

16 January 2023



Eduardo Oscar Alfaro
30 Coutts Crescent
COLLARROY NSW 2097

Dear Sir/Madam

Application Number: DA2022/1197
Address: Lot 15 DP 236457 , 30 Coutts Crescent, COLLARROY NSW 2097
Proposed Development: Use of lower ground floor for habitable purposes in association with an existing 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,



Michael French
Planner

NOTICE OF DETERMINATION

Application Number:	DA2022/1197
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Eduardo Oscar Alfaro
Land to be developed (Address):	Lot 15 DP 236457 , 30 Coutts Crescent COLLAROY NSW 2097
Proposed Development:	Use of lower ground floor for habitable purposes in association with an existing dwelling house.

DETERMINATION - REFUSED

Made on (Date)	16/01/2023
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Reasons for Refusal:

1. Inadequate information

The site is classified as bush fire prone land under the Warringah LEP 2011. A Bush Fire Report was submitted with the application, prepared by Bushfire Planning & Design, dated 14 June 2016. Based on the date and content of the report, this Bush Fire report was not applicable to the current application.

Council requested an updated Bush Fire report. This was not provided by the applicant despite request via a Request for Further Information letter dated 19 September 2022.

Particulars:

(a) Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

(b) Pursuant to Section 4.14 of the Environmental Planning and Assessment Act 1979, the Consent Authority is not satisfied that the proposed development is acceptable with respect to bushfire safety.

2. BASIX Certificate

A BASIX Certificate was not submitted with the application stating that the development conforms to the relevant BASIX specifications and requirements.

A BASIX certificate must be submitted for all "BASIX Affected Development".

Particulars:

(a) 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 (Building Sustainability Index: BASIX) 2004.

3. **Carparking**

The parent application, DA2016/0559 had approved 2 garage parking spaces. DA2022/1197 has failed to propose 2 on-site parking spaces to meet the requirements of Clause C3 Parking Facilities.

As the gradient of the existing driveway was higher than the maximum allowable gradient of parking facility pursuant to Australian Standard AS2890, amended plans were requested via a Request for Further Information letter dated 19 September 2022. The applicant failed to provide amended plans.

Particulars:

(a) 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 C3 Carparking of the Warringah Development Control Plan.

4. **Stormwater**

Council requested a qualified civil engineer be engaged to investigate and verify whether the subject property is affected by overland flows during a 1% AEP event. This detail was not provided by the applicant despite request via a Request for Further Information letter dated 19 September 2022.

Particulars:

(a) 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 C4 Stormwater of the Warringah Development Control Plan.

(b) Pursuant to Section 4.15(a)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the proposed development.

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 Michael French, Planner

Date 16/01/2023