

22 January 2024



KD Town Planning
4 / 51 Balgowlah Road
FAIRLIGHT NSW 2094

Dear Sir/Madam

Application Number: DA2023/1015
Address: Lot A DP 339924 , 6 Nield Avenue, BALGOWLAH NSW 2093
Proposed Development: Demolition works and construction of a dual occupancy (attached) and subdivision of existing allotment into two (2) Torrens title allotments

Please find attached the Notice of Determination for the above mentioned Application.

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,



Stephanie Gelder
Planner

NOTICE OF DETERMINATION

Application Number:	DA2023/1015
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	KD Town Planning
Land to be developed (Address):	Lot A DP 339924 , 6 Nield Avenue BALGOWLAH NSW 2093
Proposed Development:	Demolition works and construction of a dual occupancy (attached) and subdivision of existing allotment into two (2) Torrens title allotments

DETERMINATION - REFUSED

Made on (Date)	19/01/2024
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Reasons for Refusal:

- Pursuant to Section 4.15(1)(a)(i) and (iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of **Clause 6.4 Stormwater Management of the Manly Local Environmental Plan 2013**, and **Clause 3.7 Stormwater Management of the Manly Development Control Plan 2013**.**

Particulars:

i. The Stormwater Plans that detail discharge of stormwater from part of the site via a charged system to the front kerb (DR-000 to DR-004, Revision 2, dated 1 December 2023, prepared by Stellen Civil and Structural Engineering and DR-005 to DR-006, Revision 3, dated 2 January 2024, prepared by Stellen Civil and Structural Engineering) are inconsistent with Section 5.5 Stormwater Drainage from Low Level Properties of Northern Beaches Council's Water Management for Development Policy.

ii. In accordance with Section 5.5 Stormwater Drainage from Low Level Properties of Northern Beaches Council's Water Management for Development Policy, an on-site detention system and level spreader is considered the appropriate method to manage stormwater on this site.

iii. The proposed on-site detention tank is incorrectly located at the high point of the site, whereas the on-site detention system is required to be located at the low point of the site to provide for an emergency overflow path in case of blockage.

iv. The proposed pipe connections from site to boundary are not at the minimum angle of at least 45 degrees. The proposed long pipe with acute angles indicates that drainage to the street is not feasible.

v. Council is not satisfied that the proposed stormwater design will avoid adverse impacts of

stormwater runoff on adjoining properties, and will appropriately protect downstream properties from stormwater inundation.

Request a review of the determination

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Objector's right of appeal against the determination

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Signed On behalf of the Consent Authority



Name Stephanie Gelder, Planner

Date 19/01/2024