

NOTICE OF DETERMINATION

Application Number: DA2011/0714

APPLICATION DETAILS

Applicant Name and Address: Janine P Norris
No. 24 Carcoola Road
CROMER NSW 2099

Land to be developed (Address): Lot 63, DP 578780, No. 24 Carcoola Road, Cromer

Proposed Development: Covered deck and landscape works

DETERMINATION – REFUSAL

Made on (Date): 30 September 2011

RECOMMENDATION – REFUSAL

Reasons for Refusal:

- A. That Development Application 2011/0714 for works undertaken without development consent or a construction certificate at Lot 63, DP 578780, No. 24 Carcoola Road, Cromer as detailed on plans:

Drawing Number	Title	Revision	Dated	Drawn By
Sheet 2 of 5	Plan View	1.00	May 2011	The Computer Crew
Sheet 3 of 5	Elevations & Section	1.00	May 2011	The Computer Crew
Sheet 4 of 5	Site Plan	1.00	May 2011	The Computer Crew

be refused for the following reasons:

1. Pursuant to Section 76A of the Environmental Planning and Assessment Act 1979, retrospective approval of works completed without development consent or a construction certificate cannot be granted.

Note: The advice within this document is provided in good faith as a guide to assist applicants understand the broad process and will not detail every step or every requirement for demolition, building construction works or subdivision required or business operating requirements under New South Wales or Commonwealth Legislation. If you require clarification or have any questions, please contact your Certifier or Council's Planning and Development Enquiries Team.

B. The applicant be advised that Council will permit the retention of the works completed without the benefit of development consent or a construction certificate and take no further action in relation to this matter subject to:

- i. The applicant being advised that a Building Certificate under Section 149D of the Environmental Planning and Assessment Act 1979 must be lodged to determine the structural adequacy of the unauthorised works.
- ii. The applicant being advised that no further breaches of the Consent will be tolerated and should such occur Council will refer the matter to it's Solicitors to take appropriate action.

Right to Review by the Council

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.

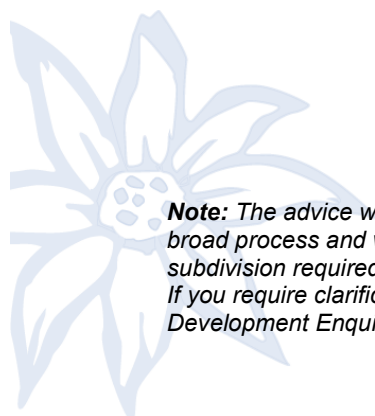
Right of Appeal

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

Signature _____
Name Phil Lane, Senior Development Assessment Officer

Date 30 September 2011



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