

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 15 FEBRUARY 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 15 February 2023

The public meeting commenced at 12.00pm and concluded at 2.58pm.

The deliberations and determinations commenced at 3.30pm following the public meeting and concluded at 6.33pm.

ATTENDANCE:

Panel Members

Annelise Tuor	Chair
Graham Brown	Town Planner
Kara Krason	Town Planner
Peter Cotton	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 except:

Item 4.1 – Annelise Tuor declared a conflict of interest in this matter and did not participate in the hearing, deliberation and determination.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 1 FEBRUARY 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 1 February 2023, 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 DA2022/0469 - 1102 BARRENJOEY ROAD, PALM BEACH - CONSTRUCTION OF SHOP TOP HOUSING.

PROCEEDINGS IN BRIEF

The proposal is for construction of shop top housing.

At the public meeting which followed the Panel was addressed by five (5) neighbours and four (4) representatives of the applicant.

The panel received a eight (8) late submissions dated 9, 12, 13 & 14 February 2023 and a supplementary memo from Council.

DEFERRAL OF FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. DA2022/0469 for construction of shop top housing on land at Lot 11 DP 1207743, 1102 Barrenjoey Road, Palm Beach, to give the applicant the opportunity to submit to Council by 15 March 2023 the following:

- a) Amended plans that reduce the overall height, bulk and scale including removal of the mansard roof to reduce the massing created by the proposed roof form. Consideration should be given to materiality, upper level set back and the form of the roof to achieve a upper level which is more recessive and an overall compatible development with surrounding development particularly Barrenjoey House.
- b) Amended plans to reduce the overly strong vertical influence of the balcony columns and their impact on bulk and scale.
- c) Amended plans to redesign the mechanical plant enclosure to minimize the height of the screening and the provision of rooftop landscape screen.

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

REASONS FOR DEFERRAL:

The Panel's preliminary view is that proposed development is generally acceptable however the Panel is concerned that the proposed roof form creates a top heavy building form due to the expanse of roof and that this could be overcome by a redesign of the proposed mansard roof form. Additionally the proposed roof form is unnecessarily high to screen the roof plant and adds to the unacceptable bulk of the proposal. The Panel also considered that the vertical columns overly dominated the street appearance and a more acceptable appearance could be achieved through a finer and light detailing outcome.

Vote: 3/0

4.2 DA2021/1914 - 389 PITTWATER ROAD, NORTH MANLY - SUBDIVISION OF 6 LOTS INTO 4 TORRENS TITLE LOTS, INCLUDING DEMOLITION WORKS AND TREE REMOVAL.

PROCEEDINGS IN BRIEF

The proposal is a Crown development application for Subdivision of 6 Lots into 4 Torrens Title Lots, including demolition works and tree removal.

At the public meeting which followed the Panel was addressed by three (3) neighbours and two (2) representatives of the applicant.

The panel received two (2) late submissions dated 10 & 14 February 2023 and a supplementary memo from Council.

REFERRAL OF CROWN DEVELOPMENT APPLICATION

Pursuant to Section 4.33 of the Environmental Planning and Assessment Act 1979, the Northern Beaches Local Planning Panel (NBLPP), on behalf of Northern Beaches Council, refers the development application to the Sydney North Planning Panel for determination.

DELIBERATIONS OF THE NBLPP

The NBLPP, based on the information and circumstances before it, does not support the granting of consent to Application No. DA2021/1914 for Subdivision of 6 Lots into 4 Torrens Title Lots, including demolition works and tree removal on land at Lot 1 DP 544341, 2 - 4 Lakeside Crescent, North Manly, Lot 46 DP 12578, 2 - 4 Lakeside Crescent, North Manly, Lot 47 DP 12578, 2 - 4 Lakeside Crescent, North Manly, Lot 48 DP 12578, 2 - 4 Lakeside Crescent, North Manly, Lot 45 DP 12578, 8 Palm Avenue, North Manly, Lot 22 DP 865211, 389 Pittwater Road, North Manly, for the following reasons:

1. The Northern Beaches Local Planning Panel is not satisfied that DA2021/1914 can be approved until such a time that there is certainty about the redevelopment of the Queenscliff Community Health Centre Building on proposed Lot 1, in particular, in relation to its future use and parking requirements.
2. The approval of DA2021/1914 without any certainty of the future use of the Queenscliff Community Health Centre Building is not orderly development of land and therefore would not meet the Objects of the Environmental Planning and Assessment Act 1979 Clause 1.3 (c) *'to promote the orderly and economic use of land'*.
3. The Panel is not satisfied the issues of parking, vehicular access and tree removal have been addressed in a satisfactory way to enable the NBLPP to approve the application. The removal of the parking area within proposed Lots 2, 3 and 4 without a certain land use for the Community Health Building is not orderly development of land and may restrict future development options of the adaptive reuse of the community health building.
4. The Panel is not satisfied the application accurately identifies the trees required to be removed to facilitate the access driveway which provides access to Lots 2 and 3 which is proposed to be constructed as part of the application. The Panel is not satisfied that the extent of tree removal for the future dwelling house construction has adequately been addressed in the application.
5. The Panel is not satisfied the design of the dwelling on Lot 4 will provide a reasonable amount of amenity due to the site dimensions, retained trees, interface with Pittwater Road and proximity to

the Community Health Building.

