

6 March 2024



Nigel White
Suite 10 241-245 Pennant Hills Road
CARLINGFORD NSW 2118

Dear Sir/Madam

Application Number: DA2023/1337
Address: Lot 13 DP 20271 , 98 West Street, BALGOWLAH NSW 2093
Proposed Development: Alterations and additions to a dwelling house

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,



Nick England
Planner

NOTICE OF DETERMINATION

Application Number:	DA2023/1337
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Nigel White
Land to be developed (Address):	Lot 13 DP 20271 , 98 West Street BALGOWLAH NSW 2093
Proposed Development:	Alterations and additions to a dwelling house

DETERMINATION - REFUSED

Made on (Date)	06/03/2024
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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.

Particulars:

The application exceeds the: maximum relevant development standards for Height of Buildings; the development control for the maximum number of storeys and wall heights; and fails to provide safe and efficient vehicular access from the subject site.

2. 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 4.3 Height of Buildings of the Manly Local Environmental Plan 2013.

Particulars:

The application exceeds the maximum 8.5m Height of Buildings development standard.

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 of Clause 4.6 Exceptions to Development Standards of the Manly Local Environmental Plan 2013.

Particulars:

Council is not satisfied that:

a) the applicant's written requests under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of the clause 4.3 (Height of Buildings) PLEP 2014 development standard has adequately addressed and demonstrated that:

- i. compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - ii. there are sufficient environmental planning grounds to justify the contraventions.
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 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) of the Manly Development Control Plan 2013.

Particulars:

The application exceeds the number of storeys and wall height development controls specified under the Manly Development Control Plan 2013.

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 4.1.6.4 (a) Parking, Vehicular Access and Loading (Including Bicycle Facilities) of the Manly Development Control Plan.

Particulars:

The current driveway design and arrangement fails to provide sufficient area for all vehicles to be able to enter and exit the site in a forward direction, consistent with the requirements of Australian Standards 2890.1 for vehicular access.

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

Nick England, Planner

Date

06/03/2024