



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 7 DECEMBER 2022**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 7 December 2022**

The public meeting commenced at 12.00pm and concluded at 1.07pm.

The deliberations and determinations commenced at 1.25pm immediately following the public meeting and concluded at 2.40pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe	Chair
Lisa Bella Esposito	Town Planner
Graham Brown	Town Planner
John Simmonds	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 16 NOVEMBER 2022**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 16 November 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 DA2022/0625 - 27 KARLOO PARADE, NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL AND SPA.

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a dwelling house including a swimming pool and spa.

At the public meeting which followed the Panel was addressed by two (2) neighbours.

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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. DA2022/0625 for the demolition works and construction of a dwelling house including a swimming pool and spa on land at Lot 16 DP12994, 27 Karloo Parade, Newport, for the reasons for refusal set out in the Assessment Report, subject to amendment of reason 3 to read as follows:

#### 3. Impact on Flora

The mapped littoral rainforest under the SEPP (Resilience and Hazards) 2021 intersects the site, as does the NSW Government's Biodiversity Values map.

Inadequate details have been provided to confirm that the existence of the stormwater system and the consequential stormwater runoff would not cause harm to the littoral rainforest or biodiversity on the site, or on the adjacent Betty Morrison Reserve.

Inadequate details have been provided regarding the extent of vegetation to be removed, specifically in that there is a discrepancy between the Arborist Report and the Landscape Plan. The works are likely to require the removal of vegetation within the Biodiversity Values Map area and may impact on prescribed trees on neighbouring properties.

The application is not accompanied by a Biodiversity Development Assessment Report (BDAR) or a statement by a BAM-accredited assessor confirming that the Biodiversity Offset Scheme does or does not apply.

#### Particulars

Pursuant to Section 4.15(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979, the consent authority is not satisfied that the proposed development will not significantly impact on the criteria listed in Clause 2.8 *Development on land in proximity to coastal wetlands or littoral rainforest* of the State Environmental Planning Policy (Resilience and Hazards) 2021, Part 7.6 *Biodiversity* of the Pittwater Local Environmental Plan 2014, and Part B4.17 *Littoral rainforest – endangered ecological community* of the Pittwater 21 Development Control Plan 2014.

#### REASONS FOR DETERMINATION

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

Vote: 4/0

#### 4.2 DA2022/0246 - 120 PRINCE ALFRED PARADE, NEWPORT - DEMOLITION WORKS, SUBDIVISION OF 4 LOTS INTO 2 LOTS AND THE CONSTRUCTION OF 1 DWELLING ON EACH LOT INCLUDING SWIMMING POOLS AND LANDSCAPE WORKS.

##### PROCEEDINGS IN BRIEF

The proposal is for demolition works, subdivision of 4 lots into 2 lots and the construction of 1 dwelling on each lot including swimming pools and landscape works.

At the public meeting which followed the Panel was addressed by two (2) neighbours and two (2) representatives of the applicant.

The panel received a late submission dated 5 December 2022 and two (2) supplementary memos from Council.

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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. DA2022/0246 for demolition works, subdivision of 4 lots into 2 lots and the construction of 1 dwelling on each lot including swimming pools and landscape works on land at 120 Prince Alfred Parade, Newport subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The addition of the following condition:

##### **61A. Height of Trees on Approved Landscape Plan**

The height of the trees shown on the approved Landscape Plan as amended by condition 2 shall be maintained so that they do not exceed 8.5 metres in height measured from the ground at the base of the tree.

Reason: To minimise view impacts to properties located on the south side of the site.

##### REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report. The Panel accepts, based on the expert evidence that the height of trees shown on the approved Landscape Plan will not exceed 8.5 metres at maturity. However, for abundant caution, the Panel has imposed the additional condition set out above.

Vote: 4/0

#### 4.3 MOD2022/0208 - 138 NORTH STEYNE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2018/0723 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING.

##### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2018/0723 granted for demolition works and construction of a residential flat building.

At the public meeting which followed the Panel was addressed by two (2) neighbours and one (1) representative of the applicant.

The panel received a late submission dated 5 December 2022.

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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. Mod2022/0208 for Modification of Development Consent DA2018/0723 granted for demolition works and construction of a residential flat building on land at Lot B DP 345625, 139 North Steyne, Manly, Lot 10 DP 5824, 138 North Steyne, Manly, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 1B to delete "Reform Projects" and substitute "Renzo Tonin & Associates".
2. The addition of the following condition:

##### **44D. Certification of Implementation of Acoustic Assessment Report**

Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant shall certify that all recommendations and requirements within the acoustic assessment report dated 23/08/22 by Renzo Tonin & Associates referred to in condition 1B have been implemented including (without limitation) in relation to the air-condenser units and mechanical plant.

Reason: To ensure the development does not impact on residential amenity and wellbeing

##### REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report, subject to the above. The Panel notes that the modification approved plans include an increase in the height of the lift overrun to RL19.240.

Vote: 4/0

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2022/0643 - 19-23 THE CORSO, MANLY - ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING TO ALLOW FOR SHOP-TOP HOUSING AND A PUB.

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing building to allow for shop-top housing and a pub.

The panel received a late submission from the applicant dated 2 December 2022.

#### 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 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. DA2022/0643 for alterations and additions to the existing building to allow for shop-top housing and a pub on land at Lot 2 DP 877793, 25 The Corso, Manly, Lot 1 DP 877793, 27 The Corso, Manly, Lot CP SP 12989, 19 - 23 The Corso, Manly, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 17 to read as follows:

##### **17. Interpretation of original layout**

Prior to issue of a construction certificate, a Heritage Interpretation Plan is to be submitted for approval by Northern Beaches Council to acknowledge the heritage of the development site as a whole providing policies, strategies, and detailed advice for interpretation of the original room layouts of the existing Inter-War flat building "The Exeter Flats".

It is to be based on research, analysis and plans to communicate the significance of the place to the intended audience. Interpretation may be a combination of the treatment and fabric of the place, the use of the place, and the use of interpretative media, such as events, activities, signs and publication.

The Interpretation Plan should identify key themes, storylines and audiences and provides recommendations about interpretation media to be located within the common lobby of the 'Exeter Flats'.

The Heritage Interpretation Plan should be prepared by a suitably qualified consultant in

accordance with NSW Heritage Council guidelines Interpreting Heritage places and Items {2005} and Heritage Interpretation Policy {2005}, and overseen by a member or associate of either Interpretation Australia or ICOMOS International Scientific Committee on Interpretation and Presentation of Historic Sites {ICIP}.

Reason: interpretation of the original room layouts of the existing Inter-War flat building "The Exeter Flats" and overall development site.

#### REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report, subject to the above amendment of condition 17.

Vote: 4/0

This is the final page of the Minutes comprising 8 pages  
numbered 1 to 8 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 7 December 2022.