



northern  
beaches  
council

## MEMORANDUM

**DATE:** 28 February 2023

**TO:** Northern Beaches Local Planning Panel (NBLPP)

**CC:** Peter Robinson, Executive Manager Development Assessment

**FROM:** Megan Surtees

**SUBJECT:** Item 4.1 DA2022/1048 15 Sturdee Lane, Elvina Bay

**TRIM REFERENCE:** 2023/132876

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The purpose of this memo is to advise the Panel that the Applicant for this application has provided additional information, via the NSW Planning Portal, on Sunday 26 February 2023. The purpose of this additional information is to attempt to address the reasons for refusal that are published in the planning report for DA2022/1048.

DA2022/1048 is primarily recommended for refusal due to missing and conflicting information.

It is noted that during the assessment of DA2022/1048, the Applicant was requested to provide the information that has been recently provided during a Request for Further Information letter issued on 23 September 2022. At the time there was an inadequate response to this request, additional letters were sent to the Applicant on 13 October 2022, 4 November 2022 and 24 November 2022 all of which requested the outstanding information required for the assessment of this application. Despite clear requests, the Applicant did not provide the requested Estuarine Risk Management Report, or amended plans that raised the level of the inclinor above the Estuarine Planning Level (EPL) to avoid this report, as was detailed in Council's Coast and Catchments initial comments and the letters.

The information uploaded to the NSW Planning Portal on the afternoon of Sunday 26 February 2023 includes amended plans (which lift the inclinor platform above the EPL of 2.67AHD; altered the extent of excavation, re-positions the retaining walls and includes a concrete slab at 2.53AHD, with the new passenger car level at 2.78AHD), as well as an additional document titled 'Statement of Modification' which details the amendments made to the plans, and the continued provision of the Coastal Engineers Report (reference: 59917123/L003, dated 15 September 2022).

The amended information provided on 26 February 2023 has not been assessed by Council. It is considered that the applicant has had more than sufficient time, opportunity and reminders to provide the requested information.

That the information submitted is both detailed and materially different in scope to that assessed and publicly notified by Council, and if accepted, would necessitate a re-assessment of the DA as well as re-notification. As such it would be more appropriate that such amendments be submitted under a Review of Determination.

As such, it is recommended to the Panel that the information not be accepted by the Panel and that the application be determined in accordance with the officer's recommendation in the assessment report.

### **Recommendation**

- (a) The Panel note the above information
- (b) That the application be determine in accordance with the assessment report recommendations contained in the agenda.