

16 October 2019

Ian Francis Westaway , Jan Elizabeth Westaway , Vaughan Milligan Development Consulting Pty Ltd
76 Cabbage Tree Road
BAYVIEW NSW 2104

Dear Sir/Madam

Application Number: DA2019/0154
Address: Lot 1 DP 373531 , 1955 Pittwater Road, BAYVIEW NSW 2104
Proposed Development: Demolition works and construction of a seniors housing development

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,



Steven Findlay
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2019/0154
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Ian Francis Westaway Jan Elizabeth Westaway Vaughan Milligan Development Consulting Pty Ltd
Land to be developed (Address):	Lot 1 DP 373531 , 1955 Pittwater Road BAYVIEW NSW 2104
Proposed Development:	Demolition works and construction of a seniors housing development

DETERMINATION - REFUSED

Made on (Date)	16/10/2019
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Reasons for Refusal:

1. Pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the proposal does not comply with the following requirements of the SEPP:
 - (a) Clause 26 in that the applicant has not demonstrated that the site is located within 400 metres of public transport services to essential facilities and services which comply with the required gradients. In this regard, insufficient information has been provided to demonstrate compliant grades, including longitudinal sections and levels.
 - (b) Clause 29, 31, 32 and 33 in that the proposal is unsatisfactory in relation to character, streetscape and built form.
 - (c) Clause 36 in that stormwater management issues remain unresolved.
 - (d) Clause 37 in that crime prevention issues remain unresolved.
 - (e) Clause 38 in that accessibility requirements have not been resolved.
 - (f) Clause 39 in that waste management issues remain unresolved.
 - (g) Clause 50 in that the proposal is unsatisfactory in relation to deep soil, solar access and private open space.
2. The proposed development is not approved in its current form as it is inconsistent with the requirements with Clause 40(4)(b) of SEPP (HSPD) 2004 in that the development is more than two storeys in height adjacent to the boundaries of the subject site, and the contravention of the

development standard is not justified under clause 4.6.

3. Pursuant to Section 100 "Development on proposed classified road" of State Environmental Planning Policy (Infrastructure) 2007, the concurrence of the Roads and Maritime Services has not been granted for the development, which obtains access from Pittwater Road and proposes the construction of a passing bay within the road reserve.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Pittwater Local Environmental Plan 2014.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the Pittwater 21 Development Control Plan:
 - (a) Clause A4.4 Church Point and Bayview Locality in that the proposal is inconsistent with the des
 - (b) Clause B5.7 Stormwater Management - Onsite Stormwater Detention
 - (c) Clause B6.1 Access Driveways and Works on the Public Road Reserve
 - (d) Clause B6.2 Internal Driveways
 - (e) Clause C1.4 Solar Access
 - (f) Clause C1.7 Private Open Space
 - (g) Clause C1.12 Waste and Recycling Facilities
 - (h) Clause C1.21 Seniors Housing
 - (i) Clause C1.23 Eaves
 - (j) Clause D4.1 Character as viewed from a Public Place
 - (k) Clause D4.6 Side and Rear Building Lines
 - (l) Clause D4.13 Construction, retaining walls, terracing and undercroft areas
 - (m) Clause D4.14 Scenic Protection Category One Areas

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 Steven Findlay, Manager Development Assessments

Date 16/10/2019