



## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

**Development Application No:** DA 2005/122

### DEVELOPMENT APPLICATION DETAILS

**Applicant Name:** Diane Alison Kelso

**Applicant Address:** 220 Allambie Road Allambie Heights NSW 2100

**Land to be developed (Address):** Lot 13, DP 844158, 220 Allambie Road Allambie Heights

**Proposed Development:** New garage and carport and driveway

### APPLICATION REFUSED

**Made on (Date):** 22 November 2005

#### Reasons for Refusal:

The Development Application No:2005/122 for new garage and carport and driveway, at Lot 13, DP 844158, 220 Allambie Road Allambie Heights be Refused subject to the following reasons:

#### 1. Desired Future Character

Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the Desired Future Character of the G3 Manly Lagoon Suburbs locality under Warringah Local Environmental Plan 2000.

**Reason:** *The streets are to be characterised by landscaped front gardens and front building setbacks, which are consistent with surrounding development.*

#### 2. Front building setback

Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposal is considered unsatisfactory with regard to non-compliance with the front building setback requirement contained in the built form controls for the G3 Manly Lagoon Suburbs locality, contained in Warringah Local Environmental Plan 2000.

**Reason:** *Development to provide a minimum of 6.5m to the front setback and to be consistent with surrounding development.*



### **3. Side Setback**

Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposal is considered unsatisfactory with regard to non-compliance with the side setback requirement contained in the built form controls for the G3 Manly Lagoon Suburbs locality, contained in Warringah Local Environmental Plan 2000.

***Reason:** Development to provide a minimum of 900mm from a building to the side boundary.*

### **4. Landscape Open Space**

Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposal is considered unsatisfactory with regard to non-compliance with the landscape open space requirement contained in the built form controls for the G3 Manly Lagoon Suburbs locality, contained in Warringah Local Environmental Plan 2000.

***Reason:** Development to provide a minimum area of landscape open space of 40% of the site area to enable suitable planting and amenity to adjoining properties and land.*

### **5. Clause 63 - Landscape Open Space**

Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with Clause 66 contained in the general principles of the Warringah Local Environmental Plan 2000.

***Reason:** Landscaping is to contribute to the amenity of the site and the area and ensure that adequate environmental benefit is provided to the locality.*

### **6. Clause 66 - Building Bulk**

Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with Clause 66 contained in the general principles of the Warringah Local Environmental Plan 2000.

***Reason:** Buildings are to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and are not to visually dominate the street or surrounding spaces, unless the applicable locality statement provides otherwise.*

### **7. Clause 71 - Parking Facilities (Visual Impact)**

Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with Clause 71 contained in the general principles of the Warringah Local Environmental Plan 2000.

***Reason:** Parking facilities (including garages) are to be sited and designed so as not to dominate the street frontage or other public spaces.*



### **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                      Boris Bolgoff

Date                      22 November 2005