



## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2011/0400
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### APPLICATION DETAILS

<b>Applicant Name and Address:</b>	McKees Legal Solutions P O Box 2093 NORTH PARAMATTA NSW 1750
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<b>Land to be developed (Address):</b>	Lot 25 DP 398815 Lot 26 DP 398815, Lot 4A DP 358192, Lot A DP 368072, Lot B DP 368072, Lot C DP 368072 2 – 4 Riverhill Avenue Forestville and 751, 753, 755 & 757 Warringah Road Forestville
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<b>Proposed Development:</b>	Demolition works, Construction of an Infill Affordable Housing Development under SEPP (Affordable Rental Housing) 2009 and Strata Subdivision
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### APPLICATION - REFUSED

<b>Consent Authority:</b>	Sydney East Region Joint Planning Panel
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<b>Made on (Date):</b>	7 December 2011
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### Reasons for Refusal:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *State Environmental Planning Policy (Infrastructure), 2007*, in particular:
  - Clause 102 – Impact of road noise or vibration on no-road development.
2. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *State Environmental Planning Policy No 65 – Design Quality for Residential Flat Development*, in particular:
  - Principle 1 – Context;
  - Principle 2 – Scale;
  - Principle 3 – Built Form;
  - Principle 4 – Density;
  - Principle 6 – Landscape;
  - Principle 7 – Amenity;
  - Principle 8 – Safety and Security; and
  - Principle 10 – Aesthetics



### *Residential Flat Design Code*

- Street Setbacks;
  - Side and Rear Setbacks;
  - Private Open Space;
  - Apartment Layout; and
  - Building Form.
3. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (as amended)*, in particular:
    - Clause 54A(3) – Character of the Local Area.
  4. 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 inconsistent with the Desired Future Character of C1 Middle Harbour Suburbs locality.
  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 proposed development is does not comply with the Front Setback Built Form Control and the Side Boundary Envelope Built Form Control.
  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 following 'General Principles of Development Control'.
    - Clause 63 - Landscaped Open Space;
    - Clause 66 – Building Bulk;
    - Clause 67 – Roofs;
    - Clause 72 – Traffic Access and Safety; and
    - Clause 76 – Management of Stormwater.
  7. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act, 1979* the conditions included in the concurrence granted by the Roads and Maritime Services are such that a redesign would be required which would result in impacts which cannot be adequately assessed or ascertained by Council due to insufficient information.
  8. Pursuant to Section 79C(1)(c) of the *Environmental Planning and Assessment Act, 1979* the site is not considered to be suitable for the development given it's location within an area which renders the development, as proposed, to be inconsistent with its current and desired future character.
  9. Pursuant to Section 79C(1)(c) of the *Environmental Planning and Assessment Act, 1979* the site is not considered to be suitable for the development given it's location within an area which renders the development, as proposed, to be inconsistent with its current and desired future character.



10. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act, 1979* the proposed development is not in the public interest as 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 localities.

### **Review of Determination**

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 6 months from the date of determination.

*NOTE: A fee will apply for any request to review the determination.*

### **Right of Appeal**

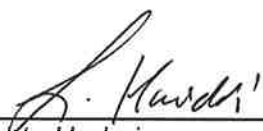
If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

**Signed** on behalf of the consent authority

Signature

Name

Date

  
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Lashta Hadari  
Acting Manager Development Assessments