

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0684
Responsible Officer:	GAT and Associates (Planning Consultants)
Land to be developed (Address):	Lot 298 DP 721522, 1191 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 and 7005 DP 1117451, 1193 Barrenjoey Road PALM BEACH NSW 2108
Proposed Development:	Modification of Development Consent No. DA2021/0669 granted for Demolition works and construction of a new restaurant, carparking and associated uses.
Zoning:	C2 Environmental Conservation RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level	DDP
Land and Environment Court Action:	No
Owner:	NSW Government - Department of Industry - Lands Island Getaway Pty Ltd Nitola Pty Ltd NBT Pty Ltd
Applicant:	Lance Doyle
Application Lodged:	20/12/2023
Integrated Development:	Yes
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	16/01/2024 to 13/02/2024
Advertised:	Not Advertised
Submissions Received:	139
Clause 4.6 Variation:	Nil
Recommendation:	Approval

EXECUTIVE SUMMARY

This application seeks approval for a modification of the existing Development Consent No. DA2021/0669 which approved 'Demolition works and construction of a new restaurant, carparking and associated uses' at the site known as the 'Boathouse Palm Beach'. The associated uses approved with the redevelopment of the boathouse include a boat hire business and a seaplane charter business (permitted with consent under Schedule 1 Additional Permitted Uses of the Pittwater LEP 2014 and approved under DA2021/0669).

The modification proposed in the current application comprises a change to extend the operating hours. No changes to buildings internally or externally are proposed with this modification application. The modification does not propose any changes to the restaurant, secondary buildings or car parking on site.

The application was exhibited between 16/01/2024 to 13/02/2024. One-hundred and thirty-nine (139) submissions relating to opening hours were received; one-hundred and thirty-two (132) in favour and seven (7) objections to the proposed modification.

As Council's exhibition of the proposed modification attracted more than five submissions in objection, the application is reported to the Development Determination Panel for determination. Being a Section 4.55(1A) modification application, the subject application does not require determination by the Local Planning Panel in accordance with the Ministerial Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent issued on 6 September 2023 and the Conflict of Interest Management Strategy prepared by Council in relation to this application, dated 13 November 2023.

Given that the proposed modifications are acceptable in terms of Environmental Health, acoustic, visual and environmental impacts, it is recommended that Council grant approval to the modification application, subject to conditions.

PROPOSED DEVELOPMENT IN DETAIL

The following operating hours currently apply as per Condition No. 96 of approval DA2021/0699.

“96. Hours of Operation

The hours of operation outside of daylight saving are to be restricted to:

- *Monday to Saturday – 7.00am to 4.00pm*
- *Sunday and Public Holidays – 7.00am to 4.00pm*

The hours of operation during daylight saving are to be restricted to:

- *Monday to Thursday – 7.00am to 4.00pm*
- *Friday and Saturday – 7.00am to 10.00pm*
- *Sunday – 7.00am to 4.00pm*

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.”

This Section 4.55(1A) application seeks to modify Condition No. 96 of development consent No. DA2021/0669 with the following:

“96. Hours of Operation

The hours of operation of the approved use are to be restricted to:

- *Monday to Sunday (inclusive) 7.00am to 11.00pm*

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.”

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted, and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required), and referral to relevant internal and external bodies in accordance with the Act, Regulations, and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies, and Federal Government Authorities/Agencies on the proposal.

COUNCIL-RELATED DEVELOPMENT APPLICATIONS POLICY

The Council-related Development Applications Policy applies to the development. Specifically, the Policy requires referral to the Executive Manager Development Assessment for a conflict-of-interest assessment and preparation of a Management Statement. This Statement was duly prepared and the application was sent out for external planning assessment and publicly exhibited for 28 days.

SUMMARY OF ASSESSMENT ISSUES

No assessment issues raised.

SITE DESCRIPTION

<p>Property Description:</p>	<p>Lot 298 DP 721522, 1191 Barrenjoey Road PALM BEACH NSW 2108 Lot 7002 DP 11175592 and 7005 DP 1117451, 1193 Barrenjoey Road PALM BEACH NSW 2108</p>
<p>Detailed Site Description:</p>	<p>The site containing the existing Boathouse Café building is located in the northernwestern corner of Governor Phillip Park, at Nos. 1191 to 1193 Barrenjoey Road, Palm Beach and fronts Pittwater on the peninsula that links the Barrenjoey Headland and Palm Beach.</p> <p>The site of the Boathouse development extends over the following three (3) allotments and is subject to a split zoning:</p> <p>Lot 298, in DP 721522, (containing the existing Boathouse Café) is on the seaward side of Mean High Water Mark (MHWM) and is zoned C2 Environmental Conservation. Crown Land is managed by the Department of Industry – Crown Lands.</p> <p>Lot 7005, in DP1117451 extends from the MHWM easterly for approximately 25</p>

