

19 November 2021

William Fleming
1 / 9 Narabang Way
BELROSE NSW 2085

Dear Sir/Madam

Application Number: DA2021/0680
Address: Lot 111 DP 11936 , 16 Bangaroo Street, NORTH BALGOWLAH
NSW 2093
Proposed Development: 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

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

Regards,



Rebecca Englund
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2021/0680
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	William Fleming
Land to be developed (Address):	Lot 111 DP 11936 , 16 Bangaroo Street NORTH BALGOWLAH NSW 2093
Proposed Development:	Alterations and additions to an existing dwelling house and use as a centre-based child care facility

DETERMINATION - REFUSED

Made on (Date)	17/11/2021
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Reasons for Refusal:

1. The proposal is inconsistent with Clause 23 of the SEPP Educational Establishments and Child Care Facilities.
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 off-street parking arrangements for the child care centre.
5. The proposed development is inconsistent with the provisions of Clause D20 Safety and Security of the Warringah Development Control Plan.
6. 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.
7. 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

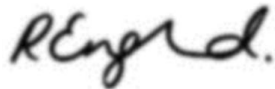
You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination 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 Rebecca Englund, Manager Development Assessments

Date 17/11/2021