

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 17 MAY 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 17 May 2023

The public meeting commenced at 12.04pm and concluded at 12.37pm.

The deliberations and determinations commenced at 12.50pm following the public meeting and concluded at 2.03pm.

ATTENDANCE:

Panel Members

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|--------------|--------------------------|
| David Crofts | Chair |
| Brian Kirk | Town Planner |
| Jason Perica | Town Planner |
| Frank Bush | 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 19 APRIL 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 19 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 DA2022/0596 - 29-37 DOBROYD ROAD, BALGOWLAH HEIGHTS - CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING RETAIL AND 'CO-LIVING HOUSING' OVER PART BASEMENT PARKING.

PROCEEDINGS IN BRIEF

The proposal is for construction of a mixed use development comprising retail and 'Co-living housing' over part basement parking.

At the public meeting which followed the Panel was addressed by three (3) neighbours and one (1) representative of the applicant.

The Panel received a late submission dated 10 May 2023 and a supplementary memo from Council dated 15 May 2023.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2022/0596 for the construction of a mixed use development comprising retail and 'Co-living housing' over part basement parking on land at Lot CP SP 35989,29 - 37 Dobroyd Road, Balgowlah Heights, for the reasons for refusal set out in the Assessment Report and supplementary memo.

REASONS FOR DETERMINATION:

The Panel agrees generally with the Assessment Report and supplementary memo.

In addition the Panel has concerns in relation to:

- The calculation of Floor Space Ratio (FSR), in particular the inclusion or otherwise of the garbage and toilet area on the parking level, and the consequential impact on whether the proposal complies with the FSR development standard.
- The permissibility of the development as to whether the minimum lot size included under clause 69 of the State Environmental Policy (Housing) 2021 meets the definition of a development standard that can be granted an exception pursuant to Clause 4.6 of the Manly Local Environmental Plan 2013.

Vote: 4/0

4.2 DA2022/1128 - 38 THE DRIVE, FRESHWATER - PARTIAL DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING INCLUDING RETENTION OF SUBSTANTIAL PORTIONS OF THE EXISTING DWELLING AND A DETACHED SECONDARY DWELLING OVER A GARAGE TOGETHER WITH A SWIMMING POOL.

This item was withdrawn from the agenda on Friday 12 May 2023 and was not determined at this meeting.

4.3 DA2022/0688 - 33 FAIRLIGHT STREET, FAIRLIGHT - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING.

PROCEEDINGS IN BRIEF

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

At the public meeting which followed the Panel was not addressed by any neighbours or representatives of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2022/0688 for the demolition works and construction of a residential flat building on land at Lot 8 DP 3742,35 Fairlight Street, Fairlight, Lot 9 DP 3742,33 Fairlight Street, Fairlight, for the reasons for refusal set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the Assessment Report and the reasons for refusal.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2022/1972 - 1740 PITTWATER ROAD, BAYVIEW - CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL AND BOAT SHED.

PROCEEDINGS IN BRIEF

The proposal is for construction of a dwelling house including a swimming pool and boat shed.

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 Environment Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings & 7.8 Limited Development on Foreshore area 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. DA2022/1972 for construction of a dwelling house including a swimming pool and boat shed on land at Lot A DP 421371, 1740 Pittwater Road, Bayview, Lot LIC 558819, 1740 Pittwater Road, Bayview, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Boatshed

The Boat shed is to be used in accordance with the definition under the Dictionary of the Pittwater Local Environmental Plan as follows:

"means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure"

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

2. The addition of the following condition:

Amendment to Boatshed

Window WB1 is to be replaced with a single door, no wider than 1000mm.

WB3 is to be deleted.

Details are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure that Boatshed is used as a boatshed, as defined.

3. The addition of the following condition:

Canopy Tree

An endemic canopy tree is to be provided to the new lawn area to the south of the pool, adjacent to the foreshore.

The canopy tree is to reach a maturity of at least 5 metres. The species of the tree to be a locally endemic species selected from Council's recommended list.

Details are to be provided to the Certifying Authority and planted prior to the issue of the Occupation Certificate.

Reason: To provide appropriate visual and landscape amenity along the foreshore.

REASONS FOR DETERMINATION:

The Panel agrees generally with the Assessment Report. The Panel was of the view that there needed to be clarity in the purpose and use of the proposed boatshed and proposed additional conditions to this effect. An offsetting tree planting condition has been included in recognition of the removal of a mature tree adjacent to the pool area.

Vote: 4/0

5.2 DA2023/0022 - 120 SOUTH CREEK ROAD, CROMER - INSTALLATION OF SPORTSFIELD LIGHTING WITHIN AN EDUCATIONAL ESTABLISHMENT (NORTHERN BEACHES SECONDARY COLLEGE - CROMER CAMPUS).

PROCEEDINGS IN BRIEF

The proposal is for installation of sportsfield lightning within an educational establishment (Northern Beaches Secondary College – Cromer Campus).

The Panel received a late submission dated 15 May 2023 and a supplementary memo from External Consultant, Roberto Bianco of GAT & Associates, dated 16 May 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 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. DA2022/0022 for the installation of sportsfield lightning within an educational establishment (Northern Beaches Secondary College – Cromer Campus) on land at Lot 623 DP 752038, 120 South Creek Road, Cromer, Lot 624 DP 752038, 120 South Creek Road Cromer, Lot 625 DP 752038, 120 South Creek Road Cromer, Lot 626 DP 752038, 120 South Creek Road Cromer, subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The deletion of condition 6.
2. The amendment of condition 8 to read as follows:

8. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the

Certifier prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

3. The amendment of condition 26 to read as follows:

26. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) At the set-out of the pole locations prior to excavation.
- (b) At completion, certification that the pole heights are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

4. The amendment of condition 33 to read as follows:

33. Control of light spill

The Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the lighting complies with the following:

Australian Standard 4282:2019 for control of obtrusive lighting.

Australian Standard 2560.1 2018 Sports Lighting general principles.

Reason: To protect public health and amenity.

REASONS FOR DETERMINATION:

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

Vote: 4/0

**5.3 MOD2022/0628 - 96-97 NORTH STEYNE, MANLY - MODIFICATION OF
DEVELOPMENT CONSENT DA272/2017 FOR ALTERATIONS AND ADDITIONS TO
AN EXISTING RESIDENTIAL FLAT BUILDING.**

PROCEEDINGS IN BRIEF

The proposal is for modification of Development Consent DA272/2017 for Alterations and additions to an existing Residential Flat Building.

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. Mod2022/0628 for modification of Development Consent DA272/2017 for Alterations and additions to an existing Residential Flat Building on land at Lot 101 DP 1110110,96 - 97 North Steyne, 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

5.4 DA2022/2013 - 15 PINE STREET, MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING.**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a semidetached dwelling.

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 4.4 Floor Space Ratio 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. DDA2022/2013 for alterations and additions to a semidetached dwelling on land at Lot B DP 188242, 15 Pine Street, Manly, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 9 to read as follows:

9. External colour scheme and window framing

The proposed external colour scheme should match the existing colours. The new external windows shall be of timber frame construction. Details demonstrating compliance with this condition must be submitted to Council for approval prior to the issue of the Construction Certificate.

Reason: To preserve the significance of the conservation area.

REASONS FOR DETERMINATION:

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

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 17 May 2023.