

Business Hours:
8.00am to 6.00pm, Monday to Thursday
8.00am to 5.00pm, Friday

S96 No: N0330/14/S96/2

5 September 2016

PPD PLANNING CONSULTANTS
407/5 WARAYAMA PLACE
ROZELLE NSW 2039

Dear Sir/Madam

N0330/14/S96/2 Application for Section 96 Modification of Development Consent N0330/14 for Community plan of subdivision to create 10 residential lots and 1 access way lot, civil works and associated landscaping at 53C WARRIEWOOD ROAD WARRIEWOOD NSW 2102.

I regret to advise that after due consideration, it has been decided to refuse this application.

The Notice of Refusal is attached. If there is any aspect of the decision that you are uncertain or unclear about, you should contact me.

Yours faithfully

Cheryl Williamson
SENIOR PLANNER

REFUSAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:
PPD PLANNING CONSULTANTS
407/5 WARAYAMA PLACE
ROZELLE NSW 2039

Being the applicant in respect of S96 Modification Application No N0330/14/S96/2

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of the Section 96 Application N0330/14/S96/2 for:

Modification of Development Consent N0330/14 for Community plan of subdivision to create 10 residential lots and 1 access way lot, civil works and associated landscaping.

At:-
Lot 4 DP 1115877
53C WARRIEWOOD ROAD
WARRIEWOOD NSW 2102

Decision:

The Section 96 Modification Application has been refused for the following reason:

The proposed modification to condition B34 is not supported by sufficient information to allow Council to be certain that the required undergrounding of the overhead power cables along Warriewood Road would take place, when the works would take place, and how a co-ordinated arrangement with the owner of 53B Warriewood Road would work in practice. The development is therefore not in the public interest and is contrary to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

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: 5 September 2016