

14 April 2021

George Antoniou
Locked Bag 5001
ALEXANDRIA NSW 2015

Dear Sir/Madam

Application Number: DA2020/1758
Address: Lot B DP 369977 , 11 Lewis Street, BALGOWLAH HEIGHTS NSW 2093
Proposed Development: Demolition works and construction of centre-based child care facilities

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,



Anna Williams
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2020/1758
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	George Antoniou
Land to be developed (Address):	Lot B DP 369977 , 11 Lewis Street BALGOWLAH HEIGHTS NSW 2093
Proposed Development:	Demolition works and construction of centre-based child care facilities

DETERMINATION - REFUSED

Made on (Date)	07/04/2021
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Reasons for Refusal:

1. Character, Bulk and Scale

The proposed childcare centre results in an urban design and built form outcome that is unsuitable within the surrounding low density residential streetscape. In particular, the breach to the front building line, wall height, side and rear setback controls contribute to an unacceptable bulk and scale, inconsistent with the dominant character of the area.

- a. Clause 23 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP)
- b. Clause 3.1 Streetscapes and Townscapes of the Manly Development Control Plan (MDCP)
- c. Clause 3.1.1 Streetscape (Residential areas) of the MDCP
- d. Clause 4.1 Residential Development Controls of the MDCP
- e. Clause 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) of the MDCP
- f. Clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the MDCP
- g. Clause 4.1.5 Open Space and Landscaping of the MDCP
- h. Clause 4.4.6 Child Care Centres of the MDCP

2. Amenity

The proposal is inconsistent with the requirements that seek to protect the amenity of occupants of neighbouring properties. In particular, the proposal breaches a number of built form controls which exacerbate privacy and solar impacts to adjoining properties. As such, the proposal is contrary to:

- a. Clause 23 of the Education SEPP
- b. Clause 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise) of the MDCP
- c. Clause 3.4.2 Privacy and Security of the MDCP

3. Accessibility

Access to and from the proposed childcare centre is limited and difficult to negotiate for parents/guardians, young children and people with a disability. As such, the proposal is contrary to:

- a. Clause 23 of the Education SEPP
- b. Clause 3.6 Accessibility of the MDCP

4. Parking

The proposal fails to provide a sufficient number of drop-off/pick up spaces, bicycles spaces and is over reliant on mechanical car stackers. The proposal has not demonstrated that the design of all car parking bays are consistent with Australian Standards, or that vehicular manoeuvring paths allow for vehicles to enter and depart in a forward direction. As such, the proposal is contrary to:

- a. Clause 23 of the Education SEPP
- b. Clause 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) of the MDCP
- c. Clause 4.4.6 Child Care Centres of the MDCP

5. Traffic

The proposed development will result in an increase to traffic generation that would have an unreasonable impact on the local road network and pedestrian safety. As such, the proposal is contrary to:

- a. Clause 23 of the Education SEPP
- b. Clause 3.10 Safety and Security of the MDCP
- c. Clause 4.4.6 Child Care Centres of the MDCP

6. Public Interest

The proposed development 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

Anna Williams, Manager Development Assessments

Date

07/04/2021