

23 July 2012

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Russell Loel
PO Box 106
FRENCHS FOREST NSW 2086

TF(SDS)

Dear Sir / Madam,

RE: Modification Application No: Mod2012/0023 - (DA2006/0339)
Description: Modification - Deletion of wheel chair lift and deletion of
internal ramp between play rooms 1 and 2
Address: Por 1039/ Oxford Falls Road OXFORD FALLS

We are writing to advise that the request to modify the above-mentioned Development Consent has been refused on 20 July 2012 as follows:

1. The proposed modification is not consistent with Section 96(1A) of the Environmental Planning and Assessment Act 1979 as the application is outside the scope of modifications permitted under S96(1A).
2. The proposed modification is not consistent with Section 79C (1) of the Environmental Planning and Assessment Act, as the plans submitted incorrectly identify the proposed modification works and is therefore not in the public interest.
3. The proposal does not provide adequate and complying access within the approved child care centre building for persons with a disability.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

Should you require any further information on this matter, please contact **Renee Ezzy** 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 Applications (eServices) at www.warringah.nsw.gov.au.

Yours faithfully

Renee Ezzy
Senior Development Assessment Officer

