

NOTICE OF DETERMINATION

Application Number:	DA2011/0337
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APPLICATION DETAILS

Applicant Name and Address:	Maria Pollifrone C/- Level 1 The Pavillion 280 New Line Road DURAL NSW 2158
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Land to be developed (Address):	Lot 72 in DP 752017, No. 337 Mona Vale Road, Terrey Hills and Lot 70 in DP 752017, No. 339 Mona Vale Road, Terrey Hills
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Proposed Development:	Demolition works, installation of storage containers for use as a self storage facility, construction of an internal roadway and landscaping
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APPLICATION REFUSED

Made on (Date):	10 October 2011
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Reasons for Refusal:

1. Pursuant to Section 91A(4) of the *Environmental Planning and Assessment Act, 1979*, the Roads and Traffic Authority has not granted its concurrence that is required in order for the development to be granted consent.
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* (as amended), the proposed development is inconsistent with the Desired Future Character of the A4 Myoora Road Locality in the following manner:
 - a. The development does not constitute a low impact business;
 - b. The development does not provide safe vehicular access to the satisfaction of the Roads and Traffic Authority and Council;
 - c. The development does not consist of building materials which blend with the textures of the natural landscape.
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* (as amended), the development is does not comply with the Landscaped Open Space Built Form Control (Development Standard).
4. Pursuant to Section 79C(1)(a) of the *Environmental Planning and Assessment Act, 1979* and Clause 12(1)(a) of *Warringah Local Environment Plan 2000* (as amended), the development is considered to be inconsistent with the following General Principles of Development Control as follows:
 - Clause 50 – Safety and Security;
 - Clause 72 – Traffic Access and safety;



- Clause 73 – On-Site Loading and Unloading;
 - Clause 74 – Provision of Carparking;
 - Clause 75 – Design of Carparking Areas; and
 - Clause 76 – Management of Stormwater
5. Pursuant to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act, 1979* the development is a prohibited use in the RU4 Rural Small Holdings zone and is not consistent with the Objectives of that zone as defined under the Draft Warringah Local Environmental Plan 2009.
6. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the development is not in the public interest.
7. The development application was not accompanied by adequate and appropriate 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 6 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 6 months after the date on which you receive this notice.

Signed on behalf of the consent authority

CoSign Digital Signature

Signature _____
Name Tony Collier, Senior Development Assessment Officer

Date 10 October 2011