6 October 2011

Daniel J Ryken
15 Hampden Street
BELROSE NSW 2085

TF(SDS)

Dear Sir / Madam,

RE: Modification Application No: Mod2011/0128 - (DA2010/0076)
Description: Modification of Development Consent DA2010/0076 granted for Alterations and Additions to a Dwelling House and Construction of Carport, Deck, Fence and Swimming Pool
Address: 15 Hampden Street BELROSE

We are writing to advise that the request to modify the above-mentioned Development Consent has been refused on 5 October 2011 as follows:

1. Pursuant to Section 79C(1)(b),(c) and (e) of the Environmental Planning and Assessment Act, 1979, and Clause 12(3)(a) of the WLEP 2000, the proposal is inconsistent with the desired future character statement, in that the proposed/unauthorised fence will not create a satisfactory outcome with regard to streetscape character.

2. Pursuant to Section 79C(1)(b)(c) and (e) of the Environmental Planning and Assessment Act, 1979 the proposal is inconsistent with Clause 50 and Clause 51 of the Warringah LEP 2000.

3. The application proposes to regularise existing unauthorised works through the deletion of a condition intended to have the unauthorised works demolished. Unauthorised works cannot be retrospectively approved by a development application. Deletion of the condition would mean that the original development application was retrospectively approving unauthorised works.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

Should you require any further information on this matter, please contact **David Auster** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit Applications (eServices) at www.warringah.nsw.gov.au.

Yours faithfully

David Auster
Development Assessment Officer
Strategic and Development Services