

20 August 2021

Stephen Michael Lesiuk , Roger Keith Bain
PO Box 30
PALM BEACH NSW 2108

Dear Sir/Madam

Application Number: DA2020/1596
Address: Lot 1 DP 1086858 , 6 Mitchell Road, PALM BEACH NSW 2108
Proposed Development: Construction of a dwelling house, including a swimming pool, driveway and garage

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

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

Regards,



Lashta Haidari
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2020/1596
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Stephen Michael Lesiuk Roger Keith Bain
Land to be developed (Address):	Lot 1 DP 1086858 , 6 Mitchell Road PALM BEACH NSW 2108
Proposed Development:	Construction of a dwelling house, including a swimming pool, driveway and garage

DETERMINATION - REFUSED

Made on (Date)	18/08/2021
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Reasons for Refusal:

1. The double garage, lift and entry are located on land zone RE1 (Public Recreation), these elements are integral to the dwelling and this form of development is prohibited in the RE1 zone in Pittwater LEP 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 Clause 1.2 Aims of The Plan of the Pittwater Local Environmental Plan 2014.
3. The proposal is inconsistent with Section 4.15 (1) (b) of the EP&A Act as:
 - (a) Insufficient information has been submitted to ensure:
 - (i) that the earthworks will not result in unreasonable geotechnical impacts on the natural and built environment.
 - (ii) to confirm that the development will not have unreasonable impacts on access to private dwellings.
 - (b) Owners consent has not been obtained for the work on Deposited Plan 1086858, Lot 2 above AHD 74.5.
 - (c) The proposal is inconsistent with Section 4.15 (1) (c) of the EP&A Act as part of the site is zoned as RE1 (Public Recreation) and a private residential dwelling is not suitable for the site.
 - (d) The proposal is inconsistent with Section 4.15 (1) (e) of the EP&A Act as it is not in the public interest.

4. The proposal exceeds the 10m maximum height development standard and a Clause 4.6 variation has not been submitted.
5. The proposal is inconsistent with Clause 6.2 of the Pittwater LEP, and Clause B8.1 (Construction and Demolition - Excavation) of the Pittwater DCP as insufficient information has been submitted to ensure that the earthworks will not have a detrimental impact on the amenity of adjoining properties.
6. The proposal is inconsistent with Clause 7.7 of the Pittwater LEP and Clause B3.1 (Landslip Hazards) of the Pittwater DCP as insufficient information has been submitted to ensure that the development has been designed, sited and managed to avoid any geotechnical risk or impact on surrounding development.
7. The proposal is inconsistent with Clause B6.7 (Transport and Traffic Management) and B8.6 (Construction and Demolition - Traffic Management Plan) of the Pittwater DCP as insufficient information has been submitted to ensure the development will have minimal disturbance to the residential community in terms of available safe access from the shared right of carriageway to dwellings, especially during construction.

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 Lashta Haidari, Manager Development Assessments

Date 18/08/2021