

14 May 2012

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Vigor Master Pty Ltd
PO BOX 183
ARTARMON NSW 1570

CA(EVN)

Dear Sir / Madam,

RE: Modification Application No: Mod2011/0149 - (DA2010/0478)
Description: Modification of Development Consent DA2010/0478 for
Subdivision of 1 Lot into 2 Lots granted by The Land and Environment
Court
Address: Lot 8 Beacon Hill Road BROOKVALE

We are writing to advise that the request to modify the above-mentioned Development Consent has been refused on 8 May 2012 as follows:

1. Pursuant to Section 79C (1) (a) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of State Environmental Planning Policy No. 19 - Bushland in Urban Areas in that there is insufficient information submitted with the application for Council to adequately assess the proposal against the aims and objectives of the SEPP and its impact on the bushland.
2. Pursuant to Section 79C (1) (a) of the *Environmental Planning and Assessment Act 1979* the proposed modification will result in works in the E2 Environmental Conservation that is prohibited development under the provisions of Warringah Local Environmental Plan 2011.
3. Pursuant to Section 79C (1) (a) of the *Environmental Planning and Assessment Act 1979* the proposed modification is inconsistent with the aims and objectives of the 'E2 Environmental Management' zone under the provisions of Warringah Local Environmental Plan 2011.
4. Pursuant to Section 79C (1) (a) of the *Environmental Planning and Assessment Act 1979* insufficient information has been submitted with the application for Council to assess the proposal against the following provisions of Warringah Development Control Plan:
 - E2 - Prescribed Vegetation;
 - E3 - Threatened Species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat;
 - E4 - Wildlife Corridors;
 - E5 - Native Vegetation;
 - E6 - Retaining unique environmental features; and
 - E8 - Waterways and Riparian Lands.
5. Pursuant to Section 79C (1) (e) of the *Environmental Planning and Assessment Act 1979* the proposal is not considered to be in the public interest.

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 **Lashta Haidari** 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

Steve Findlay
Manager Development Assessments

