



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 2 MARCH 2022**

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

The public meeting commenced at 12.00noon and concluded at 12.50pm.

The deliberations and determinations commenced at 1.30pm following the public meeting and concluded at 4.45pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe	Chair
Brian Kirk	Town Planner
Lisa Bella Esposito	Town Planner
Nicole Glenane	Community Representative

The Panel have visited all sites personally or electronically, 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**

Item 4.2 – Nicole Glenane declared a perceived Conflict of Interest and did not participate in the public meeting or deliberation and determination of this matter.

## **2.0 MINUTES OF PREVIOUS MEETING**

The Panel notes that the minutes of the Northern Beaches Local Planning Panel held 2 February 2022 were adopted by the Chairperson and have been posted on the Council's website.

## **3.0 CATEGORY 3 APPLICATIONS**

Nil

## 4.0 PUBLIC MEETING ITEMS

### 4.1 DA2021/2034 - 30 FAIRLIGHT STREET, FAIRLIGHT - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a residential flat building.

At the public meeting the Panel was addressed by one neighbour on behalf of himself and two other neighbours and by two representatives of the applicant.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2021/2034 for demolition works and construction of a residential flat building at Lot 50 DP 705739, 30 Fairlight Street, FAIRLIGHT for the following reasons:

1. The Panel is not satisfied that:

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

2. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development.
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)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 6.2 Earthworks of the Manly Local Environmental Plan 2013 and Clause 4.4.5 Earthworks (Excavation and Filling) of the Manly Development Control Plan.
5. 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 and Clause 3.7 Stormwater Management 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 3.1 Streetscapes and Townscapes 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 Clauses 3.3.1 Landscaping Design and 3.3.2 Preservation of Trees or Bushland Vegetation 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 3.4.1 Sunlight Access and Overshadowing 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 3.4.2 Privacy and Security 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 3.4.3 Maintenance of Views of the Manly Development Control Plan .
11. 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 3.8 Waste Management of the Manly Development Control Plan.
12. 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 3.10 Safety and Security of the Manly Development Control Plan.
13. 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 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) of the Manly Development Control Plan.
14. 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 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan.
15. 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 4.1.5 Open Space and Landscaping of the Manly Development Control Plan.
16. 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 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) of the Manly Development Control Plan.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

#### 4.2 DA2021/1344 - 53-55 WHISTLER STREET, MANLY - ALTERATIONS AND ADDITIONS TO TWO SEMI-DETACHED DWELLINGS INCLUDING A HARD STAND PARKING AREA

##### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to two semi-detached dwellings including a hard stand parking area.

Panel member Nicole Glenane declared a perceived conflict of interest and did not participate in the public meeting or deliberation and determination of this matter.

At the public meeting the Panel was addressed by two neighbours and one representative of the applicant.

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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. DA2021/1344 for alterations and additions to two semi-detached dwellings including a hard stand parking area at Lot 1 DP 742272, 53 Whistler Street, MANLY and Lot 1 DP 1103720, 55 Whistler Street, MANLY, for the following reason:

1. Pursuant to Clause 49 (1) of the Environmental Planning and Assessment Regulation 2000, the development application has not been made with the consent of the owners of all land on which the development occurs.

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 3/0

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2020/1762 - 316 HUDSON PARADE, CLAREVILLE - DEMOLITION WORKS AND CONSTRUCTION OF BOATSHED, RAMP, SLIPWAY, JETTY & STEPS

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of boatshed, ramp, slipway, jetty & steps.

#### DEFERRAL OF DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers determination** of Application No. DA2020/1762 for demolition works and construction of boatshed, ramp, slipway, jetty & steps at Lot 1 DP 827733, 316 Hudson Parade, CLAREVILLE, Lot 2 DP 827733, 316 Hudson Parade, CLAREVILLE, Lot LIC 559856, 316 Hudson Parade, CLAREVILLE, for the following reason:

1. The submission of an acid sulphate soils management plan is required to comply with clause 7.1 of Pittwater Local Environmental Plan 2014.

The plan is to be submitted to the Council by 2 April 2022 otherwise the application will be determined on the information currently provided.

Vote: 4/0

## 5.2 DA2021/1413 - 2 CHALLENGER DRIVE, BELROSE - CONSTRUCTION OF A TELECOMMUNICATIONS FACILITY (6 NEW SATELLITE DISHES)

### PROCEEDINGS IN BRIEF

The proposal is for construction of a Telecommunications Facility (6 new satellite dishes).

### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

The Panel is satisfied, as required by clause 20 of the Warringah Local Environmental Plan 2000, that even though the development does not comply with certain development standards, the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State Environmental Planning Policy.

### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1413 for construction of a Telecommunications Facility (6 new satellite dishes) at Lot 2790 in DP 465652 Challenger Drive, 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



### 5.3 MOD2021/0848 - 1 & 3 NARRABEEN PARK PARADE, NORTH NARRABEEN - MODIFICATION OF DEVELOPMENT CONSENT DA2019/1478 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING RESTAURANT

#### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2019/1478 granted for alterations and additions to an existing restaurant.

#### DETERMINATION OF MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0848 for Modification of Development Consent DA2019/1478 granted for alterations and additions to an existing restaurant on land at Lot 1 DP 1005148, 1 Narrabeen Park Parade, North Narrabeen and Lot 2 DP 1005148, 3 Narrabeen Park Parade, North Narrabeen, ,subject to the conditions set out in the Assessment Report, subject to the following:

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

#### Modification of Consent - Approved Plans and supporting documentation

The development must be carried out in compliance with the following except as amended by any other condition of consent:

- a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-01 Rev B - Job No. 2127 - Site Plan	07 July 2021	o2 Architecture
DA-02 Rev B - Job No. 2127 - Ground Floor Plan	07 July 2021	o2 Architecture
DA-03 Rev B - Job No. 2127 - Floor Plan	07 July 2021	o2 Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arborist Report	13 June 2021	Rain Tree Consulting
Bushfire Report	25 October 2021	Building Code & Bushfire Hazard Solutions

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

#### 5.4 MOD2021/1008 - 32 GRANDVIEW PARADE, MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2021/0372 GRANTED FOR DEMOLITION AND CONSTRUCTION OF A NEW DWELLING

##### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2021/0372 granted for demolition and construction of a new dwelling.

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##### DETERMINATION OF MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/1008 for Modification of Development Consent DA2021/0372 granted for demolition and construction of a new dwelling at Lot 2 DP 1106194, 32 Grandview Parade, Mona Vale, 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 DA2021/2472 - PITTWATER ROAD, MANLY - USE OF LAND FOR A MUSIC EVENT INCLUDING TEMPORARY INSTALLATION OF A STAGE, FENCING, TOILETS, BAR AND FOOD STALLS - KEIRLE PARK

### PROCEEDINGS IN BRIEF

The proposal is for use of land for a music event including temporary installation of a stage, fencing, toilets, bar and food stalls at Keirle Park.

### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/2472 for use of land for a music event including temporary installation of a stage, fencing, toilets, bar and food stalls at Keirle Park at Lot 10 DP 1177, Pittwater Road, MANLY, Lot 11 DP 1177, Pittwater Road, MANLY, Lot 12 DP 1177, Pittwater Road, MANLY, Lot 13 DP 1177, Pittwater Road, MANLY, Lot 14 DP 1177, Pittwater Road, MANLY, Lot 15 DP 1177, Pittwater Road, MANLY, Lot 16 DP 1177, Pittwater Road, MANLY, Lot 18 DP 1177, Pittwater Road, MANLY, Lot 3 DP 1079222, Pittwater Road, MANLY, Lot 1 DP 1079502, Pittwater Road, MANLY, Lot 2 DP 537807, Pittwater Road, MANLY, Lot 1 DP 177459, Pittwater Road, MANLY, Lot 8 DP 1177, Pittwater Road, MANLY, Lot 9 DP 1177, Pittwater Road, MANLY, Lot 19 DP 1177, Pittwater Road, MANLY, Lot 20 DP 1177, Pittwater Road, MANLY, Lot 5 DP 1177, Pittwater Road, MANLY, Lot 6 DP 1177, Pittwater Road, MANLY, Lot 7 DP 1177, Pittwater Road, MANLY, Lot 1 DP 535058, Pittwater Road, MANLY, Lot 1 DP 931708, Pittwater Road, MANLY, Lot 2 DP 928762, Pittwater Road, MANLY, Lot 17 DP 1177, Pittwater Road, MANLY, subject to the conditions set out in the Assessment Report and subject to the following:

1. The addition of the following conditions:

#### **Ambulance**

One (1) ambulance with a registered paramedic is to be on site for the entire length of the event. The paramedic is to be booked via the NSW Ambulance Event Book Request Form.

Reason: To ensure suitable emergency health services are present throughout the event.

#### **Onsite Medical Team**

The onsite medical team is to be increased to at least 10 staff.

Reason: To ensure suitable emergency health services are present throughout the event.

#### **Post Event Performance Report**

A post event performance report is to be produced within two (2) weeks after the conclusion of the event and is to be submitted to Northern Beaches Council and NSW Police by 4 April 2022.

Reason: To improve on future event(s) and address issues/concerns raised during the event.

### REASONS 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 2 March 2022.