Vote: 4/0

4.3 DA2021/2567 - 60 FEDERAL PARADE, BROOKVALE - DEMOLITION WORKS, CONSTRUCTION OF TWO CARPARKS AND AN INCREASE IN STUDENT NUMBERS AT AN EDUCATIONAL ESTABLISHMENT.

PROCEEDINGS IN BRIEF

The proposal is for demolition works, construction of two carparks and an increase in student numbers at an educational establishment.

At the public meeting which followed the Panel was addressed by three (3) neighbours and five (5) representatives of the applicant.

The panel received two (2) late submissions dated 10 February & 13 February 2023 and a supplementary memo from Council.

DEFERRAL OF FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel (NBLPP), on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. A2021/2567 for demolition works, construction of two carparks and an increase in student numbers at an educational establishment on land at Lot B DP 395193,0 L Federal Parade, Brookvale, Lot 100 DP 1250521, 37 - 43 Federal Parade, Brookvale, Lot 13 DP 568333,60 Federal Parade, Brookvale, to give the applicant the opportunity to submit to Council by 22 March 2023 the following:

- a) Transport and Parking Management Plan
The Transport and Parking Management Plan (TPMP) is to be updated and incorporate measures to reduce the traffic and parking impacts of the existing and proposed school operations including:
 - (i) A plan showing the location of existing car spaces (89) and proposed car spaces (54) and traffic management operations, including drop off and pick up areas, bus zones, and on street student parking, etc, as per the details in the diagram presented to the NBLPP dated 15 February 2022.
 - (ii) As a minimum, details and management operations for pick up and drop off shall include:
 - locations and duties of before and after school traffic and parking marshals;
 - the drop off/pick up area, including internal areas;
 - the Gulliver Street queuing area;
 - the Federal Parade and Alfred Road "No Parking" and "Bus Zone" areas: and
 - the Pittwater Road Bus Zone areas.
 - (iii) Details of a mechanism for reporting and taking action in respect of illegal or inappropriate parking/driving behaviour by students and parents/guardians.
 - (iv) Specify that proposed parking areas in Alfred Road and Federal Parade are primarily for staff use with the hours of use restricted to between 7:00am and 6:00pm Monday to Friday.
 - (v) Incorporate staggered start and finish school times for different year groups with 10 minute gaps between year group arrivals and departures (noting that no more than 2 year groups shall start or finish at the same time) designed to reduce queuing and illegal parking.
 - (vi) Include details of measures to encourage and incentivise staff and students to travel by carpooling, public transport, walking or cycling.
 - (vii) Outline measures to promote public transport use and include the following: The College shall commence liaison with Transport for NSW with regard to the provision of more buses specifically serving St. Augustines. In addition, a note should also be

added that students will be encouraged to always Tap on and Tap off the bus so that accurate Opal data is recorded relating to school travelONS

- (viii) Measures to require stacked parking spaces to be assigned to staff who will arrive early and leave late.
- (ix) The Federal Parade and Alfred Road car park shall not be used during sports and special events. These carparks should be locked at 6pm on weekdays and on weekends.
- (x) Section 3.11 of the TPMP, which outlines arrangements for deliveries, shall be amended to state that deliveries will not be accepted during pick up and drop off times.
- (xi) Section 4.2.4 of the TPMP, which makes reference to the operation of a shuttle bus service for staff shall be amended to also explore a bus service for student travel noting many students travel from outside the local area
- (xii) Should the implementation or effectiveness of the TPMP be impacted by unforeseen changes in school operations, including the use of newly acquired sites or as a result of surrounding major development, the TPMP measures and controls are to be revised accordingly and submitted to Council for approval

A copy of the approved TPMP is to be kept onsite at all times and made available to staff and students for their information and to the accredited certifier or Council on request.

b) Acoustic report

The acoustic report shall be amended to incorporate and address the following:

