



Erin Murphy
DA/61592/2021
6 December 2022

G Smith
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UMINA BEACH NSW 2257

Development Application Notice of Determination

Issued under the Environmental Planning and Assessment Act 1979
Sections 4.16, 4.17 & 4.18(1)(a)

Development Application No:	DA/61592/2021
Property Address:	Lot 604 DP 10570 16 Warrah Street, ETTALONG BEACH NSW 2257
Description of Development:	Multi Dwelling Housing (3) & Demolition of Existing & Removal of 1Tree
Determination:	Refused
Determination Date:	24 November 2022

Reasons for Refusal

- 1 The clause 4.6 written request does not adequately address the provisions of clause 4.6(3) to demonstrate that there are sufficient environmental planning grounds to justify a contravention to the minimum lot size standard under clause 4.1(B) of Gosford Local Environmental Plan 2014.
- 2 The proposal is not satisfactory having regard to the relevant environmental planning instruments, plans and policies.
- 3 The proposal is inconsistent with the R1 zone objective of the Gosford Local Environmental Plan 2014 as the proposal has not demonstrated that that development is compatible with the desired future character of the zone or that it exhibits best practice design.



- 4 The proposal is inconsistent with the following sections of Gosford Development Control Plan 2013: Part 2 Scenic Quality and Character and Chapter 3.3 Multi Dwelling Housing & Residential Flat Buildings, with particular regard to setbacks, deep soil and landscaping, private open space, articulation, sunlight access and overshadowing.
- 5 Insufficient information has been provided in relation to the levels of fill across the site, retaining walls and interface with neighbouring properties.
- 6 The proposal is inconsistent with the current and future desired character of the locality and approval is not in the public interest.

Right of Appeal

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Sections 8.2, 8.3, 8.4 and 8.5 of the *Environmental Planning and Assessment Act 1979* provide that the applicant may request the Council to Review the determination, except where the application is Designated development or excluded under Section 8.2(2).

Signed on behalf of the Consent Authority



Erin Murphy
Senior Development Planner
DEVELOPMENT ASSESSMENT