

Memo

Development Assessment

To: Northern Beaches Local Planning Panel (NBLPP)

Cc: Peter Robinson
Executive Manager, Development Assessment

From: Annabelle Ambrogio – Consultant Planner (CPS)

Date: 20 May 2026

Subject: Item No. 4.1 – REV2025/0013 – Sandy Bay Road CLONTARF
NSW 2093 – Section 8.2(1A) Review of Determination of
Mod2025/0499 for Modification of Development Consent
DA2020/0778 granted for change of use from kiosk to café.

Record Number: 2026/286744

The purpose of this memo is to provide the Panel with a response in relation to a late submission received from an objector following the publication of the assessment report.

The late submission has been received from Julie and Kerry Hodder, which raises the following matters:

- Traffic and safety
- Intensification of use and ancillary nature
- Existing operations and management of the deck
- Level of assessment of concerns raised by nearby residents

The submitter has also requested that previous submissions from prior applications be formally considered as part of this assessment; however, each application must be assessed on its own merits under the current legislative framework, and the community was provided a distinct opportunity to object during the formal notification period for this specific application. This has also been addressed within the assessment report.

Following a review of the submission, it is confirmed that the objection does not raise any new issues that have not already been comprehensively addressed and responded to within the assessment report. With the exception of a few distinct physical traffic mitigation measures detailed below, all matters raised have been fully evaluated against technical reports, Council expert advice, and statutory frameworks. The previous recommendation for approval remains unchanged.

Responses to the concerns raised have been provided below:

Issue 1 – Traffic and safety

Concerns have been raised regarding traffic and safety as a result of the intensified use. While traffic impacts, servicing, and waste collection were deemed satisfactory by

Council's Traffic Engineer, the late submission specifically reiterates safety concerns near the road reserve. The assessment report addresses these concerns via the following targeted, physical, and operational compliance measures:

- Physical deterrents being the installation of designated landscaping, infrastructure, or barriers within the road reserve area (under Proposed **Conditions 8A and 8B**) to establish clear legal barriers that prevent illegal vehicle parking on footpaths and maintain clear sightlines.
- Pedestrian infrastructure with the integration of new pedestrian crossings and public safety lighting (**Condition 18**) to ensure safe, visible foot traffic movement around the site.
- Servicing constraints achieved by mandatory restrictions on delivery and waste timings (**Condition 14**). All servicing must be undertaken by light commercial vehicles during off-peak periods using designated on-street parking on Sandy Bay Road to prevent local network congestion.

Issue 2 – Intensification of use and ancillary nature

The scale of the café and its relationship to the primary marina use was a core focus of the assessment report. Extensive Case Law (including *Foodbarn*, *Chamwell*, and *Bowers*) was utilized to evaluate the development. The assessment confirmed that the café remains legally and operationally subordinate to the marina, maintains no independent access, and cannot operate as a standalone commercial entity. Technical reviews by Council officers deem the impacts appropriate, subject to robust operating conditions. **Condition 1A, 13, 14, 15, 16, 17, 19, 20**).

Issue 3 – Existing operations and management of the deck

Concerns regarding encroaching deck space and patron numbers are fully mitigated by the recommended conditions of consent (**Condition 1A, and 19**) and a revised Plan of Management (POM). The POM legally restricts the café to a maximum of 60 patrons and mandates physical parameters (such as planters and rope barriers) to strictly contain operations. Any variation beyond these limits constitutes a breach of consent conditions and will be subject to standard compliance enforcement.

Issue 4 – Level of assessment of concerns raised by nearby residents

The assessment report provides detailed, objective responses to every issue raised by objectors. Weight was distributed equitably between supporting and opposing submissions. Furthermore, the current application reflects reduced project scopes specifically amended by the applicant to minimize acoustic and amenity impacts on nearby residents.

Conclusion

The late submission does not raise any new issues that have not already been addressed within the assessment report. The recommendation of the assessment report prepared for REV2025/0013 is not altered.

Recommendation

That the Panel consider the late submission. No changes are required to the recommendation or conditions contained in the assessment report.