

26 July 2021



Future Flip Pty Ltd
37 Captain Cook Drive
CARINGBAH NSW 2229

Dear Sir/Madam

Application Number: DA2021/0367
Address: Lot 5 DP 28164 , 26 Riverview Road, AVALON BEACH NSW 2107
Proposed Development: Subdivision of one lot into two lots and the construction of a dwelling house

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,



Anne-Marie Young
Planner

NOTICE OF DETERMINATION

Application Number:	DA2021/0367
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Future Flip Pty Ltd
Land to be developed (Address):	Lot 5 DP 28164 , 26 Riverview Road AVALON BEACH NSW 2107
Proposed Development:	Subdivision of one lot into two lots and the construction of a dwelling house

DETERMINATION - REFUSED

Made on (Date)	26/07/2021
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Reasons for Refusal:

1. The proposal is inconsistent with Section 4.15 (1) (b) and (c) of the Environmental Planning and Assessment Act 1979. The proposed development will result in unreasonable environmental impacts on the natural and built environment in the locality.
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. 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 7.6 Biodiversity protection of the Pittwater Local Environmental Plan 2014.
4. The proposal is inconsistent with the following DCP controls:
 - (a) The proposal is inconsistent with the requirements and outcomes of Clause A4.1 (Avalon Beach Locality), Clause D1.1 (Character as viewed from a public place) and Clause D1.4 (Scenic Protection) for the following reasons:
 - (i) The removal of the three (3) high value indigenous trees is not consistent with the desired character of Avalon.
 - (ii) The front setback of the dwelling on lot one is inconsistent with the spatial characteristics of the area.
 - (iii) The proposed white external building colour does not harmonise with the natural environment.
 - (iv) The height of the front wall is excessive noting that the desired character requires low or no fencing to the street.

(b) The proposal is inconsistent with the requirements and outcomes of Clause B2.2 (Subdivision - Low Density Residential Areas) for the following reasons:

(i) The removal of the high value native trees will result in the front dwelling dominating the natural setting with there been no significant landscaping retained to soften the built form from the street.

(ii) The dwelling on lot one sits forward of the established building line along Riverview Road, this combined with the unacceptable colour scheme will result in the built form dominating the natural setting.

(c) The proposal is inconsistent with the requirements and outcomes of B4.7 (Pittwater Spotted Gum Forest - Endangered Ecological Community), Clause B4.22 (Preservation of Trees and Bushland Vegetation), Clause C1.1 (Landscaping) and Clause C4.8 (Subdivision Landscaping on the Existing and proposed public road reserve frontage to subdivision lots). The proposal includes the removal of three (3) high value gum trees, two (2) within the frontage of the site and one (1) on street tree.

(d) The proposal is inconsistent with the requirements and outcomes of C1.(Solar Access) and C1.5 (Visual Privacy) and will result in unreasonable amenity impact in terms of overshadowing and privacy to neighbouring residents.

(e) The proposal is inconsistent with the requirements and outcomes of C4.2 (Subdivision - Access Driveways and Off-Street Parking Facilities) in terms of the second driveway.

(f) The proposal is inconsistent with the requirements and outcomes of Clause D1.8 (Front building line) as the front setback is inconsistent with the established building line and will result in a built form dominating the natural setting contrary to the desired future character of the Locality.

(g) The proposal is inconsistent with the requirements and outcomes of Clause D1.5 (Materials and Colours) as the white external coloured weatherboard cladding is inconsistent with the requirement for external colours to be dark earthy tones.

(e) The proposal is inconsistent with the requirements and outcomes of Clause D1.14 (Landscape Open Space) which requires 60% of the site to be retained as landscape open space.

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 Anne-Marie Young, Planner

Date 26/07/2021