	<p>metres, generally in line with Barrenjoey Beach and the foreshore and is zoned RE1 Public Recreation. Crown Land is part managed by the Department of Industry – Crown Lands and part managed by Council.</p> <p>Lot 7002, in DP1117592 is the most eastern portion of the site and generally covers street frontage of the site, the street and the adjacent access road car park, and is zoned RE1 Public Recreation. Crown Land is managed by Northern Beaches Council.</p> <p>The existing two-storey building and deck structure on the site is currently under construction, near completion.</p> <p>A wharf extends from the Boathouse building to the west into Pittwater. The wharf is publicly accessible with pedestrian access from Governor Phillip Park and contains mooring facilities for boats and sea planes.</p> <p>Vehicle access to the site is provided by an internal road which loops within Governor Phillip Park, and is accessed from Beach Road. The site is relatively level with a mild grade from east to west.</p>
	<p>Description of Surrounding Development</p> <p>Directly to the west of the site is Pittwater, to the east of the site is the Barrenjoey Road internal loop road, providing vehicular access to Barrenjoey Head, and to Governor Phillip Park. Station Beach is located north adjacent the site. To the south of the subject site is a mix of natural areas with beaches, trees, pathways, vehicle parking as well as recreation such as the Palm Beach golf club, community facilities including North Palm Beach Surf Lifesaving Club and cafes. Residential dwellings are located further south.</p>

Aerial imagery map with cadastre:



Source: *Mecone Mosaic (2024)*

Site Location Map



Source: *Northern Beaches Mapping (2024)*

SITE HISTORY

The land has been used for boat hire, sea plane charter and café for an extended period. A search of Council's records has revealed the following relevant history:

- **NO409/98:** A development application was submitted on 9 November 1998 and approved 4 May 1999 for use of the site for a commercial boat hire of non-powered watercraft in Pittwater.
- **DA2021/0669:** The development application was submitted on 26 May 2021 and approved on 15 December 2021 by the Northern Beaches Local Planning Panel. The development approved is for *“Demolition works and construction of a new restaurant, carparking and associated uses, including a Voluntary Planning Agreement”* and comprised of the following works:
 - Demolition of the existing structures on Lot 298 (excluding the existing wharf).
 - Replacement of existing piles with taller supporting piles.
 - Construction of a two-storey building, with a raised floor level, for continued use of a café, boat hire and seaplane office. The café and boat hire business will be accommodated on the ground floor, with the seaplane booking office and café staff amenities located on the first floor.
 - Four (4) x building identification signage.
 - Construction of a new ancillary building, replacing the existing outbuildings south-east of the Boathouse building, for use as bathroom amenities (open to the public), storeroom and waste storage room.
 - Raise the upper level of the seaward decking.
 - Landscaping and associated works within the adjacent leased land within Governor Phillip Park.
 - Addition of further landscaping south of loading bay and north of parking bays, including dune stabilisation works.
 - Enlargement of parking bays to the north of the building to achieve compliance with the relevant Australian standards.
 - Install a pedestrian path running north from eastern side of Boat House to the Barrenjoey Beach.
 - The proposed hours of operation for in-house dining, takeaway meals and refreshments are 7.00am to 4.00pm, 7 days a week.
 - The proposed hours of operation for functions are 4.00pm to 10.00pm on Fridays and Saturdays during summer periods.
 - The proposed maximum number of patrons is 152.
- **MOD2022/0153:** Modification of DA2021/0669 was submitted on 5 April 2022 and approved 4 May 2022 to modify the timing of conditions relating to the provision of an Environmental Management Plan and Dangerous Good Storage.
- **MOD2023/0171:** A further modification to DA2021/0669 was submitted 14 April 2023 and approved on 2 August 2023. The modification made the following changes to the approved buildings:
 - Installation of solar panels to western and northern roofs;
 - Removal of ramp to southern deck;
 - Timber decking to be P4 grade;
 - FRP grating to eastern and southern deck and enlarge eastern deck width by 240mm;
 - Provide louvre windows to southern elevation;
 - Increase sill height to western wall windows to Female WCs;
 - Additional WC to first floor amenities area; and
 - Glazed hinged door to southern elevation of first floor.
- **MOD2023/0415:** This modification was submitted on 14 August 2023 and approved 19 December 2023. This modification included the following changes:
 - Additions to ventilation and satellite dishes on the roof
 - Alteration to the approved external windows, door openings and awning detail on the eastern elevation.

- Internal room reconfiguration and minor change in floor level to provide a mild slope of 1:800 for drainage.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into consideration all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- A review and consideration of all submissions made by the public in relation to the application; and
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal.

