



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 2 FEBRUARY 2022**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 2 February 2022**

The public meeting commenced at 12.00 noon and concluded at 1.17pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 5.25pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe	Chair
Kara Krason	Town Planner
Graham Brown	Town Planner
Lloyd Graham	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 15  
DECEMBER 2021**

It was noted that the minutes of the Northern Beaches Local Planning Panel held 15 December 2021 were adopted by the Chairperson and have been posted on the Council's website.

## 4.0 PUBLIC MEETING ITEMS

### 4.1 DA2021/1522 - 189 RIVERVIEW ROAD, AVALON BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

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

At the public meeting the Panel was addressed by three neighbours and two representatives of the applicant.

The Panel decided to **adjourn** the public meeting to a date to be fixed and to defer further consideration for the following reasons:

1. Procedural fairness. The original Assessment Report published on Council's website on Tuesday 25 January 2022 accidentally omitted significant parts due to a technical error. The corrected Assessment Report was published on Council's website on Tuesday 1 February 2022. The Panel considers that is inadequate notice to the community of the correct contents of the Assessment Report. In addition, the Council letter dated 25 January 2022 advising objectors of the Panel meeting on 2 February 2022 erroneously indicated that the meeting would be livestreamed on Council's website. For technical reasons that has not been possible.
2. Survey considerations. There appear to be discrepancies related to the height of the proposed buildings on the subject land between, on the one hand, a survey report provided by the applicant and, on the other hand, a survey report obtained by the neighbour at 187 Riverview Road, Avalon Beach. The Panel wishes Council to further investigate the apparent discrepancies and provide a report. The applicant is requested to investigate the apparent discrepancies and to make a submission to Council by 16 February 2022.
3. Clarification. The applicant is requested to provide by 16 February 2022 updated Site, Floor, Landscape and Northern Elevation Plans clarifying the location of the external stairs, inclinator, their respective landings and the supports for the proposed inclinator, including the location of same in relation to Tree 27; and details of such supports including materials, dimensions, and whether they are in the location of the sub-root zones of trees that are to be retained.
4. Geotechnical Report. The applicant is requested to provide by 16 February 2022 an updated Geotechnical Report which takes into account the most recent plans and includes details and recommendations for the stabilisation of the boulder/rock shelf near the north boundary and the extent of excavation associated with the lowest level.

Vote: 4/0

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## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2021/1593 - 377 SYDNEY ROAD, BALGOWLAH - CONSTRUCTION OF A ADVERTISING STRUCTURE

#### PROCEEDINGS IN BRIEF

The proposal is for the construction of an advertising structure.

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#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No DA2021/1593 for the Construction of an advertising structure at Lot 2 DP 134700, 377 Sydney Road, Balgowlah, for the following reasons .:

1. 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 the Environmental Planning and Assessment Act 1979. In particular, the site is not considered to be suitable for the proposed development.
2. 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 State Environmental Planning Policy 64 - Advertising and Signage.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.1 Streetscapes and Townscapes of the Manly Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.1.3 Townscape (Local and Neighbourhood Centres) of the Manly Development Control Plan .
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.2 Development in Business Centres (LEP Zones B1 Neighbourhood Centres and B2 Local Centres) of the Manly Development Control Plan.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.2.6 Balgowlah Local Centre of the Manly Development Control Plan.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.4.3 Signage of the Manly Development Control Plan.
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 5 Special Character Areas and Sites of the Manly Development Control Plan.

10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 5.4.1 Foreshore Scenic Protection Area of the Manly Development Control Plan.
11. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest. In particular, the proposed sign will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community.

**REASONS FOR DETERMINATION:**

The Panel agrees generally with the assessment report.

Vote: 4/0

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## 5.2 MOD2021/0668 - 48A QUEENSCLIFF ROAD, QUEENSCLIFF - MODIFICATION OF DEVELOPMENT CONSENT DA2011/0360 GRANTED FOR ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING

### PROCEEDINGS IN BRIEF

The proposal is for modification of Development Consent DA2011/0360 granted for alterations and additions to a Residential Flat Building.

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### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0668 for Modification of Development Consent DA2011/0360 granted for alterations and additions to a Residential Flat Building at Lot CP SP 4129, 48A Queenscliff Road, Queenscliff, by adding the following condition of the Development Consent:

#### 1E. Modification of Consent - 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) Modification Approved Documents

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

Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Assessment 2010-198	17.8.2021	Crozier Geotechnical Consultants

b) The development is to be undertaken generally in accordance with the following:

**Landscape Plans**

Drawing No.	Dated	Prepared By
DA-100 Revision D Landscape Plan	2.6.2021	Space Landscape Designs

The water feature shown on this plan is not approved.

### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

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### 5.3 MOD2021/0761 - 9999 PITTWATER ROAD, BROOKVALE - MODIFICATION OF DEVELOPMENT CONSENT DA2019/1190 FOR CONSTRUCTION OF A NEW GRANDSTAND AND CENTRE OF EXCELLENCE

#### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2019/1190 for construction of a new grandstand and centre of excellence.

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#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0761 for Modification of Development Consent DA2019/1190 for construction of a new grandstand and centre of excellence at Lot 7069 DP 1058602 and Lot 1 DP 114027 and Lot 1 DP 651395 and Part Lot 1 DP 784268 and Lot 6 DP 785409 and Lot B DP 966128, 9999 Pittwater Road, Brookvale, subject to the conditions set out in the Assessment Report.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0



#### 5.4 DA2021/2093 - 20/31-35 DELMAR PARADE, DEE WHY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING

##### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a residential flat building.

##### 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 LEP 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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##### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/2093 for Alterations and additions to a residential flat building at Lot 20 SP 75108, 20/31-35 Delmar Parade, Dee Why, subject to the conditions set out in the Assessment Report.

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

**5.5 MOD2021/0647 - 96-97 NORTH STEYNE, MANLY - MODIFICATION OF  
DEVELOPMENT CONSENT DA 272/2017 FOR ALTERATIONS AND ADDITIONS TO  
AN EXISTING RESIDENTIAL FLAT BUILDING**

**PROCEEDINGS IN BRIEF**

The proposal is for modification of Development Consent DA 272/2017 for alterations and additions to an existing Residential Flat Building

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**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0647 for Modification of Development Consent DA 272/2017 for alterations and additions to an existing residential flat building at Lot 101 DP 1110110, 96-97 North Steyne, 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

**5.6 MOD2021/0876 - 16 GRANDVIEW DRIVE, NEWPORT - MODIFICATION OF  
DEVELOPMENT CONSENT DA2020/1260 GRANTED FOR CONSTRUCTION OF A  
SECONDARY DWELLING**

**PROCEEDINGS IN BRIEF**

The proposal is for modification of Development Consent DA2020/1260 granted for construction of a secondary dwelling.

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**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. Mod2021/0876 for Modification of Development Consent DA2020/1260 granted for Construction of a secondary dwelling at Lot 93 DP 16029, 16 Grandview Drive, Newport, for the reasons for refusal 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 2 February 2022.