northern
beaches
council

25 March 2024

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Ian Cubitt's Classic Home Improvements Pty Ltd
152 Russell Street
EMU PLAINS NSW 2750

Dear Sir/Madam

| **Application Number:** | **DA2023/1781** |
| **Address:** | **Lot 45 DP 1066986 , 1 Magnolia Lane, SEAFORTH NSW 2092** |
| **Proposed Development:** | **Construction of a secondary dwelling** |

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

You should thoroughly read the Notice of Determination and be aware of any conditions imposed that affect the development and guide the next steps in the process before you can commence works and/or the use.

A copy of the Assessment Report associated with this application is available to view in the Planning and Development > Application Search section of Council's website at www.northernbeaches.nsw.gov.au

If you have any questions regarding the decision or the conditions, please contact Council to speak to the assessment officer or the undersigned on 1300 434 434 or via email quoting the Application number, property address and the description of works to council@northernbeaches.nsw.gov.au

Regards,

Simon Ferguson Tuor
**Planner**

# NOTICE OF DETERMINATION

| Application Number: | DA2023/1781 |
|---|---|
| Determination Type: | Development Application |

**APPLICATION DETAILS**

| Applicant: | Ian Cubitt's Classic Home Improvements Pty Ltd |
|---|---|
| Land to be developed (Address): | Lot 45 DP 1066986 , 1 Magnolia Lane SEAFORTH NSW 2092 |
| Proposed Development: | Construction of a secondary dwelling |

**DETERMINATION - REFUSED**

| Made on (Date) | 22/03/2024 |
|---|---|

## Reasons for Refusal:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

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 3.3.2 Preservation of Trees or Bushland Vegetation of the Manly Development Control Plan.

3. 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 .

4. 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.

**Request a review of the determination**

If you are dissatisfied with this determination, you may request a review of the determination:

- You do not have the right to request a review of the determination under section 8.3 of the EP&A Act if you are excluded from those developments listed under Section 8.2(2) of the EP&A Act.
- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act.The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

**Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

**Objector's right of appeal against the determination**

An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the determination appealed against.

**Dictionary**

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

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| **Signed** | On behalf of the Consent Authority |
| Name | Simon Ferguson Tuor, Planner |
| Date | 22/03/2024 |