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/0669 in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The modified proposal does not alter the approved building footprint, building envelope or height. The proposed changes will have no visual impact to the development. • The proposed modifications will have no unreasonable amenity impacts to surrounding properties or the public domain. • The proposed modifications will not result in detrimental impacts on the heritage conservation area.

Section 4.55(1A) - Other Modifications	Comments
<p>(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</p>	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2021/0669 for the following reasons:</p> <ul style="list-style-type: none"> • The use, height, bulk and scale of the development is retained. • The changes to the operating hours will not have visual impacts or environmental impacts. • The extended operating hours can be appropriately managed through conditions of consent.
Section 4.55(1A) - Other Modifications	Comments
<p>(c) it has notified the application in accordance with:</p> <p>(i) the regulations, if the regulations so require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.</p>
<p>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>The 132 submissions in support and seven (7) objections received in relation to this application are addressed below.</p>

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
<p>Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument</p>	<p>See the discussion on “Environmental Planning Instruments” in this report.</p>

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	Not applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via an existing condition of consent.
Regulation 2021 (EP&A Regulation 2021)	<p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via approved conditions of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via an existing condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via an existing condition of consent.</p>

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the approved land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or	One-hundred and thirty-two (132) submissions in support and seven (7) objections have been received in relation to this application.

Section 4.15 'Matters for Consideration'	Comments
EPA Regs	
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this modification.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject modification application has been publicly exhibited for 28 Days from 16/01/2024 to 13/02/2024 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process Council is in receipt of one-hundred and thirty-nine (139) unique submission/s from

Name:	Address:
Steven Jacobs	11 Ebor Road PALM BEACH NSW 2108
Ms Caren Anna Young	906 Barrenjoey Road PALM BEACH NSW 2108
Mrs Sally Elizabeth Bowie Wilson	2/17 Gladswood Gardens DOUBLE BAY NSW 2028
Ms Anna Maria Monticelli	11 Ebor Road PALM BEACH NSW 2108
Stephen Jones	3 Waratah Road PALM BEACH NSW 2108
Mr Richard Kovacs	2 Waratah Road PALM BEACH NSW 2108
Mr Nicholas Burton-Taylor	Hillgrove Young Road BOOROWA NSW 2586
Hannah Jones	3 / 12 Ashburner Street MANLY NSW 2095
Mrs Abbey Trim	4 / 12 Ashburner Street MANLY NSW 2095
Angus James	7 A Karloo Parade NEWPORT NSW 2106
Mr Steven James Howe	PO Box 837 AVALON BEACH NSW 2107
Ms Sarah Helen James	PO Box 1023 NEWPORT BEACH NSW 2106
Ms Cornelia Maria Sullivan	62 Bynya Road PALM BEACH NSW 2108
Ms Elizabeth Ann Jones	4 / 1172 Pittwater Road NARRABEEN NSW 2101
Briana Kennison	25 Dolphin Crescent AVALON BEACH NSW 2107
Mr Ian Spencer	8 Albert Road AVALON BEACH NSW 2107
Mr Peter Maxwell Jones	4 / 1172 Pittwater Road NARRABEEN NSW 2101
Mrs Rosetta Pia Spencer	5 / 5 Avalon Parade AVALON BEACH NSW 2107
Mrs Susan Lee Donaldson	14 / 8 - 10 Clarke Street NARRABEEN NSW 2101
William Manning	50 York Terrace BILGOLA PLATEAU NSW 2107
Deb Jones	Address Unknown
Amelia Eilbeck	35 Careel Head Road AVALON BEACH NSW 2107
David George Eilbeck	35 Careel Head Road AVALON BEACH NSW 2107
Luke Howarth	Address Unknown

