

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF DEVELOPMENT APPLICATION NO. 310-12-2004**

**(FILE NO. 9037166-1)**

**5 LOT SUBDIVISION**

It is recommended that the Deputy Director General, as delegate for the Minister of Planning as described by the Instrument of Delegation dated 12 September 2005 and pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clauses 10(2) of State Environmental Planning Policy 71 – Coastal Protection:

- a) **refuse consent** to the development application.

The reasons for refusal are set out in Schedule 2.

Sam Haddad  
**Deputy Director General**

Sydney,

2005



## SCHEDULE 1

### PART A—TABLE

<b>Application made by:</b>	Benjamin Keith Burney 1/53 Bower Street Manly NSW 2095
<b>Application made to:</b>	Minister for Planning
<b>Draft Master Plan:</b>	37-9-2004
<b>Development Application:</b>	310-12-2004
<b>On land comprising:</b>	DP 986116 and Lot 22 DP 252308, Tinonee Road, Mondrook
<b>For the carrying out of:</b>	5 Lot Subdivision
<b>Estimated Cost of Works</b>	
<b>Type of development:</b>	State Significant Development
<b>S.119 Public inquiry held:</b>	No
<b>Approval Body / Bodies:</b>	None
<b>Determination made on:</b>	
<b>Determination:</b>	Development consent is not granted for the reasons in Schedule 2.
<b>Date of commencement of consent:</b>	n/a
<b>Date consent is liable to lapse</b>	n/a

### PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 19-1-2004

#### ***Appeals***

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application, within 12 months after the date on which the applicant received this notice

#### ***Legal notices***

Any advice or notice to the consent authority shall be served on the Director-General of the Department of Infrastructure, Planning and Natural Resources.

## **SCHEDULE 2**

### **DEVELOPMENT APPLICATION 310-12-2004**

#### Reasons for refusal:

1. The provision of on site effluent disposal to address the demands of the development has not been satisfactorily demonstrated to ensure no adverse impact on surrounding environment and the water quality of Milbai Creek. The development application is therefore contrary to clause 15 of SEPP 71 and not in the public interest.
2. The applicants request to waive the requirement for a master plan has not been successful. Pursuant to Clause 18 of SEPP 71 consent must not be granted for a subdivision in a sensitive coastal location unless the Minister has adopted a master plan for the subject land, or waived the need to prepare a master plan.