

19 March 2024



Lance Doyle
3a Kendall Road
CASTLE COVE NSW 2069

Dear Sir/Madam

Application Number: Mod2023/0684
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, carparking 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

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,



Steven Findlay
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2023/0684
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Lance Doyle
Land to be developed (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, carparking and associated uses, including a Voluntary Planning Agreement

DETERMINATION - REFUSED

Made on (Date)	13/03/2024
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Reasons for Refusal:

1. Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the proposed development is not of minimal environmental impact.

Particulars:

The increase in operating hours and the inevitable increase in functions, noise, traffic and other amenity issues resulting from these extended hours does not meet the requirement to be of minimal environmental impact.

2. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Particulars:

The proposed increase in operating hours is likely to result in unreasonable amenity impacts to nearby residential properties.

3. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposed development has not provided sufficient information.

Particulars:

No acoustic testing has been undertaken during functions since the recent re-opening of the venue. The testing in the Acoustic report submitted with the application occurred, in part, during Covid lockdowns.

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



Name Steven Findlay, Manager Development Assessments

Date 13/03/2024