



Warringah Council

NOTICE OF DETERMINATION

Application Number:	DA2009/1571
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APPLICATION DETAILS

Applicant Name and Address:	Boston Blyth Fleming Town Planners Suite 1/9 Narabang Way BELROSE NSW 2085
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Land to be developed (Address):	Lot 1 DP 235748, 136 Anzac Avenue COLLAROY PLATEAU
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Proposed Development:	Subdivision of 1 lot into 3 lots
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APPLICATION REFUSED

Made on (Date):	6 May 2010
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Reasons for Refusal:

1. Pursuant to Section 79C(1)(a) and (b) of the Environmental Planning and Assessment Act, 1979 and Clause 12 (2)(b) of Warringah Local Environmental Plan 2000, the proposed development does not comply with the Housing Density development standard applying under the E1 - Dee Why North Locality.
2. Pursuant to Section 79(C)(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 and Clause 12(3)(b) of Warringah Local Environmental Plan 2000, the proposal is not consistent with the Desired Future Character Statement for the E1 - Dee Why North Locality. In this regard, the proposed subdivision is not consistent with the predominant pattern, size and configuration of existing allotments in the locality.
3. Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 12(1)(a) of Warringah Local Environmental Plan 2000, the proposed development is inconsistent with the following General Principles of Development Control:
 - a) Clause 63 – Landscaped Open Space. In this regard, proposed Lot 3 does not demonstrate that a satisfactory landscaped setting can be achieved, and
 - b) Clause 65 – Privacy. In this regard, the indicative building footprint for proposed Lot 3 does not demonstrate that satisfactory levels of privacy can be maintained for adjoining dwellings and private open space areas.



4. Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 21 (1) (a) of Warringah Local Environmental Plan 2000, the proposed development does not adequately demonstrate that proposed Lot 3 can be developed in accordance with provisions of Warringah Local Environmental Plan 2000, in that:
- a) The proposal has not adequately demonstrated that Proposed Lot 3 can accommodate a future dwelling house which achieves consistency with the General Principles of Development Control under Part 4 of Warringah Local Environmental Plan 2000, and
 - b) The proposal has not adequately demonstrated that Proposed Lot 3 can accommodate a future dwelling house which achieves compliance with the development standards applying to the construction of a dwelling house under the E1 - Dee Why North Locality.

Review of Determination

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 12 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 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name Steven Findlay – Team Leader Development Assessment

Date 17 May 2010