

22 August 2018

ACN 603 347 824 Pty Ltd  
1 A Green Street  
BROOKVALE NSW 2100

Dear Sir/Madam

**Application Number:** DA2018/0149  
**Address:** Lot 2211 DP 752038 , 60 Binalong Avenue, ALLAMBIE HEIGHTS  
NSW 2100  
Lot 2223 DP 752038 , 60 Binalong Avenue, ALLAMBIE HEIGHTS  
NSW 2100  
**Proposed Development:** Demolition of existing structures and construction of a two storey  
boarding house containing 36 beds and associated basement  
parking

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Steven Findlay  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2018/0149
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	ACN 603 347 824 Pty Ltd
<b>Land to be developed (Address):</b>	Lot 2211 DP 752038 , 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100 Lot 2223 DP 752038 , 60 Binalong Avenue ALLAMBIE HEIGHTS NSW 2100
<b>Proposed Development:</b>	Demolition of existing structures and construction of a two storey boarding house containing 36 beds and associated basement parking

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	15/08/2018
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### Reasons for Refusal:

1. **Character of the area**

The proposed development is not compatible with the existing and desired future character of the local area and therefore does not comply with Clause 30A of SEPP (ARH) and is not consistent with the objectives of the R2 low residential zone of the WLEP 2011 and the relevant provisions of the WDCP 2011 as follows:

- (a) The proposed development is of a scale that is far greater than any other residential development in the vicinity.
- (b) The design presents an uncharacteristic continuous length of building elements, along all street frontages with no attempt to visually break up the built form.
- (c) The treatment of the front landscaped areas is not compatible with the existing streetscape. The desired future character seeks to maintain the existing character of the local area.
- (d) The setbacks to each street boundary are inadequate and are not compatible with the established pattern of residential development in the vicinity.

2. **Carparking**

The proposal does not provide adequate onsite parking in accordance with the parking rate requirement of SEPP (ARH) and is deficient in the order of 10 spaces which would result in unacceptable parking impacts on surrounding streets.

3. **Wall Height**

The proposed development has an excessive wall height and fails to comply with Part B1 Wall

Height of the WDCP 2011.

#### 4. **Front Setbacks and Landscaping**

The proposed setbacks and landscape treatment from Binalong Avenue, Jennifer Avenue and Nargong Road are inadequate and the landscape treatment of the setbacks does not comply with clause 29 (2) (b) of SEPP (ARH) and the desired future character established by Part B7 Front Boundary Setbacks and Part D1 Landscaped Open Space and Bushland Setting in the Warringah DCP 2011.

#### 5. **Privacy**

The proposed development results in unacceptable internal privacy impacts.

#### 6. **Stormwater, Drainage and Engineering**

Insufficient information has been provided to demonstrate adequate stormwater disposal and drainage or compliance with overland flow requirements in accordance with clause C6 of WDCP 2011, as follows.

(a) The site is adjacent to a sag pit that carries a substantial amount of upstream stormwater. An overland flow study is required to determine the 1 in 100 year ARI water level in the open channel adjacent to the development site. Furthermore, the study is to consider the potential flooding of the site from the floodwaters on Nargong Road. Cross sections detailing the 1 in 100 year ARI water surface level are to be provided at appropriate intervals.

(b) The flood levels of the receiving water must be indicated on the drainage layout plan (if applicable). Water surface profiles are to be detailed for the existing and proposed conditions for the development site as well as both upstream and downstream of the development site. The Hec-Ras computer program is preferred for this application.

(c) The proposed development must comply with all requirements of Section 9.3 of Council's Water Management Policy. Runoff from the developed site must not cause a detrimental effect on any property. This may require the retention (and possible expansion) of existing surface flow paths within the development site.

(d) The 100 year ARI flood flow level must be established in AHD for the proposed future floor levels and basement entry levels which shall be a minimum of 500 mm above the 100 year flood level. This is to ensure that the proposed future dwelling and basement car parking areas are protected in major storm events. This requirement may alter the design of the proposed driveway crossing and level of the basement.

(e) The proposed vehicle and pedestrian access to the basement garage must demonstrate that it is free from overland flows and provides a satisfactory level of risk from flooding.

#### 7. **Insufficient Information**

Insufficient information has been provided to demonstrate compliance with the following:

Part E1 - Preservation of Trees or Bushland Vegetation of the WDCP 2011

Part C2 - Traffic, Access and Safety of WDCP 2011 and clause 4 (1) (c) of SEPP (ARH)

Part C9 - Waste Management of the WDCP 2011

## Right to Review by the Council

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 97 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



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Name                Steven Findlay, Manager Development Assessments

Date                 15/08/2018