Name:	Address:
Gillian Grant	7 / 65 Old Barrenjoey Road AVALON BEACH NSW 2107
Ms Linda Jane Rochester	4 A Delecta Avenue CLAREVILLE NSW 2107
Sandy Tran	1933 A Pittwater Road BAYVIEW NSW 2104
Mr Peter Robert Binks	1 Delecta Avenue CLAREVILLE NSW 2107
Tessa Blaiklock	3 / 5 A Wollombi Road BILGOLA PLATEAU NSW 2107
Mrs Amanda Alice Eilbeck	13 Bruce Street MONA VALE NSW 2103
Mr Zachary Rocky Rochester	176 Central Road AVALON BEACH NSW 2107
Mrs Fiona Caroline Russell	9 Coolawin Road AVALON BEACH NSW 2107
Natalia Zumbo Rochester	176 Central Road AVALON BEACH NSW 2107
Rita Kluge	28 Bellevue Avenue AVALON BEACH NSW 2107
Mr John Hampton	Address Unknown
Mrs Sarah Lynne Hampton	1 George Street AVALON BEACH NSW 2107
Mr Christopher Michael Barter	22 Rayner Road WHALE BEACH NSW 2107
Mrs Hayley Jennifer Baillie	PO Box 596 AVALON BEACH NSW 2107
Mr Richard John Roxburgh	53 Bungan Head Road NEWPORT NSW 2106
Stella Blaiklock	Address Unknown
Mrs Melanie Jane Ritchie	46 Simpson Street BONDI BEACH NSW 2026
Mr Gary John Lacroix	56 William Street AVALON BEACH NSW 2107
Ms Brianna Lee Seale	43 Queens Avenue AVALON BEACH NSW 2107
Ms Victoria Van Brugge	1114 - 1118 Pittwater Road COLLAROY NSW 2097
Simon Hayward	224 Forest Way BELROSE NSW 2085
Ms Julia Helen Burton Taylor	40 Florida Road PALM BEACH NSW 2108
Adam Blaiklock	8 Goodwin Road NEWPORT NSW 2106
Ms Katrina Maw	47 The Avenue NEWPORT NSW 2106
Ashley Askaro	117 Riverview Road EARLWOOD NSW 2206
Ms Emma Louise Ferris	163 Avalon Parade AVALON BEACH NSW 2107
Mr Ross Kirkwood Williams	5 / 48 Golf Avenue MONA VALE NSW 2103
Mr Andrew Harkness Clarke	5 Allen Avenue BILGOLA BEACH NSW 2107
Thomas Warren	29 Elaine Avenue AVALON BEACH NSW 2107
Ilter Dumduz	13 Cannes Drive AVALON BEACH NSW 2107
Mr Josh May	109 Avalon Parade AVALON BEACH NSW 2107
Nathan Teixeira	Address Unknown
Mrs Emma May Love	28 Burrawong Road AVALON BEACH NSW 2107
Mr Aidan James Sarsfield	19 Milga Road AVALON BEACH NSW 2107
Pip Wrench	Address Unknown
Ms Heidi Belinda Middleton	136 Pacific Road PALM BEACH NSW 2108
Mrs Jane Kestell Mander-Jones	97 Pacific Road PALM BEACH NSW 2108
Mr John Michael Raymond	211 Hudson Parade CLAREVILLE NSW 2107
Tim Mander-Jones	97 Pacific Road PALM BEACH NSW 2108
Michael Ritchie	51 Robertson Road SCOTLAND ISLAND NSW 2105
Ms Janet Helen Alexander	PO Box 826 AVALON BEACH NSW 2107

Name:	Address:
Simon John Goodings	66 Pacific Road PALM BEACH NSW 2108
Ms Jane Massett Strang	PO Box 552 AVALON BEACH NSW 2107
Mrs Elisabeth Frayne	3 Crescent Road MONA VALE NSW 2103
Ms Catherine Patricia Warr Goodings	66 Pacific Road PALM BEACH NSW 2108
Mr George Warrington Holman	1 Larool Road TERREY HILLS NSW 2084
Mrs Bronwyn Gai Watts	15 Elaine Avenue AVALON BEACH NSW 2107
Mr Jeremy Dylan Carr	89 Myola Road NEWPORT NSW 2106
Mrs Christine Ann McGoldrick	C/- Grech and Associates Architects Suite 7 121-123 Military Road NEUTRAL BAY NSW 2089
Sally Oxenham	2 Livistona Lane PALM BEACH NSW 2108
Mr David Ronald Watson	12 Bareena Road AVALON BEACH NSW 2107
Ms Katherine Lee Dennis	12 / 61 Old Barrenjoey Road AVALON BEACH NSW 2107
Mr Michael Alexander Kennison	25 Dolphin Crescent AVALON BEACH NSW 2107
Jayne Solomon	4 Alexander Road AVALON BEACH NSW 2107
Ms Edwina Jane Jones	6 Beauty Drive WHALE BEACH NSW 2107
Ms Jill Adrienne Gosselin	2 / 91 Avalon Parade AVALON BEACH NSW 2107
Ms Michelle Marguerite Pfafflin	49 Marine Parade AVALON BEACH NSW 2107
Claire Belford	Address Unknown
Mrs Kara Sargent	2 Hakea Drive WARRIEWOOD NSW 2102
Michael H McMichael	986 Barrenjoey Road PALM BEACH NSW 2108
Mr Nicholas Maxwell Anderson Brook	62 Marine Parade AVALON BEACH NSW 2107
Kim Louise Binks	1 Delecta Avenue CLAREVILLE NSW 2107
Mrs Emma Kate Vickery Wilson	PO Box 784 AVALON BEACH NSW 2107
Ms Erica Llewellyn Pearce	13 A Burrawong Road AVALON BEACH NSW 2107
Ms Brooke Annabel Taylor	56 William Street AVALON BEACH NSW 2107
Mrs Rebekah Chandler	18 Park Avenue AVALON BEACH NSW 2107
Ms Genevieve Christina Smart	19 Milga Road AVALON BEACH NSW 2107
Maria Martinsson Crimp	Address Unknown
Mr Remo Adoncello	52 Hilltop Road AVALON BEACH NSW 2107
Mrs Diane Elizabeth Van Ooi	358 Barrenjoey Road AVALON BEACH NSW 2107
Mrs Diana Elizabeth Edwards	64 Sunrise Road PALM BEACH NSW 2108
Marino Festa	22 Palmgrove Road AVALON BEACH NSW 2107
Andrew Goldsmith	2 Albert Road AVALON BEACH NSW 2107
Amikka May	109 Avalon Parade AVALON BEACH NSW 2107
Richard Rains	219 Whale Beach Road WHALE BEACH NSW 2107
Ms Sarah Kathleen Dickie	3 / 31 Cavill Street FRESHWATER NSW 2096
Rebecca Kate Simpson	15 Inglebar Avenue ALLAMBIE HEIGHTS NSW 2100
Penelope Ann Rains	PO Box 181 AVALON BEACH NSW 2107
Daniel John Morley	49 Careel Head Road AVALON BEACH NSW 2107
Mrs Natascha Jocelyn Scutts	18 Heath Street MONA VALE NSW 2103

