



northern  
beaches  
council

# MINUTES

## **NORTHERN BEACHES LOCAL PLANNING PANEL MEETING**

held via teleconference on

**WEDNESDAY 21 APRIL 2021**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 21 April 2021**

The public meeting commenced at 1.00pm and concluded at 2.15pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 3.50pm.

### **ATTENDANCE:**

#### **Panel Members**

Paul Vergotis	Chair
Steve Kennedy	Urban Design Expert
Robert Hussey	Town Planner
Peter Cotton	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 14 APRIL 2021****RECOMMENDATION**

That the Minutes of the Northern Beaches Local Planning Panel held 14 April 2021, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 PUBLIC MEETING ITEMS

#### 3.1 DA2020/1453 – 4 COLLAROY STREET & 1 ALEXANDER STREET, COLLAROY - DEMOLITION WORKS AND CONSTRUCTION OF A SHOP-TOP HOUSING DEVELOPMENT

##### PROCEEDINGS IN BRIEF

The proposal is for demolition of existing structures and construction of a mixed use development (shop top housing) and associated basement carpark and through site connection from Alexander Street to Collaroy Street to the laneway.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 2 representatives of the applicant.

The Panel upon considering the number of non-compliances with the planning controls is of the view that the cumulative effect results in an over development of the subject site. the overall bulk and height of the built form In particular the presentation to Alexander Street lacks appropriate articulation and fails to properly address the transition adjoining R2 low density residential developments to the west. In addition the proposed proposal offers inadequate deep soil landscaping which could be accommodated on site with a more considered design.

##### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not 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 clause 4.3 Height of Buildings 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 insufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will not be in the public interest because it is inconsistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1453 for demolition works and construction of a shop-top housing development at Lot 1 DP 881326 & Lot CP,1,2,3,4,5,6,7 SP 5367, 1 Alexander Street & 4 Collaroy Street, Collaroy subject to the reasons set out in the Assessment Report.

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

### 3.2 DA2020/1351 - 1 BILAMBEE LANE, BILGOLA PLATEAU - DEMOLITION WORKS AND CONSTRUCTION OF SHOP-TOP HOUSING

#### PROCEEDINGS IN BRIEF

The proposal is for demolition of existing buildings and construction of a 3 storey development containing retail premises (436.8m<sup>2</sup>) at ground level, eight (8) residential apartments above and two levels of basement car parking (30 spaces). The proposed development also proposes associated site works, drainage and landscape within the road reserve.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 2 representatives of the applicant.

The Panel was concerned that the proposed development did not adequately address the interface with the adjoining mixed use property to the west.

The Panel concurs with the recommendation and comments set out in the Design and Sustainability Advisory Panel report dated 17 December 2020.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings 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 insufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will not be in the public interest because it is inconsistent 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 Applicant has not provided a Clause 4.6 written request pursuant Pittwater Local Environmental Plan 2014 in respect to Clause 4.5A - Density Control to enliven the Panels jurisdiction under section 4.16 of the Environmental Planning and Assessment Act 1979.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1351 for demolition works and construction of shop-top housing at Lot 5 DP 229309, 1 Bilambree Lane, Bilgola Plateau subject to the reasons set out in the Assessment Report, with exception to the following:

1. The amendment of Reason 5 to read as:

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development does not satisfy the provisions of Clause 4.6 Exceptions to development standards of the Pittwater Local Environmental Plan 2014. In addition, no Clause 4.6 written request has been made with respect to Clause 4.5A of the Pittwater Local Environmental Plan 2014.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

### 3.3 DA2020/1337 - 54 PAVILION STREET, QUEENSCLIFF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SECONDARY DWELLING

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing building, including a new secondary dwelling.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was not addressed by any speakers.

The Panel notes that the plans have been amended to accommodate a decreased roof pitch to achieve comfortable compliance with the building height control.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1337 for alterations and additions to a dwelling house including secondary dwelling at Lot A DP 324284, 54 Pavilion Street, Queenscliff subject to the conditions set out in the Assessment Report.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

### 3.4 DA2020/1376 - 38 CARRINGTON PARADE, CURL CURL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing dwelling house.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 1 representative of the applicant.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1376 for alterations and additions to a dwelling house at Lot 25 DP 14040, 38 Carrington Parade, Curl Curl subject to the conditions set out in the Assessment Report.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0



### 3.5 DA2019/1420 - 8 WYATT AVENUE, BELROSE - ALTERATIONS AND ADDITIONS TO AN EXISTING SCHOOL

#### PROCEEDINGS IN BRIEF

The proposal is for Stage "Q" of staged development consent DA2015/0558 issued by the Joint Regional Planning Panel for new classrooms and ancillary works and a staged increase in student numbers.

