

22 October 2020



Willana Urban  
Po Box 512  
SURRY HILLS NSW 2010

Dear Sir/Madam

**Application Number:** DA2020/0393  
**Address:** Lot 1 DP 1199795 , 28 Lockwood Avenue, BELROSE NSW 2085  
**Proposed Development:** Demolition works and construction of a shop top housing development comprising retail premises, 51 dwellings, gym, basement carparking and landscaping

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,



Peter Robinson  
**Executive Manager Development Assessment**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2020/0393
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Willana Urban
<b>Land to be developed (Address):</b>	Lot 1 DP 1199795 , 28 Lockwood Avenue BELROSE NSW 2085
<b>Proposed Development:</b>	Demolition works and construction of a shop top housing development comprising retail premises, 51 dwellings, gym, basement carparking and landscaping

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	19/10/2020
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### Reasons for Refusal:

1. Pursuant to Sections 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the requirements of clauses 28(2)(a) and 30(2)(a) and Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, the proposed shop top housing fails to demonstrate design quality with regards to the following Design Quality Principles:
  - Context and neighbourhood character.
  - Built form and scale.
  - Density.Sustainability.
  - Landscape.
  - Amenity.
  
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the requirements of clauses 28(2)(b) and 30(2)(b) and Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, the proposed shop top housing fails to demonstrate design quality with regards to the following provisions of the Apartment Design Guide:
  - 3F Visual privacy.
  - 3H Vehicle access.
  - 3J Bicycle and car parking.
  - 4A Solar and daylight access.
  - 4B Natural ventilation.
  - 4C Ceiling heights.
  - 4D Apartment size and layout.

- 4E Private open space.
- 4F Storage.
- 4O Landscape design.
- 4U Energy efficiency.

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be inconsistent with the objectives of the B2 Local Centre zone of the Warringah Local Environmental Plan 2011.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the building height control in clause 4.3 (2) of Warringah Local Environmental Plan 2011.
5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the written request to vary the building height control pursuant to clause 4.6 of Warringah Local Environmental Plan 2011 is not well founded.
6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the requirements of clauses 6.2 and 6.4 of Warringah Local Environmental Plan 2011 with regards to the proposed excavation.
7. 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 C2 Traffic, Access and Safety of the Warringah Development Control Plan 2011 in that the proposed vehicular access is inadequate and two kerb side disabled car spaces will be lost.
8. 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 C3 Parking Facilities of the Warringah Development Control Plan 2011 in that insufficient car parking has been provided for the retail and gymnasium uses of the development, there are a number of substantial aisle widths that fail to comply with AS2890.1:2004, and the disabled car spaces are not appropriately located.
9. 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 C3(A) Bicycle Parking and End of Trip Facilities of the Warringah Development Control Plan 2011 in that the proposed bicycle parking facilities are not of an appropriate design.
10. 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 C4 Stormwater of the Warringah Development Control Plan 2011 in that the proposal does not make adequate provision for the disposal of stormwater.
11. 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 C7 Excavation and Landfill of the Warringah Development Control Plan 2011 in that insufficient geotechnical information has been provided with regards to the proposed excavation.
12. 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 C9 Waste Management of the Warringah Development Control Plan 2011 in that the proposal fails

to provide sufficient and appropriate facilities for the storage and collection of waste from the site.

13. 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 D9 Building Bulk of the Warringah Development Control Plan 2011 in that it has an excessive bulk and scale.
14. 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 E1 Preservation of Trees and Bushland Vegetation of the Warringah Development Control Plan 2011 as a result of the removal of existing trees from the site.
15. 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 F1 Local and Neighbourhood Centres of the Warringah Development Control Plan 2011 in that the proposed floor to ceiling heights of the retail areas are inadequate, the design of the central plaza provides inadequate pedestrian usability and retail integration, there is inadequate sunlight access to the central plaza, additional mature trees should be preserved, and shop awnings are not appropriately designed.
16. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is considered to be unsuitable for the development that is proposed.
17. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the proposal is considered to be inappropriate for reasons raised in submissions made in accordance with the Northern Beaches Community Participation Plan.
18. 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



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Name                Peter Robinson  
**Executive Manager Development Assessment**

Date                 19/10/2020

**NOTE:** Signed by Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979 and EP&A Regulation 2000 as determined by the Sydney North Planning Panel on 19/10/2020.