



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 19 APRIL 2023**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 19 April 2023**

The public meeting commenced at 12.00pm and concluded at 12.52pm.

The deliberations and determinations commenced at 1.20pm following the public meeting and concluded at 2.46pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe KC	Chair
Marcus Sainsbury	Environmental Expert
Kara Krason	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**

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 5 APRIL 2023**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 5 April 2023, were adopted by the Chairperson and have been posted on the Council's website.

## **3.0 CATEGORY 3 APPLICATIONS**

## 4.0 PUBLIC MEETING ITEMS

### 4.1 DA2022/1443 - 90 QUEENSCLIFF ROAD, QUEENSCLIFF - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION.

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a residential flat building and strata subdivision.

At the public meeting which followed the Panel was addressed by four (4) neighbours and 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. DA2022/1443 for demolition works and construction of a residential flat building and strata subdivision on land at Lot 22 DP 8373, 90 Queenscliff Road, Queenscliff, subject to the conditions set out in the Assessment Report and subject to the following:

1. The addition of the following condition 1A:

##### **Privacy Screening Level 2 Balcony East side**

Plan DA103 Level 2 Issue B is to be amended to incorporate on the eastern side of the rear balcony privacy screening to substantially match the privacy screening shown on the western side on that plan.

Reason: To ensure appropriate amenity for the neighbouring property.

2. The amendment of condition 32 to read as follows:

##### **32. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties:

- No.88 Queenscliff Road, Queenscliff
- No.92 Queenscliff Road, Queenscliff
- No.47 Greycliffe Street, Queenscliff
- any other adjacent private property assets or adjacent public property that may be adversely affected by site works or activity during site works.

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over

damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

3. The amendment of condition 41 to read as follows:

**41. Geotechnical Recommendations of detailed Site Stability (Geotechnical) Report**

All recommendations (if any) included in the Site Stability (Geotechnical) Report referenced in Condition 17 of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

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

**17. Detailed Site Stability (Geotechnical) Report**

The detailed Site Stability (Geotechnical) Report addressing site stability, excavation and associated engineering requirements is to be prepared as recommended in the Geotechnical Report by *Crozier Geotechnical* (Condition 1) of this consent.

The applicant is to submit a certification from a suitably qualified Geotechnical Engineer that the construction plans and specifications satisfy the recommendations of the detailed Site Stability (Geotechnical) Report.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

## REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report, subject to the above.

Vote: 4/0

#### 4.2 DA2022/1193 - 20 AVON ROAD, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING INCLUDING STRATA SUBDIVISION.

##### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a residential flat building including strata subdivision.

At the public meeting which followed the Panel was addressed by no neighbours and three (3) 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 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 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. DA2022/1193 for demolition works and construction of a residential flat building including strata subdivision on land at Lot 1 DP 104820, 26 Avon Road, Dee Why, Lot 2 DP 104820, 24 Avon Road, Dee Why, Lot 3 DP 104820, 22 Avon Road, Dee Why, Lot 4 DP 104820, 20 Avon Road, 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

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 MOD2022/0664 - 398 SYDNEY ROAD, BALGOWLAH - MODIFICATION OF DEVELOPMENT CONSENT REV2021/0012 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT.

#### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent REV2021/0012 granted for demolition works and construction of a shop top housing development.

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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** Modification Application No. Mod2022/0664 for Modification of Development Consent REV2021/0012 granted for demolition works and construction of a shop top housing development on land at Lot 100 DP 1260628,398 Sydney Road, Balgowlah, 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 DA2022/1468 - 26 WANDELLA ROAD, ALLAMBIE HEIGHTS - DEMOLITION WORKS, SUBDIVISION OF ONE LOT INTO TWO, CONSTRUCTION OF A DWELLING HOUSE UPON EACH LOT AND ONE SWIMMING POOL.**

**PROCEEDINGS IN BRIEF**

The proposal is for demolition works, subdivision of one lot into two, construction of a dwelling house upon each lot and one swimming pool.

**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 4.1 Minimum Subdivision 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.

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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. DA2022/1468 for demolition works, subdivision of one lot into two, construction of a dwelling house upon each lot and one swimming pool on land at Lot D DP 412123, 26 Wandella Road, Allambie Heights 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 19 April 2023.