

6 August 2025



Victor G Micallef
212 Hudson Parade
CLAREVILLE NSW 2107

Dear Victor,

Development Application No: DA2025/0508 for Construction of an inclinator and associated works at 212 Hudson Parade CLAREVILLE.

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

The following is a list of the issues and concerns identified in the assessment:

Pittwater Local Environmental Plan 2014

Clause 7.8 Limited Development on Foreshore Area

The proposed inclinator extends beyond the Foreshore Building Line and the provisions of Clause 7.8 Limited Development on Foreshore Area under the PLEP 2014 apply.

Subclause (2)(a) of Clause 7.8 allows for the rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area. The proposed development is not seeking to rebuild an existing inclinator or deck. As such, subclause (2)(a) cannot be relied upon for the permissibility of the proposal under this assessment.

Subclause (2)(b) of Clause 7.8 permits boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors). The proposed inclinator and deck landing are not expressly permitted by subclause (2)(b) of Clause 7.8 and are not permissible development within the foreshore area. Therefore, the proposal in its current form, contravenes a development standard.

It is noted that the site already benefits from an existing pathway to the foreshore area. As such, Council cannot guarantee that the current Clause 4.6 would be supported based on sufficient environmental planning grounds to vary Clause 7.8.

It is also noted that applications proposing a variation to Clause 7.8 are required to be determined by the Northern Beaches Local Planning Panel who have refused similar applications involving inclinators within the foreshore area.



Pittwater Foreshore Building Line of Pittwater Local Environmental Plan 2014

The Pittwater Foreshore Building Line is to be clearly demonstrated on the plans.

Schedule of Colours and Finishes

A schedule of colours and finishes is requested to detail the proposed colours/finishes of the inclinator.

Options available to the Applicant

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Submitting further information/amendments

Council will offer **one** opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.



Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 12 May 2025 and 83 days in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Phil Lane on 1300 434 434 during business hours Monday to Friday.

Regards,

Phil Lane
Planner