

19 December 2023



Lance Doyle  
3a Kendall Road  
CASTLE COVE NSW 2069

Dear Sir/Madam

**Application Number:** Mod2023/0415  
**Address:** Lot 7005 DP 1117451 , 1193 Barrenjoey Road, PALM BEACH NSW 2108  
Lot 7002 DP 1117592 , 1193 Barrenjoey Road, PALM BEACH NSW 2108  
Lot 298 DP 721522 , 1191 Barrenjoey Road, PALM BEACH NSW 2108  
**Proposed Development:** Modification of Development Consent DA2021/0669 granted for Demolition works and construction of a new restaurant, car parking, and associated uses, including a Voluntary Planning Agreement.

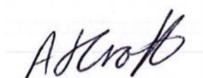
Please find attached the Notice of Determination for the above mentioned Application.

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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Adam Croft  
**Planner**

## NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

<b>Application Number:</b>	Mod2023/0415 PAN-354464
<b>Applicant:</b>	Lance Doyle 3a Kendall Road CASTLE COVE NSW 2069
<b>Property:</b>	Lot 7005 DP 1117451 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 DP 1117592 1193 Barrenjoey Road PALM BEACH NSW 2108 Lot 298 DP 721522 1191 Barrenjoey Road PALM BEACH NSW 2108
<b>Description of Development:</b>	Modification of Development Consent DA2021/0669 granted for Demolition works and construction of a new restaurant, car parking, and associated uses, including a Voluntary Planning Agreement.
<b>Determination:</b>	Approved Consent Authority: Northern Beaches Council
<b>Date of Determination:</b>	19/12/2023
<b>Date from which the consent operates:</b>	19/12/2023

Under Section 4.55 (1a) Minor Environmental Impact of the EP&A Act, notice is given that the above application to modify the original application has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

### Reasons for approval

The development proposal meets the Objects of the Environmental Planning and Assessment Act 1979, contained in Section 1.3, having considered the relevant provisions under s.4.15 of the aforementioned Act. Consequently, the development is considered to be in the public interest, subject to conditions.

### Community views

The application was notified in accordance with Council's Community Participation Plan and the Environmental Planning and Assessment Regulation 2021. Any submissions received representing community views were considered as part of the assessment of the application. Conditions of consent included within this Notice of Determination have been applied to ensure that the development satisfies the Objects of the Environmental Planning and Assessment Act and will not result in unacceptable environmental impacts.

## 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 28 days 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



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Name                Adam Croft, Planner

Date                 19/12/2023

## Modification Summary

The development consent is modified as follows:

### MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN- 318758 MOD 2023/0415	The date of this notice of determination	Minor design modifications including adjustments to fenestration, additional doors, upgrade of external wood decking, internal configuration and the addition of solar panels.  Insert additional condition 1B (Approved plans and documentation).
PAN-206791 MOD 2022/0153	04/05/2023	The amendment to two conditions (28 and 38) relating to the timing of the submission of an Environmental Management Plan and the timing of the implementation of the recommendation of the dangerous goods assessment into the Management Plan for the site.
PAN-318758 MOD 2023/0171	02/08/2023	Minor design modifications including adjustments to fenestration, additional doors, upgrade of external wood decking, internal configuration and the addition of solar panels.

### Modified conditions

**A. Add Condition No.1b - Modification of Consent - Approved Plans and supporting documentation, to read as follows:**

#### **1B - Approved Plans and supporting Documentation.**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

##### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's Stamp		
Drawing No.	Dated	Prepared By
CC02-B, Site Plan	11.05.2023	Canvas Architecture and Design
CC04-B, Site and Ground Plan	11.05.2023	Canvas Architecture and Design
CC05-B, Site and Ground Plan 1:200	11.05.2023	Canvas Architecture and Design
CC06-B, Proposed Ground Floor Plan	11.05.2023	Canvas Architecture and Design
CC07-B, Proposed Ancillary Building	11.05.2023	Canvas Architecture and Design

CC08-B, Proposed First Floor Plan	11.05.2023	Canvas Architecture and Design
CC09-B, North/East Elevations	11.05.2023	Canvas Architecture and Design
CC10-B, South/West Elevations	11.05.2023	Canvas Architecture and Design
CC11-B, Long and Cross Section	11.05.2023	Canvas Architecture and Design
CC15-A, Ancillary building sections	11.05.2023	Canvas Architecture and Design
CC18, Ground floor minor internal changes	11.05.2023	Canvas Architecture and Design

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Access Statement	10.08.2023	MGAC
Statement of Heritage Impact	10.07.2023	City Plan

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans

## Important Information

This letter should therefore be read in conjunction with DA2021/0669 dated 15 December 2021, Mod2022/0153 dated 4 May 2023 and Mod2023/0171 dated 2 August 2023.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A

Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Council** means Northern Beaches Council.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2021.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Northern Beaches Local Planning Panel.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the Conveyancing Act 1919.

**Subdivision works certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Sydney North Planning Panel.