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**Sent:** 9/03/2020 2:26:14 PM  
**Subject:** FW: DA2020/0063 Letter of Objection  
**Attachments:** objectionDA2020063.pdf;

Please find attached a letter of objection for DA2020/0063, 18-20 Denison Street Manly .

Any problems please call

Thank you

David Walter  
0403 292 442

PO Box 75

Kotara NSW 2289

8<sup>th</sup> March 2020

General Manager

Northern Beaches Council

PO Box 82

Manly NSW 1655

DA2020/0063, 18-20 Denison Street Manly NSW 2095

Dear Sir

I am writing in regard to the proposed development application, as an owner of the adjoining terraces 8-16 Denison Street, Manly 2095.

An Easement exists between 16 and 18 Denison St Manly. The easement is for the full and free passage of footway, light and air. (coloured in red, on attachments) and serves a number of properties to the east.

This Easement was recognised in Land and Environment proceedings for a DA at 18-20 Denison St, in 2006 (10949 of 2005) where Commissioner JS Murrell, agreed at paragraph 6 "As such a condition has been incorporated into the consent orders provided by council to ensure owners of the adjoining properties have free access to the right of carriageway" (para 5 and 6 attached)

We request Council make a Condition of Consent, that all building structures, whether they be walls, eaves or downpipes remain clear of this Easement.

We note the owners of 18 Denison St, have recently constructed an awning, with storage in the easement. We have discussed the need for the removal of this structure with the owners and ask that Council also ensure it is removed.

Additionally we have concerns regarding the size of the window, W05 located on the eastern side of the proposed development. We request council make this window and window W01 frosted, to ensure continued privacy to both properties.

Yours sincerely

J Walter

NOTE:  
THIS DETAIL SURVEY IS NOT A 'LAND SURVEY' AS DEFINED BY THE SURVEYING AND SPATIAL INFORMATION ACT, 2002. IF ANY CONSTRUCTION OR DESIGN WORK, WHICH RELIES ON CRITICAL SETBACKS FROM THE STREET OR BOUNDARIES IS PLANNED IT WOULD BE RESPONSIBLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.

PRIOR TO ANY CONSTRUCTION WORK, SURVEY MARKS SHOULD BE PLACED TO DEFINE THE PROPERTY BOUNDARIES.

SERVICES SHOWN ARE INDICATIVE ONLY. POSITIONS ARE BASED ON SURFACE INDICATOR(S) LOCATED DURING FIELD SURVEY. CONFIRMATION OF THE EXACT POSITION SHOULD BE MADE PRIOR TO ANY EXCAVATION WORK. OTHER SERVICES MAY EXIST WHICH ARE NOT SHOWN.

LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD) USING PM 621 WITH RL 4.377 (AHD).

RIDGE & GUTTER HEIGHTS HAVE BEEN OBTAINED BY INDIRECT METHOD AND ARE ACCURATE TO  $\pm 0.05m$ .

CONTOURS SHOWN DEPICT THE TOPOGRAPHY, EXCEPT AT SPOT LEVELS SHOWN. THEY DO NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT. THE SPOT LEVELS ARE TRUE FOR THEIR POSITION AND ARE INTENDED TO BE USEFUL TO REPRESENT THE GENERAL TERRAIN. CARE SHOULD BE TAKEN IF EXTRAPOLATING.

SP848 RIGHT OF ACCESS TO SERVICES 1 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURIED IN THE TITLE DIAGRAM

# LEGEND

BENCH MARK	▲
TELSTRA PIT	⬢
ELECTRIC LIGHT POLE	⬢
POWER POLE	⬢
SIGN POST	⬢
SEWER INSPECTION PIT	⬢
SEWER VENT	⬢
MANHOLE	⬢
SEWER MANHOLE	⬢
STOP VALVE	⬢
WATER HYDRANT	⬢
WATER METER	⬢
GAS METER	⬢
STATE SURVEY MARK	⬢

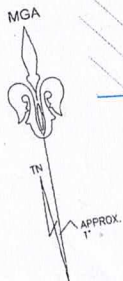
LEGEND  
EC - EDGE OF CONCRETE  
TK - TOP OF KERB  
RW - TOP OF WINDOW  
BR - BOTTOM OF WINDOW  
TG - TOP OF GUTTER  
RR - ROOF RIDGE  
FL - FLOOR LEVEL  
INV - INVERT LEVEL  
0.4510H16 - TREE DIAMETER/SPREAD/HEIGHT



