

10 September 2019



Allambie Heights Village Ltd
3 Martin Luther Place
ALLAMBIE HEIGHTS NSW 2100

Dear Sir/Madam

Application Number: DA2018/1667
Address: Lot 2615 DP 752038 , 181 Allambie Road, ALLAMBIE HEIGHTS
NSW 2100
Proposed Development: Partial external demolition works and construction of a Seniors
Housing 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:	DA2018/1667
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Allambie Heights Village Ltd
Land to be developed (Address):	Lot 2615 DP 752038 , 181 Allambie Road ALLAMBIE HEIGHTS NSW 2100
Proposed Development:	Partial external demolition works and construction of a Seniors Housing Development

DETERMINATION - REFUSED

Made on (Date)	03/09/2019
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Reasons for Refusal:

1. The proposed development is unsatisfactory in respect to the Environmental Planning and Assessment Regulation 2000, particularly in relation Schedule 1, as the NSW Rural Fire Service (RFS) General Terms of Approval requires the proposed pool building to be removed or repositioned on the site, which will result in a substantially different proposal to that which was assessed and publicly notified.
2. The proposed development is unsatisfactory in respect to Section 4.15 of the Environmental Planning and Assessment Act, 1979 (NSW) as the application is found to be inconsistent with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 having regard to:
 - The proposed development is inconsistent with the requirements of Clause 29 in relation to its impact on the natural environment as stipulated in Clause 25 (5) (b) (ii).
3. Pursuant to Section 4.15 (1)(a) of the Environmental Planning and Assessment Act 1979 (NSW) the proposed development is inconsistent with the aims and objectives of the Warringah Local Environmental Plan 2011, in that insufficient information is provided with the application to fully and properly assess the environmental impacts on the site and adjoining lands as a result of the Asset Protection zones required by the RFS's General Terms of Approval.
4. Pursuant to Section 4.15 (1)(a) of the Environmental Planning and Assessment Act 1979 (NSW) and Clause 12(1)(a) of the Warringah Development Control Plan 2011, the development is inconsistent with the following Clauses:

- Clause E2 Prescribed Vegetation;
- Clause E5 Native Vegetation;
- Clause E6 Retaining unique environmental features; and
- Clause E7 Development on land adjoining public 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 Steven Findlay, Manager Development Assessments

Date 03/09/2019