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

Applicant's Name and Address:

**Jane Margaret Rowe
C/- Casey Brown Architecture
Level 1, 63 William Street
East Sydney NSW 2010**

Being the applicant in respect of Development Application **N0279/16**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination of Development Application **N0279/16** for:

Demolition of the existing dwelling and construction of a new dwelling

At: 41 Marine Parade, Avalon Beach (Lot 6 DP 553660)

Decision:

The Development Application has been refused for the following reasons:

1. The proposed development is non-compliant with the requirements of clause D1.11 (Building Envelope) of P21 DCP, resulting in unreasonable impacts upon adjoining properties and inconsistency with the outcomes of the development control.
2. The footprint of the proposed development has not been appropriately minimised, and the proposal fails to achieve consistency with the 60% minimum landscaped area requirement and objectives of clause D1.14 (Landscaped Area – Environmentally Sensitive Land) of P21 DCP.

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: **15 December 2016**