

9 July 2025

Sir Consulting Australia Pty Ltd
8-14 Kings Road
NEW LAMBTON NSW 2305

Dear Sir/Madam

Application Number: DA2025/0132
Address: Lot 100 DP 1199949 , 37 Roseberry Street, BALGOWLAH NSW 2093
Proposed Development: Demolition works and construction of a restaurant (McDonalds) including signage

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,



Peter Robinson
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2025/0132
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Slr Consulting Australia Pty Ltd
Land to be developed (Address):	Lot 100 DP 1199949 , 37 Roseberry Street BALGOWLAH NSW 2093
Proposed Development:	Demolition works and construction of a restaurant (McDonalds) including signage

DETERMINATION - REFUSED

Made on (Date)	02/07/2025
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not in the public interest.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions the the Manly Local Environmental Plan 2013 - Zone E3 Productivity Support.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 1.7 Aims and Objectives of the Manly Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.4.2 *Privacy and Security* of the Manly Development Control Plan, as the proposed hours of operation result in unreasonable amenity impacts.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.2.4 *Car parking, Vehicular access and Loading controls for all LEP Business zones including B6 Enterprise Corridor* of the Manly Development Control Plan, as insufficient information has been provided

to determine the proposals impacts on the road network.

7. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the proposed development because of
- The existing congestion in the surrounding road network.
 - The application has not demonstrated the proposed development will not have unreasonable impacts on the already congested surrounding road network.
 - The location at an interface point with a residential zone with consequent amenity impacts.
 - The incidents of anti-social behaviour in the vicinity recorded by police and their concern for the potential of the proposed development to exacerbate these incidents.

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 lodged to and determined by the consent authority within 6 months from the date that the original determination was registered on the NSW Planning Portal. Prospective applicants for a Review of Determination are encouraged to lodge a review application with Council as soon as possible, to enable a full review and determination.

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 Peter Robinson, Manager Development Assessments

Date 02/07/2025