



## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2009/0157
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### APPLICATION DETAILS

<b>Applicant Name and Address:</b>	T J Fergusson 16 Dixon Avenue FRENCHS FOREST NSW 2086
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<b>Land to be developed (Address):</b>	Lot 8 DP 31074 16 Dixon Avenue FRENCHS FOREST NSW 2086
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<b>Proposed Development:</b>	Enlargement of an existing window
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### APPLICATION REFUSED

<b>Made on (Date):</b>	Monday, 30 March 2009
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#### Reasons for Refusal:

A. That Development Application 2009/157 for works undertaken without development consent or a construction certificate at Lot 8, DP 31074, 16 Dixon Ave, Frenchs Forest as detailed on plans:

Drawing No. 01-09-D1, dated January 2009, prepared by Network Design

be refused for the following reasons:

1. Pursuant to Section 76A of the Environmental Planning and Assessment Act 1979, retrospective approval of works completed without development consent or a construction certificate cannot be granted.
- B. The applicant be advised that Council will permit the retention of the works completed without the benefit of development consent or a construction certificate and take no further action in relation to this matter subject to:
  - i. The applicant being advised that a Building Certificate under Section 149D of the Environmental Planning and Assessment Act 1979 must be lodged to determine the structural adequacy of the unauthorised works.
  - ii. The applicant being advised that no further breaches of the Consent will be tolerated and should such occur Council will refer the matter to it's Solicitors to take appropriate action.



### **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 Maya Elnazer

Date \_\_\_\_\_