
REFUSAL
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

Woolwich Pty Ltd
C/- Craig & Rhodes Pty Ltd
PO Box 233
Epping NSW 1710

Being the applicant in respect of Development Application **N0491/16**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination of Development Application **N0491/16** for:

Subdivision of Land and associated civil infrastructure

At: **41 Warriewood Road, Warriewood (Lot 32, Section C, DP 5464)**

Decision:

The Development Application has been refused for the following reasons:

1. The proposed subdivision plan is inconsistent with the developable area calculation and developable area map nominated within the Warriewood Valley Strategic Review Report. The development also lacks sufficient information in relation to the anticipated yield on the site, and Council cannot be satisfied that the development is consistent with the objectives of clause 6.1 (Warriewood Valley Release Area) of PLEP 2014.
2. The proposed development will result in unreasonable impacts upon the Swamp Sclerophyll Coastal Forest EEC present within the lower, south-western portion of the site, inconsistent with the objectives of clause 6.1 (Warriewood Valley Release Area) of PLEP 2014 and clause 7.6 (Biodiversity) of PLEP 2014.
3. The Application lacks sufficient consideration of the criteria prescribed in the Warriewood Valley Water Management Specification, resulting in inconsistency with the requirements and outcomes of clause 6.1 (Integrated Water Cycle Management) of P21 DCP and the objectives of clause 6.1 (Warriewood Valley Release Area) of PLEP 2014.
4. The subdivision plans lacks necessary detail, and as such, consistency with the requirements and outcomes of clauses C6.8 (Residential Development Subdivision Principles), C6.9 (Residential Land Subdivision Approval Requirements) and clause C6.10 (Additional Specifications for Development of Buffer Area 1a to 1m) of P21 DCP is unable to be determined.
5. The application was not supported by appropriate detail with respect to the intended landscape solution for the site, resulting in non-compliance with the provisions and outcomes of clause C6.2 (Natural Environment and Landscape Principles) of P21 DCP and the Warriewood Valley Landscape Masterplan & Design Guidelines (Public Domain). The application also proposed unnecessary and unjustified tree removal, and owners consent for tree removal on adjoining sites has not been provided.

6. The application was not supported by sufficient information with respect to the bushfire hazard affecting the site, such that General Terms of Approval from the NSW RFS have not been issued.
7. The application does not provide sufficient design detail with respect to the internal road and the upgrade works to Warriewood Road such that consistency with the requirements and outcomes of clause C6.4 (The Road System and Pedestrian and Cyclist Network) of P21 DCP cannot be determined.

Notes:

1. This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
2. Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 6 months after receipt of this notice.
3. Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

Mark Ferguson
INTERIM GENERAL MANAGER

Per:

Date: 8 March 2017