

5 February 2025



Rapid Plans Pty Ltd
10 Derna Crescent
ALLAMBIE HEIGHTS NSW 2100

Dear Sir/Madam

Application Number: DA2024/1089
Address: Lot 1 DP 951859 , 1289 Pittwater Road, NARRABEEN NSW 2101
Proposed Development: Alterations and additions to a dwelling house to create a residential flat building comprising of three (3) units.

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Thomas Burns
Principal Planner

NOTICE OF DETERMINATION

Application Number:	DA2024/1089
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Rapid Plans Pty Ltd
Land to be developed (Address):	Lot 1 DP 951859 , 1289 Pittwater Road NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to a dwelling house to create a residential flat building comprising of three (3) units.

DETERMINATION - REFUSED

Made on (Date)	05/02/2025
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Reasons for Refusal:

1. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following objectives of the R3 Medium Density Residential zone:
 - To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
 - To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.
2. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Section 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021 as the applicant has not demonstrated how the residential apartments would achieve the noise amenity criteria between 10.00pm and 7.00am that is required by Section 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the requirements and objectives of the following provisions within the Warringah Development Control Plan 2011:
 - Section A.5 Objectives
 - Section B5 Side Boundary Setbacks
 - Section B7 Front Boundary Setbacks
 - Section C9 Waste Management

- Section D1 Landscaped Open Space
 - Section D2 Private Open Space
 - Section D9 Building Bulk
 - Section D10 Building Colours and Materials
 - Section D12 Glare and Reflection
 - Section D14 Site Facilities
4. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Northern Beaches Council's Waste Management Guidelines.
 5. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable to accommodate for a residential flat building of this size.
 6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged to and determined by the consent authority within 6 months from the date that the original determination was registered on the NSW Planning Portal. Prospective applicants for a Review of Determination are encouraged to lodge a review application with Council as soon as possible, to enable a full review and determination.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Thomas Burns, Principal Planner

Date 05/02/2025