



northern  
beaches  
council

# MINUTES

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

held via teleconference on

**WEDNESDAY 1 DECEMBER 2021**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 1 December 2021**

The public meeting commenced at 12.00pm and concluded at 1.25pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 4.55pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe	Chair
Brian Kirk	Town Planner
Kara Krason	Town Planner
Frank Bush	Community Representative

The Panel have visited all sites personally, or electronically (due to COVID restrictions), 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**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

## **3.0 CATEGORY 3 APPLICATIONS**

### **3.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 17 NOVEMBER 2021**

#### **RECOMMENDATION**

That the Minutes of the Northern Beaches Local Planning Panel held 17 November 2021, were adopted by the Chairperson and have been posted on the Council's website

## 4.0 PUBLIC MEETING ITEMS

### 4.1 REV2021/0034 - 231 WHALE BEACH ROAD, WHALE BEACH - REVIEW OF DETERMINATION OF APPLICATION DA2020/0442 FOR DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING SHOP TOP HOUSING AND RETAIL PREMISES, WITH ASSOCIATED CARPARKING, LANDSCAPING AND STRATA SUBDIVISION

#### PROCEEDINGS IN BRIEF

The proposal is for a review of the refusal of development application DA2020/0824, which sought consent for the demolition of all existing site improvements, the construction of a "five-storey" mixed use development, comprising 5 residential apartments, 3 retail tenancies, basement parking for 21 cars and strata subdivision.

At the public meeting which followed the Panel was addressed by one neighbour and two representatives of the applicant.

Frank Bush did not participate in this item due to a reasonably perceived apparent conflict of interest as he is part of the Palm Beach Association who put in a submission for this application.

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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. REV2021/0034 for Review of Determination of Application DA2020/0442 for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision at Lot B DP 316404, 231 Whale Beach Road, Whale Beach subject to the conditions set out in the Assessment Report.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 3/0

## 4.2 DA2021/0744 - 50 LAWRENCE STREET, FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING

### PROCEEDINGS IN BRIEF

The proposal is for the construction of a shop top housing development, comprising 11 apartments and 2 retail/business tenancies, at the western end of the Freshwater Village.

At the public meeting which followed the Panel was addressed by one neighbour and one representatives of the applicant.

### 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 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. DA2021/0744 for demolition works and construction of shop top housing at Lot 1 DP 571975, 50 Lawrence Street, Freshwater subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of the following condition to read as follows:

#### **52. Kerb and Gutter Construction**

The Applicant is to construct kerb and gutter and associated works along the entire Dowling Street frontage in accordance with Northern Beaches Council Drawing No. A4 2276/A. Prior to the pouring of concrete, the works are to be inspected by Council and an approval issued.

The approval is to be submitted to the Principal Certifying Authority.

Reason: To facilitate the preservation of on street parking spaces.

2. The deletion of the following condition:

#### **25. Articulation to western facade**

The glazed stairwells should be 500mm recessed from the western boundary to provide vertical articulation to the western façade.

Reason: To minimise the impact on the heritage items and the streetscape.

REASONS FOR DETERMINATION:

Subject to the above amendments, the Panel agrees generally with the assessment report.

Vote: 4/0

#### 4.3 DA2021/1311 - 1031 BARRENJOEY ROAD, PALM BEACH - USE OF PREMISES AS A CAFE INCLUDING A CHANGE OF HOURS

##### PROCEEDINGS IN BRIEF

The proposal is for the use of the ground floor of the existing building and associated structures for the purpose of a restaurant or cafe with new hours of operation.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two 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, **adjourns deliberations** on Application No. DA2021/1311 for use of premises as a cafe including a change of hours at Lot A DP 404349, 1031 Barrenjoey Road, Palm Beach to 10 December 2021.

Vote: 4/0

#### 4.4 DA2021/0521 - 111 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

##### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing semi-detached dwelling, including minor internal reconfigurations, new additions at the first floor and roof terrace levels, external works to the rear courtyard and new plant and store areas below the existing garage.

At the public meeting which followed the Panel was addressed by one neighbour and two representatives of the applicant.

##### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

- A. In relation to the studio, balcony and stair access shown on proposed roof plan DA10, 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 4.3 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.

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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. DA2021/0521 for alterations and additions to a semi-detached dwelling at Lot B DP 441361, 111 Bower Street, Manly subject to the deletion of the proposed studio, balcony and stair access shown on the proposed roof plan DA10 and subject to the conditions set out in the Assessment Report and the following:

1. The amendment of the following condition to read as follows:
  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
DA03 Site / Roof Plan	Rev. F, 12 November 2021	Action Plans
DA07 Proposed Ground Floor Plan	Rev. F, 12 November 2021	Action Plans
DA08 Proposed Storage Plan	Rev. F, 12 November 2021	Action Plans

DA09 Proposed First Floor Plan	Rev. F, 12 November 2021	Action Plans
DA11 North Elevation	Rev. F, 12 November 2021	Action Plans
DA12 East Elevation	Rev. F, 12 November 2021	Action Plans
DA13 South Elevation	Rev. F, 12 November 2021	Action Plans
DA14 West Elevation	Rev. F, 12 November 2021	Action Plans
DA15 Long Section	Rev. F, 12 November 2021	Action Plans
DA16 Cross Section	Rev. F, 12 November 2021	Action Plans

**Reports / Documentation – All recommendations and requirements contained within:**

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A342673_06	7 October 2021	Action Plans
Preliminary Geotechnical Assessment	19 August 2020	Ascent Geotechnical Consulting

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

<b>Landscape Plans</b>		
Drawing No.	Dated	Prepared By
L/01 Proposed Landscape Plan	22 November 2019	A Total Concept

- d) The following amendments are to be made to the approved plans:
- i. The proposed roof over the master bedroom balcony shall be a flat roof with a maximum height of RL27.581. The design and location of skylights S04, S05 and S06 may be amended to suit the altered roof form.
  - ii. the deletion of the proposed studio, balcony and stair access shown on the proposed roof plan DA10.

Details demonstrating compliance, including amended elevations and sections are to be submitted to the satisfaction of Executive Manager of Development Assessment prior to the issue of a Construction Certificate. The Construction Certificate is to be amended to incorporate this design.

- e) 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.

2. The deletion of the following condition:

**10. Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The proposed roof over the master bedroom balcony shall be a flat roof with a maximum height of RL27.581. The design and location of skylights S04, S05 and S06 may be amended to suit the altered roof form.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

REASONS FOR DETERMINATION:

Subject to the above amendments, the Panel agrees generally with the assessment report.

Vote: 4/0

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2021/1533 - 13 MORGAN ROAD, BELROSE - DEMOLITION WORKS AND CONSTRUCTION OF NEW DWELLING

#### PROCEEDINGS IN BRIEF

The proposal is for the demolition of the existing dwelling and pool and the construction of a new dwelling, pool and garage.

A. The Panel is satisfied that:

- 1) Notwithstanding clause 12 (2) (b) of the Warringah Local Environmental Plan 2000, the resulting development is consistent the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.
- 2) the proposed development is consistent with the Desired Future Character of the B2 Oxford Falls Valley Locality Statement.

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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. DA2021/1533 for demolition works and construction of new dwelling at Lot 170 DP 752038, 13 Morgan Road, Belrose 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 11 pages numbered 1 to 11 of the Northern Beaches Local Planning Panel meeting held on Wednesday 1 December 2021.