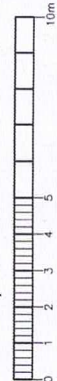
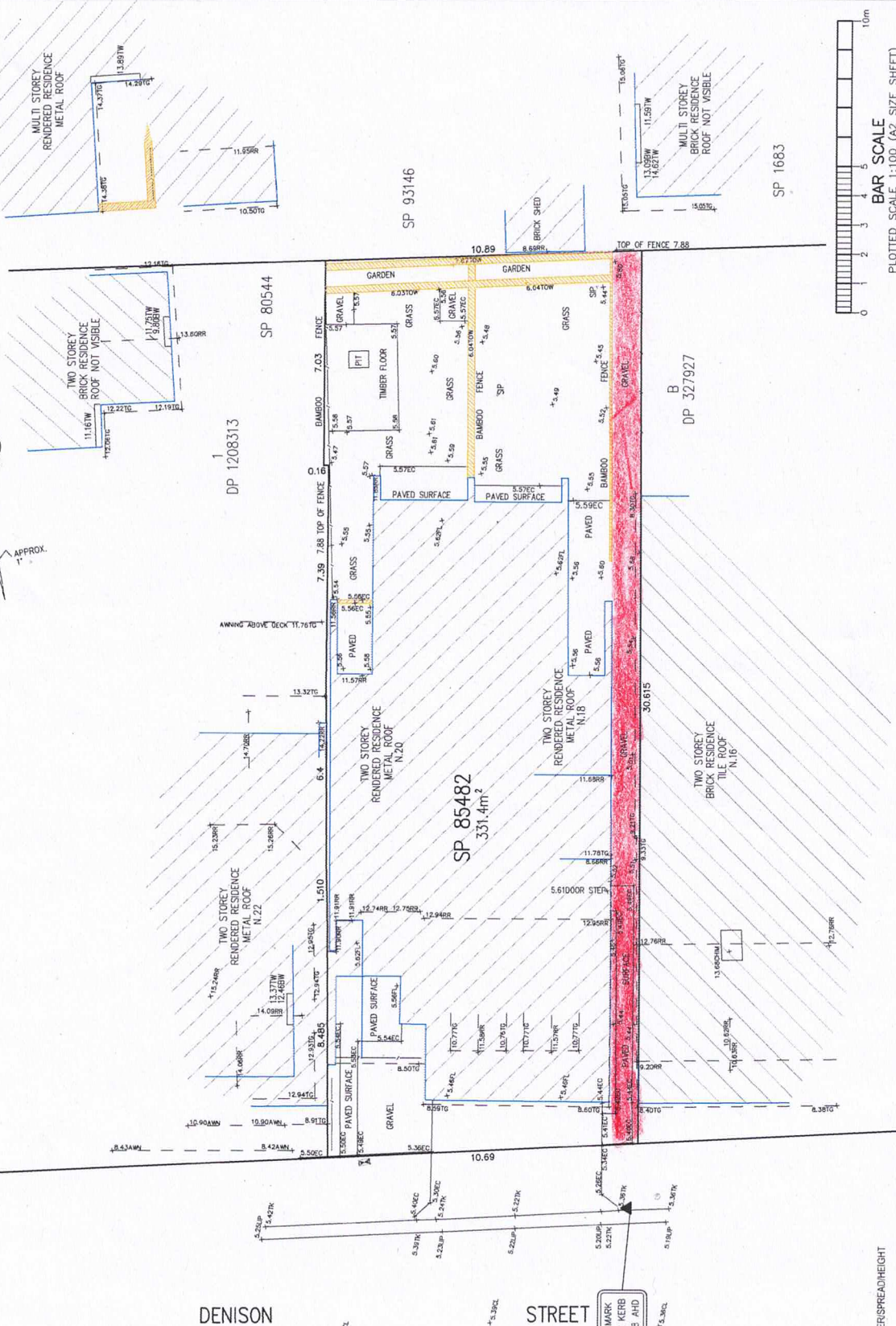
TSS TOTAL SURVEYING  
SOLUTIONS

ARTARMON | CAMDEN | MANLY VALE

NOTE:  
INFORMATION CONTAINED IN THIS PLAN IS THE COPYRIGHT OF TOTAL SURVEYING SOLUTIONS. THE USE OR DUPLICATION WITHOUT THE WRITTEN CONSENT OF TOTAL SURVEYING SOLUTIONS CONSTITUTES AN INFRINGEMENT OF COPYRIGHT.



BOUNDARIES HAVE NOT BEEN LOCATED BY SURVEY. THE BOUNDARIES SHOWN ON THIS PLAN HAVE BEEN TAKEN FROM THE TITLE DEPOSITED PLAN AND ARE APPROXIMATE RELATIVE TO THE DETAIL SURVEY.



