
Sent: 10/10/2016 10:34:29 PM
Subject: Online Submission

10/10/2016

MR Ann Sharp
- 77 Brighton ST
Curl Curl NSW 2096

RE: Mod2016/0246 - 810 / Willandra Road NARRAWEENA NSW 2099

I object to the proposed modification for the following reasons:

Re Deferred Commencement Condition 1

The Report on Environmental Effects refers to the Newbury test (page 3). According to Wikipedia the Newbury test contains the following three principles when considering the reasonableness of imposing conditions on consents:

1. It must be imposed for a planning purpose.
2. It must fairly and reasonably relate to the development for which permission is being given.
3. It must be reasonable.

The condition imposes a restriction on the land that complies with the housing density control i.e. one dwelling for the combined area of Lot 810 and 807.

The condition is fair and reasonable in relation to the development approval of a 15 room boarding house on Lot 810, as there is no entitlement to a dwelling on Lot 807.

The condition is intended to achieve compliance with the existing housing density requirement for the B2 Locality in WLEP2000.

The condition is directly relevant to the desired future character of the B2 Locality.

The housing density control is one of the key measures to protect the environment of non-urban land in the Narrabeen Lagoon Catchment.

The proposed modification is not minor and would potentially have a significant adverse impact on the environment.

The deletion of the deferred commencement condition 1 would invalidate the existing approved development.

P.S. Re Boarding House Plan of Management

Under the heading 3.0 'Site Management' the third sentence contains a typo:

"The boarding houses" should be corrected to refer to "The boarding house".