

Business Hours:
8.00am to 5.30pm, Monday to Thursday
8.00am to 5.00pm, Friday

DA No: N0401/03

20 March 2006

PETER JOHN GORDON ROACH
PO BOX 670
TURRAMURRA NSW 2074

Dear Sir/Madam

**Development Application for Subdivision of land into eight allotments
62 & 85 HILLSIDE ROAD NEWPORT NSW 2106.**

I regret to advise that after due consideration, it has been decided to refuse this application.

The Notice of Refusal is attached. If there is any aspect of the decision that you are uncertain or unclear about, you should contact me.

Yours faithfully

Lindsay Dyce
MANAGER - PLANNING AND ASSESSMENT

Encl

REFUSAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

**PETER JOHN GORDON ROACH
PO BOX 670 TURRAMURRA NSW 2074**

Being the applicant in respect of Development Application No N0401/03.

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of the Development Application for:

Subdivision of land into eight allotments

At:

Lot 1 DP 408800 and Lot 2 DP 1036400
62 AND 85 HILLSIDE ROAD NEWPORT NSW 2106

Decision:

The Development Application has been refused for the following reasons:

1. A Species Impact Statement has not been provided and concurrence from the Director General of NSW NPWS has not been obtained as required by the Threatened Species Act and it is required given the likely significant impact on threatened species and an endangered ecological community
2. The development is likely to have a significant impact on threatened species and an endangered ecological community such as the littoral rainforest, grey-headed flying fox, microbats and powerful owl, and impacts upon the long term viability of locally native flora and fauna and their habitats in Pittwater (Section B4.1 P21DCP)
3. The development will significantly reduce / degrade habitat for locally native species / vulnerable species / endangered populations / endangered ecological communities by taking away a large percentage of the current bushland of the immediate area. (Section B4.1 P21DCP)
4. The development will result in a significant loss of canopy cover resulting in significant visual impacts and an inability for the built form to be secondary to bushland in the visual catchment. (Section D10.3 P21DCP)
5. The development will not retain the wildlife corridor that currently exists on the site.
6. The development will not provide an adequate buffer to wildlife corridors because the development is within a wildlife corridor.

7. The development will severely impact on the adjoining public reserve because it will reduce the useable area for existing wildlife which will decrease the survival chances / rates and reduce the genetic diversity of the local populations resulting in a weakening of the species, ultimately leading to the increased chance of extinction through minor local changes in environmental conditions. (Section B4.10 P21DCP)
8. The development application has not satisfactorily addressed the considerations listed under clause 9 of State Environmental Planning Policy No. 19 – Bushland in Urban Areas given the severe impact of the development on the adjoining public reserve.
9. The proposed subdivision is non-compliant with Section B2.2 of P21DCP which requires a minimum lot size of 1200m² and does not satisfy the outcomes relating to maintenance of the existing environment, achieving the desired future character of the Newport Locality, and the built form being subordinate to the natural setting. (Section B2.2P21DCP)
10. The cumulative impact of disturbance from development works, construction activities, and bushfire mitigation measures results in an unreasonable impact upon the natural environment.
11. The development in its finished form including houses, driveways and associated clearing and bushfire protection measures will result in a significant visual impact when viewed from surrounding areas, changing the current vegetated escarpment vista to a view dominated by built form.
12. For the above reasons, the proposed development is not ecologically sustainable and therefore, is not considered suitable for the site.

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 12 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
GENERAL MANAGER

per:

Date



PITTWATER COUNCIL

SURVEY OF COUNCIL SERVICES DEVELOPMENT APPLICATIONS (PART 2)

As part of Pittwater Council's aim to continually monitor and improve our services we rely on input from residents and other users.

To achieve this objective, Council regularly carries out random surveys of persons submitting development applications. We would therefore be grateful if you would complete the attached questionnaire and return it to us at PO Box 882, MONA VALE NSW 1660 at your convenience.

The data received is very important to us because it will enable us to identify areas where we can provide a better service to you.

Thank you for your cooperation.

DENNIS BAKER
ACTING GENERAL MANAGER

Application No. _____

1. Did you require any assistance during the processing of your application?

Yes No

Comments
.....

2. How would you rate the standard of assistance provided?

Poor Adequate Good Not Applicable

Comments
.....

3. Were inspections carried out at times that suited you?

Yes No

Comments
.....



4 Did Council staff communicate with you promptly when seeking further information?

Yes No

Comments
.....

5 Do you consider the time taken to make a decision on your application was satisfactory?

Yes No

Comments
.....

6. Overall, how do you rate the following:-

1. Level of courtesy

Poor Adequate Good

2. Attitude of Council Staff

Poor Adequate Good

3. Responsiveness

Poor Adequate Good

7. Are there any areas or processes you would like to see improved and how?

Signed: _____

Dated: _____