



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 5 OCTOBER 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 5 October 2022

The public meeting commenced at 12.00pm and concluded at 1.04pm.

The deliberations and determinations commenced at 1.30pm following the public meeting and concluded at 3.51pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Kara Krason	Town Planner
Graham Brown	Town Planner
Nick Lawther	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

No apologies

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members have signed a declaration of interest in relation to each item on the agenda. No conflicts of interest were disclosed.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 21 SEPTEMBER 2022

The Panel noted minutes of the Northern Beaches Local Planning Panel held 21 September 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 REV2022/0004 - 16 BANGAROO STREET, NORTH BALGOWLAH - REVIEW OF DETERMINATION OF APPLICATION DA2021/0680 FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE AND USE AS A CENTRE-BASED CHILD CARE FACILITY.

PROCEEDINGS IN BRIEF

The proposal is for Review of Determination of Application DA2021/0680 for alterations and additions to an existing dwelling house and use as a centre-based child care facility.

At the public meeting which followed the Panel was addressed by 7 neighbours and 2 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, confirms the determination of the Panel on 17 November 2021 **refusing** Application No. DA2021/0680 for the alterations and additions to an existing dwelling house and use as a centre-based child care facility on land at Lot 111 DP 11936, 16 Bangaroo Street, North Balgowlah for the reasons for refusal set out in the Assessment Report, and for the following additional reason:

The proposed acoustic fencing is excessive in height for a residential environment. This fencing creates an overbearing and dominant element and is inconsistent with the residential character of the area. Pursuant to Section 4.15(1) (a) (iii) of the Environmental Planning and Assessment Act 1979 the height of the proposed acoustic fencing is inconsistent with Part D15 of the Warringah Development Control Plan.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report, subject to the above. The Panel notes that an oral submission from the applicant's town planner suggested a lack of probity and, in effect, potential conflict of interest with former town planners employed by the Council. The Panel accepts the explanation from Council staff that one planner, who left Council's employment in February 2022, considered two development applications for the subject site in 2021. For this reason, the Council commissioned a private consultant to undertake the assessment of this application. The second town planner mentioned by the applicant's town planner was also a previous staff member but left the Council around 3 years ago. In the circumstances, the Panel is satisfied that there has been no lack of probity by Council nor any conflict of interest.

VOTE: 4/0

4.2 DA2022/0193 - 199-205 PITTWATER ROAD, MANLY - ALTERATIONS AND ADDITIONS TO SHOP TOP HOUSING.

PROCEEDINGS IN BRIEF

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

At the public meeting which followed the Panel was addressed by 2 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 Manly Local Environmental 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 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0193 for alterations and additions to shop top housing on land at Lot B DP 382992, 199 - 205 Pittwater Road, Manly, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

28a. On-Street Loading Zone

The onsite loading bay shown on the approved plans shall be deleted. The applicant is to submit an application for approval of an on-street loading zone (the loading zone is to be sized to accommodate a medium rigid vehicle with a maximum length of 8.8 metres) on the site's Golf Parade property frontage to the Northern Beaches Council Traffic Committee prior to the issuance of a Construction Certificate.

Reason: Adequate loading area for commercial premises.

2. The amendment of condition 46 to read as follows:

46. Loading Zone

If an on-street loading zone is approved by Northern Beaches Council Traffic Committee, the on street loading zone shall be constructed/implemented prior to the issue of an occupation certificate.

Reason: Adequate loading area for commercial premises.

3. The deletion of condition 14.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report, subject to the above.

VOTE: 4/0

This is the final page of the Minutes comprising 6 pages
numbered 1 to 6 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 5 October 2022.