

Memo

Development Assessment

To: Development Determination Panel (DDP)

Cc: Rodney Piggott
Manager, Development Assessment

From: Claire Ryan
Principal Planner

Date: 27 August 2024

Subject: DA2024/0662 – 40 Pine Street, Manly

Dear Panel,

Several submissions have been received since preparation of the Assessment Report for DA2024/0662, in response to the amended plans. The total number of submitters for this application is nine.

The following issues (in *italics*) were raised in the submissions, with commentary from the Assessing Officer below each objection. Objections have been paraphrased and grouped for succinctness.

Zoning

The subject site is inappropriately zoned for a residential use and should be acquired for open space purposes.

Comment:

The subject site is not identified for acquisition in the Northern Beaches Section 7.12 Contributions Plan 2022 or the Land Reservation Acquisition Map under the *Manly Local Environmental Plan 2013*.

Loss of Vegetation

The development results in a loss of vegetation.

Comment:

This matter is addressed in the Assessment Report and does not warrant refusal of the application.

Access and Parking

The site is not accessible by waste services, does not provide disabled access, and the development does not include onsite parking.

Comment:

The proposed development does not alter the requirements for the site regarding waste services, as this is per dwelling, not per bedroom. The proposed development does not

make any change to disabled access beyond DA2021/2590, which granted consent for a dwelling house on the site.

The onsite parking requirement for the site is not increased by the proposed development, as the rate of spaces under Schedule 3 Part A1 Parking Rates and Requirements for Vehicles of the Manly Development Control Plan 2013 is per dwelling, not per bedroom.

Demand on Services

The proposed development will double the demand on emergency services, parking, utilities and stormwater infrastructure.

Comment:

This matter is addressed in the Assessment Report and does not warrant refusal of the application.

Non-Compliance with Planning Controls

The development relies on non-compliance with planning control and is of excessive bulk and scale.

Comment:

All non-compliant elements of the proposed development addressed in the Assessment Report. Per the recommendation in the Assessment Report, the non-compliant elements are acceptable on merit and do not warrant refusal of the application.

Construction Impacts

Construction of the approved development is underway and is partially blocking the walkway along the Pine Street frontage of the site and is resulting in additional runoff to downhill properties.

Comment:

These are matters for investigation by Council's Building Control team and do not prevent approval of this development application.

Previous Determinations

The previous Council and Land and Environment Court determinations did not approve an upper floor.

Comment:

This matter is addressed in the Assessment Report and does not warrant refusal of the application.

Amenity – Increased Noise and Loss of Privacy

The proposed development will result in a loss of privacy for properties to the north. The proposed development will double the noise impact of the approved development.

Comment:

The matter of visual privacy is addressed in the Assessment Report and does not warrant refusal of the application. With respect to noise, the proposed development retains the single detached dwelling house use of the site, and the resultant noise from such a use is not unreasonable in this residential setting.

Site Inspections

Inspection of the site from the perspectives of 9 Pacific Parade and 4 Kangaroo Street are requested.

Comment:

The Assessing Officer visited the subject site and 11 Pacific Parade. The perspective of the subject site from 9 Pacific Parade is anticipated to be very similar that from 11 Pacific Parade, given the lot alignments. It is at the Panel's discretion as to whether further site visits are necessary.

Adverse Possession Claim

The development could give rise to an adverse possession claim by adjoining landowners.

Comment:

This matter is addressed in the Assessment Report and does not warrant refusal of the application.

Submissions to Previous Applications and Draft Planning Instruments

Submissions from previous applications and to the Strategic Planning team regarding the drafting of new planning instruments are reiterated.

Comment:

Submissions to previous development applications and regarding draft planning instruments are not relevant to this application and do not warrant refusal of this application.

Recommendation:

The above matters do not change the recommendation before the Panel.