



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via teleconference on

WEDNESDAY 7 APRIL 2021

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 7 April 2021

The public meeting commenced at 12.00pm and concluded at 1.37pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 4.00pm.

ATTENDANCE:

Panel Members

Paul Vergotis	Chair
Marcus Sainsbury	Environmental Expert
Graham Brown	Town Planner
Nick Lawther	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 17 MARCH 2021

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 17 March 2021, were adopted by the Chairperson and have been posted on the Council's website.

3.0 PUBLIC MEETING ITEMS

3.1 DA2020/1758 - 11 LEWIS STREET, BALGOWLAH HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF CENTREBASED CHILD CARE FACILITIES

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of centre-based child care facilities.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 6 neighbours and no representatives of the applicant.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1758 for demolition works and construction of centre based child care facilities at Lot B DP 369977, 11 Lewis Street, Balgowlah Heights subject to the reasons set out in the Assessment Report.

REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

3.2 DA2020/1172 - 54 BARDO ROAD, NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT TO ACCOMMODATE SIX UNITS INCLUDING ASSOCIATED CAR PARKING AND LANDSCAPE WORKS

PROCEEDINGS IN BRIEF

The proposal is for demolition of existing structures and the construction of 6 seniors housing units with 8 car parking spaces. The development is split in to two separate modules with a two storey structure (with basement) at the front, and a single storey (with basement) at the rear.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 4 representatives of the applicant and no residents addressed the Panel.

The Panel notes that the Development Application is subject to a Class 1 Appeal in the Land and Environment Court based on the plans currently before the Panel. The Panel further notes that no application has been made under Clause 55 of the *Environmental Planning and Assessment Regulation 2000*, as such the determination made by the Panel is based on the plans originally submitted through the Planning Portal with the Development Application.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1172 for demolition works and construction of a senior's housing development to accommodate six units including associated car parking and landscape works at Lot 42 Sec 2 DP 4689, 54 Bardo Road, Newport subject to the reasons set out in the Assessment Report.

REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

3.3 DA2020/1027 - STUART STREET, MANLY - ALTERATIONS AND ADDITIONS TO THE EXISTING CAFE AND THE ADDITION OF A COOL ROOM, FREEZER ROOM AND BIN STORAGE AREA

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing café including the addition of a take away / kiosk and a kitchen fit-out.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 4 representatives of the applicant and no residents addressed the Panel.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, grants **deferred commencement approval** Application No. DA2020/1027 for alterations and additions to the existing cafe and the addition of a cool room, freezer room and bin storage area at Lot 1 DP 1129384 & Lot 1 DP 1159168, Stuart Street, Manly subject to the conditions set out in the Assessment Report, Supplementary Memo and subject to the following:

1. The amendment of the following conditions so as to read:

49. Maximum number of seated patrons

A maximum of thirty-two (32) seated patrons are permitted on the premises in accordance with the approved plans. The patrons are to be seated within the locations in accordance with the seating as shown on the approved plans.

Reason: to regularise the current use of the café and to provide a maximum seating capacity of the café in recognition of traffic and parking impacts associated with the land use and to mitigate potential impacts on local fauna including the Little Penguin and the Long-nosed Bandicoot.

53. Sale of alcohol

The sale of alcohol on the premises is not permitted.

Reason: To confirm the details of the application and to maintain the amenity of the surrounding area.

10. 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) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A1002 - Issue E	24/11/2020	BJB Architects
A1003 - Issue E	24/11/2020	BJB Architects
A1011 - Issue E	24/11/2020	BJB Architects
A1101 - Issue E	24/11/2020	BJB Architects
A1101 - Issue E	24/11/2020	BJB Architects
A1201 - Issue E	24/11/2020	BJB Architects
A1202 - Issue E	24/11/2020	BJB Architects
A1301 - Issue E	24/11/2020	BJB Architects

A1302 - Issue E	24/11/2020	BJB Architects
A1401 - Issue E	24/11/2020	BJB Architects
A1402 - Issue E	24/11/2020	BJB Architects
A1501 - Issue E	24/11/2020	BJB Architects
A1502 - Issue E	24/11/2020	BJB Architects
A2001 - Issue E	24/11/2020	BJB Architects
A2011 - Issue E	24/11/2020	BJB Architects
A2021 - Issue E	24/11/2020	BJB Architects
A4001 - Signage Plan - Issue D	13/07/2020	BJB Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Terrestrial Biodiversity Report	12/01/2021	GIS Environmental Consultants
Aboriginal Due Diligence Assessment, B.2021.1037	12/01/2021	Unearthed Archaeology and Heritage
Plan of Management	18/12/2020	Ben Cummings

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
A1601 - Issue E	24/11/2020	BJB Architects

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	18/05/2020	Bill Drakopoulos

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report subject to the above.

Vote: 2/2 – The chairperson in exercising his casting vote was in favour of the amendment as above.

3.4 DA2020/1684 - 89 WYADRA AVENUE, NORTH MANLY - ALTERATIONS AND ADDITIONS TO A GROUP HOME

PROCEEDINGS IN BRIEF

The proposal is for approval to increase the size of the balcony areas of Units 2, 3, 4, & 5 located on the first floor and second floor of the existing Group Home.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 2 neighbours and no representatives of the applicant.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1684 for alterations and additions to a group home at Lot 46 DP 21576, 89 Wyadra Avenue, North Manly on the following grounds:

Reasons for Refusal:

1. The proposed alterations and additions seek retrospective approval of an existing concrete balcony which is contrary to the plans authorised by Complying Development Certificate No.190063 issued on 21/06/2019 which approved the proposed concrete balcony as a 'steel framed high tensile sheet metal roof'.

REASON FOR DETERMINATION:

The Panel is unable to grant retrospective development consent to the existing unauthorised structure.

Vote: 4/0

**3.5 DA2020/1429 - 1 BIBBENLUKE AVENUE, DUFFYS FOREST - SUBDIVISION OF LAND
AND CHANGE OF USE OF PREMISES FROM AN ANIMAL BOARDING
ESTABLISHMENT TO A DWELLING HOUSE**

PROCEEDINGS IN BRIEF

The proposal is for the subdivision of one (1) lot into two (2) lots, change of use from an animal boarding and training establishment to a dwelling house including removal of structures associated with the animal boarding and training establishment and surrender of the development consent for the existing use.

The Panel viewed the site and its surrounds.

This application was withdrawn by the applicant on Tuesday 6 April and therefore will not be determined by the Panel.

4.0 NON PUBLIC MEETING ITEMS

4.1 DA2020/1711 - 19-23 THE CORSO, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING SHOP TOP HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing shop top housing development.

The Panel viewed the site and its surrounds.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Buildings development standard and clause 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standards 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1711 for alterations and additions to an existing shop top housing development at Lot CP SP 12989 & Lot 1-13 SP 12989, 19-23 The Corso, Manly subject to the conditions set out in the Assessment Report.

REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.2 DA2020/1703 - 2 & 4 HAYES STREET, BALGOWLAH - USE OF PREMISES AS A BULKY GOODS PREMISES AND CAFE

PROCEEDINGS IN BRIEF

The proposal is for use as a specialised retail premises with an ancillary licensed cafe, and physical works

The Panel viewed the site and its surrounds.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standards 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1703 for Use of premises as a Bulky Goods Premises and Café at Lot 1 DP 598670 & Lot 1 DP 701462, 2 & 4 Hayes Street, Balgowlah subject to the conditions set out in the Assessment Report.

REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 7 April 2021.