



## NOTICE OF DETERMINATION

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| <b>Development Application No:</b> | DA2008/1773 |
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### DEVELOPMENT APPLICATION DETAILS

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| <b>Applicant Name and Address:</b> | Scott Manuel<br>1/4 Coastview Place<br>FRESHWATER NSW 2096 |
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| <b>Land to be developed (Address):</b> | Lot B DP 442377, 7 Hill Street QUEENSCLIFF<br>NSW 2096 |
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| <b>Proposed Development:</b> | Major alterations and additions to existing semi-detached dwelling including a second storey, basement car parking and an in-ground swimming pool |
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### APPLICATION REFUSED

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| <b>Made on (Date):</b> | 4 June 2009 |
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#### Reasons for Refusal:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 12(2)(b) and fails Clause 20(1) of Warringah Local Environment Plan 2000 (as amended) in that a portion of the proposed development is inconsistent with the Landscaped Area development standards detailed under the applicable Built Form Controls for the H1 Freshwater Beach Locality. In this regard it is considered that the failure to comply with the development standard will:
  - Result in an insufficient soft landscaped area on site.
2. Pursuant to Section 79C(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 portions of the proposed development are inconsistent with the General Principles outlined under Part 4 of WLEP 2000 as follows:
  - Clause 63 Landscaped open space is insufficient in area.



3. Appropriate owner's consent has not been provided to Council.

### **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

### **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

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Name Rod Piggott

Date 10 June 2009