

NOTICE OF DETERMINATION

Application Number: DA2014/1177

APPLICATION DETAILS

Applicant Name and Address: Ivy Wang c/-
Toprea International Pty Ltd
Unit 5 / 146 Culloden Road
MARSFIELD NSW 2122

Land to be developed (Address): Lot 2506 DP 752038
Lot 2506 Bundaleer Street
BELROSE NSW 2085

Proposed Development: Construction of a Boarding House

DETERMINATION – REFUSED

Made on (Date): 13 May 2015

Reasons for Refusal:

- Desired Future Character – Warringah Local Environmental Plan 2000**
Pursuant to Section 79C(1) (a) 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 Desired Future Character (DFC) Statement of the C8 Belrose North Locality. In particular, the proposal does not satisfy DFC requirements for a Category 2 development to conform to:
 - *Low intensity and low impact uses;*
 - *Satisfying the housing density standards;*
 - *Detached style appearance for housing types;*
 - *Enhancing the natural landscape; and*
 - *Ensuring buildings blend with the natural landscape.*

2. General Principles of Development Control – Warringah Local Environmental Plan 2000

Pursuant to Section 79C(1) (a) 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 of:

- *Clause 63 Landscaped open space;*
- *Clause 66 Building bulk;*
- *Clause 67 Roofs;*
- *Clause 70 Site facilities;*
- *Clause 71 Parking facilities;*
- *Clause 72 Traffic, access and safety;*
- *Clause 74 Provision of parking;*
- *Schedule 8 – Site analysis; and*
- *Schedule 17 – Carparking provision.*

3. Unsuitable as Low impact, Low intensity Development

Pursuant to Section 79C (1) (a) (i) 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 "*Vigor Master Pty v Warringah Shire Council [2008] NSWLEC 1128*".

4. Public Interest under the Environmental Planning and Assessment Act 1979

Pursuant to Section 79C (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 character of the rural locality.

5. Inconsistent with the Objects of the Environmental Planning and Assessment Act 1979

Pursuant to Section 5 (a) (i) of the *Environmental Planning and Assessment Act 1979* the proposal is inconsistent with *Clause 5 Objects*, for the provision of affordable housing in a manner that is consistent with the applicable local planning controls to promote a better environment.

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 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

Signature 
Name Alex Keller – Senior Planner