Name:	Address:
Jason Grier	Address Unknown
Ms Kerry Louise Nichols	62 William Street AVALON BEACH NSW 2107
Mr Geoffrey Richard Hodgkinson	45 A Sunrise Road PALM BEACH NSW 2108
Mrs Christina Catherine Hodgkinson	PO Box 781 AVALON BEACH NSW 2107
Mr Robert Maurice Allo	81 Myola Road NEWPORT NSW 2106
Mr Robert Julian Constable	16 Waratah Road PALM BEACH NSW 2108
Mrs Holly Eyran Anderson	60 Palmgrove Road AVALON BEACH NSW 2107
Mrs Amethyst Rose Robinson	1065 Barrenjoey Road PALM BEACH NSW 2108
Sarah Mellish	Address Unknown
Mr Lionel James Hunt	3/2 Ocean Road PALM BEACH NSW 2108
Frank Guy Stokes Mellish	109 Pacific Road PALM BEACH NSW 2108
Mrs Tania Caroline Kerr	19 Rayner Road WHALE BEACH NSW 2107
Ms Lucinda Maree Aboud	29 Cranbrook Road ROSE BAY NSW 2029
Meg Hayne Mr Matthew Hayne	9 Iluka Road PALM BEACH NSW 2108
Mrs Megan Tranter	1 Blue Hills Drive RANGEVILLE NSW 4350
Mr Jeremy Rudolph Bohrsmann Letts	44 Herbert Avenue NEWPORT NSW 2106
John Emery Kennedy	1127 Barrenjoey Road PALM BEACH NSW 2108
Theodore Steven Chambers	44 Bynya Road PALM BEACH NSW 2108
Ms Nina Leone Hearne	49 Palmgrove Road AVALON BEACH NSW 2107
Ms Kathryne Jane Crone	12 Northview Road PALM BEACH NSW 2108
Mr Paul Wright Dickson Mrs Lucy Ann Dickson	7 / 1741 - 1745 Pittwater Road MONA VALE NSW 2103
Mrs Maryanne Cuschieri	27/11 Amherst Street CAMMERAY NSW 2062
Mr Malcolm John Thompson	896 Barrenjoey Road PALM BEACH NSW 2108
Mrs Kathryn Margaret Walsh	5 Coral Close AVALON BEACH NSW 2107
Ms Sally Ann Constable	255 Whale Beach Road WHALE BEACH NSW 2107
Alistair Champion	40 Iluka Road PALM BEACH NSW 2108
Mr Jeromine Alpe	13 Prince Albert Street MOSMAN NSW 2088
Scott Wenkart	22 Iluka Road PALM BEACH 2108
Lara Malouf	Address Unknown
Victor	Address Unknown
Ellie Malouf	Address Unknown
Belinda Massy Greene	96 Iluka Road PALM BEACH 2108
Steve Burcher	20 Iluka Road PALM BEACH 2108

Of the submissions above, one-hundred and thirty-two (132) submissions are in support of the proposal, and seven (7) submissions objecting to the proposal raised the following issues:

- *Concern of noise impact negatively affecting enjoyment of the park*
- *Noise Impacts until 11 pm may have negative environmental impacts on neighbouring residents.*

