

23 November 2021



Vigor Master Pty Ltd
Suite 201a 24 Thomas Street
CHATSWOOD NSW 2067

Dear Sir/Madam

Application Number: DA2021/0545
Address: Lot 806 DP 752038 , 8 Lady Penrhyn Drive, BEACON HILL NSW 2100
Proposed Development: Construction of 10 independent living units as housing for 'older people or people with a disability'.

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,



Rebecca Englund
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2021/0545
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Vigor Master Pty Ltd
Land to be developed (Address):	Lot 806 DP 752038 , 8 Lady Penrhyn Drive BEACON HILL NSW 2100
Proposed Development:	Construction of 10 independent living units as housing for 'older people or people with a disability'.

DETERMINATION - REFUSED

Made on (Date)	17/11/2021
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Reasons for Refusal:

1.
 1. Pursuant to Section 4.15 (1) (a) (i) of the *Environmental Planning and Assessment Act 1979* the proposed development application relies on unauthorised works undertaken without consent to enable vehicle access to the proposed development.
 2. Pursuant to Section 4.15(1) (a) (i) and (b) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 12 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 proposal does not satisfy DFC requirements for a "Category 2" development to conform with:
 - i. *Low intensity and low impact characteristics;*
 - ii. *Detached style appearance for housing; and*
 - iii. *Enhancing the natural landscape;*
 3. Pursuant to Section 4.15(1) (a) (i) and (b) 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 'General Principles of Development Control'. In particular the proposal does not satisfy the requirements and sufficient information to comply with:
 - i. *Clause 29 (g) Private open space*
 - ii. *Clause 56 Retaining Unique Environmental Features on Site*
 - iii. *Clause 58 Protection of Flora*
 - iv. *Clause 62 Access to sunlight*
 - v. *Clause 63 Landscape open space*
 - vi. *Clause 72 Traffic Access and Safety*

vii. Clause 74 Private open space; and
viii. Clause 76 Management of stormwater.

4. Pursuant to Section 4.15 (1) (b) and (c) of the *Environmental Planning and Assessment Act 1979* the proposed development is unsuitable for the site. In particular the proposal exceeds the threshold considerations for 'low intensity low impact' development as established within *Vigour Master Pty v Warringah Shire Council [2003] NSWLEC 1128*.
5. Pursuant to Section 4.15 (1) (e) of the *Environmental Planning and Assessment Act 1979* the proposed development is not in the public interest. In particular, the proposal does not meet the provisions of the relevant local environmental planning instrument for the creation of a better environment and maintaining the Desired Future Character of the B2 Oxford Falls Valley locality.

Right to Review by the Council

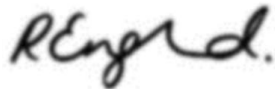
You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination 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 Rebecca Englund, Manager Development Assessments

Date 17/11/2021