



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

was held Electronically for determination on

THURSDAY 23 MAY 2024

Minutes of the Northern Beaches Local Planning Panel held on Thursday 23 May 2024

The closed deliberations and determinations commenced at 3:00pm and concluded at 3:43pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Glennys James	Town Planner
Phillip Young	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

4.0 PUBLIC MEETING ITEMS

4.3 DA2024/0113 - 106 PRINCE ALFRED PARADE NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF AN INCLINATOR

PROCEEDINGS IN BRIEF

The proposal is for the demolition works and construction of an inclinator.

The application was deferred from the meeting of 1 May 2024 to give the applicant the opportunity to provide an amended Clause 4.6. The requested documentation has been provided.

The Panel received an updated Clause 4.6 variation application on 14 May 2024 and a Supplementary Memo from Council dated 17 May 2024. In addition the Panel received a response from the applicant to the Supplementary Memo on 23 May 2024.

DECISIONS ON EXCEPTIONS TO DEVELOPMENT STANDARDS

The Panel is not satisfied that:

The applicant's written request under Clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of Clause 7.8 Limited Development on Foreshore Area development standard has adequately addressed and demonstrated that:

- i) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
- ii) there are sufficient environmental planning grounds to justify the contraventions.

DETERMINATION OF THE DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2024/0113 for demolition works and construction of an inclinator on land at Lot 25 DP 13457, 106 Prince Alfred Parade, NEWPORT, for the following reasons:

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 within the written Clause 4.6 variation request, including in relation to the factual circumstances of the proposal's acceptable impacts and benefits of the proposal, are not deemed sufficient to justify the variation.

It has not been demonstrated that the inclinator will facilitate the orderly and economic use of the land, as it is not necessary to maintain the use of the land as a whole, or provide access to the lower parts of the lot (a set of stairs exists).

The proposed inclinator is not fundamental to the residential occupation of the land, which has occurred for an extended period without an inclinator located within, and accessing, the foreshore area. The environmental planning grounds advanced by the applicant promote the benefits of the development rather than demonstrating that departure from the development standard has a better environmental impact than a compliant development.

As such, it is considered that the development cannot be found to have sufficient environmental planning grounds to justify contravening the development standard. It is considered that compliance with the development standard is reasonable and necessary in the circumstances.

2. **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, pursuant to Clause 7.8 (2) (b). Further the development is inconsistent with the objective (1) (a) in Clause 7.8 (1) (a) Limited Development on Foreshore Area of the Pittwater Local Environmental Plan 2014, namely, to ensure that development in the foreshore area will not affect the significance and amenity of the area.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and Supplementary Memo.

Vote 3/0

This is the final page of the Minutes comprising 5 pages numbered 1 to 5 of the Northern Beaches Local Planning Panel meeting held on Thursday 23 May 2024.