

17 August 2021



The George Group Pty Ltd
Level 1 335 Mona Vale Road
TERREY HILLS NSW 2084

Dear Sir/Madam

Application Number: DA2020/1167
Address: Part Lot 28 DP 7413 , 9 Francis Street, DEE WHY NSW 2099
Part Lot 28 DP 7413 , 28 Fisher Road, DEE WHY NSW 2099
Part Lot 28 DP 7413 , 28 Fisher Road, DEE WHY NSW 2099
Proposed Development: Demolition works and construction of a mixed use development to accommodate a cafe, church, conference centre, boarding house and two level basement car park

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,



Peter Robinson
Executive Manager Development Assessment

NOTICE OF DETERMINATION

Application Number:	DA2020/1167
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	The George Group Pty Ltd
Land to be developed (Address):	Part Lot 28 DP 7413 , 9 Francis Street DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099 Part Lot 28 DP 7413 , 28 Fisher Road DEE WHY NSW 2099
Proposed Development:	Demolition works and construction of a mixed use development to accommodate a cafe, church, conference centre, boarding house and two level basement car park

DETERMINATION - REFUSED

Made on (Date)	10/08/2021
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Reasons for Refusal:

1. **State Environmental Planning Policy (Affordable Rental Housing) 2009**

The proposed development should not be approved in its current form as it is inconsistent with the requirements for a Boarding House in Division 3 of the SEPP.

Particulars:

(a) The development form is not characteristic or compatible with the surrounding built and imposes unnecessary impact on the surrounding built form, and is therefore inconsistent with Clause 30A of the SEPP (ARH) 2009 .

(b) The development does not provide sufficient landscape area within the boundaries of the site commensurate with the bulk and scale of the proposed built form.

(c) The deficiency in motorcycle parking does not comply with clause 30 (1) (h) Development Standard of the SEPP (Affordable Rental Housing) 2009, and the contravention of the development standard is not justified under Clause 4.6.

2. **Warringah LEP 2011**

The development is not consistent with the requirement of Part 7 – Town Centre Controls.

Particulars:

(a) The development does not comply with the requirement of Clause 4.3 Height of Buildings.

The contravention of the development standard cannot be varied pursuant to Clause 4.6(8).

(b) The development does not comply with requirement of Clause 4.4 Floor Space Ratio, and the contravention of the development standard is not justified under clause 4.6.

3. **Non-compliance with Warringah DCP 2011**

The proposed development does not comply with the following provisions of WDCP 2011.

Particulars:

- (a) Clause 1.2 Aims of The Plan
- (b) Clause 2.3 Zone Objectives
- (c) B3 Side Boundary Envelope
- (d) B5 Side Boundary Setback
- (e) D1 Landscaped Open Space and Bushland Setting
- (f) D8 Privacy
- (g) D6 Access to Sunlight
- (h) D9 Building Bulk
- (i) D14 Site Facilities

4. **Public Interest**

The proposal is not in the public interest

Particulars:

- (a) The development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective zoning.
- (b) Having regard to the public submissions and the adverse impacts of the proposed development, the approval of the application is not considered to be in the interest of the public.

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 Peter Robinson
 Executive Manager Development Assessment
Date 10/08/2021

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 10/08/2021.