

19 August 2021

Michael Bushell
84 Bower Street
MANLY NSW 2095

Dear Sir/Madam

Application Number: Mod2021/0317
Address: Lot 5 DP 8075 , 82 - 84 Bower Street, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA2020/0211 granted for the reconstruction of walls/structures that were to be retained and have been demolished, and for the use of walls/structures that were to be retained, but have been demolished and rebuilt

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

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

Regards,



Anna Williams
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2021/0317
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Michael Bushell
Land to be developed (Address):	Lot 5 DP 8075 , 82 - 84 Bower Street MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA2020/0211 granted for the reconstruction of walls/structures that were to be retained and have been demolished, and for the use of walls/structures that were to be retained, but have been demolished and rebuilt

DETERMINATION - APPROVED

Made on (Date)	18/08/2021
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add New Condition 2A 'Modification of Consent - Approved Modified Plans' to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Modified Plans

Architectural Plans - Endorsed with Council's stamp		
Plans	Dated	Prepared By
Ground Plan, Revision B	22/07/2021	Smith & Tzannes
Elevations, Revision B	22/07/2021	Smith & Tzannes
Screen Details, Revision B	22/07/2021	Smith & Tzannes

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Modify Condition 7 to read as follows:

Any subsequent construction certificate application is to indicate that the West Elevation Ground Floor windows accessible from the kitchen, dining and living areas of No. 84 Bower Street, Manly are fitted with external screens which shall be solid up to 1.6m above the FFL and above that shall have vertical angled fins that cover the windows, and otherwise in accordance with Approved Modified Plans referenced in Condition 2A of this modified consent. The screens are to be maintained for the life of the

development and are to be in place prior to the issue of any Occupation Certificate. The Approved Modified Plans shall be amended to reflect this condition and submitted to Council prior to the issue of the Construction Certificate.

Reason: To preserve and maintain visual privacy and amenity to the immediate adjoining property to the west at No. 86 Bower Street, Manly

C. Modify Condition 8 to read as follows:

Any subsequent construction certificate application is to incorporate the provision of a planter box and timber screens to the Ground Floor Balcony of No. 84 Bower Street, Manly in accordance with Approved Modified Plans referenced in Condition 2A of this modified consent and subject to the following amendment:

a. The planter box and screens are to extend the full length of the western elevation of the Ground Floor Balcony. The screen panels to the balcony shall be solid up to 1.6m above the FFL of the balcony.

The planter box and screens are to be retained for the life of the development and are to be in place prior to the issue of any Occupation Certificate. The Approved Modified Plans shall be amended to reflect this condition and submitted to Council prior to the issue of the Construction Certificate.

Reason: To preserve and maintain visual privacy and amenity to the immediate adjoining property to the west at No. 86 Bower Street, Manly.

D. Add new Condition 9 to read as follows:

The planter box is to contain plantings with a minimum height of 400mm.

Details including species, mature height, planting, pot size and spacing to provide continuous screening are to be provided to the Certifying Authority.

Plantings within the planter box are to be retained for the life of the development, and are to be replaced if any plants die or are destroyed/removed.

Reason: To ensure that the selected species are capable of providing suitable visual screening to the adjoining property to the west at No. 86 Bower Street, Manly.

Important Information

This letter should therefore be read in conjunction with DA2020/0211 dated 15 September 2020.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

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

Signed

On behalf of the Consent Authority



Name

Anna Williams, Manager Development Assessments

Date

18/08/2021