



northern
beaches
council

Reference: 2018/314427
Enquiries: Development Assessment

Total Pages: 2

Milestone (AUST) Pty Limited
PO Box 288
LEICHHARDT NSW 2040

Dear Sir/Madam,

NOTICE OF DETERMINATION

Pursuant to Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*

Development Application No.	300/2016
Proposed Development	Section 96(2) to modify DA300/2016 - Part 4 to extend the approved delivery hours
Land to be developed	Lot 1 DP 80929, Lot 9 and Lot 10 DP 975160; 22-26 Roseberry Street, BALGOWLAH
Determination	Refused by NBLPP
Date of Determination	16 May 2018

The application was considered by the Northern Beaches Local Planning Panel (NBLPP) at its meeting of 16 May 2018 and the decision was:

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, refuses Application No. DA300/2016 for Section 96 to modify approved DA300/2016 to extend the approved delivery hours at Lot 1 DP 80929 and Lots 9 and 10 DP 975160, 22-26 Roseberry Street, Balgowlah for the following reasons:

1. The acoustic report assessed the impacts of the proposal based on truck movements travelling from Balgowlah Road into Roseberry and exiting onto Condamine Street via Kenneth Road. The report did not address vehicles travelling in the alternate direction as set out in Council's assessment report. The Panel is therefore not satisfied that the acoustic impacts on the residential properties adjoining the roundabout at Kenneth Road and Roseberry Street have been adequately addressed, specifically the number of movements by 19 metre trucks occurring between 10pm and 6am.
2. Any application to extend delivery hours should be supported by a Plan of Management which includes a mechanism for any noise complaints from nearby residences



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Notes:

Review of Determination

If you are dissatisfied with this decision, Section 82A of the *Environmental Planning and Assessment Act 1979* gives the applicant the right of review by Council within six (6) months of the date of determination. Please note that this review must be completed within the six (6) month period after the date of determination. A determination in respect of integrated development or designated development cannot be reviewed by Council.

Right of Appeal

If you are dissatisfied with this decision, Section 97 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court of New South Wales (their address being Level 4, 225 Macquarie Street, Sydney NSW 2000) within six (6) months after the date on which the applicant received notice of the determination of that application.

You are advised to seek professional advice in relation to your rights under the Section 82A and 97 of the *Environmental Planning and Assessment Act 1979*.

Should you have any questions in relations to the matter, please contact Council's Planning, Place & Community, on (02) 9976 1414, during business hours.

Signed below on behalf of the consent authority.

Yours faithfully,

Date: 24 May 2018

Rodney Piggott
Planning Assessment Manager
Northern Beaches Council