

Manly Council



Reference: 040309 DA48/08 EA:Admin
Enquiries: Environmental Services

Stockland Development Pty Ltd
Level 25, 133 Castlereagh Street
SYDNEY NSW 2000

Dear Sir/Madam,

Council Offices
1 Belgrave Street
Manly NSW 2095

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ABN 43 662 868 065

**RE: Notice of Determination under Section 96(2) of the Environmental Planning and Assessment Act, 1979
Development Application No. 48/08**

Proposed Development: Shop fitout and occupation of shop premises (within new shopping centre) as a liquor shop(Totem Vintage Cellars) - Section 96(2) Modification

Land to be developed: 197-215 Condamine Street Balgowlah
Endorsement Date: 12 May 2008

Pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, the proposed modifications (deletion of condition Condition Nos. ANS03 and ANS04 and the inclusion of modified conditions) of Development Consent No.48/08 relating to the fit out and use of retail premises as a liquor shop at Nos. 197-215 Condamine Street, Balgowlah issued on 12 May 2008 be **refused** for the following reasons:

1. The proposed modifications are not considered to have a minor environmental impact and as such cannot be dealt with under Section 96 (1A) of the Environmental Planning and Assessment Act 1979.
2. The issuing of plastic bags to customers is contrary to Council's policy (Resolution No. 222 of 2005) relating to the use of plastic bags and Council's environmental objectives, having regard to Section 79 C (1) (b) of the Environmental Planning and Assessment Act 1979.
3. The provision of prepared food and drinks to customers in any non recyclable or non bio-degradable plastic or foam is contrary to Council's environmental objectives, having regard to Section 79 C (1) (b) & (e) of the Environmental Planning and Assessment Act 1979.
4. The proposed modifications are not acceptable having regards to the submissions received, pursuant to Section 79 C (1) (d) of the Environmental Planning and Assessment Act 1979.
5. The proposed modifications are not in the public interest, having regard to Section 79 C (1) (e) of the Environmental Planning and Assessment Act 1979.

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6. Applicant's alternative Plan of Management is considered unenforceable and therefore not acceptable having regard to Section 79 C (1) (b) & (e) of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this decision, section 96(6) of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court.

Signed below on behalf of the consent authority.

Yours faithfully,

Date:

A handwritten signature in black ink, appearing to read 'Joanne Bramma', written over a horizontal line.

Joanne Bramma

Public Officer