

# MINUTES

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

held via Teleconference on

**WEDNESDAY 2 NOVEMBER 2022**

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

The public meeting commenced at 12.00pm and concluded at 12.31pm.

The deliberations and determinations commenced at 12.50pm following the public meeting and concluded at 3.42pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe	Chair
Lisa Bella Esposito	Town Planner
Graham Brown	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**

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 19 OCTOBER 2022**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 19 October 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 DA2022/0153 - 8 MAXWELL STREET, MONA VALE - DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY.

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a dual occupancy.

At the public meeting which followed the Panel was not addressed by any speakers.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

The Panel is **not** satisfied that:

- a) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.1B Minimum Lot Size for Dual Occupancies 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.

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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. DA2022/0153 for demolition works and construction of a dual occupancy on land at Lot 4 DP 221609, 8 Maxwell Street, Mona Vale for the following reasons:

1. The Panel's decision on exceptions to development standards set out above.
2. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to meet the objective "to achieve planned residential density" of the minimum lot sizes for dual occupancies standard prescribed in clause 4.1B (1)(a) of the Pittwater Local Environmental Plan 2014.
3. Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, because of reason 2 the proposed development is inconsistent with the aim of ensuring development is consistent with the desired character of Pittwater's localities prescribed in clause 1.2 Aims of Plan of the Pittwater Local Environmental Plan 2014.

#### REASONS FOR DETERMINATION

Subject to the above reasons for refusal, the Panel agrees generally with the assessment report.

VOTE: 4/0

#### 4.2 DA2021/2083 - 5 FOREST ROAD, WARRIEWOOD - INCREASE IN STUDENT NUMBERS AT AN EXISTING EDUCATIONAL ESTABLISHMENT FROM 850 STUDENTS TO 1100 STUDENTS.

##### PROCEEDINGS IN BRIEF

The proposal is for increase in student numbers at an existing educational establishment from 850 students to 1100 students.

At the public meeting which followed the Panel was addressed by three (3) representatives 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, **approves** Application No. DA2021/2083 for increase in student numbers at an existing educational establishment from 850 students to 1100 students on land at Lot 13 DP 1083731, 5 Forest Road, Warriewood, subject to the conditions set out in the Assessment Report, subject to amending or adding the following conditions to read as follows:

##### 1. Bushfire / Emergency Evacuation Plan

The Bushfire/Emergency Management Plan shall be amended to avoid evacuation procedures which rely upon or propose emergency evacuation to the north to/through the Ponderosa Parade/Jubilee Avenue intersection or other egress routes linking to Mona Vale Road.

The amended Plan is to be lodged with Council by 23 December 2022 for review by Council's Transport Network Manager and confirmation that the Plan has satisfied the requirement.

Reason: To minimise traffic impacts on the network associated with evacuation procedures.

##### 2. Footpath Construction

By 31 January 2023 a footpath shall be constructed around the cul-de-sac of Forest Road between the western edge of the vehicular crossing serving the College and the driveway of No.2 Forest Road. The design and construction shall be in accordance with Council's standard specifications.

Detailed designs demonstrating compliance are to be submitted to Council in the form of an application for a s138 Approval under the Roads Act.

Reason: To facilitate a drop-off/pick-up facility and to ensure pedestrian safety.

Evidence required to satisfy each deferred commencement condition must be submitted to Council by the date specified in that deferred commencement condition or the consent will lapse in accordance with clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

##### 10. Parking review of Green Travel Plan

Parking impacts relating to school operations are to be reviewed annually for the first two years of the consent's operation by an independent traffic consultant at the applicant's expense. This is to evaluate the success of the Green Travel Plan. The parking review report, which shall include a review of on-street parking occupancies in streets within a 400m walking catchment of the school, shall be submitted to Council's Transport Network Manager annually for review.

Reason: To minimise parking impacts.

**12. Earlier conditions of consent**

This consent shall operate in conjunction with development consent Application N1038/00. If there is any conflict between any conditions of consent in the two consents, the conditions in this consent prevail.

Reason: To avoid conflict between consent conditions.

REASONS FOR DETERMINATION

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

VOTE: 4/0

#### 4.3 DA2022/0362 - 241 MCCARRS CREEK ROAD, CHURCH POINT - CONSTRUCTION OF A DWELLING HOUSE.

##### PROCEEDINGS IN BRIEF

The proposal is for construction of a dwelling house.

At the public meeting which followed the Panel was addressed by two (2) neighbours, one (1) speaker for the application and one (1) 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, **approves** Application No. DA2022/0362 for construction of a dwelling house on land at Lot 30 DP 20097, 241 McCarrs Creek Road, Church Point, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 7 to read as follows:

##### **7. Amended Landscape Plan**

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) updated existing trees to be removed and the existing 8 trees to be retained and protected namely T1, T2, T4, and T5, 7, T28 and T29 as per the Arboricultural Impact Assessment dated 12 August 2022, and T8,
- ii) remove the proposed *Acmena smithii* in the location of retained trees T7 and T8,
- iii) update planting around the new entry stair and foyer design,
- iv) show proposed planting in the on-slab planter above the garage, to achieve at least 1 metre height at maturity.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity.

##### REASONS FOR DETERMINATION

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

VOTE: 4/0

#### 4.4 DA2022/1025 - 25 CLIFF STREET, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING.

##### PROCEEDINGS IN BRIEF

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

At the public meeting which followed the Panel was not addressed by any speakers.

##### 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 4.3 Height of Buildings development standard and 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.

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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. DA2022/1025 for alterations and additions to a residential flat building on land at Lot CP SP 12958, 25 Cliff Street, 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



## **5.0 NON PUBLIC MEETING ITEMS**

Nil

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 2 November 2022.