



NOTICE OF DETERMINATION

Application Number:	DA2008/1405
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APPLICATION DETAILS

Applicant Name and Address:	Montek Property Pty Ltd 201/283 Alfred Street NORTH SYDNEY NSW 2060
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Land to be developed (Address):	Lot C DP 383872 11-13 Rodborough Road FRENCHS FOREST NSW 2086
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Proposed Development:	Subdivision of one (1) Lot into two (2) separate lots
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APPLICATION REFUSED

Made on (Date):	21 April 2009
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Reasons for Refusal:

That Council, as the consent authority refuse development consent to Development Application No. DA2008/1405 for the subdivision of one (1) lot into two (2) separate lots on land at Lot C, DP 383872, No. 11-13 Rodborough Road Frenchs Forest, for the following reasons outlined below:

1. Pursuant to Clause 54 of the Environmental Planning and Assessment Regulation 2000, insufficient information was submitted with the Development Application to properly consider the application. In this regard, the following information was requested but not submitted:
 - a) The applicant has not submitted an OSD system design.
2. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be inconsistent with the provisions of Clause 12(3)(b) of Warringah Local Environment Plan 2000 (as amended), in that the proposed development is inconsistent with the Desired Future Character Statement for the G4 – Rodborough Road Locality in regards to:
 - a) The proposed development is inconsistent in terms of the potential impacts on the water quality of Manly Dam.



3. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 12(1)(a) of Warringah Local Environment Plan 2000 (as amended) in that the proposed development is inconsistent with the General Principles outlined under Part 4 of WLEP 2000 as follows:
 - a) Clause 58 – Protection of Existing Flora; The proposal fails to adequately address any potential impacts on existing trees resulting from any on-site stormwater detention OSD and drainage works,
 - b) Clause 76 – Management of Stormwater; The proposal fails to adequately address the disposal of stormwater, the impact of stormwater on the nearby Manly Dam, water quality and control measures and the provision of on-site detention of stormwater.
4. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the subject site is unsuitable for the proposed development in that:
 - a) The proposal fails to demonstrate that the site is suitable in terms of drainage and on-site stormwater detention (OSD).
5. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest in that it does not satisfy the requirements of the Warringah Local Environmental Plan 2000, in particular:
 - a) The proposal is inconsistent with the General Principles of Development Control in terms of Clause 58 – Protection of Existing Flora,
 - b) The proposal is inconsistent with the General Principles of Development Control in terms of Clause 76 Management of Stormwater,
 - c) The proposal has failed to demonstrate compliance with Schedule 7 – Matters for Consideration in the Subdivision of Land in terms of drainage, and
 - d) The proposal has failed to demonstrate compliance with Schedule 8 – Site Analysis in terms of outstanding site stormwater and drainage measures.

Review of Determination

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

Signed on behalf of the consent authority

Signature _____
Name Steve Findlay – Team Leader, Development Assessment

Date 21 April 2009