



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 18 MAY 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 18 May 2022

The public meeting commenced at 12.00pm and concluded at 12:59pm.

The deliberations and determinations commenced at 1.15pm following the public meeting and concluded at 2.20pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Robert Hussey	Town Planner
Graham Brown	Town Planner
Andrew Doherty	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 4 MAY 2022

RESOLUTION

The Panel noted the minutes of the Northern Beaches Local Planning Panel held 4 May 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 DA2021/2141 - 19 WARRI CLOSE, NARRAWEENA - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE AND CHANGE OF USE TO A BOARDING HOUSE

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing dwelling house and change of use to a boarding house.

At the public meeting which followed the Panel was not addressed by any neighbours against the application, and was addressed by 1 neighbour in support of the application and 1 representative 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. DA2021/2141 for alterations and additions to an existing dwelling house and change of use to a boarding house on land at Lot 2 DP 861079, 19 Warri Close, NARRAWEENA, for the reasons for refusal set out in the Assessment Report, and the following reason:

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause D3 of the Warringah Development Control Plan 2011. The Acoustic Report submitted fails to adequately address the operation of the building taking into account environmental factors and does not address the noise generated by vehicle movements required under the revised plans.

REASONS FOR DETERMINATION:

The Acoustic Report submitted fails to adequately address the operation of the building taking into account environmental factors and does not address the noise generated by vehicle movements require under the revised plans.

The Panel is not satisfied that the Acoustic Report submitted adequately addresses the potential noise spill from the first level rooms, and the situation where windows need to be closed to avoid noise spill (and operational difficulties in enforcing window closure), operation of the boarding house, and noise related to the multiple vehicle manoeuvres associated with the turntable under the revised plans.

The Panel is not satisfied that the proposed development, particularly room four (4) provides adequate amenity given the absence of solar access which is only available through a window directly adjoining the driveway to the carpark. There is also the potential for loss of privacy to room four (4) due to driveway users passing by the window as a result of the grade of the driveway.

The Panel notes that the applicant requested a deferral of determination of the application. However, the Panel views the issues associated with the application are sufficiently substantive to warrant a determination rather than an amendment to the plans at this stage. The Panel also is of the view that the one (1) week availability of the assessment report is normal practice.

Vote: 4/0

4.2 DA2021/2153 - 27A PINE AVENUE, BROOKVALE - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING INCLUDING BASEMENT CARPARKING.

PROCEEDINGS IN BRIEF

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

At the public meeting which followed the Panel was not addressed by any neighbours and 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. DA2021/2153 for demolition works and construction of a residential flat building including basement carparking on land at Lot C DP 403991, 29 Pine Avenue BROOKVALE NSW 2100 Lot A DP 403991, 27 A Pine Avenue, BROOKVALE, for the reasons for refusal set out in the Assessment Report, and the following reason:

1. The Panel is not satisfied that:

- a) 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:
 - 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.

The Panel was informed by the Council officers that the comment in the assessment report in relation to Section 4.15(1) (c) has a typographical error and should state "the site is not considered suitable for the proposed development".

Vote: 4/0

4.3 MOD2022/0007 - 1031 BARRENJOEY ROAD, PALM BEACH - MODIFICATION OF DEVELOPMENT CONSENT DA2021/1311 GRANTED FOR USE OF PREMISES AS A CAFE INCLUDING A CHANGE OF HOURS

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2021/1311 granted for use of premises as a cafe including a change of hours.

At the public meeting which followed the Panel was addressed by 1 neighbour and 2 representatives of the applicant.

The panel received a supplementary memo.

DETERMINATION OF MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Modification Application No. Mod2022/0007 for Modification of Development Consent DA2021/1311 granted for use of premises as a cafe including a change of hours on land at Lot A DP 404349, 1031 Barrenjoey Road, PALM BEACH, for the reasons for refusal set out in the Assessment Report.

Vote: 4/0

4.4 DA2021/2493 - 205-207 OCEAN STREET, NARRABEEN - ALTERATIONS AND ADDITIONS TO AN EXISTING MIXED-USE BUILDING.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing mixed-use building.

At the public meeting which followed the Panel was not addressed by any neighbours and addressed by 1 representative 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. DA2021/2493 for the alterations and additions to an existing mixed-use building on land at Lot 2 DP 235823, 205 - 207 Ocean Street, NARRABEEN, for the reasons for refusal set out in the Assessment Report, subject to the following:

1. The Panel is not satisfied that:

- a) 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:
 - 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. The deletion of recommended reason 1 in the assessment report.

The Panel noted that a BASIX report was not lodged with the application.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 MOD2022/0022 - 43 BOORALIE ROAD, TERREY HILLS - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0523 GRANTED FOR DEMOLITION WORKS, CONSTRUCTION OF A SERVICE STATION AND SIGNAGE

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2016/0523 granted for demolition works, construction of a service station and signage.

DETERMINATION OF MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Modification Application No. Mod2022/0022 for Modification of Development Consent DA2016/0523 granted for demolition works, construction of a service station and signage at Lot 1 DP 545812, 43 Booralie Road, TERREY HILLS, subject to the conditions set out in the Assessment Report.

Vote: 4/0

5.2 MOD2021/0904 - KIMBRIKI ROAD, INGLESIDE - MODIFICATION OF DEVELOPMENT CONSENT DA96/371 GRANTED FOR KIMBRIKI RECYCLING AND WASTE CENTRE TO PERMIT ADDITIONAL EXCAVATION AND LANDFILLING.

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA96/371 granted for Kimbriki Recycling and Waste Centre to permit additional excavation and landfilling.

DETERMINATION OF MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Modification Application No. Mod2021/0904 for Modification of Development Consent DA96/371 granted for Kimbriki Recycling and Waste Centre to permit additional excavation and landfilling on land at Lot 301 DP 1254796, Kimbriki Road, INGLESIDE, subject to the conditions set out in the Assessment Report.

Vote: 4/0

5.3 DA2022/0356 - 2/67 NEW STREET, BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO SHOP TOP HOUSING.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to shop top housing.

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 Environment 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 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 APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0356 for alterations and additions to shop top housing on land at Lot CP SP 18537, 67 New Street, BALGOWLAH HEIGHTS, Lot 2 SP 18537, 2 / 67 New Street, BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 4/0

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 18 May 2022.