

10 December 2018



Ralph Ivan McKavanagh , Lucy Anne McKavanagh  
C/- Mark Hurcum Design Practice Level 2 271 Alfred Street  
NORTH SYDNEY NSW 2060

Dear Sir/Madam

**Application Number:** DA2018/0304  
**Address:** Lot K DP 402030 , 22 Redman Road, DEE WHY NSW 2099  
**Proposed Development:** Demolition works and construction of a boarding house development

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,



Steven Findlay  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2018/0304
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Ralph Ivan McKavanagh Lucy Anne McKavanagh
<b>Land to be developed (Address):</b>	Lot K DP 402030 , 22 Redman Road DEE WHY NSW 2099
<b>Proposed Development:</b>	Demolition works and construction of a boarding house development

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	05/12/2018
-----------------------	------------

### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* the subject site is not suitable for the proposed development. In this regard, the proposed means of pedestrian access to and from the nearest public transport and services is unsatisfactory. The necessity for pedestrians to negotiate a series of 71 steps over a distance of 70 metres in order to access the town centre and bus stops does not meet the objective of the Warringah DCP 2011 "*to provide a high level of access to... the development.*"
2. The Warringah LEP 2011 states that the objectives of the relevant zone (R2 Low Density Residential) include "*to provide for the housing needs of the community within a low density residential environment.*" The proposed boarding house, by reason of its scale, number of occupants and intensity of use is inconsistent with the low density residential environment of that objective.
3. The Warringah LEP 2011 clause 6.4 (3)(c) prescribes that development consent must not be granted to development on the subject land unless the consent authority is satisfied that the development will not impact on or affect the existing subsurface flow conditions. Pursuant to Warringah DCP 2011 clause E10, a preliminary assessment of site conditions determined that a geotechnical report was required. That report was prepared by a suitable qualified geotechnical engineer. Under clause E10 a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/hydrological engineer, was required to be submitted. No such hydrological assessment has been submitted. In the circumstances the Panel is not satisfied that the development will not impact on or effect the existing subsurface flow conditions.
4. The cumulative impact of the bulk, scale, basement car parking, driveway, building density change in level between properties, the orientation of the boarding house rooms to adjoining properties, the need for extensive privacy screening and acoustic wall result in a development that does not meet the objective of the Warringah DCP 2011 "*to ensure development responds*

*to the characteristics of the site and the qualities of the surrounding neighbourhood.”*

5. 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 to Review by the Council

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 6 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 6 months after the date on which you receive this notice.

**Signed**                      On behalf of the Consent Authority



Name                        Steven Findlay, Manager Development Assessments

Date                         05/12/2018