

17 September 2021

Gabrielian Holdings Pty Ltd
60 Gibbes Street
CHATSWOOD NSW 2067

Dear Sir/Madam

Application Number: DA2020/1759
Address: Lot 2 DP 233083 , 51 Arthur Street, FORESTVILLE NSW 2087
Proposed Development: Demolition works and construction of a shop top housing development

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:	DA2020/1759
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Gabrielian Holdings Pty Ltd
Land to be developed (Address):	Lot 2 DP 233083 , 51 Arthur Street FORESTVILLE NSW 2087
Proposed Development:	Demolition works and construction of a shop top housing development

DETERMINATION - REFUSED

Made on (Date)	15/09/2021
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Reasons for Refusal:

1. The proposal is inconsistent with Section 4.15 (b) and (c) of the Environmental Planning and Assessment Act 1979 as the height, scale and bulk of the fails to transition to the adjoining low density residential area. As a result, the proposal will result in unreasonable visual impacts to surrounding properties and the streetscape and unreasonable impacts on residential amenity. All of these issues result in a proposed development that is an overdevelopment of the site.
2. The proposal is inconsistent with the Design Quality Principles of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development. The proposal is also inconsistent with the requirements of the Apartment Design Guide in terms of landscape design (communal open space and deep soil zones), visual privacy, accessibility and minimum ceiling heights to the retail units.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan 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 is inconsistent with the provisions of Clause 4.6 Exceptions to Development Standards of the Warringah Local Environmental Plan 2011.
5. The proposal is inconsistent with the requirements and objectives of the following Warringah DCP controls:
 - (a) Clause B6 - Merit Assessment of Side Boundary Setbacks;
 - (b) Clause B10 Merit assessment of Rear Boundary Setbacks;
 - (c) Clause C4 Stormwater;
 - (d) Clause D6 Access to Sunlight;
 - (e) Clause D8 Privacy;

- (f) Clause D10 Building Colours and Materials;
- (g) Clause D18 Accessibility and Adaptability, and
- (h) Clause F1 Local and Neighbourhood Centres.

6. The proposal is contrary to the relevant requirement(s) of SEPP 65, the WLEP and WDCP, including the height development standard. The proposal will result in a bulk and scale that fails to transition to the surrounding low density residential area and will result in unreasonable impacts on neighbouring amenity. The proposal will create an undesirable precedent and be contrary to the expectations of the community. As such, the proposal 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 Lashta Haidari, Manager Development Assessments

Date 15/09/2021