

13 August 2018

Ross Boyd Lane
38 Stuart Street
MANLY NSW 2095

Dear Sir/Madam

Application Number: Mod2018/0065
Address: Lot 2 DP 252420 , 38 Stuart Street, MANLY NSW 2095
Proposed Development: Modification to Development Consent DA251/2008 granted for the demolition of the existing building and construction of a building comprising two dwellings

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:	Mod2018/0065
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Ross Boyd Lane
Land to be developed (Address):	Lot 2 DP 252420 , 38 Stuart Street MANLY NSW 2095
Proposed Development:	Modification to Development Consent DA251/2008 granted for the demolition of the existing building and construction of a building comprising two dwellings

DETERMINATION - REFUSED

Made on (Date)	01/08/2018
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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)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of the land use zone RE1 Public Recreation of the Manly Local Environmental Plan 2013.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is prohibited within the land use zone RE1 Public Recreation 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 6.9 Foreshore Scenic Protection Area of the Manly Local Environmental Plan 2013.
5. 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 5.4.1 Foreshore Scenic Protection Area of the Manly Development Control Plan.
6. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979 the application does not comply with the provisions of Clause 115(1) of the Environmental Planning and Assessment Regulation 2000, in that the application does not provide the required information in the form of owners consent in writing from the owners of the adjoining land, being public land owned by Northern Beaches Council.
7. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979 the proposed development is not in the public interest as the development is contrary to the relevant

requirement(s) and objectives of the land use Zone RE1 Public Recreation and is contrary to the expectations of the community. The proposed retention of the existing stairs onto public land unreasonably impacts upon the orderly and public use of Little Manly Beach (public reserve).

8. 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 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 .

Important Information

This letter should therefore be read in conjunction with DA561/2008 dated 7/10/09 as modified.

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.

Section 97AA 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.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Rodney Piggott, Manager Development Assessments

Date 01/08/2018