

20 December 2022



David Moody  
168 Barrenjoey Road  
NEWPORT NSW 2106

Dear Sir/Madam

**Application Number:** DA2022/1320  
**Address:** Lot 21 DP 226287 , 20 Albert Street, FRESHWATER NSW 2096  
**Proposed Development:** Alterations and additions to an existing restaurant and a change of hours

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>	DA2022/1320
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	David Moody
<b>Land to be developed (Address):</b>	Lot 21 DP 226287 , 20 Albert Street FRESHWATER NSW 2096
<b>Proposed Development:</b>	Alterations and additions to an existing restaurant and a change of hours

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	07/12/2022
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### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest, as the proposal will result in significant adverse noise impacts on adjoining and nearby residential properties.
2. 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 Clause D3 Noise of the Warringah Development Control Plan, as the proposal will result in significant adverse noise impacts on the amenity of adjoining and nearby residential properties, as the mitigation measures to which the proposals acceptable noise environ relies is not supported by detailed construction information and specification.

## Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

*NOTE: A fee will apply for any request to review the determination.*

## 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



Name                      Rodney Piggott, Manager Development Assessments

Date                        07/12/2022