

19 April 2020



Aveo North Shore Retirement Villages Pty Ltd  
61 Parry Street  
NEWCASTLE WEST NSW 2302

Dear Sir/Madam

**Application Number:** Mod2018/0327  
**Address:** Lot 20 DP 632081 , 79 Cabbage Tree Road, BAYVIEW NSW 2104  
**Proposed Development:** Modification of Development Consent 82/149 granted for a retirement village comprising aged persons housing and additional car parking

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,



David Auster  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2018/0327
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Aveo North Shore Retirement Villages Pty Ltd
<b>Land to be developed (Address):</b>	Lot 20 DP 632081 , 79 Cabbage Tree Road BAYVIEW NSW 2104
<b>Proposed Development:</b>	Modification of Development Consent 82/149 granted for a retirement village comprising aged persons housing and additional car parking

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	17/04/2020
-----------------------	------------

### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the application has not demonstrated consistency with the provisions of Clause 7.6 Biodiversity protection of the Pittwater Local Environmental Plan 2014.
2. 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 7.7 Geotechnical hazards of the Pittwater Local Environmental Plan 2014.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the application has not demonstrated consistency with the provisions of Clause B1.4 Aboriginal Heritage Significance of the Pittwater 21 Development Control Plan.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the application has not demonstrated consistency with the provisions of Clause B4.18 Heathland/Woodland Vegetation of the Pittwater 21 Development Control Plan.
5. 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 B4.22 Preservation of Trees and Bushland Vegetation of the Pittwater 21 Development Control Plan.

## Important Information

This letter should therefore be read in conjunction with Consent 82/149 dated 9 March 1982, as modified 14 July 2005.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

## 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 28 days of this determination.

## Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

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

**Signed** On behalf of the Consent Authority



Name David Auster, Planner

Date 17/04/2020