

10 June 2018



Jason Bernard Attfield  
6 Cecil Road  
NEWPORT NSW 2106

Dear Sir/Madam

**Application Number:** DA2017/1379  
**Address:** Lot 4 DP 6555 , 104 Taiyul Road, NORTH NARRABEEN NSW 2101  
**Proposed Development:** Demolition of existing dwelling house and construction of five 5 self-contained seniors dwellings

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Rebecca Englund  
**Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2017/1379
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Jason Bernard Attfield
<b>Land to be developed (Address):</b>	Lot 4 DP 6555 , 104 Taiyul Road NORTH NARRABEEN NSW 2101
<b>Proposed Development:</b>	Demolition of existing dwelling house and construction of five 5 self-contained seniors dwellings

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	10/06/2018
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### Reasons for Refusal:

1. The proposed development fails to demonstrate consistency with the location and access provisions prescribed by clause 26 of SEPP HSPD, noting that Council (as the Roads Authority) does not support the extent of works within the road reserve required to provide a suitable access pathway between the site and the nearest bus stops. Without a well-founded request to vary this development standard, Council is unable to approve the development.
2. The proposed development is inconsistent with the 20m minimum frontage development standard prescribed by clause 40 of SEPP HSPD, and the application has not demonstrated that the strict compliance with this development standard is unreasonable or unnecessary in the circumstances of this proposal. Furthermore, the submission made pursuant to clause 4.6 of PLEP 2014 is not considered to be well-founded, as it does not provide sufficient environmental planning grounds to justify the contravention, or demonstrate that departure from the minimum requirement will be in the public interest and result in a better outcome as a result of the variation.
3. The application is supported by inconsistent and insufficient information, such that consistency with a number of development standards, controls and objectives/outcomes cannot be demonstrated. Specifically, the application is deficient with respect to:
  - the lack of a geotechnical risk management report, as required by clause B8.1 of P21 DCP and the *Geotechnical Risk Management Policy for Pittwater*.
  - the lack of consideration of potential impacts to existing street trees in close proximity to proposed earthworks.
  - the lack of solar access diagrams for the individual dwellings proposed, with no representation of compliance with relevant minimum controls.
  - the civil drawings, landscape plans and architectural drawings are inconsistent amongst themselves.

4. The scale, form and landscaped treatment of the proposed seniors housing development is inconsistent with the relevant standards, controls and objectives of PLEP 2014, SEPP HSPD and P21 DCP, resulting in an oversized development, that is incompatible with the existing streetscape and inconsistent with the desired future character of the locality. Furthermore, the application does not demonstrate a high amenity for all proposed dwellings, and the proposal results in unacceptable impacts upon adjoining properties.

## Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

*NOTE: A fee will apply for any request to review the determination.*

## Right of Appeal

If you are dissatisfied with this decision Section 97 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                Rebecca Englund, Planner

Date                 10/06/2018