- *Negative traffic impact resulting from potentially hundreds of patrons until 11 pm*
- *Parking in the park may be negatively affected from operating 7am to 11 pm*
- *The proposal appears to propose an additional car space.*
- *The extension of hours will not benefit the public as it is likely to be restricted for booked functions only.*
- *Visual impact of bulk and scale of the development as a whole*
- *Concern the extension of hours changes the use on the site to a bar.*
- *Impact from noise may be exacerbated by neighbouring restaurants and cafes open late.*

The matters raised in the submission are addressed as follows:

- **Noise Assessment** - A noise impact assessment has been submitted to address noise impacts from the extended hours of operation and includes noise management recommendations. The proposal has been referred internally to Council's Environmental Health officer who supports the proposal subject to conditions regarding the outdoor speaker direction and noise limiter to address potential noise impact.
- **Noise Uses** - Other restaurant and café venues operate at night and are notably closer to residential areas than the site such as the 'Dunes Palm Beach' (110m north of residents) and 'Casa by the Boathouse' which operates until 10 pm adjoining dwelling houses compared to the site located 500m north of residents.
- **Traffic and Parking** - The proposal does not propose any additional parking spaces with the modification.
- **Public Benefit** - The proposed modification is to extend the hours only, and the extension of hours does not propose any restriction of the restaurant for functions only.
- **Intensification** - The proposed modification does not seek to increase the maximum capacity of the premises above the approved 152 Patron Limit as per condition 97 of consent DA2021/0669.
- **Submission on Other Site** - One of the objections appears to refer to a different development application as the submission included links to a news article regarding apartment complexes in Palm Beach.
- **Loss of Existing Noise Restrictions** - The proposed modification to condition 96 will retain the portion of the condition that after the permitted hours, all service and entertainment is to cease, and patrons will be required to leave within 30 minutes.

REFERRALS

Internal Referral Body	Comments
Environmental Health - Commercial use	<p>Supported</p> <p>Environmental Health supports the proposed modifications without requiring additional conditions.</p>
Environmental Health – industrial use	<p>Supported</p> <p>Environmental health supports the proposed modification subject to the recommendations provided in the acoustic report submitted being implemented through conditions of consent.</p> <p>Operational conditions recommended:</p> <p>External Speakers</p>

Internal Referral Body	Comments
	<p><i>External speakers located in the outdoor covered deck area are to be orientated to project sounds towards the west-south-west or west-north-west (towards the Pittwater)</i> <i>Reason: To ensure acoustic compliance in an operational situation.</i></p> <p>Noise Limiter <i>The sound system is to be fitted with a noise limiter so that the maximum output is limited to an L10 noise level 95dBA at 1 metre. A suitable person proficient in acoustics is to ensure the noise limiter has been set according to this requirement.</i> <i>Reason: To ensure a suitable acoustic environment.</i></p>
Property and Commercial Development	<p>Supported</p> <p>The proposal is a modification to the approved operating hours. Property has no comment to make regarding the proposed modification.</p> <p>Property and Commercial development support the proposal without requiring additional conditions.</p>
Parks, Reserves and Foreshores	<p>Supported</p> <p>No external works are proposed, and the landscape and public domain outcomes remain unaltered.</p>
External Referral Body	Comments
DPI Fisheries Referral	<p><i>Is not required under S201 of the Fisheries Management Act 1994 No.38.</i></p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against. As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The original development application was referred to Ausgrid who raised no objections. As the modification proposes a change of hours only, a referral to Ausgrid was not necessary in this case.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The site is subject to Chapter 2 of the SEPP. Accordingly, an assessment under Chapter 2 has been carried out as follows:

Division 3 Coastal environment area

2.7 Development on land within the coastal environment area

- 1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - b) *coastal environmental values and natural coastal processes,*
 - c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - f) *Aboriginal cultural heritage, practices and places,*
 - g) *the use of the surf zone.*

Comment:

The original application was considered against the matters listed (a)-(g) and was supported by numerous expert reports relating to the construction adjacent and within the foreshore area. The original application was found to be acceptable against the SEPP. The modification relates to the extension of operating hours only therefore, the modification does not give rise to any new environmental or coastal issues.

- 2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
 - b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

The proposed amendments will not give rise to any new environmental or coastal issues.

Division 4 Coastal use area

2.8 Development on land within the coastal use area

- 1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - i) *existing, safe access to and along the foreshore, beach, headland or rock*
 - ii) *platform for members of the public, including persons with a disability,*
 - iii) *overshadowing, wind funnelling and the loss of views from public places to*
 - iv) *foreshores,*
 - v) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
Aboriginal cultural heritage, practices and places,
cultural and built environment heritage, and
 - vi) *is satisfied that: the development is designed, sited and will be managed to avoid an adverse*
 - vii) *impact referred to in paragraph (a), or*
 - viii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - b) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

The original application was considered against the matters listed (a)-(b) and was supported by numerous expert reports relating to the construction adjacent and within the foreshore area. The original application was found to be acceptable against the SEPP. The proposed modification includes a noise impact assessment including recommendations for management of noise on the site. Therefore, the proposed modifications do not give rise to any new environmental or coastal issues.

