



northern  
beaches  
council

## MEMORANDUM

**DATE:** 5 December 2023  
**TO:** Northern Beaches Local Planning Panel (NBLPP)  
**CC:** Peter Robinson, Executive Manager Development Assessment  
**FROM:** Adam Richardson, Manager Development Assessment  
**SUBJECT:** 4.1 - DA2023/0367 – 52 Old Barrenjoey Road, Avalon Beach  
**TRIM REFERENCE:** 2023/802513

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The purpose of this memo is to advise of a typographical errors in the Planning Conclusion of the assessment report - item 4.1 of the Northern Beaches Local Planning Panel agenda of 6 December 2023. The conclusion in the last paragraph states:

*The proposal has therefore been recommended for approval.*

This is an error and should read:

*The proposal has therefore been recommended for refusal.*

The Planning Conclusion in the agenda currently reads:

### **PLANNING CONCLUSION**

*This proposal, for shop-top housing incorporating one ground floor commercial tenancy, a residential dwelling above and parking for 4 vehicles has been referred to the Northern Beaches Local Planning Panel (NBLPP) / Development Determination Panel (DDP) due to the number of submissions (by way of objection) exceeding ten or more.*

*All the submissions received to the application were in objection. The application (as amended) is insufficient in its design to properly address the concerns raised in the objections. The issues raised in the objections in relation to:*

- *non-compliances with development standards and controls of Council;*
- *visual impact on the Avalon village centre;*
- *solar access; and*
- *views.*

*are considered valid and form part of the recommended reasons to refuse the application. Overall, the proposed design does adequately respond to Council policies and the intended future direction of development in the Avalon village centre, particularly in relation to its overall height. The Height of Buildings development standard clearly envisages development of a two-storey height and scale and the proposed design does not achieve this.*

*The written request to vary Height of Buildings development standard is not supported. In essence, it argues that the standard is no longer relevant. It is the opinion of this assessment that this standard is entirely relevant and forms an important aspect of Council's future strategic planning for the Avalon Village. This is emphasised by the significant number of objections received from the public in respect to the visual impact of the proposal.*

***The proposal has therefore been recommended for approval. It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.***

The Planning Conclusion with the typographical errors removed should read as follows:

### **PLANNING CONCLUSION**

*This proposal, for shop-top housing incorporating one ground floor commercial tenancy, a residential dwelling above and parking for 4 vehicles has been referred to the Northern Beaches Local Planning Panel (NBLPP) due to the number of submissions (by way of objection) exceeding ten or more.*

*All the submissions received to the application were in objection. The application (as amended) is insufficient in its design to properly address the concerns raised in the objections. The issues raised in the objections in relation to:*

- *non-compliances with development standards and controls of Council;*
- *visual impact on the Avalon village centre;*
- *solar access; and*
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*are considered valid and form part of the recommended reasons to refuse the application. Overall, the proposed design does adequately respond to Council policies and the intended future direction of development in the Avalon village centre, particularly in relation to its overall height. The Height of Buildings development standard clearly envisages development of a two-storey height and scale and the proposed design does not achieve this.*

*The written request to vary Height of Buildings development standard is not supported. In essence, it argues that the standard is no longer relevant. It is the opinion of this assessment that this standard is entirely relevant and forms an important aspect of Council's future strategic planning for the Avalon Village. This is emphasised by the significant number of objections received from the public in respect to the visual impact of the proposal.*

***The proposal has therefore been recommended for refusal. It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.***

### **Conclusion**

The Panel note the error and accept the above amended Planning Condition.

No changes are required to the recommendation of the report.

### **Recommendation**

The Panel accepts the amended Planning Conclusion which recommends refusal.