

14 December 2023



BMN Properties Pty Ltd
Angel Place Level 8 123 Pitt Street
SYDNEY NSW 2000

Dear Sir/Madam

Application Number: DA2023/0129
Address: Lot B DP 370222 , 4 Forest Road, WARRIEWOOD NSW 2102
Proposed Development: Subdivision of one lot into 13 lots and associated works

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,



Steven Findlay
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2023/0129
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	BMN Properties Pty Ltd
Land to be developed (Address):	Lot B DP 370222 , 4 Forest Road WARRIEWOOD NSW 2102
Proposed Development:	Subdivision of one lot into 13 lots and associated works

DETERMINATION - REFUSED

Made on (Date)	13/12/2023
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.
2. 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.
3. 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 4.3 Height of buildings of the Pittwater Local Environmental Plan 2014. Specifically, insufficient information is provided to enable the calculation of the maximum height of structures proposed within the development.
4. 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 7.2 Earthworks of the Pittwater Local Environmental Plan 2014 and Clause B8.1 Construction and Demolition - Excavation and Landfill of the Pittwater 21 Development Control Plan.
5. 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 7.6 Biodiversity Protection of the Pittwater Local Environmental Plan 2014, Clause B4.22 Preservation of Trees and Bushland Vegetation and Clause C6.2 Natural Environment and Landscaping Principles of the Pittwater 21 Development Control Plan.
6. In accordance with the provisions of s.4.47(2) of the Environmental Planning and Assessment Act, consent cannot be granted as general terms of approval have not been obtained from NSW RFS for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes/a special fire protection purpose under Section 100B of the Rural

Fires Act 1997.

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 B5.15 Stormwater and Clause C6.1 Integrated Water Cycle Management of the Pittwater 21 Development Control Plan.
8. 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 B6.3 Off-Street Vehicle Parking Requirements and Clause C6.4 The Road System and Pedestrian and Cyclist Network of the Pittwater 21 Development Control Plan.
9. 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 C6.8 Residential Development Subdivision Principles and Clause C6.9 Residential Land Subdivision Approval Requirements of the Pittwater 21 Development Control Plan.

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 made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

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 Steven Findlay, Manager Development Assessments

Date 13/12/2023