

18 October 2018



Karimbla Constructions Services (NSW) Pty Ltd  
Level 11 528 Kent Street  
SYDNEY NSW 2000

Dear Sir/Madam

**Application Number:** DA2018/0339  
**Address:** Lot 25 DP 5464 , 2 Macpherson Street, WARRIEWOOD NSW 2102  
**Proposed Development:** Community Title subdivision of 1 lot into 24 lots, inclusive of 22 lots for future dwelling houses

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,



Rebecca Englund  
**Principal Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2018/0339
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Karimbla Constructions Services (NSW) Pty Ltd
<b>Land to be developed (Address):</b>	Lot 25 DP 5464 , 2 Macpherson Street WARRIEWOOD NSW 2102
<b>Proposed Development:</b>	Community Title subdivision of 1 lot into 24 lots, inclusive of 22 lots for future dwelling houses

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	10/10/2018
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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. The proposed 24 lot Community Title subdivision development, to enable 22 future dwellings at the subject site, is prohibited by virtue of the "no dwellings" dwelling yield prescribed by clause 6.1(3) of *Pittwater Local Environmental Plan 2014*.
3. The application does not demonstrate that all proposed allotments will be adequately serviced by essential infrastructure and insufficient information has been provided with regard to the future ownership and maintenance of such essential infrastructure, inconsistent with the provisions of clause 7.10 of *Pittwater Local Environmental Plan 2014* and clauses C6.1 (Integrated Water Cycle Management) and C6.5 (Utilities, Services and Infrastructure Provision) of *Pittwater 21 Development Control Plan*.
4. The proposed residential subdivision fails to achieve consistency with the requirements and outcomes of clause C6.1 (Integrated Water Cycle Management) of P21 DCP and the *Warriewood Valley Water Management Specification*, as the application:
  - fails to provide an integrated water management solution for the site,
  - does not provide on-site detention to ensure that peak flood levels and flowrates are not exacerbated by the future development of the 22 residential lots,
  - fails to provide new residential lots that are flood free in the FPL event or demonstrate that all future dwelling houses will be located at or above the FPL,
  - has not considered the impact upon flood storage associated with 22 future residential dwellings in both the FPL and PMF events.
5. The application does not have any regard for the development controls of *Pittwater 21*

*Development Control Plan*, and fails to demonstrate that the resultant residential lots can be developed with a high level of amenity, in accordance with the relevant provisions of *Pittwater Local Environmental Plan 2014* and *Pittwater 21 Development Control Plan*. In particular, the proposed development does not provide for the landscaped outcome prescribed by clause C6.2 (Natural Environment and Landscaping Principles) of *Pittwater 21 Development Control Plan*, and the indicative dwelling footprints cannot accommodate a dwelling that is consistent with the built form and amenity controls prescribed by Part D16 (Warriewood Valley Locality) of *Pittwater 21 Development Control Plan*.

6. Reliance upon works proposed within a separate, undetermined Development Application is considered to be unreasonable in the circumstances where the outcome of the separate application is not imminent or certain. Furthermore, Council cannot be satisfied that the the subject proposal could proceed in isolation, without the works proposed in the separate application. Overall, the application is not considered to represent the orderly development of the land.

## Right to Review by the Council

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

*NOTE: A fee will apply for any request to review the determination.*

## Right of Appeal

If you are dissatisfied with this decision Section 97 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

*R. Englund.*

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Name                Rebecca Englund, Principal Planner

Date                 10/10/2018