

9 April 2021



BPG Holdings (No. 5) Pty Ltd  
Level 1, 1 Chandos Street  
ST LEONARDS NSW 2065

Dear Sir/Madam

**Application Number:** DA2020/1172  
**Address:** Lot 42 DP 4689 , 54 Bardo Road, NEWPORT NSW 2106  
**Proposed Development:** Demolition works and construction of a seniors housing development to accommodate six units including associated car parking and landscape works

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Lashta Haidari  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2020/1172
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	BPG Holdings (No. 5) Pty Ltd
<b>Land to be developed (Address):</b>	Lot 42 DP 4689 , 54 Bardo Road NEWPORT NSW 2106
<b>Proposed Development:</b>	Demolition works and construction of a seniors housing development to accommodate six units including associated car parking and landscape works

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	07/04/2021
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### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2014:

Clause 29 Character/Clause 31 Design of in-fill self-care housing/ Clause 32 Design of residential development/ Clause 33 Neighbourhood Amenity and streetscape

The proposal does not sufficiently show the retention of existing trees at the front of the site, and the overall impact on the wildlife corridor is unacceptable.

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)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B4.6 Wildlife Corridors of the Pittwater 21 Development Control Plan.

The overall environmental impact including removal of native species is unacceptable.

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 B5.7 Stormwater Management - On-Site Stormwater Detention of the Pittwater 21 Development Control Plan.

The proposal for OSD below habitable floor area is unacceptable.

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 C1.21 Seniors Housing of the Pittwater 21 Development Control Plan.

There is insufficient information in regard to the landscape plan to show integration of landscaped features with built form to complement character of the area.

## 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



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Name                Lashta Haidari, Manager Development Assessments

Date                 07/04/2021