



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 4 MAY 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 4 May 2022

The public meeting commenced at 12.00pm and concluded at 1.02pm.

The deliberations and determinations commenced at 1.45pm following the public meeting and concluded at 4.28pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Lisa Bella Esposito	Town Planner
Kara Krason	Town Planner
Phillip Young	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

Nil

2.0 MINUTES OF PREVIOUS MEETING**2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 20 APRIL 2022****RESOLUTION**

That the minutes of the Northern Beaches Local Planning Panel held 20 April 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 DA2021/1991 - 12 BIRKLEY ROAD, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY (ATTACHED) INCLUDING STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a dual occupancy (attached) including strata subdivision.

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

The Panel received a supplementary memo from council.

DEFERRAL OF DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** determination of Application No. DA2021/1991 for demolition works and construction of a dual occupancy (attached) including strata subdivision on land at Lot 5 DP 2428, 12 Birkley Road, Manly, for the following reason/s:

The Panel's preliminary view is that the following two aspects of the proposal are unacceptable (noting that at the public meeting the applicant indicated that proposed condition 13 concerning amendments to the approved plans was acceptable to the applicant):

- 1) The northern side setback of the uppermost level of dwelling 2 should be compliant with the Manly Development Control Plan (DCP) side setback requirements.
- 2) On the southern side the loss of solar access to the east facing balcony of the adjoining property is unacceptable. Shadow diagrams prepared at hourly intervals should be submitted based on:
 - a) the currently proposed design of the southern side as modified by condition 13; and
 - b) a design of the southern side which is fully compliant with the DCP side setback requirements.

The Panel defers further consideration to give the applicant the opportunity to submit amended plans which take into account the matters outlined above, including compliance with proposed condition 13, and also shadow diagrams referred to in (2) above. They should be submitted on or before 1 June 2022 failing which the Panel may proceed to determine the application on the material before it, unless the Chair considers that there should be a further public meeting.

Vote: 4/0

4.2 MOD2021/1009 - 82 - 84 BOWER STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2020/0211 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN ATTACHED DUAL OCCUPANCY INVOLVING LANDSCAPE WORKS.

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2020/0211 granted for alterations and additions to an attached dual occupancy.

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

DETERMINATION OF MODIFICATION ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. MOD2021/1009 for Modification of Development Consent DA2020/0211 granted for alterations and additions to an attached dual occupancy on land at Lot 5 DP 8075,82 - 84 Bower Street, 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

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2021/0708 - 36 STURDEE LANE, LOVETT BAY - DEMOLITION WORKS AND THE CONSTRUCTION OF A NEW DWELLING HOUSE, INCLUDING THE RELOCATION OF AN EXISTING OUTBUILDING.

PROCEEDINGS IN BRIEF

The proposal is for Demolition works and the construction of a new dwelling house, including the relocation of an existing outbuilding.

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 Environment Plan 2014 seeking to justify a contravention of clause 7.8 – Limited Development on Foreshore Area development standard has adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard 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.

DETERMINATION OF DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. to DA2021/0708 for Demolition works and the construction of a new dwelling house, including the relocation of an existing outbuilding on land at Lot 5 DP 552628, 36 Sturdee Lane, LOVETT BAY, Lot LIC 354632, 36 Sturdee Lane, LOVETT BAY subject to the conditions set out in the Assessment Report, subject to the following:

- 1) Amend condition 28 to read as follows:

28. Fencing

Any new permanent fencing is to be made passable to native fauna through the provision of access gaps or raised fencing to provide appropriate ground clearance. Access gaps are to be a minimum of 150mm wide x 100mm high at ground level and spaced at a minimum of 6m intervals.

New fencing shall not exceed 1.5m above existing ground level and shall be constructed of galvanised steel mesh and shall be at least 50% transparent.

Plans are to be certified as complying with this condition and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To preserve wildlife corridors.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

5.2 DA2021/1892 - 68-90 EVANS STREET, FRESHWATER - ALTERATIONS AND ADDITIONS TO ALTERATIONS AND ADDITIONS TO A MIXED USE DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal is for Alterations and additions to alterations and additions to a mixed use development.

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 standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard 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.

DETERMINATION OF DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1892 for Alterations and additions to alterations and additions to a mixed use development on land at Lot 20 DP 1242304, 68 - 90 Evans Street, FRESHWATER 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 MOD2022/0153 - 1191 BARRENJOEY ROAD, PALM BEACH - MODIFICATION OF DEVELOPMENT CONSENT DA2021/0669 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A NEW RESTAURANT, CARPARKING AND ASSOCIATED USES.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a new restaurant, carparking and associated uses on land.

DETERMINATION OF MODIFICATION ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2022/0153 for Modification of Development Consent DA2021/0669 granted for demolition works and construction of a new restaurant, carparking and associated uses on land at Lot 7005 DP 1117451, 1193 Barrenjoey Road, PALM BEACH, Lot 7002 DP 1117592, 1193 Barrenjoey Road, PALM BEACH, Lot 298 DP 721522, 1191 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

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 4 May 2022.