

7 October 2021



Gartner Trovato Architects , Manly Vale Developments No.2 Pty Ltd
PO Box 1122
MONA VALE NSW 1660

Dear Sir/Madam

Application Number: REV2021/0014
Address: Lot 21 DP 11320 , 323 - 325 Condamine Street, MANLY VALE NSW 2093
Lot 22 DP 11320 , 323 - 325 Condamine Street, MANLY VALE NSW 2093
Lot 123 DP 737259 , 327 - 329 Condamine Street, MANLY VALE NSW 2093
Lot 25 DP 11320 , 331 Condamine Street, MANLY VALE NSW 2093
Lot 20 DP 11320 , 321 Condamine Street, MANLY VALE NSW 2093
Proposed Development: Review of Determination of Application DA2020/0824 for demolition works and construction of a shop top housing development and strata subdivision

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,



Lashta Haidari
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	REV2021/0014
Determination Type:	Review of Determination

APPLICATION DETAILS

Applicant:	Gartner Trovato Architects Manly Vale Developments No.2 Pty Ltd
Land to be developed (Address):	Lot 21 DP 11320 , 323 - 325 Condamine Street MANLY VALE NSW 2093 Lot 22 DP 11320 , 323 - 325 Condamine Street MANLY VALE NSW 2093 Lot 123 DP 737259 , 327 - 329 Condamine Street MANLY VALE NSW 2093 Lot 25 DP 11320 , 331 Condamine Street MANLY VALE NSW 2093 Lot 20 DP 11320 , 321 Condamine Street MANLY VALE NSW 2093
Proposed Development:	Review of Determination of Application DA2020/0824 for demolition works and construction of a shop top housing development and strata subdivision

DETERMINATION - REFUSED

Made on (Date)	06/10/2021
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Reasons for Refusal:

1. The proposed development breaches the maximum building height development standard, is inconsistent with the objectives of clause 4.3 of Warringah Local Environmental Plan 2011 (WLEP 2011) and exceeds the three-storey height control of clause B2 (Number of Storeys) of Warringah Development Control Plan 2011 (WDCP 2011).
2. The applicant's written request under clause 4.6 of the WLEP 2011 seeking to justify contravention of the height of buildings development standard prescribed by clause 4.3 of WLEP 2011 has not adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case;
 - b) there are sufficient environmental planning grounds to justify the contravention, and

c) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the B2 Local Centre zone.

3. In accordance with clause 30 of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65), development consent cannot be granted as adequate regard has not been given to the design principles of SEPP 65 or the objectives of the *Apartment Design Guide*.
4. The proposed development is inconsistent with the minimum requirements and objectives of the front and side setback controls, as prescribed by clauses (B6 Merit Assessment of Side Boundary Setbacks) and B7 (Front Boundary Setbacks) of WDCP 2011. The bulk and scale of the proposed built form is excessive, with unreasonable impacts upon adjoining properties and the streetscape.
5. The massing and design of the development fails to appropriately respond to the context of the site, inconsistent with the requirements and objectives of clauses D9 (Building Bulk) and F1 (Local and Neighbourhood Centres) of WDCP 2011.
6. The proposed driveway design is inconsistent with the requirements and objectives of clause C2 (Traffic, Access and Safety) of WDCP 2011.
7. The proposed development will result in unreasonable impacts upon the amenity of the dwelling at 2 Sunshine Street, inconsistent with the requirements and objectives of clause D8 (Privacy) of WDCP 2011.
8. The proposed development fails to provide any adaptable housing units, inconsistent with the requirements and objectives of clause D18 (Accessibility and Adaptability) of WDCP 2011.
9. The application fails to satisfy the provisions of clause 50 of the *Environmental Planning and Assessment Regulation*, in so far as the application is not supported by the relevant information listed in Schedule 1 applicable to the amended proposal before Council. A proper and comprehensive assessment was therefore unable to be undertaken by Council.

Signed On behalf of the Consent Authority



Name Lashta Haidari, Manager Development Assessments

Date 06/10/2021