

## DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

13 February 2007

<b>DSDS1</b>	<b>APPEAL BY WITZIG SCHULZ ARCHITECTS &amp; PLANNERS          3 LOT SUBDIVISION, BOUNDARY &amp; ADJUSTMENT,          DEMOLITION OF DWELLING          13 DULCONGHI STREET &amp; 36 STEWART STREET,          CRESCENT HEAD          FILE: T6-05-273 TJN</b>	<b>{Folio No. *}</b>
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### SUMMARY:

Reporting on the result of an appeal against Council's refusal of a development application for a development at Crescent Head.

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<b>Applicant:</b>	Witzig Schulz Architects and Planners
<b>Subject Property:</b>	Lot 2 DP 570181 – 13 Dulconghi Street Lot 180 DP 754441 – 36 Stewart Street Crescent Head
<b>Zone:</b>	2(a)

### History

Council considered the proposal at its meeting of 15 November 2005. The application was refused by Council on the grounds that it did not comply with Development Control Plan (DCP) No 22.

The applicant subsequently submitted a request for a review of determination pursuant to the provisions of Section 82A of the Environmental Planning and Assessment Act 1979. This was considered at Council's meeting of 11 April 2006. Council declined to review its previous determination on the basis that the application did not comply in relation to the size of the block, open space and the general character of the village of Crescent Head.

The applicant subsequently lodged an appeal with the Land and Environment Court against Council's refusal.

The matter was heard by Commissioner Hoffman on the 7 November 2006. The applicant was directed by the Court to file and serve within 7 days centreline gradients and crossfalls showing compliance or not with Australia Standard 2890 for Lot 2 & 3 driveways. The plans were submitted with no

certification and the Commissioner handed down the final judgement on 12 January 2007.

By judgement dated 12 January 2007 the appeal was dismissed on the grounds that the applicant failed to demonstrate compliance the performance criteria of DCP Crescent Head in respect to vehicular access and parking.

**REPORT IMPLICATIONS:**

***Environmental***

***Nil***

***Social***

***Nil***

***Economic (Financial)***

***Nil***

***Policy or Statutory***

***Nil***

**RECOMMENDATION:**

**That the information be noted.**

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**R B Pitt**

**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**