

13 September 2022



Northern Beaches Essential Services Accommodation Pty Ltd
PO Box 125
BELROSE WEST NSW 2085

Dear Sir/Madam

Application Number: DA2021/1039
Address: Lot 2566 DP 752038 , 16 Wyatt Avenue, BELROSE NSW 2085
Lot 2597 DP 752038 , 16 Wyatt Avenue, BELROSE NSW 2085
Proposed Development: Demolition works and the construction of a boarding house development

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,



Steven Findlay
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2021/1039
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Northern Beaches Essential Services Accommodation Pty Ltd
Land to be developed (Address):	Lot 2566 DP 752038 , 16 Wyatt Avenue BELROSE NSW 2085 Lot 2597 DP 752038 , 16 Wyatt Avenue BELROSE NSW 2085
Proposed Development:	Demolition works and the construction of a boarding house development

DETERMINATION - REFUSED

Made on (Date)	07/09/2022
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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 Desired Future Character of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000. In particular the scale and mass of the proposed development is excessive and inconsistent with the desired future of the character of the area. In addition, the cumulative impact of the proposed development and the approved development at number 14 Wyatt Avenue compounds the foregoing.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with the 50% bushland setting control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000.
3. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not considered to be suitable for the proposed development.
4. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest.

5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 70 (Site Facilities) of the Warringah Local Environmental Plan 2000. The location of the proposed waste bin storage rooms within the front and rear setbacks of the site are not considered adequate. The bin storage room along Wyatt Avenue will have an adverse impact on the streetscape and the location of the bin storage room within the rear setback is not considered to be adequate.
6. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with Clause 56 (Retaining distinctive environmental features on the site) of the Warringah Local Environmental Plan 2000. The extent of earthworks required across the site, particularly to facilitate the proposed aboveground on-site detention basin significantly alters the existing landform of the site. There is an existing rock outcrop in proximity to the proposed basin and insufficient information has been provided to determine the likely impacts of the construction and use of the on-site detention basin on this feature. The location of the basin and proposed bin storage room within the rear portion of the site also limits the ability to plant vegetation in these areas, which diminishes the transition of the built form with the adjoining bushland to the north.
7. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with the maximum ceiling height built form control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000.
8. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with the front setback control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000. The bin storage room along the site's Wyatt Avenue frontage is located 3 metres from the front property boundary.
9. 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 52 (Development near parks, bushland reserves and other public open spaces) of the Warringah Local Environmental Plan 2000 as the site directly adjoins bushland to the north. The proximity of the lower building and the bin storage room within the rear portion of the site does not provide an adequate landscape transition to the bushland.
10. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with Clause 63A (Rear building setback) of the Warringah Local Environmental Plan 2000. The bin storage room encroaches into the required 10 metre rear building setback.
11. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development application has failed to acknowledge and address the lower building's exceedance of the maximum 8.5 metre building height development standard of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000. The provisions of Clause 20 of the Warringah Local Environmental Plan 2000 have not been addressed.

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 must be lodged on the NSW Planning portal 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 Steven Findlay, Manager Development Assessments

Date 07/09/2022