

3 May 2024



Olma Edlyn Fernandes
92 Alfred Road
NARRAWEENA NSW 2099

Dear Sir/Madam

Application Number: DA2023/1713
Address: Lot 80 DP 14843 , 92 Alfred Road, NARRAWEENA NSW 2099
Proposed Development: Alterations and additions to a dwelling house

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,



Michael French
Planner

NOTICE OF DETERMINATION

Application Number:	DA2023/1713
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Olma Edlyn Fernandes
Land to be developed (Address):	Lot 80 DP 14843 , 92 Alfred Road NARRAWEENA NSW 2099
Proposed Development:	Alterations and additions to a dwelling house

DETERMINATION - REFUSED

Made on (Date)	03/05/2024
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of:
 - Clause B3 Side Boundary Envelope of the Warringah Development Control Plan.
 - Clause D1 Landscaped Open Space and Bushland Setting of the Warringah Development Control Plan.
 - Clause D7 Views of the Warringah Development Control Plan.
 - Clause D8 Privacy of the Warringah Development Control Plan.

Particulars:

- The proposed development fails to meet the numerical requirements and underlying objectives stipulated within Clause B3 Side Boundary Envelope, and Clause D1 Landscaped Open Space and Bushland Setting.
- The proposed development gives rise to an unacceptable impact on views obtained by 94 Alfred Road, Narraweena. It is considered that the impact upon these views, particularly when considering the variations to the above-mentioned DCP provisions, is not representative of view sharing and the outcome is contrary to the planning principle established in *Tenacity v Warringah Council*.
- The proposed development fails to meet the requirements and underlying objectives stipulated within Clause D8 Privacy.

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

Particulars:

- The cumulative impact of non-compliances of relevant controls within the Warringah Development Control Plan, and the resultant unreasonable amenity impacts upon adjoining properties, is such that 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 made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

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 Michael French, Planner

Date 03/05/2024