

**REFUSAL
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:

Boston Blyth Fleming Town Planners
1/9 Narabangway
Belrose N.S.W. 2085

Being the applicant in respect of Development Application No N0204/16

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application No **N0204/16** for:

Construction of a new garage, driveway, turntable, front fence and entry lift

At: **949 BARRENJOEY ROAD, PALM BEACH NSW 2108 (Lot 6 DP 541797)**

Decision:

The Development Application has been refused for the following reasons:

1. Council and Roads and Maritime Services do not support an additional vehicle crossover to Barrenjoey Road.
2. The proposed development fails to comply with Australian Standards 2890.1, nor does it demonstrate compliance with B6.3 Off-Street Vehicle Parking Requirements of Pittwater 21 Development Control Plan 2014.
3. Council will not support the proposed fence, sliding gate and stone bollards within the road reserve. These structures, particularly the proposed fence along the frontage of the property, imply the use of the road reserve area as private property and cannot be supported. Therefore the proposed development fails to satisfy the outcomes and controls of Clause B6.5 of Pittwater 21 Development Control Plan 2014.
4. The proposed structures within the road reserve present an unreasonable level of impact to the character as viewed from a public place. Therefore the proposal is not consistent, nor does it satisfy the outcomes and controls of Clause D12.1 Character as viewed from a public place of Pittwater 21 Development Control Plan.

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. An applicant may under Section 82A of the Act, apply to council to review this determination.
3. 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 6 months after receipt of this notice.
4. 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
INTERIM GENERAL MANAGER
Per:

Date: 21-Sep-2016