- (i) Section 6.1 of the report, which details carpark mitigation measures, shall be amended to delete reference to the operation of the car parks from 6.00pm to 10.00pm for special events. The report shall specify that the car parks are not to be used or special events, including sports events or on weekends..
- (i) The report shall be amended to include an assessment of noise generated by automatic (electric motor driven) gates or barriers.
- (ii) The Public Address (PA) system shall be assessed with mitigations measures recommended as necessary. All PA speakers are to be directed to the centre of the College and the PA system to be monitored and reviewed annually.
- (iii) Reference shall be made to the Gulliver Green playground not to be accessible to students before 8.40am.
- (iv) Teachers are required to be present to monitor student behaviour in all playgrounds.
- (v) All dust, bathroom, kitchen/canteen fume extractors are on timers and only operate between 7.00am and 5.00pm.
- (vi) Dust extractors being monitored by the Facilities and Maintenance Team using the acoustic measurement app 'Decibel X'. These are monitored annually at the time of service or as required.
- (vii) The carpark cleaning/blowing will not be permitted before the approved carpark operating hours.
- (viii) The acoustic report shall be included as an appendix to the Operational Plan of Management.
- (ix) Should the implementation or effectiveness of the acoustic report be impacted by unforeseen changes in school operations, including the use of newly acquired sites or as a result of surrounding major development, the acoustic mitigation measures and controls are to be revised accordingly and submitted to Council for approval.

A copy of the approved acoustic report is to be kept onsite at all times and made available to

staff and students for their information and to the accredited certifier or Council on request.

c) Operational Plan of Management

The Operational Plan of Management (OPM) shall be amended to incorporate and address the following:

- (i) The OPM shall include a provision for the College to be responsible and include details of a mechanism for reporting and taking action in respect of illegal or inappropriate parking/driving behaviour by students and parents/guardians.
- (ii) The applicant shall amend the OPM to include the updated TPMP and acoustic report as appendices to ensure consistency between reports.
- (iii) Should the implementation or effectiveness of the OPM and the accompanying TPMP and acoustic report be impacted by unforeseen changes in school operations including the extension of the school, the measures and conditions in the OPM and supported reports are to be revised accordingly and submitted to Council for approval.

A copy of the approved OPM is to be kept onsite at all times and made available to staff and students for their information and to the accredited certifier or Council on request.

An annual review of the OPM and associated TPMP shall be carried out simultaneously and submitted annually. The traffic review and acoustic review shall inform any changes to the OPM. The annual review of the OPM shall be submitted to Council with an overview report prepared, for Council's review and records.

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

REASONS FOR DEFERRAL

The Panel notes that student numbers have increased without approval over time and that local residents are experiencing issues with traffic, parking and noise. The management and mitigation of these impacts needs to be clearly articulated in a Transport and Parking Management Plan and an Operational Plan of Management. For certainty, these documents need to be assessed prior to any consent to an increase in student numbers can be granted by the Panel.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2022/1368 - 15 THE CHASE, LOVETT BAY - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE, INSTALLATION OF AN INCLINE PASSENGER LIFT, REPLACEMENT OF THE ON-SITE WASTEWATER TREATMENT SYSTEM.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to dwelling house, installation of an incline passenger lift, replacement of the on-site wastewater treatment system.

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 Environmental Plan 2014 seeking to justify a contravention of clause 7.8 Limited Development on Foreshore Area 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. DA2022/1368 for alterations and additions to dwelling house, installation of an incline passenger lift, replacement of the on-site wastewater treatment system on land at Lot 4 DP 22826, 15 The Chase, Lovett Bay, Lot LIC 367042, 15 The Chase, Lovett Bay subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report.

Vote: 4/0

5.2 DA2022/2124 - 81 WEST ESPLANADE, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING - REMEDIAL WORKS TO EXISTING BALCONIES.**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a residential flat building - remedial works to existing balconies.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/2124 for alterations and additions to a residential flat building - remedial works to existing balconies. on land at Lot 2 SP 2174, 2 / 81 West Esplanade, Manly, Lot 3 SP 2174, 3 / 81 West Esplanade, Manly, Lot 4 SP 2174, 4 / 81 West Esplanade, Manly, Lot 5 SP 2174, 5 / 81 West Esplanade, Manly, Lot 6 SP 2174, 6 / 81 West Esplanade, Manly, Lot 7 SP 2174, 7 / 81 West Esplanade, Manly, Lot 8 SP 2174, 8 / 81 West Esplanade, Manly, Lot 9 SP 2174, 9 / 81 West Esplanade, Manly, Lot 10 SP 2174, 10 / 81 West Esplanade, Manly, Lot 11 SP 2174, 11 / 81 West Esplanade, Manly, Lot 12 SP 2174, 12 / 81 West Esplanade, Manly, Lot 13 SP 2174, 13 / 81 West Esplanade, Manly, Lot 14 SP 2174, 14 / 81 West Esplanade, Manly, Lot 15 SP 2174, 15 / 81 West Esplanade, Manly, Lot 16 SP 2174, 16 / 81 West Esplanade, Manly, Lot 17 SP 2174, 17 / 81 West Esplanade, Manly, Lot 18 SP 2174, 18 / 81 West Esplanade, Manly, Lot 19 SP 2174, 19 / 81 West Esplanade, Manly, Lot 36 SP 58494, 20 / 81 West Esplanade, Manly, Lot CP SP 2174, 81 West Esplanade, 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

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 15 February 2023.