



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2007/0856

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Frank Minnici

Applicant Address: P.O. Box 5112, Wheeler Heights NSW 2097

Land to be developed (Address): Lot A & Lot B in DP 37558, Nos. 5 – 5A Lawrence Street, Freshwater and Lot 9, DP 103521, No.18 Marmora Street, Freshwater

Proposed Development: Demolition of the existing buildings, construction of a mixed use development comprising basement car parking, 3 storey retail/ commercial building, 10 residential apartments in two buildings and a detached dwelling and stratum subdivision

APPLICATION REFUSED

Made on (Date): 10 June 2008

Reasons for Refusal:

- A. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, and Clause 12 of Warringah Local Environmental Plan 2000, the proposed development does not provide an appropriate balance between commercial and residential development and as such is inconsistent with the Desired Future Character statement for the H2 locality, which envisages that the locality will retain its retail character incorporating a mix of small retail and business uses with low-rise shop-top housing.
- B. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, and Clause 12 of Warringah Local Environmental Plan 2000, the proposed development is inconsistent with the Desired Future Character statement for the H1 locality, as it would impair the character of detached style housing and impose adverse impacts beyond those of detached style housing.
- C. Pursuant to Section 79C (1)(a) of the Environmental Planning and Assessment Act 1979, and Clause 12 of Warringah Local Environmental Plan 2000, the proposed development would have unacceptable amenity impacts on residents of Marmora Street and is therefore inconsistent with the requirement in the H2 locality Desired Future Character statement that development that adjoins residential land is “not to reduce the amenity enjoyed by adjoining occupants.



Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name Ryan Cole
 Acting Manager, Development Assessment

Date 13 June 2008