Mr Steve Kennedy declared a conflict of interest in respect to this matter and did not participate in the hearing, consideration or determination of Item 3.5 as he has a perceived conflict of interest due to sitting on the Independent Public Hearing Panel for this item last year.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 4 representatives of the applicant.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/1420 for alterations and additions to an existing school at Lot 1 DP 601101 & Lot 101 DP 874509, 8 Wyatt Avenue, Belrose subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of the following conditions:

1. **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
DA-1001 Rev C	21 April 2021	Templum Design
DA-1100 Rev B	2 April 2020	Templum Design
DA-1101 Rev A	12 November 2019	Templum Design
DA-1102 Rev A	12 November 2019	Templum Design
DA-2000 Rev A	12 November 2019	Templum Design
DA-2001 Rev A	12 November 2019	Templum Design
DA-2002 Rev B	2 April 2020	Templum Design
DA-3001 Rev A	12 November 2019	Templum Design
DA-3002 Rev A	12 November 2019	Templum Design
DA-3003 Rev A	12 November 2019	Templum Design
DA-3004 Rev A	12 November 2019	Templum Design
DA-4002 Rev A	12 November 2019	Templum Design
DA-4003 Rev A	12 November 2019	Templum Design

Engineering Plans		
Drawing No.	Dated	Prepared By
Sheet 1 of 1	27 November 2019	CPM

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No.	Dated	Prepared By
Bushfire Protection Assessment B193386- 2	27 August 2019	Australian Bushfire Protection Planners Pty Limited
Building Code of Australia Capability Statement	29 November 2019	Mark Stone
Aboricultural Impact Assessment	November 2019	Accurate Tree Assessment
Design Compliance and Swept Path Analysis No.200110.01FA	15 April 2019	McLaren Traffic Engineering

- a) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- b) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
38 / 1 Rev F	29 November 2019	Conzept Landscapes
38 / 2 Rev F	5 December 2019	Conzept Landscapes
38 / 3 Rev D	21 November 2019	Conzept Landscapes
38 / 4 Rev E	21 November 2019	Conzept Landscapes
38 / 5 Rev A	24 September 2019	Conzept Landscapes

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	12 November 2020	Templum Design

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.

**36. Parking**

- a) Thirty (30) car parking spaces shall be provided within the school grounds for one car for each staff member in attendance at the school
- b) During school hours, staff members shall not use the 90 degree parking spaces directly adjoining Wyatt Reserve in Wyatt Avenue and Cotentin Road.
- c) The school is to manage the parking of staff members in regards to point b) above

Reason: To minimise impacts upon on-street parking.

**REASONS FOR DETERMINATION:**

The Panel agrees generally with the assessment report.

Vote: 3/0

## 4.0 NON PUBLIC MEETING ITEMS

### 4.1 DA2020/1416 - 25 PALMERSTON PLACE, SEAFORTH - SUBDIVISION OF ONE LOT INTO TWO INCLUDING DEMOLITION WORKS

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and Torrens Title subdivision of one allotment into two allotments.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 1 representative of the applicant.

The Panel notes that the immediate context includes a number of small allotments similar to the proposal but notes that those lots were created under previous planning instruments and do not reflect the current strategic directions of the R2 Low Density zone which prescribes a minimum development standard of 600m<sup>2</sup> for allotments within the zone.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not 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 4.1 Minimum subdivision lot size 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 insufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will not be in the public interest because it is inconsistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1416 for Subdivision of one lot into two including demolition works at Lot 333 DP 4889, 25 Palmerston Place, Seaforth subject to the reasons set out in the Assessment Report, with the exception of the following:

1. The deletion of the following reason:

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 6.4 Stormwater Management of the Manly Local Environmental Plan 2013.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

#### 4.2 DA2020/1518 - 1173 BARRENJOEY ROAD, PALM BEACH - ALTERATIONS AND ADDITIONS TO AN EXISTING BOAT SHED INCLUDING DECKING, STEPS & SKID RAMP

##### PROCEEDINGS IN BRIEF

The proposal is for reconstruction of a boat shed with associated timber decking and slip rail, concrete pylons and skid ramp and construction of new access stairs at the southern end of the jetty.

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 Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings 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.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1518 for alterations and additions to an existing boat shed including decking, steps & skid ramp at Lot N DP 375577, 1173 Barrenjoey Road, Palm Beach, subject to the conditions set out in the Assessment Report.

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

#### **4.3 DA2020/1294 - 18 PORTIONS, LOVETT BAY - CONSTRUCTION OF A JETTY RAMP AND PONTOON AND RESTORATION OF THE BOAT SHED**

##### **PROCEEDINGS IN BRIEF**

The proposal is for construction of a jetty ramp and pontoon and restoration of the boat shed.

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 Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings 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.

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##### **DECISION ON DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1294 for construction of a jetty ramp and pontoon and restoration of the boat shed at Lot 3 DP 20284, 18 Portions, Lovett Bay, 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 14 pages  
numbered 1 to 14 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 21 April 2021.