



northern
beaches
council

**DEVELOPMENT APPLICATION NO: N0302/17
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Applicants Name and Address:

**Niki Paramour
London Lakes Partnership
Level 10, 60 Carrington Street
Sydney NSW 2000**

Being the Applicant in respect of Development Application **N0302/17**

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of Development Application **N0302/17** for:

Alterations and additions to 'The Boathouse Palm Beach' including change of use of the first floor

At: 1191-1193 Barrenjoey Road, Palm Beach NSW 2107

Decision:

The Development Application has been refused for the following reasons:

1. The proposal is not in the public's interest, as it is inconsistent with the adopted Plan of Management for Governor Phillip Park, the Draft Conservation Management Plan for Governor Phillip Park, and Crown Lands 'Food and Beverage Outlets on Crown Reserves – Policy Position'.
2. The proposal facilitates an increase in the GFA and capacity of the café, attributing to a significant intensification on the demand for parking that has not been adequately considered and is not satisfied by the proposed development. The proposal is non-compliant with the numerical requirements and outcomes of clause B6.3 (Off-street Parking Facilities) of P21 DCP and places an unreasonable level of reliance upon parking within the adjacent public reserve.
3. The proposal is supported by conflicting and insufficient information, particularly with respect to:
 - a. All necessary works within the Licenced Area and the potential impacts upon the significant Norfolk Island Pines to the east of the Boathouse building,
 - b. The existing capacity of the building, in consideration of the provision of on-site amenities,
 - c. The capacity of the proposal in consideration of wastewater management,
 - d. The design and management of the facility with respect to the estuarine hazard,



northern
beaches
council

- e. The design of car parking within the Licenced Area and compliance with AS2890.1 and AS2890.6,
 - f. Acoustic impacts associated with an intensified capacity, extended trading hours and the use of the site for functions and events, and
 - g. The design of the front Licenced Area and the adopted Landscape Plan, referenced in the Licence and the adopted Plan of Management for Governor Phillip Park.
4. Until the Draft Pittwater Local Environment Plan 2014 is gazette, the Panel is not satisfied that it can issue a consent in relation to the sea plane and boat hire businesses.

Notes:

1. This determination was taken under delegated authority on behalf of the elected Council pursuant to Section 377 of the Local Government Act 1993.
2. Section 97 of the Act confers on the applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land & Environment Court exercisable within 6 months after receipt of this notice.
3. Any person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning & Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

per.

Mark Ferguson
CHIEF EXECUTIVE OFFICER