



northern  
beaches  
council

# MINUTES

## NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

**WEDNESDAY 17 APRIL 2024**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 17 April 2024**

The public meeting commenced at 12.00pm and concluded at 12.32pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 4.25pm.

### **ATTENDANCE:**

#### **Panel Members**

David Crofts	Chair
Lisa Bella Esposito	Town Planner
Heather Warton	Town Planner
Frank Bush	Community Representative

The Panel have visited all sites personally, or electronically, and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

## **1.0 APOLOGIES AND DECLARATIONS OF INTEREST**

No apologies

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members have signed a declaration of interest in relation to each item on the agenda. No conflicts of interest were disclosed.

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD ON 3 APRIL 2024**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held on 3 April 2024, were adopted by the Chairperson and have been posted on the Council's website.

## **3.0 CATEGORY 3 APPLICATIONS**

Nil

## 4.0 PUBLIC MEETING ITEMS

### 4.1 DA2023/1433 - 45 WYNDORA AVENUE, FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL.

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a dwelling house.

At the public meeting which followed the Panel was addressed by 1 representative of the applicant.

#### DEFERRAL FOR FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. DA2023/1433 for demolition works and construction of a dwelling house on land at Lot 19 DP 5396, 45 Wyndora Avenue, Freshwater, to give the applicant the opportunity to submit to Council by 9 May 2024 the following:

- a) Amended Plans showing the height (RL) of the lift overrun and the dimensions of the external lift overrun cover.
- b) Additional information in relation to geotechnical considerations and structural engineering considerations that address:
  - i. The uncertainty regarding subsurface conditions at a depth beyond 2m.
  - ii. Concept engineering options and details of the preferred solution for shoring the proposed excavation.
  - iii. Details of the maximum extent of underground shoring relative to the property boundaries.
  - iv. Assurance that location of any shoring within the 900mm side setback required by the DCP will not increase the risk of dilapidation to immediately adjoining properties and a justification of the need for an infringement of the 900mm side setback.
  - v. A Noise, vibration and excavation management plan informed by i-iv above, particularly noting the age of the dwelling to the east (43 Wyndora Avenue Freshwater) and the likely nature of the foundations of that dwelling.
  - vi. Documentation relating to i-iv above shall be prepared by a suitably qualified structural engineer and a suitably qualified geotechnical consultant.
  - vii. All documentation is to be referenced to the relevant plan and version number of the proposed development (some documentation, eg. geotechnical, does not contain references to specific plans of the proposed development).
  - viii. Amended DA Plans may be required as an outcome of the above.
- c) The Panel notes that it must consider the above pursuant to clause 6.2 of the Warringah LEP 2011.

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

**REASONS FOR DEFERRAL:** The Panel's preliminary view is that insufficient engineering and geotechnical information has been provided for the Panel to be able to determine the application. In particular, the Panel notes that it must consider these matters pursuant to clause 6.2 of the LEP

2011.

Vote: 4/0

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2023/0951 - 46 PRINCE ALFRED PARADE NEWPORT - ALTERATIONS AND ADDITIONS TO THE ROYAL MOTOR CLUB BROKEN BAY

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the Royal Motor Club Broken Bay.

The Panel received two late submissions dated 15 and 16 April 2024.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environment Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings and 7.8 Limited Development on Foreshore Area development standard has adequately addressed and demonstrated that:
  - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

#### DEFERRAL FOR FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. DA2023/0951 for alterations and additions to the Royal Motor Club Broken Bay on land at Lot 5 DP 4689, 46 Prince Alfred Parade, Newport, Lot 6 DP 110670, 46 Prince Alfred Parade, Newport, Lot 262 DP 752046, 46 Prince Alfred Parade, Newport, Lot 329 DP 824292, 46 Prince Alfred Parade, Newport, to give the applicant the opportunity to submit to Council by 16 May 2024 the following:

- a) A breakdown of the expected patron numbers and staff of each of the areas of the club of the proposed development over time (i.e. at specific times of the day and night).
- b) A breakdown of the expected patron numbers and staff of all areas of the site that are proposed to be retained.
- c) The maximum possible patron numbers and staff for each of the areas pursuant to the requirements of the BCA.
- d) A plan of the areas intended to be embraced by the liquor licence (including an annotation showing their floorspace in square metres).
- e) A description of how the increased floor space is going to be utilised and its contribution to patron numbers and staff.
- f) An updated parking survey over a wider span of hours (over the operational hours).
- g) An updated parking demand assessment based on the proposed development and informed by the updated parking survey.
- h) Confirmation the development proposal does not include signage, or if it does, the provision of details of the proposed signage including whether it is illuminated, dynamic etc.
- i) An amended operational management plan which is more comprehensive and provides a

relatively holistic guide for staff with minimal need to refer to other documents, including but not limited to:

- i. The hours of operation of each area of the club
  - ii. The patron numbers of each area of the club and the management of these numbers
  - iii. Patron capacity of the entire club and management of these numbers
  - iv. Expected staff numbers
  - v. Car park management
  - vi. Security
  - vii. All operational recommendations from the acoustic report
  - viii. Ongoing waste management
  - ix. Temporary use of areas external to the club buildings for functions, events or the like
  - x. Removal of inappropriate references such as to the Industrial Noise Policy (which only refers to methodology and definitions).
- j) Clarify whether the fit out details are indicative only or final.
- k) Submit an adequate CPTED report that separately addresses the principles of:
- i. Surveillance
  - ii. Access control
  - iii. Territorial reinforcement
  - iv. Space management.
- l) An amended landscape plan showing trees to be retained and those to be removed.
- m) Amend the application to delete reference to a nominated integrated development approval. (it has been confirmed that the proposed development does not fall into this category).

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

**REASONS FOR DEFERRAL:** The Panel's preliminary view is that a number of matters relating to the proposed development need to be clarified or additional information provided to fully understand the environmental impacts of the proposed development.

Vote: 4/0

## 5.2 DA2023/1392 - 16 & 20 HOMESTEAD AVENUE COLLAROY - DEMOLITION AND CONSTRUCTION OF SENIORS HOUSING INCLUDING STRATA SUBDIVISION

### PROCEEDINGS IN BRIEF

The proposal is for demolition and construction of Seniors Housing including strata subdivision.

The Panel received a late submission dated 11 April 2024 and a supplementary memo from Council dated 16 April 2024.

### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of Section 84(2)(c)(i); Section 84(2)(c)(iii) and Section 108(2)(c) of SEPP (Housing) 2021 development standard has adequately addressed and demonstrated that:
  - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1392 for demolition and construction of Seniors Housing including strata subdivision on land at Lot 1 DP 1151053, 20 Homestead Avenue, Collaroy, Lot 2 DP 1151053, 16 Homestead Avenue, Collaroy subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The amendment of condition 1 as stated in the supplementary memo.
2. The amendment of Condition 1 by including the letter from Jensen Hughes of the 15 April 2024 in relation to the BCA and Access Assessment Report.
3. The deletion of condition 103.
4. The deletion of condition 104.

### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and supplementary memo.

Vote: 4/0

**5.3 DA2023/1903 - 59A EUROBIN AVENUE MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a dwelling house.

**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1903 for alterations and additions to a dwelling house at Lot B DP 382088, 59A Eurobin Avenue Manly subject to the conditions set out in the Assessment Report.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report.

Vote: 4/0

This is the final page of the Minutes comprising 9 pages numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting held on Wednesday 17 April 2024.