

22 September 2025

Michael James Ludowici
C/- Vaughan Milligan Development Consulting Pty Ltd Po Box 49
NEWPORT NSW 2106

Dear Sir/Madam

Application Number: DA2025/0384
Address: Lot B DP 409707 , 58 A Elimatta Road, MONA VALE NSW 2103
Lot 8 DP 611691 , 56 Elimatta Road, MONA VALE NSW 2103
Proposed Development: Alterations and additions to a dwelling house including the subdivision of one lot into two and construction of a hardstand parking area and passing bay

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,



Brittany Harrison
Planner

NOTICE OF DETERMINATION

Application Number:	DA2025/0384
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Michael James Ludowici
Land to be developed (Address):	Lot B DP 409707 , 58 A Elimatta Road MONA VALE NSW 2103 Lot 8 DP 611691 , 56 Elimatta Road MONA VALE NSW 2103
Proposed Development:	Alterations and additions to a dwelling house including the subdivision of one lot into two and construction of a hardstand parking area and passing bay

DETERMINATION - REFUSED

Made on (Date)	19/09/2025
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Reasons for Refusal:

- Pursuant to Section 4.15(1)(a)(i) &(iii) and 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 1.2 Aims of the Plan and Clause 7.10 Essential services of the Pittwater Local Environmental Plan 2014.**

Particulars

- The proposal fails to achieve the desired character of Pittwater's localities i.e. Mona Vale Locality in terms of vehicular access.
- The retention of the internal driveway on the Right of Carriageway does not ensure that adequate arrangements have been considered for suitable vehicular access for Lot 2, failing to achieve the intention of Clause 7.10 Essential services of the Pittwater Local Environmental Plan 2014.

- Pursuant to Section 4.15(1)(a)(i) &(iii) and 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause A1.7 Considerations before consent is granted, Clause A4.9 Mona Vale Locality, Clause B2.2 Subdivision - Low Density Residential Areas, Clause B6.2 Internal Driveways, B6.7 Transport and Traffic Management, Clause C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities and C4.3 Subdivision - Transport and Traffic Management of the Pittwater 21 Development Plan.**

Particulars

- The proposed subdivision seeks to retain the internal driveway and its current variable width

within the Right of Carriageway to formally access proposed Lot 2 (rear allotment) and accommodate for No. 58A Elimatta Road, Mona Vale.

ii. The driveway within the Right of Carriageway (in its current form) has not been designed or constructed in accordance with the Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street car Parking, particularly in relation to the driveway width where a standard 3.0m is required.

iii. To ensure the subdivision is in accordance with Australian Standard AS/NZS 2890.1-2004 and to comply with the recommended conditions of Council's Traffic Engineer, the subject driveway must undergo physical upgrades including extension of the width to acceptably accommodate the need for safe and convenient access and to mitigate vehicular/traffic conflict.

iv. In the absence of any detailed engineering plans and supporting documentation of a driveway upgrade, it cannot be ascertained what the extent of works to the driveway are necessary, or it at all. As such, where it is found that the current driveway needs to be modified to bring it into conformity with the Australian Standard there is an absence of information and detail to definitively determine what (if any) impacts will result in relation to the subject land and surrounds i.e. (but not limited to) loss of canopy trees, effects on existing structures and retaining walls.

v. It is concluded, due to the absence of information that the development fails the outcomes of the relevant controls of the P21DCP to support the subdivision.

3. Pursuant to Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.

Particulars

i. The application does not propose physical works to the internal driveway within the Right of Carriageway (in exception to the passing bay) to ensure that safe and functional vehicular access can be demonstrated for proposed Lot 2 and No. 58A Elimatta Road, Mona Vale.

ii. As articulated, in reason for refusal 2, there is a likelihood that the internal driveway will need to be upgraded to meet the generated needs of the development. However, due to the uncertainty of such works and prospective impacts, the proposal cannot be considered suitable for the site.

4. 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

i. As the proposed development has failed to demonstrate acceptable vehicular access that is safe and functional for the subject residents that utilise the Right of Carriageway daily, it would not be in the public interest to support the application (in its current form).

ii. Further works to the internal driveway are likely required and no information is provided to address the uncertainty of potential impacts that may arise as a result.

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 Brittany Harrison, Planner

Date 19/09/2025

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Northern Beaches Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Northern Beaches Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney North Planning Panel.