2014.

3. Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2014:

- Clause 26(2) Access
- Clause 29 Character

Clause 31 Design of in-fill self-care housing  
Clause 32 Design of residential development  
Clause 33 Neighbourhood Amenity and streetscape  
Clause 34 Visual and Acoustic privacy  
Clause 38 Accessibility  
Clause 39 Waste Management

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the Pittwater 21 Development Control Plan:

Clause A4.10 Newport Locality  
Clause B4.6 Wildlife Corridors  
Clause B8.1 Construction and Demolition - Excavation and Landfill  
Clause C1.1 Landscaping  
Clause C1.4 Solar Access  
Clause C1.6 Acoustic Privacy  
Clause C1.12 Waste and Recycling Facilities  
Clause C1.18 Car/Vehicle/Boat Wash Bays  
Clause C1.21 Seniors Housing  
Clause D10.1 Character as viewed from a public place  
Clause D10.7 Front building line (excluding Newport Commercial Centre)  
Clause D10.8 Side and rear building line (excluding Newport Commercial Centre)  
Clause D1.15 Fences  
Built Form Control Side building line (multi-unit housing)  
Built Form Control Landscaped areas

5. Pursuant to Section 4.15(1)(b)(i) of the Environmental Planning and Assessment Act 1979, the proposed development will result in unacceptable impacts on the natural environment (wildlife corridors) of the Newport Locality.
6. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the Desired Future Character of the location and is an over-development of the site.
7. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the local public interest.

## 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



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Name                Lashta Haidari, Manager Development Assessments

Date                 02/12/2020