

24 May 2022

Turnbull Planning International Pty Ltd
5 / 1070 - 1076 Barrenjoey Road
PALM BEACH NSW 2108

Dear Sir/Madam

Application Number: Mod2022/0007
Address: Lot A DP 404349 , 1031 Barrenjoey Road, PALM BEACH NSW 2108
Proposed Development: Modification of Development Consent DA2021/1311 granted for Use of premises as a cafe including a change of hours

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,



Phil Lane
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2022/0007
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Turnbull Planning International Pty Ltd
Land to be developed (Address):	Lot A DP 404349 , 1031 Barrenjoey Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent DA2021/1311 granted for Use of premises as a cafe including a change of hours

DETERMINATION - REFUSED

Made on (Date)	18/05/2022
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Reasons for Refusal:

1. 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 C2.12 Protection of Residential Amenity of the Pittwater 21 Development Control Plan. The proposal will result in increased visual and acoustic amenity impacts to the adjacent and nearby residential dwellings and the applicant's justification to delete Conditions 5 and 6 is not well founded.
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.

Important Information

This letter should therefore be read in conjunction with DA2021/1311 dated 10/12/2021.

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.

Right to Review by the Council

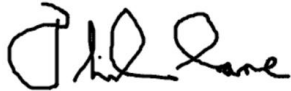
You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 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.

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

Signed On behalf of the Consent Authority



Name Phil Lane, Manager Development Assessments

Date 18/05/2022