



northern
beaches
council

MEMORANDUM

DATE: 14 August 2023

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Peter Robinson, Executive Manager Development Assessment

FROM: Adam Richardson, Manager Development Assessment

SUBJECT: Item No. 5.1 - DA2023/0376 Bilgola Kiosk 400 Barrenjoey Road
Bilgola Beach

TRIM REFERENCE: 2023/513836

The purpose of this memo is to provide the Panel a response to the submission received from Gillian Sloan & Doyle Mallett dated 12 August 2023 who reside at 19 Bilgola Avenue, Bilgola Beach.

Within the submission, objection is raised to recommended condition no. 10 which states:

Service of Alcohol

10. *The sale, supply and consumption of alcohol is not permitted, without the prior written approval of the Council.*

Reason: To ensure that the safety and amenity of the surrounding locality is maintained.

The concern is that whilst the condition restricts the consumption of alcohol, it maybe permitted with the written approval of Council.

The condition as recommended by Council is purposeful in so far that the liquor licencing laws for BYO premises do not require a licence from Liquor and Gaming NSW but a development approval from Council for that purpose. The condition requires the prior approval of Council before that can commence.

At present, the consumption of alcohol is not permitted by the applicable Plan of Management. However, and importantly should in the future that change, the requirements of recommended Condition 10 would under the current legislative framework necessitate the prior approval of the Council, through a development consent or modification application. Such an application, if made, would be subject of public consultation, which would allow for the suitability of such a proposal in a low-density setting to be properly evaluated.

Recommendation

That:

- a) The Panel note the submission from Gillian Sloan & Doyle Mallett dated 12 August 2023 who reside at 19 Bilgola Avenue, Bilgola Beach.

- b) The submission does not require the recommendation or conditions contained in the assessment report to be amended.