

NOTICE OF DETERMINATION

Application Number: DA2010/1202

APPLICATION DETAILS

Applicant Name and Address: H & C Design Pty Ltd
50 Fuller Street Collaroy Plateau NSW 2097

Land to be developed (Address): Lot 20 in DP 238331, 13 Kadigal Place, Beacon Hill

Proposed Development: Alterations and Additions to a dwelling house and use of premises as a granny flat (secondary dwelling)

DETERMINATION - APPROVED

Made on (Date): 17 November 2010

Reasons for Refusal:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy – Affordable Housing , the proposal fails to comply with the following built form controls contained within the Policy:
 - a) Maximum Site Coverage
 - b) Setbacks from Side Boundaries
 - c) Setbacks from Rear Boundaries
 - d) Principle Private Open Space
2. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 and the Dictionary of Warringah Local Environment Plan 2000 (as amended), as the proposed development is inconsistent with the Definition for a Granny Flat as it does not provide common entry with the primary dwelling.
3. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000 (as amended), the proposed development is inconsistent with the Desired Future Character Statement for the G3 Manly Lagoon Suburbs Locality.
4. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000 (as amended), the proposed development is inconsistent with the Desired Future Character Statement for the G3 Manly Lagoon Suburbs Locality.



Warringah Council

5. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000 (as amended), the proposed development is inconsistent with the Housing Density and Landscape Open Space Built Form Controls for the G3 Manly Lagoon Suburbs Locality.
6. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 and Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000 (as amended), the proposed development is inconsistent with the following General Principles of Development Control:
 - a) Clause 63 Landscaped Open Space
 - b) Clause 63A Rear Building Setback
 - c) Clause 64 Private Open Space
 - d) Clause 74 Provision of Carparking
7. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the subject site is considered to be unsuitable for the proposed development in that the proposal will have an unreasonable impact on the built environment and the existing site density.
8. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest in that the proposal is inconsistent with the Desired Future Character and General Principles of Development Control.

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 12 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 12 months after the date on which you receive this notice.

Signed _____ on behalf of the consent authority

Signature _____

Name Mitchell Drake
Development Assessment Officer

Date 17 November 2010

