

NOTICE OF DETERMINATION

Application Number: DA2014/1180

APPLICATION DETAILS

Applicant Name and Address: Vigor Master Pty Ltd
Suite 201A
24 Thomas Street
CHATSWOOD NSW 2067

Land to be developed (Address): Lot 811 DP 752038
No.76 Willandra Road NARRAWEENA

Proposed Development: Construction of a Boarding House

DETERMINATION – REFUSED

Made on (Date): 3 June 2015

Reasons for Refusal:

1. Desired Future Character – Warringah Local Environmental Plan 2000

Pursuant to Section 79C(1) (a) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of the *Warringah Local Environmental Plan 2000* in that the proposal is inconsistent with the Desired Future Character (DFC) Statement of the B2 Oxford Falls Valley Locality. In particular, the proposal does not satisfy DFC requirements for a “Category 2” development to conform to:

- *Enhancing the natural landscape;*
- *Minimising disturbance of vegetation; and*
- *Ensuring ecological values of natural watercourses.*

2. General Principles of Development Control – Warringah Local Environmental Plan 2000

Pursuant to Section 79C(1) (a) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of the *Warringah Local Environmental Plan 2000* in that the proposal is inconsistent with the ‘General

Principles of Development Control'. In particular, the proposal does not satisfy the requirements of:

- *Clause 42 Construction sites*
- *Clause 44 Pollutants*
- *Clause 48 Potentially contaminated land*
- *Clause 58 Protection of existing flora;*
- *Clause 60 Watercourses and aquatic habitat;*
- *Clause 63 Landscaped open space;*
- *Clause 64 Private open space;*
- *Clause 70 Site facilities;*
- *Clause 72 Traffic access and safety;*
- *Clause 74 Provision of parking;*
- *Clause 76 Management of stormwater*
- *Clause 78 Erosion and sedimentation;*
- *Schedule 5 – Bushland in urban areas;*
- *Schedule 8 – Site analysis; and*
- *Schedule 17 – Carparking provision.*

3. Public Interest under the Environmental Planning and Assessment Act 1979

Pursuant to Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979 the proposed development is not in the public interest. In particular the proposal does not meet the provisions of the relevant local environmental planning instrument for the creation of a better environment and maintaining the desired character of the rural locality.

4. Inconsistent with the Objects of the Environmental Planning and Assessment Act 1979

Pursuant to Section 5 (a) (i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with *Clause 5 Objects*, for the provision of affordable housing in a manner that is consistent with the applicable local planning controls to promote a better environment.

5. Insufficient Information to properly address impacts

Pursuant to Schedule 1 of the *Environmental Planning and Assessment Act Regulation 2000* the proposal has insufficient information to properly address environmental impacts and the steps to lessen expected impacts identified, including details to be shown on the plans and documents provided.

6. Inconsistent Information under Environmental Planning and Assessment Act Regulation 2000



Pursuant to Schedule 1 of the *Environmental Planning and Assessment Act Regulation 2000* the proposal contains inconsistencies between the information submitted from the Biodiversity Management Plan and the Landscape Plan.

Review of Determination

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

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

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 6 months after the date on which you receive this notice.

Signed _____ on behalf of the consent authority

Signature 
Name Alex Keller – Senior Planner _____