Division 5 General

2.9 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

The proposed modification does not give rise to any new coastal hazards.

The modified proposal complies with the requirements of Chapter 2 of the 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 recreational and restaurant purposes for a significant period of time with no prior land uses.

Adjacent to the southern boundary are several ancillary buildings. A small central building was used to store petroleum products. A Stage 2 Detailed Site Investigation, prepared by EBG Environmental Geoscience accompanied the original development application and was prepared in support of the proposal. The report concluded that the site is suitable for the proposed development, subject to the recommendations of the report which is referenced within the original consent. In granting the original consent, Council was satisfied that the land is suitable for the purpose for which the development is proposed to be carried out and the recommended conditions continue to apply to the development.

This modification does not propose an alteration to the recommendations approved in the contamination report therefore, the modification does not give rise to new contamination issues.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone RE1: Yes Zone C2: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone RE1: Yes Zone C2: Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings	4m + HAT* = RL 5.17m	RL 10.296m AHD (Or 5.126m above requirement)	No change to building height	No, however unchanged from approved development

* Highest Astronomical Tide (HAT) + 1.17m ADH

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes

4.3 Height of buildings	N/A
5.10 Heritage conservation	Yes
5.21 Flood planning	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.6 Biodiversity protection	Yes
7.10 Essential services	Yes
19 Use of certain land at 1191 Barrenjoey Road, Palm Beach	Yes
Schedule 5 Environmental heritage	Yes

Zoning and Permissibility

The site is zoned part RE1 Public Recreation and part C2 Environmental Conservation under PLEP 2014.

The approved Boathouse building is below MHWL and within the C2 zone. The proposed uses, for a café, boat hire business and sea plane charter business are permissible with consent as per clause 2.5 (Additional permitted uses for particular land) and clause 19 of Schedule 1 of PLEP.

19 Use of certain land at 1191 Barrenjoey Road, Palm Beach

(1) This clause applies to 1191 and 1193 Barrenjoey Road, Palm Beach, being Lot 298, DP 721572 and Lot 7005, DP 1117451 and identified as "Area 19" on the Additional Permitted Uses Map.

(2) Development for the purposes of business premises (but only those associated with use of the waterway), charter and tourism boating facilities, kiosks or restaurants or cafes is permitted with development consent.

The RE1 Public Recreation zone allows for the following uses:

Centre-based child care facilities; Community facilities; Environmental facilities; Information and education facilities; Kiosks; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Signage; Take away food and drink premises; Water recreation structures

Restaurants and cafes are permissible with consent in the RE1 zone.

Clause 5.10 Heritage Conservation

The site is within the C1 - Barrenjoey Heritage Conservation Area (local significance) which is listed within Schedule 5 of the Pittwater Local Environmental Plan 2014. The Boathouse is not a heritage item.

As the modification proposes an extension of hours only, referral to Council's Heritage officer was not necessary for this modification.

Pittwater 21 Development Control Plan

Compliance Assessment:

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.12 Palm Beach Locality	Yes	Yes
A4.15 Waterways Locality	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.24 Take-away Food Premises	Yes	Yes
C5.19 Food Premises Design Standards	Yes	Yes

CROWN LAND MANAGEMENT ACT 2016 AND LOCAL GOVERNMENT ACT 1993

The land is owned by the Crown and is part managed by Council and part managed by the Department of Industries - Crown Lands.

Under section 3.21 of the *Crown Land Management Act 2016*, Council, as Crown Land Manager, is authorised to classify and manage the land as if it were public land within the meaning of the *Local Government Act 1993*.

Section 35 of the *Local Government Act 1993* identifies that Community land is required to be used and managed in accordance with:

- The plan of management applying to the land;
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- Division 2 of the *Local Government Act 1993*.

The *Governor Phillip Park Plan of Management* ('the POM') and the *Governor Phillip Park Conservation Management Plan* ('CMP') apply to the RE1 zoned land.

While the Boathouse building is on land zoned C2 Environmental Conservation and not within the Governor Phillip Park boundary, the Boathouse activities and operations extend into the RE1 Public Recreation zone. Access to the Boatshed building is over public Reserve land. The POM includes the key objective to "*conserve and enhance the Park's natural, historical and cultural environment whilst providing a diverse range of quality informal passive recreational opportunities in a unique and relatively undeveloped setting.*"

The POM requires future uses within Governor Phillip Park to satisfy Section 2.8.1 'Permissible uses', which include to: *encourage public use and enjoyment of appropriate Crown land; encourage public use and enjoyment of appropriate Crown land; optimise public access and use of coastal Crown lands; and encourage the rehabilitation of degraded coastal Crown lands.*

Given the status of the approval and that this application seeks to amend the operating hours only, the development as to be modified is considered to be consistent with the POM and CMP.

