



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 1 MARCH 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 1 March 2023

The public meeting commenced at 12.00pm and concluded at 12.29pm.

The deliberations and determinations commenced at 12.50pm following the public meeting and concluded at 2.16pm.

ATTENDANCE:

Panel Members

Pete Biscoe KC	Chair
Lisa Bella Esposito	Town Planner
Robert Hussey	Town Planner
Phil Young	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

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 15 FEBRUARY 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 15 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 DA2022/1048 - 15 STURDEE LANE, ELVINA BAY - CONSTRUCTION OF AN INCLINE LIFT.

PROCEEDINGS IN BRIEF

The proposal is for construction of an incline lift.

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

The panel received a supplementary memo from Council dated 28 February 2023.

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. DA2022/1048 for the construction of an incline lift on land at Lot 8 DP 8013, 15 Sturdee Lane, Elvina Bay, Lot LIC 593927, 15 Sturdee Lane, Elvina Bay, to give the applicant the opportunity to submit to Council and upload to the Planning Portal by 16 March 2023 the following:

- a) Plans showing the extent of excavation associated with the proposed retaining walls
- b) In addition to (a) fully dimensioned detailed development plans showing colouring of all new proposed work.
- c) Plans showing that the electrical works associated with the proposed inclinator will be above the Estuarine Planning Level
- d) An updated Engineering Statement from Cardno
- e) An updated Geotechnical Statement from Ascentgeo
- f) A statement from the consulting arborist to confirm that the revised excavation and retaining walls associated with the proposed inclinator are outside of the calculated SRZ and TPZ of tree 4.
- g) An updated request under clause 4.6 of the Pittwater Local Environment Plan 2014

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 applicant on Sunday 26 February 2023 submitted amended plans, a statement of modification and Coastal Engineering Addendum to address reasons for refusal in the Council assessment report. These documents were submitted too late for Council to conduct an appropriate assessment. The Panel considers that there should be a deferral to give the applicant the opportunity of submitting the information referred to above and to enable Council to provide an assessment.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 MOD2022/0630 - 42 NORTH STEYNE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2021/2257, APPROVED BY THE LAND AND ENVIRONMENT COURT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING TO COMPRISE SHOP TOP HOUSING AND STRATA-SUBDIVISION.

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2021/2257, approved by the Land and Environment Court for alterations and additions to an existing building to comprise shop top housing and strata-subdivision.

The panel received two (2) late submissions dated 27 February 2023 and a supplementary memo from Council dated 28 February 2023.

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. Mod2022/0630 for Modification of Development Consent DA2021/2257, approved by the Land and Environment Court for alterations and additions to an existing building to comprise shop top housing and strata-subdivision on land at Lot 100 DP 1069144,75 The Corso, Manly, Lot 101 DP 1069144,75 The Corso, Manly, Lot 102 DP 1069144,75 The Corso, Manly, Lot 1 DP 1034722,42 North Steyne, Manly, subject to the conditions set out in the assessment report and supplementary memo dated 28 February 2023.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report and supplementary memo dated 28 February 2023.

Vote: 4/0

5.2 MOD2022/0565 - 8 DELECTA AVENUE, CLAREVILLE - MODIFICATION OF DEVELOPMENT CONSENT DA2021/1032 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

PROCEEDINGS IN BRIEF

The proposal is for Modification Application No. Mod2022/0565 for Modification of Development Consent DA2021/1032 granted for alterations and additions to a dwelling house.

The panel received two (2) late submissions dated 27 & 28 February 2023 and a supplementary memo from Council dated 28 February 2023.

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. Mod2022/0565 for Modification of Development Consent DA2021/1032 granted for alterations and additions to a dwelling house. on land at Lot 20 DP 13291,8 Delecta Avenue, Clareville, subject to the conditions set out in the assessment report and supplementary memo dated 28 February 2023.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report and supplementary memo dated 28 February 2023.

Vote: 4/0

5.3 DA2022/0696 - 2 PACIFIC PARADE, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS, SWIMMING POOLS AND SUBDIVISION OF 1 LOT INTO 2.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of two semi-detached dwellings, swimming pools and subdivision of 1 lot into 2.

The panel received a late submission dated 27 February 2023 and a supplementary memo from Council dated 28 February 2023.

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 4.3 Height of Buildings and 4.1 Minimum Lot Size 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. DA2022/0696 for demolition works and construction of two semi-detached dwellings, swimming pools and subdivision of 1 lot into 2 on land at Lot 40 DP 4603, 2 Pacific Parade, Manly subject to the conditions set out in the assessment report and supplementary memo dated 28 February 2023.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report and supplementary memo dated 28 February 2023.

Vote: 4/0

5.4 DA2022/1565 - 11/29-31 RICHMOND AVENUE, DEE WHY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING.**PROCEEDINGS IN BRIEF**

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

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) 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:
 - 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. DA2022/1565 for alterations and additions to a residential flat building on land at Lot 11 SP 78035, 11 / 29 - 31 Richmond Avenue, Dee Why 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 8 pages
numbered 1 to 8 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 1 March 2023.