

2 June 2010



S H Natilli, S Natilli
29 Waratah Street
FRESHWATER NSW 2096

CC (PDS)

Dear Mr & Ms Natilli,

RE: Modification Application No: Mod2010/0099 - (DA2009/0896)
Description: Modification of Consent No. 2009/0896 for Alterations and Additions to the existing dwelling and new swimming pool
Address: 29 Waratah Street FRESHWATER

We are writing to advise that the request to modify the above-mentioned Development Consent has been refused on **19 May 2010** as follows:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 and under Clauses 12(1)(a) and 18(1) of Warringah Local Environment Plan 2000 (as amended), the proposed development is inconsistent with relevant General Principles of development control. In this regard it is considered that the failure of consistency relates to :

- Control of stormwater using on-site stormwater detention in accordance with the Council's "On-site Stormwater Detention Technical Specification". (Clause 76 Management of Stormwater);

In particular –

There is a conflict with the proposed size of the orifice as shown on the submitted drawings by Northern Beaches Consulting Engineers.

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant a right of appeal to the Land and Environment Court within 12 months of receipt of this letter.

You may also request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act. Any request to review the application must be within 12 months after the date of refusal shown on this letter.

Should you require any further information on this matter, please contact **Keith Wright** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our E-Services System at www.warringah.nsw.gov.au.

Yours faithfully

Keith Wright
Senior Development Assessment Officer