Assessment of Application on Crown Land

- Is the land a Crown Reserve?
Response: The land is part of a Crown Reserve
- Is Council the Crown land manager?

Response: Northern Beaches Council is currently the Crown Land Manager under the *Crown Lands Management Act 2016*.

- Can it be taken that the Minister has given consent on behalf of the Crown for its Crown land manager to sign as landowner? (what section of the Act applies?)

Response: Owners consent from Crown Lands has been granted in accordance with Section 2.23 of the Crown Lands Management Act 2016.

- Is the land classified as community land?

Response: The land is classified as community land under the Local Government Act 1993.

- Is there a Plan of Management and if so, are the proposed works consistent with that Plan?

Response: There is a Plan of Management and the development as to be modified is consistent with that POM.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal remains consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the original Development Application. The proposed modification does not alter the cost of works therefore, no change to development contributions is required.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the Environmental Noise Impact Assessment, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP

- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

The proposed modifications are to the operating hours only with the 7am open remaining the same and the modification extending the closing time of operation to 11pm on a year round Monday to Sunday basis.

The application remains substantially the same as originally approved under DA2021/0669.

The proposed modification to operating hours is supported, and the application recommended for approval.

The proposed development satisfies the appropriate controls and all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2023/0415 for Modification of Development Consent DA2021/0669 granted for Demolition works and construction of a new restaurant, carparking and associated uses on land at Lot 7005 DP 1117451, 1193 Barrenjoey Road, Lot 7002 DP 1117592, 1193 Barrenjoey Road and Lot 298 DP 721522, 1191 Barrenjoey Road, PALM BEACH, subject to the conditions below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-397616 Mod2024/0684	The date of this notice of determination	Modification to extend the operating hours. Insert additional condition 1C (Approved plans and documentation). Amend condition 92 Amplified Music & condition 96 Hours of Operation Insert operational conditions 101 and 102 for external speakers and noise limiter.
PAN-318758 MOD 2023/0415	19/12/2023	Minor design modifications including adjustments to fenestration, additional doors, upgrade of external wood decking, internal configuration and the addition of solar panels.

Application Number	Determination Date	Modification description
PAN-206791 MOD 2022/0153	04/05/2023	The amendment to two conditions (28 and 38) relating to the timing of the submission of an Environmental Management Plan and the timing of the implementation of the recommendation of the dangerous goods assessment into the Management Plan for the site.
PAN-318758 MOD 2023/0171	02/08/2023	Minor design modifications including adjustments to fenestration, additional doors, upgrade of external wood decking, internal configuration and the addition of solar panels.

Modified Conditions

A. Add Condition 1C – Modification of Consent – Approved plans and supporting Documentation, to read as follows:

1C - Approved Plans and supporting Documentation.

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Environmental Noise Impact Assessment	04.10.2023	Day Design Pty Ltd
Plan of Management	09.08.2023	ArtisanOz Consulting

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans

B. Modify Condition 92 – Amplified Music, to read as follows:

92 – Amplified music.

Music and any amplified equipment including microphones are to be restricted to the conditions as set out in the "Environmental Noise Impact Assessment Section 4.55 Modification Application Station Beach Boat House Palm Beach – 1191 Barrenjoey Road, Palm Beach NSW" report number 6953-5.1, R Rev B, dated 4 October 2023 including restriction of music to between 7am and 11pm, Monday to Sunday. No music is to be audible within any habitable rooms in any residential premises in the area.

C. Modify Condition 96 – Hours of Operation, to read as follows:

96 – Hours of Operation.

The hours of operation of the approved use are to be restricted to:

- Monday to Sunday (inclusive) 7.00am to 11.00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.”

D. Additional 101 – External Speakers, to read as follows:

101 – External Speakers.

External speakers located in the outdoor covered deck area are to be orientated to project sounds towards the west-south-west or west-north-west (towards the Pittwater)

Reason: To ensure acoustic compliance in an operational situation.

E. Additional 102 – Noise Limiter, to read as follows:

102 – Noise Limiter.

The sound system is to be fitted with a noise limiter so that the maximum output is limited to an L10 noise level 95dBA at 1 metre. A suitable person proficient in acoustics is to ensure the noise limiter has been set according to this requirement.

Reason: To ensure a suitable acoustic environment.

FINAL DECLARATIONS



Consultant Name: Michael Stephen, GAT & associates.

In submitting this report to Council, I declare that I do not have a conflict of interest in making this recommendation.