

NOTICE OF DETERMINATION

Application Number: MOD2016/0246

APPLICATION DETAILS

Applicant Name and Address: Ivy Wang c/-
Vigor Master Pty Ltd
Suite 201A, 24 Thomas Street
Chatswood NSW 2067

Land to be developed (Address): Lot 810 DP 752038
No.84 Willandra Road NARRAWEENA

Proposed Development: S96 (1A) - Modification of Development Consent
DA2013/1203 granted for Construction of a Boarding
House

DETERMINATION – REFUSED

Made on (Date): 21 February 2017

Reasons for Refusal:

1. Pursuant to Section 79C(1) (a) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with the provisions of the *Warringah Local Environmental Plan 2000* in that the proposal is inconsistent with the Desired Future Character (DFC) Statement of the B2 Oxford Falls Valley Locality. In particular, the modification is inconsistent with existing development consent and DFC requirements for a “Category 2” development to conform to:
 - *Low intensity and low impact uses;*
 - *Satisfying the housing density standards;*
 - *Enhancing the natural landscape;*
 - *Minimising disturbance of vegetation; and*

NORTHERN BEACHES COUNCIL

- *Ensuring ecological values of natural watercourses.*
2. Pursuant to Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with the provisions of the *Warringah Local Environmental Plan 2000* in that the modification is inconsistent with the existing consent conditions that support the 'General Principles of Development Control'. In particular, the modification does not satisfy the requirements of:
 - *Clause 58 Protection of existing flora;*
 - *Clause 60 Watercourses and aquatic habitat;*
 - *Clause 63 Landscaped open space;*
 - *Clause 78 Erosion and sedimentation;*
 - *Clause 72 Traffic access and safety;*
 - *Clause 74 Provision of parking;*
 - *Schedule 5 – Bushland in urban areas;*
 - *Schedule 17 – Carparking provision.*
 3. Pursuant to Section 79C(1)(c) Pursuant to Section 79C (1) (a) of the *Environmental Planning and Assessment Act 1979* the proposed modification is inconsistent with the existing consent conditions supporting the B2 Oxford Falls Valley Locality requirement for 'low intensity low impact' development (as established within *Vigour Master Pty v Warringah Shire Council [2003] NSWLEC 1128*).
 4. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* the proposed development is not in the public interest. In particular, the proposed modification undermines the provisions of the relevant local environmental planning instrument for "existing holdings" that restrict the housing density and thereby support the desired future character of the B2 Oxford Falls Valley Locality.
 5. Pursuant to Section 5(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal is inconsistent with *Clause 5 Objects*, for the provision of housing in a manner that is consistent with the applicable local planning controls to promote a better environment through development consent.

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 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 97AA 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.

NORTHERN BEACHES COUNCIL

Signed on behalf of the consent authority



Signature

Name Alex Keller – Senior Planner