

23 December 2019



Sun Property Northbridge Pty Ltd
C/- Boston Blythe Fleming Suite 1/9 Narabang Way
BELROSE NSW 2085

Dear Sir/Madam

Application Number: DA2019/0081
Address: Lot 1 DP 115705 , 12 Boyle Street, BALGOWLAH NSW 2093
Lot D DP 335027 , 307 Sydney Road, BALGOWLAH NSW 2093
Proposed Development: Demolition Works and construction of residential accommodation

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,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	DA2019/0081
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Sun Property Northbridge Pty Ltd
Land to be developed (Address):	Lot 1 DP 115705 , 12 Boyle Street BALGOWLAH NSW 2093 Lot D DP 335027 , 307 Sydney Road BALGOWLAH NSW 2093
Proposed Development:	Demolition Works and construction of residential accommodation

DETERMINATION - REFUSED

Made on (Date)	09/12/2019
-----------------------	------------

Reasons for Refusal:

1. The Panel is not satisfied that:
 1. the applicant's written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contravention.
 2. the proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.
2. The proposed development will have an adverse effect on the heritage item and its setting at 303, 305 and 307 Sydney Road and having regard to the provisions of clause 5.10 of the Manly Local Environmental Plan 2013. The adverse effect, in regards to 307 Sydney Road, results from the extent of demolition, the additional storey and the excavation under the house. Furthermore, there is an inadequate assessment of the significant fabric of 307 Sydney Road and the relationship between it and the two other buildings at 303 and 305 Sydney Road that comprise the heritage item.
3. The proposed development will result in unreasonable adverse amenity impacts on adjoining properties including view loss, overshadowing and inadequate open space and landscaped area.

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.

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 Rodney Piggott, Manager Development Assessments

Date 09/12/2019