

7 August 2019



Manly Developments 2016 Pty Ltd
Suite 5a 2 New Mclean Street
EDGECLIFF NSW 2027

Dear Sir/Madam

Application Number: DA2018/1761
Address: Lot CP SP 30021 , 24 Aitken Avenue, QUEENSCLIFF NSW 2096
Proposed Development: Demolition Works and construction of a residential flat building,
and strata subdivision

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

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Anna Williams
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2018/1761
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Manly Developments 2016 Pty Ltd
Land to be developed (Address):	Lot CP SP 30021 , 24 Aitken Avenue QUEENSCLIFF NSW 2096
Proposed Development:	Demolition Works and construction of a residential flat building, and strata subdivision

DETERMINATION - REFUSED

Made on (Date)	17/07/2019
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Reasons for Refusal:

- Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory for the following reasons:
 - The proposed development does not satisfactorily respond to the principles outlined in Fodor Investments v Hornsby Shire Council relating to existing use rights. The proposed development is inconsistent with the prevailing bulk, scale, density and height of development in Aitken Avenue. In particular, the proposed development results in a depth of excavation and a building mass and scale uncharacteristic of the existing and future desired character of Aitken Avenue and will result in unacceptable visual impacts upon the public domain.
 - The level of excavation proposed does not result in good planning and design in relation to amenity for future occupants of the proposed development. In particular, The excavation would provide poor amenity to the bedrooms in the proposed development which are up to 9 metres below adjoining ground level.
 - The information provided by the geotechnical report is not adequate because insufficient investigations have been carried out to fully assess the impacts relating to required support structures for adjacent structures. In addition, the extent of excavation required for the proposal will result in an inappropriate level of impact upon neighbouring dwellings.
 - The design of bedroom 3 to each unit represents poor design and poor amenity for the future occupants because of the likely incidence of noise transfer from the adjoining unit to each bedroom 3.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Division 8.3 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



Name

Anna Williams, Manager Development Assessments

Date

17/07/2019