

25 June 2019



John Oppedisano
4/11 Fairlight Crescent
FAIRLIGHT NSW 2094

Dear Sir/Madam

Application Number: Mod2019/0143
Address: Lot 1 DP 1034722 , 42 North Steyne, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA2018/0069 granted for change of use to tourist and visitor 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,



Megan Surtees
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2019/0143
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	John Oppedisano
Land to be developed (Address):	Lot 1 DP 1034722 , 42 North Steyne MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA2018/0069 granted for change of use to tourist and visitor accommodation

DETERMINATION - REFUSED

Made on (Date)	25/06/2019
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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 Clause 1.2 Aims of The Plan 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 3.4.2 Privacy and Security of the Manly Development Control Plan .

Important Information

This letter should therefore be read in conjunction with DA2018/0069

Planning Principles

In a merit consideration of the proposal, consideration of the development has been given against the Land and Environment Court Planning Principle in relation to The extent of demolition - alterations and additions or a new building detailed in Edgar Allan Planning Pty Limited v Wollahra Municipal Council [2006] NSWLEC 790 as follows:	
Will the development result in an alteration to an existing by more than half (50%) of the existing external fabric of the building is demolished? (Note: The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof	No

measured in plan and the area of the lowest habitable floor)	
Is the development considered to be Alterations and additions; or	No
Is the development considered to be a new building	No

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 Megan Surtees, Planner

Date 25/06/2019