

NOTICE OF DETERMINATION

Application Number:	DA2009/1145
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APPLICATION DETAILS

Applicant Name and Address:	Steven John Bickerton, Melinda Ann Bickerton 5 Namba Road, Duffys Forest
Land to be developed (Address):	Lot 386 in DP 752017, 5 Namba Road, Duffys Forest
Proposed Development:	Alterations & additions to a dwelling plus a swimming pool

APPLICATION REFUSED

Made on (Date):	27 January 2010
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Reasons for Refusal:

- Pursuant to Section 79(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 12(1)(a) and Clause 18(1) of the Warringah Local Environmental Plan 2000 as amended in that portions of the proposed development are inconsistent with the Desired Future Character for the A2 Booralie Road Locality of the WLEP 2000 as follows:*
 - The proposal fails in the protecting and where possible enhancing the natural landscape, including landforms and vegetation.*
- Pursuant to Section 79(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 12(1)(a) and Clause 18(1) of the Warringah Local Environmental Plan 2000 as amended in that portions of the proposed development are inconsistent with the General Principles of Development control outlined under Part 4 of the WLEP 2000 as follows:*
 - Clause 56 – Retaining Unique Environmental Features on Site*
 - Clause 58 – Protection of Existing Flora*
- Pursuant to Section 79(1)(e) of the Environmental Planning and Assessment Act 1979 (EPAA 1979) the proposed development is not in the public interest in that:*
 - The documentation for a Flora and Fauna Assessment is considered to not provide adequate detail to enable a proper environmental assessment pursuant to s5a of the EPAA 1979 and other legislation in this regard the precautionary principle must be applied.*



4. *Further to Council's correspondence dated 2 July 2007, Council does not have sufficient information to properly consider the development application against the provisions of Section 79C and other provisions of the Environmental Planning and Assessment Act, 1979 with particular regard to the documentation for a Flora and Fauna Assessment submitted in support of the application.*

Review of Determination

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

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 Mitchell Drake
Development Assessment Officer

Date 27 January 2010