

23 April 2021

The Boss Nsw Pty Ltd
6/37A King Road
HORNSBY NSW 2077

Dear Sir/Madam

Application Number: DA2020/1351
Address: Lot 5 DP 229309 , 1 Bilambee Lane, BILGOLA PLATEAU NSW 2107
Proposed Development: Demolition works and construction of shop-top housing

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:	DA2020/1351
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	The Boss Nsw Pty Ltd
Land to be developed (Address):	Lot 5 DP 229309 , 1 Bilambee Lane BILGOLA PLATEAU NSW 2107
Proposed Development:	Demolition works and construction of shop-top housing

DETERMINATION - REFUSED

Made on (Date)	21/04/2021
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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 State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (Principles 1, 2 and 6) and its associated Apartment Design Guide.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of Clause 1.2 Aims 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 does not satisfy the provisions of Clause 4.3 Height of Buildings of the Pittwater Local Environmental Plan 2014.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of Clause 4.5A Density controls for certain residential accommodation of the Pittwater Local Environmental Plan 2014
5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of Clause 4.6 Exceptions to development standards of the Pittwater Local Environmental Plan 2014. In addition, no Clause 4.6 written request has been made with respect to Clause 4.5A of the Pittwater Local Environmental Plan 2014.
6. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the Desired Future Character of the Bilgola Locality outlined in the Pittwater 21 Development Control Plan and is an over-development of the site.

7. 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 1.13 Views, Clause 1.4 Solar Access and Clause C1.5 Visual Privacy of the Pittwater 21 Development Control Plan, resulting in unacceptable amenity impacts on surrounding residential properties.
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 D3.6 Front Building Line and Clause 3.9 Building Envelope of the Pittwater 21 Development Control Plan resulting in a building with excessive bulk and scale.
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed rooftop plant is inconsistent with the provisions of Clause C1.25 Plant, Equipment Boxes and Lift Over Run of the Pittwater 21 Development Control Plan.

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 Steven Findlay, Manager Development Assessments

Date 21/04/2021