

8 July 2022



Carlisle Architects  
18 Nenagh Street  
NORTH MANLY NSW 2100

Dear Sir/Madam

**Application Number:** DA2021/2590  
**Address:** Lot 5 DP 939161 , 40 Pine Street, MANLY NSW 2095  
**Proposed Development:** Construction of a dwelling house

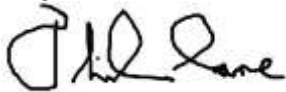
Please find attached the Notice of Determination for the above mentioned Application.

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Phil Lane  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

|                            |                         |
|----------------------------|-------------------------|
| <b>Application Number:</b> | DA2021/2590             |
| <b>Determination Type:</b> | Development Application |

### APPLICATION DETAILS

|  |   |
|--|---|
| <b>Applicant:</b>                      | Carlisle Architects                             |
| <b>Land to be developed (Address):</b> | Lot 5 DP 939161 , 40 Pine Street MANLY NSW 2095 |
| <b>Proposed Development:</b>           | Construction of a dwelling house                |

### DETERMINATION - REFUSED

|                       |            |
|-----------------------|------------|
| <b>Made on (Date)</b> | 06/07/2022 |
|-----------------------|------------|

### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered to be suitable for the proposed development.
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)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) of the Manly Development Control Plan as the proposed development fails to provide adequate access and off-street parking to meet the needs of the future occupants of the dwelling house and external parties. Additionally, the proposal would increase the demand for on-street parking.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 6.12 Essential Services of the Manly Local Environmental Plan 2013 as the site is unable to provide adequate off-street parking and access to meet the needs of the future occupants of the dwelling and external parties. Furthermore, the applicant has not been able to demonstrate that the proposed development can adequately manage and dispose stormwater generated from the development.
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 dwelling would allow the future occupants to directly overlook into private open space at 9 and 11 Pacific Parade.
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 4.1.1.1 Residential Density and Dwelling Size of the Manly Development Control Plan as the undersized nature of the allotment makes it difficult for the development to comply with a number of Council's primary

planning controls or provide an acceptable level of internal amenity for the future occupants of the dwelling.

7. 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 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan 2013 as the front and rear setback non-compliances will create adverse amenity impacts for adjacent properties and the future occupants of the dwelling house.
8. 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 4.1.5 Open Space and Landscaping of the Manly Development Control Plan as the proposal provides insufficient total open space and landscaping to enable the establishment of adequate landscape treatment to screen the built form from downslope properties. Furthermore, the proposal provides inadequate areas of private open space to meet the recreational needs of the future occupants of the dwelling house.
9. Pursuant to Section 4.15(1)(a)(i) 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 as there is insufficient information to determine whether stormwater generated from the development can be appropriately managed and disposed of.
10. 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 3.7 Stormwater Management of the Manly Development Control Plan 2013 as there is insufficient information to determine whether stormwater generated from the proposal can be appropriately managed and disposed of.
11. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 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 must be lodged on the NSW Planning portal 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 Phil Lane, Manager Development Assessments

Date 06/07/2022