

Memo

To: Northern Beaches Local Planning Panel (NBLPP)
From: Maxwell Duncan, Principal Planner
Date: 16 July 2025
Subject: DA2024/1216
Record Number: 2025/474429

The purpose of the memo is to inform the panel of typographical errors within the assessment report and to provide an assessment of Chapter 4 (Remediation of land) of State Environmental Planning Policy (Resilience and Hazards) 2021. Additionally, the memo also informs the panel that four additional written submissions have been received as of 15 July 2025.

ASSESSMENT

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

Assessment Report Error

- A response to a submission regarding Owner's consent - Crown on Page 32 of Council's Assessment Report states "The State of New South Wales (Crown Lands & Public Spaces) is the owner of Lot 1 in Deposited Plan 793093 which adjoins land to which North Harbour Marina Pty Limited. The crown raised objection to the proposal"

This is an error, The State of New South Wales (Crown Lands & Public Spaces) does **not** raise objection to the proposal. The paragraph is to be amended as follows:

"Owner's consent - Crown

The submissions raised concern whether owner's consent has been provided by the crown to allow for the proposed works.

Comment:

*The State of New South Wales (Crown Lands & Public Spaces) is the owner of Lot 1 in Deposited Plan 793093 which adjoins land to which North Harbour Marina Pty Limited. The crown raised **no** objection to the proposal."*

- A typographical error has been identified on page 40 and 71 of the report regarding the proposed hours of operations for the proposed Kiosk. It is confirmed that the proposed (as amended) kiosk hours of operations are:

Hours of Operation: 7:00am – 4:00pm Monday to Sunday and public holidays.

Additional submissions

The four additional objections are from parties who previously lodged submissions as part of the first and second notification of the application, as required by the Northern Beaches Community Participation Plan.

The issues raised in the additional submissions are addressed as follows:

- ***Notification of amended plans***

Comment:

Concern has been raised that the community was not notified of the amended to the plans associated with the changes to the proposed swing mooring relocation. The amendment to the proposal in relation to maintaining the location of private moorings AI044, AI027, AI050 and AI019 was in response to TfNSW comments not supporting the relocation of the above moorings. Maintaining the location of the existing moorings results in a reduced environmental impact and was therefore not required to be formally renotified in accordance with the Northern Beaches Community Participation Plan.

- ***Traffic concerns with the kiosk***

Comment:

This issue is addressed in Council's Assessment Report. Council's Traffic Engineer reviewed the proposal and raises no concerns with the kiosk, subject to conditions.

- ***Access to toilet facilities for kiosk users***

Comment:

The kiosk will utilise the existing toilet facilities to the south of the subject site within Wellings Reserve.

- ***Assessment of seagrass and marine life***

Comment:

This issue is addressed within Council's Assessment Report. The application was referred to DPIRD – Fisheries specifically for consideration in relation to impacts on seagrasses and marina life. The proposal was supported, subject to conditions of consent.

- ***Notification/scheduling of NBLPP meeting.***

Comment:

Assessment reports for all applications referred to the NBLPP are uploaded on the Council website 7 days prior to the NBLPP meeting.

Recommendation

- The assessment report be updated to include the assessment of Chapter 4 of SEPP Resilience and Hazards 2021 and correct the typographical errors identified above.