

1 May 2025



Malcolm Cooke
139 Lagoon Street
NARRABEEN NSW 2101

Dear Sir/Madam

Application Number: DA2024/1740
Address: Lot 2 DP 1015508 , 139 Lagoon Street, NARRABEEN NSW 2101
Proposed Development: Alterations and additions to a dwelling house including garage and driveway

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,



Kye Miles
Planner

NOTICE OF DETERMINATION

Application Number:	DA2024/1740
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Malcolm Cooke
Land to be developed (Address):	Lot 2 DP 1015508 , 139 Lagoon Street NARRABEEN NSW 2101
Proposed Development:	Alterations and additions to a dwelling house including garage and driveway

DETERMINATION - REFUSED

Made on (Date)	01/05/2025
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Reasons for Refusal:

1. Inconsistent with Warringah Local Environmental Plan 2011

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of the Warringah Local Environmental Plan 2011.

Particulars

a) The development is inconsistent with Section 1.2 - Aims of Plan, as the development does not meet the following objectives of this control:

- *protect and enhance the residential use and amenity of existing residential environments,*
- *promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and*
- *ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment*

b) The development is inconsistent with the Objectives of the R2 Low Density Residential zone, as the development does not meet the following objective:

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

2. Inconsistent with Warringah Development Control Plan 2011

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of the Warringah Development Control Plan 2011.

Particulars

a) The development is inconsistent with Clause A.5 - Objectives, as the development does not meet the following objectives of this control:

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood;*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome; and*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained.*

b) The development is inconsistent with Clause B5 - Side Boundary Setbacks, as the development includes structures within the 0.9m southern side setback area and the development does not meet the following objective of this control:

- *To provide opportunities for deep soil landscape areas.*

c) The development is inconsistent with Clause B7 - Front Boundary Setbacks, as the development includes structures within the 6.5m front setback area and the development does not meet the following objectives of this control:

- *To create a sense of openness;*
- *To maintain the visual continuity and pattern of buildings and landscape elements; and*
- *To protect and enhance the visual quality of streetscapes and public spaces.*

d) The development is inconsistent with Clause - C2 Traffic, Access and Safety, as the development does not demonstrate that the location of vehicular and pedestrian access meets the following objectives of this control:

- *To minimise the number of vehicle crossings in a street; and*
- *To minimise traffic, pedestrian and cyclist conflict.*

e) The development is inconsistent with Clause - C3 Parking Facilities, as the development does not demonstrate consistency with the relevant design principles for parking facilities and does not meet the following objectives of this control:

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place; and*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

f) The development is inconsistent with Clause D1 - Landscaped Open Space and Bushland Setting, as the development does not achieve the minimum landscaped open space

requirement of 40% and does not meet the following objectives of this control:

- *To enable planting to maintain and enhance the streetscape, and*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

3. **Suitability of the Site**

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the site is considered unsuitable for the proposed development.

Particulars

- a) The development is contrary to the requirements and objectives of various controls within the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011.
- b) Consequently, the development for surplus off-street parking constitutes an overdevelopment, making it unsuitable and inappropriate for the site.

4. **Public Interest**

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Particulars

- a) The development is contrary to the requirements and objectives of various controls within the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011.
- b) Consequently, the development would create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is not considered to be 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 Kye Miles, Planner

Date 01/05/2025