

22 April 2024

Cadence & Co Pty Ltd
Suite 7 287 Mona Vale Road
TERREY HILLS NSW 2084

Dear Sir/Madam

Application Number: DA2023/1469
Address: Lot 8 DP 545616 , 955 Barrenjoey Road, PALM BEACH NSW 2108
Lot LIC 526953 , 955 Barrenjoey Road, PALM BEACH NSW 2108
Proposed Development: Alterations and additions to a dwelling house including a swimming pool

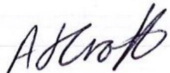
Please find attached the Notice of Determination for the above mentioned Application.

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,



Adam Croft, Acting Development Assessment Manager

NOTICE OF DETERMINATION

Application Number:	DA2023/1469
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Cadence & Co Pty Ltd
Land to be developed (Address):	Lot 8 DP 545616 , 955 Barrenjoey Road PALM BEACH NSW 2108 Lot LIC 526953 , 955 Barrenjoey Road PALM BEACH NSW 2108
Proposed Development:	Alterations and additions to a dwelling house including a swimming pool

DETERMINATION - REFUSED

Made on (Date)	10/04/2024
-----------------------	------------

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 State Environmental Planning Policy (Resilience and Hazards) 2021. In particular, Chapter 2, Division 4 - Coastal use area 2.11 Development on land within the coastal use has not been addressed as impacts to the scenic qualities of the coastline have not been minimised due to the overall bulk and scale of the building.
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 Pittwater Local Environmental Plan 2014.
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 E4 Environmental Living of the Pittwater Local Environmental Plan 2014.
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 4.3 Height of buildings of the Pittwater Local Environmental Plan 2014.
5. 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:

- i. The application does not include a clause 4.6 written request as a required for the variation to clause 4.3 Height of Buildings of the Pittwater Local Environmental Plan 2014.
 - ii. In the absence of a clause 4.6 written request, development consent cannot be granted as no written request has been provided to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.
6. 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 C1.3 View Sharing of the Pittwater 21 Development Control Plan. In particular, there are view impacts as a result of the development for both public and private views that are caused by non-compliant elements of the building.
 7. 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 C1.4 Solar Access of the Pittwater 21 Development Control Plan.
 8. 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 C1.5 Visual Privacy of the Pittwater 21 Development Control Plan. In particular, the design of Level 3 and the Level 3 balcony adjoining the living room is not designed in a way that maintains reasonable privacy for the surrounding properties.
 9. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is not appropriately categorised as alterations and additions to a dwelling house due to the extent of works proposed and further departure from the desired future character, resulting in visual impacts and amenity impacts upon the surrounding lands.
 10. 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 D12.5 Front building line of the Pittwater 21 Development Control Plan. The design of Level 4 presenting to the street is not compatible with the surrounding properties and impacts upon public views.
 11. 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 D12.6 Side and rear building line of the Pittwater 21 Development Control Plan.
 12. 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 D12.8 Building envelope of the Pittwater 21 Development Control Plan.
 13. 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 D12.10 Landscaped Area - Environmentally Sensitive Land of the Pittwater 21 Development Control Plan.
 14. 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 D12.14 Scenic Protection Category One Areas of the Pittwater 21 Development Control Plan.

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

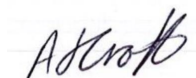
An objector who is dissatisfied with the consent authority's determination to grant consent, in relation to Designated Development only has the right to appeal to the Court against the determination under section 8.8 of the EP&A Act within 28 days after the date that the objector was notified of the 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 Croft, Acting Development Assessment Manager

Date

10/04/2024