



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2006/0497

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Spiro Toursounoglou

**Applicant Address:** 1134 Pittwater Road Collaroy NSW 2097

**Land to be developed (Address):** Lot 4, DP 10757, 1134 Pittwater Road Collaroy

**Proposed Development:** Alterations and Additions to the existing Dwelling

### APPLICATION REFUSED

**Made on (Date):** 27 April 2007

#### Reasons for Refusal:

- A. That the Development Application No: 2006/497 for alterations and additions to the existing dwelling, at Lot 4, DP 10757, 1134 Pittwater Road Collaroy be refused for the following reasons.
1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposed as submitted is inconsistent with the provisions of State Environmental Planning Policy No 71 - Coastal Protection, in that:
    - The proposal does not satisfy Clause (d), in that the proposal is not considered suitable as it proposes major development within the Zone of Wave Impact
    - The proposal does not satisfy Clause (e), in that the proposal fails to comply with the front building setback, side building setback and side boundary setback Built Form Controls and Schedule 13 of the Warringah Local Environmental Plan 2000.
    - The proposal does not comply with Clause (j), in that the development proposes major development within the "Zone of Wave Impact" and an area identified as a Coastal hazard area and as a result it is considered that the development will have an adverse impact on the coastal environment.



Warringah Council

2. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended, the development is not considered suitable for the site in that it proposes major development within the Zone of Wave Impact.
3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Schedule 13 (Ref. Clause (b)) of Warringah Local Environmental Plan 2000 in that:
  - The development is not appropriately sited on the allotment with regards to the Zone of wave Impact,
  - The development proposes major development as defined within the Zone of Wave Impact,
  - The siting of the development does not have regard to the current and future hazards of wave impact and coastal erosion.
4. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal as submitted is inconsistent with Clause 12(2)(b) and fails Clause 20(1) and is contrary to the provisions of the Built Form Standards of D1 – Collaroy/Narrabeen Locality Statement of the Warringah Local Environmental Plan 2000, as amended, in that the proposal does not comply with the front building setback requirement, being 6.5m. Further, the reduced front building setback impacts adversely upon the streetscape and contributes to excessive bulk and scale, reduced potential for landscaping, reduces the sense of openness and fails to maintain the visual continuity and pattern of buildings, front gardens and existing landscaped elements.
5. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal as submitted is inconsistent with Clause 12(2)(b) and fails Clause 20(1) and is contrary to the provisions of the Built Form Standards of D1 – Collaroy/Narrabeen Locality Statement of the Warringah Local Environmental Plan 2000, as amended, in that the proposal does not comply with the side building setback requirement, being 900mm. In this regard it is considered that the failure to comply with the development standards will result in a development that is inconsistent with the desired future character statement, and result in a development that is out of proportion with the site.
6. Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal as submitted is inconsistent with Clause 12(2)(b) and fails Clause 20(1) and is contrary to the provisions of the Built Form Standards of D1 – Collaroy/Narrabeen Locality Statement of the Warringah Local Environmental Plan 2000, as amended, in that the proposal does not comply with the side boundary envelope requirement. In this regard it is considered that the failure to comply with the development standards will result in a development that is inconsistent with the desired future character statement, and result in a development that is out of proportion with the site.



Warringah Council

7. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposal as submitted is inconsistent with Clause 12(1)(a) and Clause 18(1) of Warringah Local Environmental Plan 2000, as amended, in that portions of the proposed development are contrary to the General Principles of Development Control as outlined under Part 4 of Warringah Local Environmental Plan 2000, as amended, as follows:
  - Clause 56 - The proposal fails to retain unique environmental features of the site
  - Clause 66 - The proposal fails with regard to bulk and scale
  - Clause 63A - The proposal fails with regard to the rear building setback
  - Clause 71 - The proposal fails with regard to the siting of the parking facilities in relation to visual impact
  
8. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended, the proposed development is considered to be inconsistent with the provisions of Clause 12(3)(a) of Warringah Local Environmental Plan 2000, as amended, in that the proposed development is inconsistent with the Desired Future Character Statement of the D1 Collaroy/Narrabeen Locality Statement. In this regards the development proposes areas of non compliance with the Built Form Controls and as a result of these non compliances the development will not provide generous spaces between the buildings and therefore will not retain the open lake and seaside character of the locality. Further, the development proposes major development within a Coastal Hazard area and Zone of Wave Impact and therefore is not consistent with the Desired Future Character statement.

### **Right of Appeal**

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**Signed**      on behalf of the consent authority

Signature \_\_\_\_\_  
Name      Amy Webb – Acting Team Leader

Date      2 April 2007