

9 November 2023



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

Dear Sir/Madam

**Application Number:** DA2023/0877  
**Address:** Lot 1 DP 626462 , 665 Pittwater Road, DEE WHY NSW 2099  
**Proposed Development:** Use of Premises as a dog grooming business and signage

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,



Jordan Howard  
**Planner**

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

|                                              |                                                                                                   |
|----------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>Application Number:</b>                   | DA2023/0877<br>PAN-347559                                                                         |
| <b>Applicant:</b>                            | Turnbull Planning International Pty Ltd<br>5 / 1070 - 1076 Barrenjoey Road<br>PALM BEACH NSW 2108 |
| <b>Property:</b>                             | Lot 1 DP 626462<br>665 Pittwater Road DEE WHY NSW 2099                                            |
| <b>Description of Development:</b>           | Use of Premises as a dog grooming business and signage                                            |
| <b>Determination:</b>                        | Approved<br>Consent Authority: Northern Beaches Council                                           |
| <b>Date of Determination:</b>                | 09/11/2023                                                                                        |
| <b>Date from which the consent operates:</b> | 09/11/2023                                                                                        |
| <b>Date on which the consent lapses:</b>     | 09/11/2028                                                                                        |

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### 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 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



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Name Jordan Howard, Planner

Date 09/11/2023

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### GENERAL CONDITIONS

#### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

| Approved Plans |                 |                              |             |                 |
|----------------|-----------------|------------------------------|-------------|-----------------|
| Plan Number    | Revision Number | Plan Title                   | Drawn By    | Date of Plan    |
| DA-015         | A               | Site Plan                    | Archaholics | 26 June 2023    |
| DA-101         | C               | Ground Floor Plan - Proposed | Archaholics | 1 November 2023 |
| DA-110         | A               | Proposed Signage Elevation   | Archaholics | 26 June 2023    |

| Approved Reports and Documentation                             |                |             |                  |
|----------------------------------------------------------------|----------------|-------------|------------------|
| Document Title                                                 | Version Number | Prepared By | Date of Document |
| Waste Management Plan - Shop 2, 665 Pittwater Road, Dee Why    | -              | -           | -                |
| Business Management Plan - Shop 2, 665 Pittwater Road, Dee Why | -              | SUPER DOG   | -                |

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

#### 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| Other Department, Authority or Service | EDMS Reference              | Dated                |
|----------------------------------------|-----------------------------|----------------------|
| Ausgrid                                | Ausgrid - Referral Response | 26/07/2023 (on EDMS) |

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on

Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

### 3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a **business premises**, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

***business premises*** means a building or place at or on which—

(a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*  
(b) *a service is provided directly to members of the public on a regular basis,*  
*and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

*Note— Business premises are a type of commercial premises.*

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

### 4. **Noise Management**

The maximum number of dogs to be kept on the premise at any one-time during business hours is three (3).

Reason: To ensure the acoustic amenity of the area is not negatively impacted.

### 5. **No Approval for Internal Fit-Out**

No approval is granted under this Development Consent for the internal fit-out of the business.

Reason: To ensure compliance with the terms of this consent.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

### 6. **Waste storage Arrangements**

Waste containers (bins) must be stored within the property in the designated location apart from the collection/emptying of the containers. Bins must not remain in the road reserve or in public view other than when being emptied.

Reason: To maintain the health, safety and amenity of the area.

### 7. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday (and Public Holidays) – 8:30am to 4:30pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

8. **Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

9. **Waste Management**

All floor drains and sink drains are to contain suitable hair catching traps to ensure any dog hair can be removed from the trap and disposed of in a suitable bin provided onsite.

Reason: To ensure waste is appropriately managed to avoid odour issues.

10. **Noise Management (On-Going)**

The maximum number of dogs to be kept on the premise at any one-time during business hours is three (3).

Reason: To ensure the acoustic amenity of the area is not negatively impacted.

## General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the advisory notes to ensure the development is carried out lawfully.

## 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. Some of these additional obligations are set out in the Conditions of development consent: advisory notes, which has been uploaded to the NSW Planning Portal as a separate document. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.