

5 April 2024



Nanna Margrethe Lesiuk
Po Box 275
AVALON BEACH NSW 2107

Dear Sir/Madam

Application Number: DA2023/0646
Address: Lot 1 DP 22672 , 121 Narrabeen Park Parade, MONA VALE NSW 2103
Proposed Development: Demolition works and construction of a dwelling house

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Anne Marie Young

Acting Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2023/0646
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Nanna Margrethe Lesiuk
Land to be developed (Address):	Lot 1 DP 22672 , 121 Narrabeen Park Parade MONA VALE NSW 2103
Proposed Development:	Demolition works and construction of a dwelling house

DETERMINATION - REFUSED

Made on (Date)	03/04/2024
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Reasons for Refusal:

1. 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 2.11 (c) of State Environmental Planning Policy (Resilience and Hazards) 2021.

Particulars:

The proposed development is considered to be inconsistent with the surrounding coastal and built environment, in relation to the bulk, scale and size of the proposal. The south-east elevation of the proposal will be of a scale that overly dominates the coastal environment, in a highly visually prominent area.

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 Zone E4 Environmental Living of the Pittwater Local Environmental Plan 2014.

Particulars:

The proposed development will not be of an acceptably low density and scale that is integrated with the landform and landscape and will have an unacceptable visual impact on the aesthetic values of the adjoining coastal foreshore.

3. 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 B6.1 Access driveways and Works on the Public Road Reserve of the Pittwater 21 Development Control Plan.

Particulars:

The proposed vehicle crossing profile fails the required standard, specifically that profile referenced as Extra Low A4 3330/5 EL in Appendix 10 of Pittwater21 Development Control Plan.

4. 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 B6.2 Internal Driveways of the Pittwater 21 Development Control Plan.

Particulars:

The proposed vehicular crossing fails to comply with Council standard for vehicle crossing profile Extra Low A4 3330/5 EL.

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 B8.5 Construction and Demolition - Works in the Public Domain of the Pittwater 21 Development Control Plan.

Particulars:

The proposed works in the adjoining road reserve will adversely affect pedestrian and vehicular safety and the efficiency of the road network for all road users, including pedestrians.

6. 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 C1.24 Public Road Reserve - Landscaping and Infrastructure of the Pittwater 21 Development Control Plan.

Particulars:

The proposed works in the road reserve are not consistent with the design expectations of Council and should be removed or re-designed to be consistent with those expectations.

7. 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 D14.1 Character as Viewed from a Public Place,
 - Clause D14.2 Scenic Protection General and
 - Clause D14.18 Scenic Protection Category 1 Lands

Particulars:

The application will result in an unacceptable loss of visual amenity from both adjoining private properties, specifically: No.119 Narrabeen Park Parade; No.123 Narrabeen Park Parade; No.174 Narrabeen Park Parade; and No.176 Narrabeen Park Parade, and from the public domain including Narrabeen Park Parade and the coastal foreshore and walkway. The loss of visual amenity is due to the excessive bulk and scale of the proposed development.

8. 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 D14.11 Building envelope of the Pittwater 21 Development Control Plan.

Particulars:

The breaches of the building envelope will result in both an adverse visual impact when viewed from private and public domains.

9. 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 D14.18 Scenic Protection Category One Lands of the Pittwater 21 Development Control Plan.

Particulars:

The proposed development will have an adverse visual impact on the natural environment when viewed from the adjoining coastal foreshore, road and public reserve.

10. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Particulars:

The proposed development represents numerous non-compliances and inconsistencies with State and Council policy. No circumstances exist that would justify the non-compliances and inconsistencies with these policies.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal


You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority

Name Anne-Marie Young, Acting Manager Development

Assessments Date 03/04/2024