

14 December 2023

Maree Smaragdi Jaloussis
107 Iris Street
BEACON HILL NSW 2100

Dear Sir/Madam

Application Number: DA2023/0379
Address: Lot 18 DP 19022 , 107 Iris Street, BEACON HILL NSW 2100
Proposed Development: Torrens title Subdivision of one lot into four lots

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,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2023/0379
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Maree Smaragdi Jaloussis
Land to be developed (Address):	Lot 18 DP 19022 , 107 Iris Street BEACON HILL NSW 2100
Proposed Development:	Torrens title Subdivision of one lot into four lots

DETERMINATION - REFUSED

Made on (Date)	13/12/2023
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Reasons for Refusal:

- Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1 Minimum subdivision lot size and Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011.**

Particulars:

The Applicant's written request has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case, and that there are sufficient environmental planning grounds to justify the contravention of the development standard in the circumstances of this case. This is because the proposal is inconsistent with objective 4.1(1)(g) of Clause 4.1 Minimum subdivision lot size of the Warringah Local Environmental Plan 2011, which provides "(g) to retain and protect existing significant natural landscape features". This relates to natural features within proposed Lot 2, namely, a large mature tree and natural rock face. Insufficient information has been provided to establish that future development on this proposed allotment can be undertaken without adverse environmental impacts, given the resulting allotment would require a higher than usual level of design skill to accommodate development (considering the proposed allotment size and existing natural features). This is pursuant to the Planning Principle established within *Parrott v Kiama* [2004] NSWLEC 77.

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

Rodney Piggott, Manager Development Assessments

Date

13/12/2023