

12 July 2010



G A Everingham, M E M Cossard
3 Brierwood Place
FRENCHS FOREST NSW 2086

CC (PDS)

Dear Sir / Madam,

RE: Modification Application No: Mod2010/0082 - (DA2009/0815)
Description: Modification of Consent No. 2009/0815 for construction of front fence, deck and privacy screen
Address: 3 Brierwood Place FRENCHS FOREST

We are writing to advise that the request to modify the above-mentioned Development Consent has been refused on **9 July 2010** as follows:

1. 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 (as amended), the proposed development is inconsistent with the Desired Future Character Statement for the C1 Middle Harbour Suburbs Locality.
2. 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 (as amended), the proposed development is inconsistent with the following General Principles of Development Control:
 - a) Clause 51 Front Fences and Walls
3. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the subject site is considered to be unsuitable for the proposed development in that the proposed fence will have an unreasonable impact on the built environment and the existing streetscape character.
4. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the subject site is considered to be unsuitable for the proposed development in that the fence is not consistent with the existing streetscape character.
5. 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 is inconsistent with the Desired Future Character and General Principles of Development Control.

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant a right of appeal to the Land and Environment Court within 12 months of receipt of this letter.

You may also request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act. Any request to review the application must be within 12 months after the date of refusal shown on this letter.

Should you require any further information on this matter, please contact **Mitchell Drake** 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 our E-Services System at www.warringah.nsw.gov.au.

Yours faithfully

Mitchell Drake
Development Assessment Officer

