

NOTICE OF DETERMINATION

Application Number:	DA2009/0025
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APPLICATION DETAILS

Applicant Name and Address:	V Nudler PO Box 81 Annandale NSW 2038
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Land to be developed (Address):	Lot 1, DP 1037200, No.6 Starkey Street FORESTVILLE
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Proposed Development:	Provision of controlled parking ('Pay and Display') and associated signage at the Coles Supermarket carpark.
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APPLICATION REFUSED

Made on (Date):	14 July 2009
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Reasons for Refusal:

1. Pursuant to Clause 54 of the Environmental Planning and Assessment Regulation 2000, insufficient information has been submitted to allow a complete and proper assessment of the proposal. In this regard, the application was not accompanied by a comprehensive Traffic and Parking Report which addresses the following:
 - a) the current situation with respect to parking in the carpark, including the demand for parking by patrons (short stay) and staff (long stay);
 - b) the need to provide for designated long-term staff parking areas within the carpark which are exempt from the '2 hour' maximum time limit;
 - c) the implications/consequences of making the entire carpark a '2 hour' time limited facility, including the impact of additional parking on adjoining and nearby public streets and within public parking areas and the potential loss of amenity for residential properties in the vicinity of the site;
 - d) survey data to support the application, taken over an appropriate number of days and time periods to accurately reflect the existing situation and to determine the suitability of the proposal;
 - e) evidence of community/customer consultation to ascertain the support or concerns/issues of customers and staff of the development.



2. Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(1)(a) of Warringah Local Environmental Plan 2000, the deficiencies in the information accompanying the Development Application prevents an appropriate merit assessment of the proposal with regard to the relevant General Principles of Development Control.

In this regard, the proposed development is determined to be inconsistent with the following General Principles of Development Control:

- a) Clause 72 – *Traffic Access and Safety*. The deficiencies in the information does not allow a detailed merit assessment to determine how the proposal addresses the intent of this General Principle.
 - b) Clause 74 – *Provision of Carparking*. The deficiencies in the information does not allow a detailed merit assessment to determine how the proposal maintains an adequate provision of unrestricted staff carparking as required under Condition No.8 of the Development Consent DA1999/2986, granted for the original development.
3. The submitted signage plans are not to scale, are not dimensioned, are partly illegible and do not contain relevant information with respect to the address of the site, and the description of the development.

DEVELOPMENT APPLICATION: DA2009/0025

PROPERTY ADDRESS: No.6 STARKEY STREET, FORESTVILLE

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 Michael Edwards
Development Assessment Officer

Date 14 July 2009