



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA DA2007/1206

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Wood Park Pty Ltd

Applicant Address: 14 Lentara Road, Bayview NSW 2104

Land to be developed (Address): Lot 10 DP 12962, 10 West Street Brookvale, Lot 11 DP 12962, 12 West Street, Brookvale & Lot 101 DP 1007178, 762-770 Pittwater Road Brookvale

Proposed Development: Demolition and construction of a building capable of being occupied by multiple uses including bulky goods retail, factory, warehouse and motor vehicle workshop, restaurant and office uses.

APPLICATION REFUSED

Made on (Date): 12 May 2008

Reasons for Refusal:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2000 in that the development does not comply with the Desired Future Character Statement of the F3 Brookvale Industrial Locality.
2. Pursuant to Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of *Warringah Local Environmental Plan 2000* in that the proposed development is does not comply with the Building Height or Front Building Setback Built Form Controls for the F3 Brookvale Industrial Locality or the Building Height control for the F2 Brookvale Service Centre locality.
3. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the following provisions of Warringah Local Environmental Plan 2000;
 - Clause 48 Potentially contaminated land
 - Clause 49 Remediation of contaminated land
 - Clause 57 Development on sloping land
 - Clause 63 Landscaped open space



- Clause 66 Building bulk
 - Clause 72 Traffic access & safety
 - Clause 73 On-site loading and unloading
4. Pursuant to Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of *Warringah Local Environmental Plan 2000* in that a Statement of Environmental Effects has not been submitted that addresses the requirements of Schedule 15 of Warringah Local Environmental Plan 2000 as required by Clause 15 of Warringah Local Environmental Plan 2000.
 6. Pursuant to Section 79C(1)(a) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of *Warringah Local Environmental Plan 2000* as the application could not be advertised as required by Clause 23 of WLEP 2000 as the required advertising fee was not submitted to Council.
 7. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 insufficient information has been submitted to demonstrate that the land will be suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out as required by State Environmental Planning Policy No.55 – Remediation of Land and Clauses 48 and 49 of Warringah Local Environmental Plan 2000.
 8. Pursuant to Section 79C (1) (c) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the proposed development as insufficient information has been submitted to demonstrate that the land will be suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.
 9. Pursuant to Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest.

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 12 months after the date on which you receive this notice.

Signed _____ on behalf of the consent authority

Signature: _____

Name: Steve Findlay

Date: 12 May 2008