

6 November 2019



Urban Partners
PO Box 37
NORTHBRIDGE NSW 1560

Dear Sir/Madam

Application Number: DA2018/1669
Address: Lot B DP 368451 , 21 Whistler Street, MANLY NSW 2095
Proposed Development: Demolition works and construction of a shop top housing development including strata subdivision

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:	DA2018/1669
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Urban Partners
Land to be developed (Address):	Lot B DP 368451 , 21 Whistler Street MANLY NSW 2095
Proposed Development:	Demolition works and construction of a shop top housing development including strata subdivision

DETERMINATION - REFUSED

Made on (Date)	16/10/2019
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the demolition of a building with heritage significance will result in a significant social impact within the locality, having regard to the gazettal of the Interim Heritage Order No. 1 published in the Government Gazette on 27 September 2019 (Folio 4233).
2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed parking, waste storage area and design for privacy is inconsistent with the provisions of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.
4. 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 4.6 Exceptions to Development Standards of the Manly Local Environmental Plan 2013.
5. 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 5.10 Heritage conservation of the Manly Local Environmental Plan 2013.
6. 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 3.2 Heritage Considerations of the Manly Development Control Plan .
7. 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 3.4.2 Privacy and Security of the Manly Development Control Plan .

8. 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 3.8 Waste Management of the Manly Development Control Plan.
9. 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 4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor of the Manly Development Control Plan.
10. Pursuant to Section 4.12(9) of the Environmental Planning and Assessment Act 1979, no owners consent is granted for screening devices, window openings and awnings to levels 1, 2 and 3 to encroach on Council Land.
11. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in 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 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 16/10/2019