



Warringah Council

NOTICE OF DETERMINATION

Application Number:	DA2010/1285
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APPLICATION DETAILS

Applicant Name and Address:	Claireleigh Holdings PO Box 184 Queen Victoria Building SYDNEY NSW 1230
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Land to be developed (Address):	Lot 1 DP 1001963 638 Pittwater Road BROOKVALE NSW 2100
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Proposed Development:	Demolition works and construction of a mixed use (commercial/retail and residential) Development
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APPLICATION REFUSED

Made on (Date):	23 November 2010
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Reasons for Refusal:

1. Pursuant to Section 79C (1) (a) (ii) of the Environmental Planning and Assessment Act, 1979, the proposed development is inconsistent with the objectives of B5 Business Development and IN1 - General Industrial zones under the provisions of the Draft Warringah Local Environmental Plan 2009 in that the subject site is unsuitable for residential development.
2. Pursuant to Section 79C (1) (a) (ii) of the Environmental Planning and Assessment Act, 1979, the proposed development does not comply with the Height of Buildings standard and is inconsistent with the objectives of the Height of Buildings standard under the provisions of the Draft Warringah Local Environmental Plan 2009.
3. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the following Design Quality Principles in Clause 15 of State Environmental Planning Policy No.65;
 - a) Principle No. 1 Context
 - b) Principle No. 2 Scale
 - c) Principle No. 3 Built Form
 - d) Principle No. 4 Density
 - e) Principle No. 5 Resources, energy & water efficiency
 - f) Principle No. 6 Landscape
 - g) Principle No.7 Amenity
 - h) Principle No.10 Aesthetics



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4. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development and the Residential Flat Design Code with respect to the following:
 - a) Building separation;
 - b) Visual and acoustic privacy between proposed apartments;
 - c) communal open space;
 - d) Daylight access to living rooms and private open spaces.
5. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2000 in that the development is inconsistent with the Desired Future Character of the F1 Brookvale Centre Locality as the proposed development does not provide low rise shop top housing.
6. Pursuant to Section 79C (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2000 in that the development is inconsistent with the Desired Future Character of the F3 Brookvale Industrial Locality as the proposed residential use is inconsistent within an industrial locality.
7. Pursuant to Section 79C(1)(a) Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the building Height and Building Appearance built form control for the F1 Brookvale Centre locality in Warringah Local Environmental Plan 2000.
8. Pursuant to Section 79C(1)(a) Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the Building Height built form control for the F3 Brookvale industrial locality in Warringah Local Environmental Plan 2000.
9. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following General Principles of Development Control of Warringah Local Environmental Plan 2000.
 - a) Clause 43 – Noise;
 - b) Clauses 48 and 49 – Contaminated Land;
 - c) Clause 65 – Privacy;
 - d) Clause 66 – Building Bulk;
 - e) Clause 72 – Traffic Access and Safety
 - f) Clause 76 – Management of stormwater
10. Pursuant to Section 79C (1) (c) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the proposed development as insufficient information has been submitted to demonstrate that the land will be suitable in its current state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.
11. Pursuant to Section 79C (1) (e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest.



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 Peter Robinson
Manager Development Assessments

Date _____