



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via teleconference on

WEDNESDAY 5 MAY 2021

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 5 May 2021

The public meeting commenced at 12.00pm and concluded at 12.40pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 2.15pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Annelise Tuor	Town Planner
Graham Brown	Town Planner
Lloyd Graham	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 21 APRIL 2021

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 21 April 2021, were adopted by the Chairperson and have been posted on the Council's website

3.0 PUBLIC MEETING ITEMS

3.1 DA2020/1136 - 13 PACIFIC ROAD, PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The proposal is for demolition of the existing structures on site, and construction of a new three storey dwelling.

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

The Panel notes that the Applicant requested a deferral to allow for amended plans to be submitted which included a lowering of the overall height of the building by 500mm. Without determining whether that height reduction is sufficient, the Panel considers that there would be no utility in deferring the application as further changes would be necessary to reduce the overall bulk and scale of the building to an acceptable level. Such further changes would likely include matters such as a greater setback to the north of the upper level to provide better compliance with the building envelope control and more emphasis in stepping the building to respond to the topography of the site.

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 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 insufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1136 for demolition works and construction of a dwelling house at Lot 404 DP 19651, 13 Pacific Road, Palm Beach for the reasons set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

4.0 NON PUBLIC MEETING ITEMS

4.1 DA2020/1425 - 265 CONDAMINE STREET & 1 KENNETH ROAD, MANLY VALE - DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal is for the demolition of all structures and the construction of a four storey shop top housing development.

The Panel viewed the site and its surrounds.

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 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 insufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1425 for demolition works and construction of a shop top housing development at Lot 3 Sec G DP 975160 & Lot C DP 39108, 265 Condamine Street & 1 Kenneth Road, Manly Vale for the reasons set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

4.2 DA2021/0119 - 1 WEST PROMENADE, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING COMMERCIAL/RETAIL BUILDING

PROCEEDINGS IN BRIEF

The proposal is for the addition of five (5) white PVC sail awnings over the existing outdoor terrace areas of the Manly Civic Club.

The Panel viewed the site and its surrounds.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2021/0119 for Alterations and additions to an existing commercial/retail building at Lot 51 DP 1237990, 1 West Promenade, Manly for the following reasons:

1. In accordance with Clause 5.10 of Manly LEP 2013 the proposed sails have an unacceptable impact on the heritage significance of the heritage item. In particular they would be inconsistent with recommendations in the Conservation Management Plan which was part of development approval DA0176/2016.
2. The need for sails has not been justified given the use of the outdoor areas and the conditions of consent that regulate the use of these areas.

Vote: 4/0

4.3 DA2020/1587 - 51A BEACONSFIELD STREET, NEWPORT - CONSTRUCTION OF A RAMP, PONTOON AND STABILISING PILES

PROCEEDINGS IN BRIEF

The proposal is for the demolition of the existing water access steps and construction of a new step, ramp and pontoon with two (2) stabilising piles located seaward of the Mean High Water Mark, wholly within Crown Lands.

The Panel viewed the site and its surrounds.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1587 for construction of a ramp, pontoon and stabilising piles at Lot 6 DP 39111 & LIC 490800, 51A Beaconsfield Street, Newport subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 7 to read as follows:

7. No consent for berthing area

No approval is granted under this consent for a berthing area. No vessels, including small watercraft, are to be berthed adjoining the approved ramp or pontoon other than for casual berthing. For the purposes of this condition casual berthing has the same meaning as Transport Roads and Maritime Services, Information Guide – Maritime Property, Glossary of Terms and Definitions: namely, *the short term berthing of a vessel for the purpose of embarkation/disembarkation and/or the loading of persons and/or goods but does not include the berthing of an unattended vessel.*

Reason: To ensure the proposal does not cause conflict with adjoining berthing areas.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

4.4 DA2020/1657 - 2/18 BALTIC STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to Unit 2 within the existing residential flat building containing eleven units.

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. DA2020/1657 for alterations and additions to residential flat building at Lot 2 SP 31588 & Lot CP SP 31588, 2/18 Baltic Street, Fairlight subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

4.5 DA2020/1503 - LOT 1/ & LOT 374/ LAWRENCE STREET, FRESHWATER - ALTERATIONS AND ADDITIONS TO AN EXISTING COMMUNITY FACILITY (GIRL GUIDES HALL & HARBORD LITERARY INSTITUTE) AND USE OF THE PREMISES AS A CHILD CARE CENTRE

PROCEEDINGS IN BRIEF

The proposal is for use of the existing community hall as a 'centre-based child care facility' in conjunction with the existing community use and alterations and additions to the existing building pursuant to State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Warringah LEP 2011.

The Panel viewed the site and its surrounds.

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. DA2020/1503 for alterations and additions to an existing community facility (Girl Guides Hall & Harbord Literary Institute) and use of the premises as a child care centre at Lot 1 DP 864459 & Lot 374 DP 752038, Lot 1/ & Lot 374/ Lawrence Street, Freshwater subject to the conditions set out in the Assessment Report, and the following:

1. The amendment of the following condition:

Hazardous Building Materials Survey

A hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials including but not limited to asbestos, lead, SMF and PCBs. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material. Any such recommendations are to be implemented prior to occupation.

Reason: To protect human health.

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 5 May 2021.