

21 December 2020



Manly Vale Developments No.2 Pty Ltd
C/- Gartner Trovato Architects Po Box 1122
MONA VALE NSW 1660

Dear Sir/Madam

Application Number: DA2020/0824
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: 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,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2020/0824
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	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:	Demolition works and construction of a Shop Top Housing Development and strata subdivision

DETERMINATION - REFUSED

Made on (Date)	16/12/2020
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Reasons for Refusal:

1. 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 State Environmental Planning Policy 65 - Design Quality of Residential Flat Development.

The development fails to comply with the provision of SEPP 65, in particular relating to the principals of context and the requirements of the Apartment Design Guide in relation to solar access, cross ventilation and building separation to the residential zoned land to the west.

The development does not provide adequate floor to ceiling heights for the retail tenancies 3 and 4 and the residential lobby accessed from Sunshine Street as required by SEPP 65.

2. **Building Height**

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. In this regard, the Panel is not satisfied that the applicant's written request demonstrates there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is not satisfied that the development will be in the public interest as the development is not consistent with the objectives of the height of buildings development standard regarding

compatibility with the height, bulk and scale of nearby developments and that the development will minimise visual impact of the top floor (Level 3) from the public domain and surrounding lands.

3. **Building Setbacks (Top floor)**

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 B5 Side Boundary Setbacks of the Warringah Development Control Plan. The upper floor is not sufficiently setback to minimise the visual impact of level three as viewed from the surrounding lands and public domain.

4. 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. The development does not result in a satisfactory outcome with regards to pedestrian and vehicle safety along Somerville Place due to the width of the existing laneway and the intensity of the development proposed.

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 Rodney Piggott, Manager Development Assessments

Date 16/12/2020