

18 October 2018

Gregory Andrew Unsworth  
C/- Vaugan Milligan Development Consulting Pty Ltd PO Box 49  
NEWPORT BEACH NSW 2106

Dear Sir/Madam

**Application Number:** DA2018/0628  
**Address:** Lot 34 DP 8075 , 8 Bower Street, MANLY NSW 2095  
**Proposed Development:** Alterations and Additions to an existing dwelling house including a secondary dwelling.

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Rodney Piggott  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2018/0628
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	Gregory Andrew Unsworth
<b>Land to be developed (Address):</b>	Lot 34 DP 8075 , 8 Bower Street MANLY NSW 2095
<b>Proposed Development:</b>	Alterations and Additions to an existing dwelling house including a secondary dwelling.

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	10/10/2018
-----------------------	------------

### Reasons for Refusal:

1. The proposal is not consistent with the objective for Special height provisions under the development standard contained within Clause 4.3A of the Manly Local Environmental Plan (MLEP) 2013.
2. The proposed development exceeds the floor space ratio development standard contained within Clause 4.4 of the Manly Local Environmental Plan (MLEP) 2013 without adequate justification that is consistent with the requirements of Clause 4.6 under the MLEP 2013; having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development exceeds the requirement for Special height provisions under the development standard contained within Clause 4.3A of the Manly Local Environmental Plan (MLEP) 2013 without adequate justification that is consistent with the requirements of Clause 4.6 under the MLEP 2013; having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. The proposed development contravenes Clause 3.1 Streetscapes and Townscapes of the MDCP 2013; having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
5. The proposed development contravenes Clause 3.4.3 Maintenance of Views of the MDCP 2013 (in regards to the public domain); having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
6. The proposed development contravenes Clause 4.1.4.1 Street Front Setbacks of the MDCP 2013; having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
7. The proposal is a new dwelling in accordance with the Land and Environment Court established principle for Demolition (Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187). In

assessing this development as a new dwelling (rather than alterations and additions), the proposal is unreasonable.

## Right to Review by the Council

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 6 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 6 months after the date on which you receive this notice.

**Signed**            On behalf of the Consent Authority



---

Name                Rodney Piggott, Manager Development Assessments

Date                 10/10/2018