

26 November 2024

Cristina Gomes
Westfield Tower 2 Level 22 Suite 2201 101 Grafton Street
BONDI JUNCTION NSW 2022

Dear Sir/Madam

Application Number: DA2024/1194
Address: Lot 13 DP 14017 , 618 Barrenjoey Road, AVALON BEACH NSW 2107
Proposed Development: Demolition works and construction of a dwelling house including a carport

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Stephanie Gelder
Planner

NOTICE OF DETERMINATION

Application Number:	DA2024/1194
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Cristina Gomes
Land to be developed (Address):	Lot 13 DP 14017 , 618 Barrenjoey Road AVALON BEACH NSW 2107
Proposed Development:	Demolition works and construction of a dwelling house including a carport

DETERMINATION - REFUSED

Made on (Date)	26/11/2024
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(iii) & Section 4.15(1)(b)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with B5.15 Stormwater of Pittwater 21 Development Control Plan.

Particulars:

- i) The stormwater drainage system has not been designed in accordance with Council's Water Management for Development Policy.
- ii) There is no certainty that the proposed stormwater drainage system will not have any environmental impacts due to the insufficient information provided.

2. Pursuant to Section 4.15(1)(a)(iii) & Section 4.15(1)(b)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause A4.1 Avalon Beach Locality and Clause D1.1 Character as viewed from a public place of Pittwater 21 Development Control Plan.

Particulars:

- i) The proposed dwelling house presents a bulk and scale that is inconsistent with the Avalon Beach Locality as a result of the variations to the front building line control, side building line control, building envelope control, and landscaped area control.
- ii) As a result of the built form non-compliances, the cumulative impact results in an unacceptable bulk and scale that is inconsistent with the Avalon Beach Locality and anticipated character of the area.

3. Pursuant to Section 4.15(1)(a)(iii) & Section 4.15(1)(b)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause C1.1 Landscaping and Clause D1.13 Landscaped Area – General of Pittwater 21 Development Control Plan.

Particulars:

- i) The proposed development presents a non-compliant landscaped area of 35.48% (174.0m²), presenting a variation of 29.03% (71.2m²) to the required 50% (245.2m²).
- ii) The proposed development presents 31.18% (33.9m²) of landscaped area within the front setback area, presenting a variation of 52.20% (34.04m²).
- iii) The proposed deviation from the required landscaped area within the front setback area and overall reduces the vegetation on site and does not maximise the soft surfaces.

4. Pursuant to Section 4.15(1)(a)(iii) & Section 4.15(1)(b)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause D1.8 Front building line, Clause D1.9 Side and rear building line and Clause D1.11 Building envelope of Pittwater 21 Development Control Plan.

Particulars:

- i) The proposed development fails to meet the numerical requirements of the front building line control, side building line control, building envelope control, and landscaped area control. The multiple numerical non-compliances lead to an unacceptable visual bulk and scale impact. There are no site constraints or impediments which limit the ability of the proposed dwelling to comply with the setback and building envelope controls of the Pittwater 21 Development Control Plan.
- ii) The proposed variations do not present built form that has promoted an acceptable building scale and density.

5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not within the public's interest.

Particulars:

- i) The extent of non-compliances of relevant controls within the Pittwater 21 Development Control Plan result in development that is contrary to the expectations of the community. As such, an approval of the proposed development would not be within the public's interest.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged to and determined by the consent authority within 6 months from the date that the original determination was registered on the NSW Planning Portal. Prospective applicants for a Review of Determination are encouraged to lodge a review application with Council as soon as possible, to enable a full review and determination.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Stephanie Gelder, Planner

Date 26/11/2024