

16 November 2023



Robyn Mary Assunta Denholm  
47 Carr Street  
WAVERTON NSW 2060

Dear Sir/Madam

**Application Number:** DA2023/0726  
**Address:** Lot 171 DP 15376 , 257 Whale Beach Road, WHALE BEACH NSW 2107  
**Proposed Development:** Construction of an inclinator and associated landscaping works

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

Regards,



Adam Richardson  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

Application Number:	DA2023/0726
Determination Type:	Development Application

### APPLICATION DETAILS

Applicant:	Robyn Mary Assunta Denholm
Land to be developed (Address):	Lot 171 DP 15376 , 257 Whale Beach Road WHALE BEACH NSW 2107
Proposed Development:	Construction of an inclinator and associated landscaping works

### DETERMINATION - REFUSED

Made on (Date)	15/11/2023
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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 provisions of Clause 4.6 Exceptions to development standards of the Pittwater Local Environmental Plan 2014.**

#### Particulars:

The environmental planning grounds advanced by the applicant, including in relation to topography and precedent, are not deemed sufficient to justify the variation. As such, the Panel is not satisfied that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also not satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances.

**2. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not suitable for the proposed development.**

#### Particulars:

The proposed inclinator is not permitted development within the foreshore area and results in adverse visual impacts on the public domain. Therefore, the site is not considered to be

suitable for the proposed development.

**3. 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 Zone C4 Environmental Living of the Pittwater Local Environmental Plan 2014.**

Particulars:

The proposed inclinor is visible from the public domain and has an adverse effect on the aesthetic values of the area.

**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 7.8 Limited development on foreshore area of the Pittwater Local Environmental Plan 2014.**

Particulars:

Inclinators are not permitted development within the foreshore area. Further the development is inconsistent with the objective of the Pittwater Local Environmental Plan 2014 in clause 7.8 (1) (a) Limited development on foreshore area, namely, to ensure that development in the foreshore area will not affect the significance and amenity of the area.

## 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

Adam Richardson, Manager Development Assessments

Date

15/11/2023