BAR SCALE  
PLOTED SCALE 1:100 (A2 SIZE SHEET)

PLAN SHOWING DETAIL & LEVELS OVER SP 85482	
JOB No: 190337	LSA NORTHERN BEACHES
PLAN No: 190337_C	DATUM: AHD
DATE: 26/02/2019	SCALE: 1:100@A2
PROJECT: MANLY	DRAWN: FS
ADDRESS: 1820 DENISON STREET, MANLY	CHECK: GS
	SHEET 1 OF 1

day of 

Amad or

[illegible] $S^t$ 

NOTIFICATION REFERRED TO

*Amos D. Powell*  
Acting Registrar General.

Acting Registrar General.

Am. O. D.  
Caring REGIS

Am. O.R.  
Acting REGIS.

*Reg. W. M.*  
REGISTRAR GENERAL

REGISTRAR

C1196280  
119674

Vol 4532  
folio 138



Land and Environment Court  
of New South Wales

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<b>CITATION :</b>	<b>George Munoz &amp; Ors. v Manly Council [2006] NSWLEC 471</b>
<b>PARTIES :</b>	<b>APPLICANT</b> George Munoz & Ors.  <b>RESPONDENT</b> Manly Council
<b>FILE NUMBER(S) :</b>	10949 of 2005
<b>CORAM:</b>	Murrell C
<b>KEY ISSUES:</b>	Appeal :- Development application for demolition of dwelling and erection of 2 attached dwellings, impact on conservation area and streetscape, garages at front boundary, design of proposal
<b>LEGISLATION CITED:</b>	Manly Local Environmental Plan 1988 Manly Development Control Plan Residential Zones 2001
<b>CASES CITED:</b>	Zhang v Canterbury City Council [2004] NSWLEC 500
<b>DATES OF HEARING:</b>	02/05/2006 and 13/07/2006
<b>EX TEMPORE JUDGMENT DATE :</b>	07/13/2006

Manly. The site is rectangular in shape and has an area of some 331 sq m. It is a relatively narrow site and it is within the 'Pittwater Road Conservation Area' under the *Manly Local Environmental Plan*.

5 On its eastern boundary the site is adjoined by a right of carriageway approximately 900 mm and this serves a number of properties to the east.

6 At the commencement of the hearing on site the Court heard from an objector to the proposal, Mr Walters, who owns an adjoining property, and he is concerned about the proposed development providing continued access over the right-of-way for his property. As such a condition has been incorporated into the consent orders provided by the council to ensure owners of the adjoining properties have free access to the right-of-carriageway by providing a look that all have tags or a combination to.

7 The area, as I stated, is in the 'Pittwater Road Conservation Area' of Manly, and it is a relatively short street running through to the Manly Beach. On the western side of the subject site there is a two storey residential flat building, and on the corner further to the west there is a commercial and residential flat building. The subject property faces Denison Street and is on the southern side. To the east of the subject site there are single storey dwellings that contribute significantly to the heritage conservation area with front picket fences and verandas, and details of chimneys, gables, reflecting the era in which they were constructed. On the opposite side of Denison Street, there are semi-detached dwellings of a low scale with pitched roofs and low front fences as well as two storey buildings built to the boundary.

8 The site is zoned to permit two dwellings as proposed on the subject site under the *Manly Local Environmental Plan 1988*, and of particular importance are the provisions relating to development within conservation areas. The standard heritage provisions are contained within the LEP.

9 The Development Control Plan for the subject site is the *Manly Development Control Plan Residential Zones 2001*. In this plan there are provisions, or guidelines, with respect to conservation areas, and the protection of heritage items, and conservation areas.

10 The objectives are:

- to retain and conserve items, and conservation areas,
- to ensure modifications to heritage items and buildings within conservation areas is undertaken with proper knowledge of the significance of the item or the area;
- to ensure that development in the vicinity of heritage items, conservation areas, recognises and protects the significance of those items identified at local, state or national levels.

11 There are a number of performance criteria in the DCP for development applications, in particular "alterations and/or additions should not detract from the heritage significance of the conservation area, and details of building materials should not seek to replicate period details of buildings but rather respect the form and scale of the original buildings on the site". Alterations or additions to buildings within conservation areas must not overwhelm or dominate the existing building, and there are references to architectural detailing.

12 Under protection of heritage items and conservation areas provision M relates to garages and carports and these are not permitted in front of the building alignment of a listed heritage item or buildings within conservation areas and should be carefully designed to minimise impact to the item or the area. There are also provisions for parking and access.

13 The Court, in accordance with *Zhang v Canterbury City Council* [2004] NSWLEC 500, must give "real, genuine, and proper consideration to the development control plan provisions". I am satisfied the amended plan does comply generally with the development control plan provisions for conservation areas with the exception of provision M, that is with respect to the garaging at the front of buildings. However on a holistic assessment of the proposed development I am