

Business Hours:  
8.00am to 5.30pm, Monday to Thursday  
8.00am to 5.00pm, Friday

**DA No: N0530/15**

10 January 2017

VAUGHAN MILLIGAN DEVELOPMENT CONSULTING PTY LTD  
PO BOX 49  
NEWPORT NSW 2106

Dear Sir/Madam

**Development Application for Subdivision of one lot into three, demolition of existing detached garage and extension of existing access road to provide access to new lots 7 TRENTWOOD PARK AVALON BEACH NSW 2107.**

I regret to advise that after due consideration, it has been decided to refuse this application.

The Notice of Refusal is attached. If there is any aspect of the decision that you are uncertain or unclear about, you should contact me.

Yours faithfully

Cheryl Williamson  
**SENIOR PLANNER**

## REFUSAL

### ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

#### NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

**Applicant's Name and Address:**

**VAUGHAN MILLIGAN DEVELOPMENT CONSULTING PTY LTD  
PO BOX 49 NEWPORT NSW 2106**

Being the applicant in respect of Development Application No N0530/15.

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of the Development Application for:

**Subdivision of one lot into three, demolition of existing detached garage and extension of existing access road to provide access to new lots**

At:

Lot 1 DP 202857  
**7 TRENTWOOD PARK AVALON BEACH NSW 2107**

**Decision:**

The Development Application has been refused for the following reasons:

1. The proposed development would necessitate the removal of a large number of trees, the full extent of which is unknown. This will adversely impact upon numerous significant native trees, the biodiversity, flora and fauna of the site, and result in an adverse visual and character impact. This is contrary to the provisions of clauses 5.9 and 7.6 of Pittwater LEP 2014 and controls B4.2, B4.4 and B4.22 of Pittwater 21 DCP.
2. The proposed development, and in particular the extent of tree removal required to facilitate future development and bushfire requirements, will have an adverse visual impact upon the adjacent Ruskin Rowe Heritage Conservation Area. This is contrary to the provisions of clause 5.10 of Pittwater LEP 2014 and control B1.2 of Pittwater 21 DCP.
3. The application documentation does not sufficiently demonstrate that the new lots would be sufficiently protected from the site's bushfire hazard, particularly regarding the provision of appropriate access and the creation of an Inner Protection Area. This is contrary to the provisions of controls 4.5 and B3.2 of Pittwater 21 DCP.
4. The proposed development, and in particular the extent of tree and habitat removal which is likely to be required, is inconsistent with the desired future character of the Avalon Beach locality. This is contrary to control A4.1, D1.1 and D1.4 of Pittwater 21 DCP.
5. The proposed development has not been designed to provide adequate access for waste, recycling, delivery and emergency vehicles, which is likely to result in a reduction in amenity and safety to the subject site and surrounding sites. This is contrary to controls B6.2, B6.7 and C4.6 of Pittwater 21 DCP.
6. The application has not provided dwelling designs to enable an adequate consideration of the environmental constraints of the land.

**NOTES:**

1. This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
2. An applicant may under Section 82A of the Act, apply to council to review this determination.
3. Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 6 months after receipt of this notice.
4. Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

Mark Ferguson  
**INTERIM GENERAL MANAGER**

per:

Date: 10 January 2017