

17 September 2024



Brent Gasson
S101 84 Alexander Street
CROWS NEST NSW 2065

Dear Sir/Madam

Application Number: DA2023/1794
Address: Lot 369 DP 752017 , 323 McCarrs Creek Road, TERREY HILLS
NSW 2084
Lot 425 DP 752017 , 323 McCarrs Creek Road, TERREY HILLS
NSW 2084
Proposed Development: Alterations and additions to the existing building and change of
use to bed and breakfast accommodation, and construction of a
swimming pool

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,



Maxwell Duncan
Principal Planner

NOTICE OF DETERMINATION

Application Number:	DA2023/1794
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Brent Gasson
Land to be developed (Address):	Lot 369 DP 752017 , 323 McCarrs Creek Road TERREY HILLS NSW 2084 Lot 425 DP 752017 , 323 McCarrs Creek Road TERREY HILLS NSW 2084
Proposed Development:	Alterations and additions to the existing building and change of use to bed and breakfast accommodation, and construction of a swimming pool

DETERMINATION - REFUSED

Made on (Date)	17/09/2024
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Reasons for Refusal:

1. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is not suitable for the site. It is unacceptable to have an Asset Protection Zone (APZ) offsite in this instance, as this would result in an unreasonable environmental impact. The proposal does not satisfy Warringah Development Control Plan 2011 Clauses E2 Prescribed Vegetation, E5 Native Vegetation; and E6 Retaining unique environmental features for the adjoining northern property.
2. 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 Warringah Local Environmental Plan 2011.
3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause Zone RU4 Primary Production Small Lots of the Warringah Local Environmental Plan 2011.

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.

Signed On behalf of the Consent Authority



Name Maxwell Duncan, Principal Planner

Date 17/09/2024