

NOTICE OF DETERMINATION

Application Number:	DA2010/0341
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APPLICATION DETAILS

Applicant Name and Address:	Urbanesque Planning Pty Ltd Suite 9, 1-15 Tramore Place KILLARNEY HEIGHTS NSW 2087
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Land to be developed (Address):	Lot 70, DP 752017 339 Mona Vale Road, Terrey Hills
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Proposed Development:	Retail plant nursery, including reconfiguration of vehicular access and erection of fencing and signage and the use of part of an existing dwelling as office space.
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APPLICATION REFUSED

Made on (Date):	25 August 2010
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Reasons for Refusal:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 6(1) of Warringah Local Environment Plan 2000, the details of the proposed land use submitted with the development application is inconsistent with the definition of "retail plant nursery".
2. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979 and Clause 12(3)(b) of Warringah Local Environment Plan 2000, the proposed development is inconsistent with the Desired Future Character Statement for the A4 Myoora Road Locality. In this regard, the proposal relies upon passing trade for its continued operation, does not provide for a dense bushland buffer along Mona Vale Road, involves excessive signage and does not provide for generous landscape spaces around buildings.
3. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(2)(b) of Warringah Local Environment Plan 2000, the proposed development does not comply with the front building setback control for the A4 Myoora Road Locality. In this regard, the proposal involves a significant adverse impact on the streetscape, and the character and landscape/visual amenity of the locality.



4. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979, and Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000, the proposed development is inconsistent with the following General Principles of Development Control:
 - Clause 53 – Signs;
 - Clause 63 – Landscaped open space;
 - Clause 72 – Traffic access and safety;
 - Clause 73 – Onsite loading and unloading;
 - Clause 74 – Provision of carparking;
 - Clause 75 - Design of carparking areas;
 - Clause 76 – Management of Stormwater.
5. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act, 1979 the development application is inconsistent with the requirements of State Environmental Planning Policy No.64 Advertising and Signage
6. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest in that:
 - The proposal does not comply with the relevant local planning controls of the Warringah Local Environment Plan 2000,
 - The proposal is not consistent with the Desired Future Character Statement for the A4 Myoora Road Locality under Warringah Local Environment Plan 2000,
 - The proposal will have a negative impact on the streetscape and character of the locality.
7. The development application was not accompanied by adequate information to enable a full and proper consideration and assessment 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.

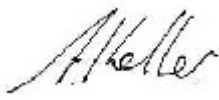
NOTE: A fee will apply for any request to review the determination.



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 Alex Keller

Date 25/8/09