

6 October 2022



William Fleming  
1 / 9 Narabang Way  
BELROSE NSW 2085

Dear Sir/Madam

**Application Number:** REV2022/0004  
**Address:** Lot 111 DP 11936 , 16 Bangaroo Street, NORTH BALGOWLAH  
NSW 2093  
**Proposed Development:** Review of Determination of Application DA2021/0680 for  
Alterations and additions to an existing dwelling house and use as  
a centre-based child care facility

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

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Rodney Piggott  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	REV2022/0004
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	William Fleming
<b>Land to be developed (Address):</b>	Lot 111 DP 11936 , 16 Bangaroo Street NORTH BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Review of Determination of Application DA2021/0680 for Alterations and additions to an existing dwelling house and use as a centre-based child care facility

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	05/10/2022
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### Reasons for Refusal:

1. The proposal is inconsistent with Clause 3.23 of the SEPP Transport and Infrastructure.
2. The proposed development is inconsistent with the provisions of Clause A.5 Objectives of the Warringah Development Control Plan in that it fails to respond to the characteristics of the site and the neighbourhood, is not able to be a good neighbour, and does not provide a high level of access to and within the development in a safe manner.
3. The proposed development is inconsistent with the provisions of Clause C2 Traffic, Access and Safety of the Warringah Development Control Plan 2011 in that the proposed access arrangements will give rise to an unsafe environment for pedestrians and vehicles and their occupants. In particular, of concern is the reversing of vehicles onto the footpath and the road carriageway when leaving the car park, the reliance on stacked car parking which exacerbates safety concerns, proximity of a bus stop, proximity of a major roundabout, and the volume of vehicles in the road network at peak periods.
4. The proposed development is inconsistent with the provisions of Clause C3 Parking Facilities of the Warringah Development Control Plan in that it fails to provide compliant offstreet parking arrangements for the child care centre.
5. Pursuant to Section 4.15 (1) (b) and (c) of the Environmental Planning and Assessment Act 1979 the proposed development is unsuitable for the site due to neighbourhood amenity and public safety outcomes.
6. The proposed acoustic fencing is excessive in height for a residential environment. This fencing creates an overbearing and dominant element and is inconsistent with the residential character of the area. Pursuant to Section 4.15(1) (a) (iii) of the Environmental Planning and Assessment Act 1979 the height of the proposed acoustic fencing is inconsistent with Part D15 of the

Warringah Development Control Plan.

7. The proposed development is inconsistent with the provisions of Clause D20 Safety and Security of the Warringah Development Control Plan.
8. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

## Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed**            On behalf of the Consent Authority



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Name                Rodney Piggott, Manager Development Assessments

Date                 05/10/2022