



NOTICE OF DETERMINATION

Application Number:	DA2009/1165
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APPLICATION DETAILS

Applicant Name and Address:	T Sattler PO Box 780 Freshwater NSW 2096
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Land to be developed (Address):	Lot 52, DP 1026033, 79A Ryan Place Beacon Hill
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Proposed Development:	Alterations and additions to a dwelling house and carport and a strata subdivision
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APPLICATION REFUSED

Made on (Date):	18 February 2010
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Reasons for Refusal:

- Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(1)(a) of Warringah Local Environmental Plan 2000, the proposed development is inconsistent with the following General Principles of Development Control:
 - Clause 57 - Development on Sloping Land:** The Geotechnical Report submitted with the Development Application fails to demonstrate that the geotechnical stability of the land will support the proposed development.
 - Clause 64 - Private open space:** The proposed development fails to provide the minimum area of private open space at ground level, and therefore, does not satisfy the requirements of the General Principles.
 - Clause 74 - Provision of Carparking:** The proposed development fails to provide four (4) on-site car parking spaces as required under Schedule 17 of the Warringah Local Environmental Plan 2000.
- Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(2)(a) and (b) of Warringah Local Environmental Plan 2000, the proposed development does not satisfy the requirements of Schedule 17 - Carparking Provision as contained within Warringah Local Environmental Plan 2000.
- Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act 1979 and Clause 12(3)(b) of Warringah Local Environmental Plan 2000, the proposed development is inconsistent with the Desired Future Character of the G3 Manly Lagoon Suburbs locality in that the subdivision will result in the creation of two (2) allotments which are inconsistent with the pattern and configuration of adjoining and surrounding allotments in the locality.



4. Pursuant to Section 79(C)(1)(b) of the Environmental Planning and Assessment Act 1979, the inconsistency with the General Principles of Development Control demonstrates that the proposed development will have an unacceptable environmental and social impact on the locality.
5. Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000 (as amended) in that the subdivision component of the proposed development are inconsistent with the General Principles outlined under Part 4 of WLEP 2000, in particular *Clause 74 – Provision of Carparking*
6. Pursuant to Section 79(C)(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the requirements of Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000 (as amended). Specifically, the proposed development is inconsistent with the Desired Future Character of the G3 Manly Lagoon Suburbs locality in that the subdivision will result in the creation of two (2) allotments which are inconsistent with the pattern and configuration of adjoining and surrounding allotments in the locality.
7. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 the subject site is considered to be unsuitable for the proposed development in that the proposed development will reduce the provision of carparking to the subject site which will result in an increased demand on surrounding streets, resulting in an unacceptable environmental impact.
8. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not in the public interest in that, the proposed development undermines the local planning controls and will create an unacceptable demand on surrounding streets.

Review of Determination

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979 if it is NOT integrated or designated development. Any request to review the application must be made and determined within 12 months from the date of determination.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name Kevin Short, Development Assessment Officer

Date 19 February 2010