

26 September 2022



William Linehan  
Shop 6 459 Great Western Highway  
FAULCONBRIDGE NSW 2776

Dear Sir/Madam

**Application Number:** DA2022/0727  
**Address:** Lot 1 DP 445281 , 12 Clarence Street, BALGOWLAH NSW 2093  
**Proposed Development:** Alterations and additions to a semi-detached 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,



Adam Richardson  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	DA2022/0727
<b>Determination Type:</b>	Development Application

### APPLICATION DETAILS

<b>Applicant:</b>	William Linehan
<b>Land to be developed (Address):</b>	Lot 1 DP 445281 , 12 Clarence Street BALGOWLAH NSW 2093
<b>Proposed Development:</b>	Alterations and additions to a semi-detached dwelling

### DETERMINATION - REFUSED

<b>Made on (Date)</b>	14/09/2022
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### Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.4 Floor Space Ratio of the Manly Local Environmental Plan 2013.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have a detrimental impact on the visual amenity of the adjoining properties to the west of the subject site, by virtue of the excessive building bulk, scale and mass of the first floor addition and its associated setback, height and length in relation to the western elevation.
4. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development will have a detrimental impact on the amenity of adjoining residential properties, and for this reason is contrary to the public interest.

## 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 must be lodged on the NSW Planning portal within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

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

## Right of Appeal

If you are dissatisfied with this decision Division 8.3 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                      Adam Richardson, Manager Development Assessments

Date                      14/09/2022