

26 November 2021

John Wayne Bardwell , Christopher Ross Bardwell
C/- Vaughan Milligan Development Consulting Pty Ltd Po Box 49
NEWPORT NSW 2106

Dear Sir/Madam

Application Number: DA2021/0715
Address: Lot B DP 419338 , 11 B Hill Street, WARRIEWOOD NSW 2102
Proposed Development: Demolition works and Torrens Title subdivision of one lot into two lots

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,



Nick Keeler
Planner

NOTICE OF DETERMINATION

Application Number:	DA2021/0715
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	John Wayne Bardwell Christopher Ross Bardwell
Land to be developed (Address):	Lot B DP 419338 , 11 B Hill Street WARRIEWOOD NSW 2102
Proposed Development:	Demolition works and Torrens Title subdivision of one lot into two lots

DETERMINATION - REFUSED

Made on (Date)	26/11/2021
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Pittwater Local Environmental Plan 2014.
2. 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 4.6 Exceptions to development standards of the Pittwater Local Environmental Plan 2014.

The submitted request to vary a development standard does not adequately justify that there are sufficient environmental planning grounds to vary the minimum subdivision lot size development standard. The proposed development is not considered to be an orderly use and development of the land.

3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B2.2 Subdivision - Low Density Residential Areas of the Pittwater 21 Development Control Plan.

The proposed development does not adequately address the requirements of the control due to the insufficient lot size and dimensions. Variation to the control requirements cannot be justified due to inconsistency with the outcomes of the control.

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B5.15 Stormwater of the Pittwater 21 Development Control Plan.

The applicant has not adequately demonstrated that the proposed stormwater disposal system complies with the requirements of Council's Water Management for Development Policy.

5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B6.2 Internal Driveways of the Pittwater 21 Development Control Plan.

The proposed development does not provide safe and functional vehicle and pedestrian access to the proposed lots.

6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities of the Pittwater 21 Development Control Plan.

The proposed development does not provide safe and functional vehicle and pedestrian access to the proposed lots.

7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4.7 Subdivision - Amenity and Design of the Pittwater 21 Development Control Plan.

The proposed development does not demonstrate adequate amenity and design characteristics of low density residential lots for occupants of future development.

8. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

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 Nick Keeler, Planner

Date 26/11/2021