



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: 2008/0254

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Carroll Consulting Practice Pty Ltd

Applicant Address: PO Box 3009, Lindfield West, NSW 2070

Land to be developed (Address): 2 Carawa Road, Cromer

Proposed Development: Construction of a Shop Top Housing Development

APPLICATION REFUSED

Made on (Date): 23 June 2008

Reasons for Refusal:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2000 in that the development is not consistent with the Desired Future Character Statement of the E2 Dee Why Lagoon Locality.
2. Pursuant to Section 79C (1) (a) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of *Warringah Local Environmental Plan 2000* in that the proposed development is does not comply Building Height control for the E2 Dee Why Lagoon Locality.
3. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the following General Principles of Warringah Local Environmental Plan 2000;
 - Clause 39 Local Retail Centre
 - Clause 76 Management of stormwater
 - Clause 48 Potentially contaminated land
 - Clause 49 Remediation of contaminated land
 - Clause 51 Front Fences and Walls
 - Clause 65 Visual Privacy
 - Clause 66 Building bulk
 - Clause 69 Accessibility – Public and Semi-Public Buildings
 - Clause 76 Management of stormwater



4. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979 insufficient information has been submitted to demonstrate that the land will be suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out as required by State Environmental Planning Policy No.55 – Remediation of Land and Clauses 48 and 49 of Warringah Local Environmental Plan 2000.
5. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the following Principles in Clause 15 of State Environmental Planning Policy No.65;
 - Principle No. 1: Context;
 - Principle No.2 Scale;
 - Principle No.3 Built Form;
 - Principle No.4 Density;
 - Principle No.6 Landscape; and
 - Principle No.7 Amenity;
6. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the following “Rules of Thumb” under the Residential Flat Design Code, as adopted by State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings;
 - a. Street Setbacks
 - b. Side and Rear Setback
 - c. Visual Privacy; and
 - d. Daylight Access
7. Council does not have sufficient information to determine if Dewatering Licence is required in accordance with Part v of the water Act 1912, which is integrated development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979.



Warringah Council

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 Steve Findlay

Date 23 June 2008