

23 May 2023



Jamie King Landscape Architect  
22 Coonanga Road  
AVALON BEACH NSW 2107

Dear Sir/Madam

**Application Number:** DA2023/0307  
**Address:** Lot 12 DP 232985 , 40 Bellevue Street, FAIRLIGHT NSW 2094  
**Proposed Development:** Alterations and additions to a dwelling house, including the construction of a driveway and parking area.

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,



Brittany Harrison  
**Planner**

## NOTICE OF DETERMINATION

Application Number:	DA2023/0307
Determination Type:	Development Application

### APPLICATION DETAILS

Applicant:	Jamie King Landscape Architect
Land to be developed (Address):	Lot 12 DP 232985 , 40 Bellevue Street FAIRLIGHT NSW 2094
Proposed Development:	Alterations and additions to a dwelling house, including the construction of a driveway and parking area.

### DETERMINATION - REFUSED

Made on (Date)	23/05/2023
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### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(i) & (iii) Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 1.2 Aims of the Plan of the Manly Local Environmental Plan 2013; and Clause 4.1.5 Open Space and Landscaping and Clause 4.1.6 Parking, Vehicular Access and Loading of the Manly Development Control, Plan 2013.

#### Particulars:

i) The parking space provided has not been designed in accordance with the off-street parking dimensions specified within Australian Standard AS2890.1:2004. Therefore, the proposal is unable to provide for adequate parking on site and fails to achieve a driveway and parking space design that is efficient, safe, and convenient as per the objectives of Clause 4.1.6 Parking, Vehicular Access and Loading.

ii) The proposal fails to meet the numerical requirements for total open space, further reducing an existing non-compliance required by Clause 4.1.5 of the DCP. As the parking area is inadequate in design and fails to provide for safe and convenient parking, a further loss of open space to accommodate such a design, cannot be supported. The proposal therefore fails in providing an acceptable justification for loss of vegetation and open space on site.

iii) Given the inability of the proposal to satisfy the requirements of DCP at 4.1.5 and 4.1.6, it is considered that the proposal fails to satisfy the aims of the Manly LEP. In particular, the proposal does not accord with Clause 1.2 (a)(iv) in that the development does not appropriately respond to the environmental constraints of the site (b)(ii) the proposal does not ensure a high quality landscape area in a residential environment, by virtue of its positioning forward of the building line.

2. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted in support of the application.

Particulars:

- i) No information has been provided to acceptably address and amend the non-compliant parking space with Australian Standard AS2890.1:2004, as requested. Therefore, the proposal cannot be appropriately assessed in its current form.

3. 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.

Particulars:

- i) The existing improvements on site are such that the proposal is incapable of complying the spatial requirements of parking that meets the requirements of AS2890.1:2004. As such, the site is not considered suitable for the proposed development.

4. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Particulars:

- i) The lack of sufficient information and the ability to satisfy the requirements of Clause 4.1.5 Open Space and Landscaping and Clause 4.1.6 Parking, Vehicular Access and Loading of the Manly Development Control Plan 2013, are such that approval of the development is not within the public's 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                Brittany Harrison, Planner

Date                 23/05/2023