



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 7 JUNE 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 7 June 2023

The public meeting commenced at 12.00pm and concluded at 12.34pm.

The deliberations and determinations commenced at 1.00pm following the public meeting and concluded at 2.28pm.

ATTENDANCE:

Panel Members

| | |
|---------------|--------------------------|
| Annelise Tuor | Chair |
| Brian Kirk | Town Planner |
| Glennys James | 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 17 MAY 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 17 May 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 REV2023/0007 - 13 ILUKA ROAD, PALM BEACH - REVIEW OF DETERMINATION OF APPLICATION NO. DA2022/1158 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL.

PROCEEDINGS IN BRIEF

The proposal is for Review of Determination of Application No. DA2022/1158 for demolition works and construction of a dwelling house including a swimming pool.

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

DETERMINATION OF REVIEW APPLICATION

That the Northern Beaches Local Planning Panel unanimously agreed to change the decision of the previous Panel and has determined, on behalf of Northern Beaches Council as the consent authority, to **approve** Development Consent to REV2023/0007 for Review of Determination of Application No. DA2022/1158 for demolition works and construction of a dwelling house including swimming pool on land at Lot 62 DP 14682, 13 Iluka Road, Palm Beach, subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel generally agrees with the Assessment Report.

Vote: 3/0

4.2 DA2022/1548 - 137 RIVERVIEW ROAD, AVALON BEACH - CONSTRUCTION OF AN INCLINE PASSENGER LIFT.

PROCEEDINGS IN BRIEF

The proposal is for construction of an incline passenger lift.

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

The panel received a late submission dated 6 June 2023 and a supplementary memo from Council dated 6 June 2023.

The Panel notes the applicant's request that the application be deferred to enable amended plans to be provided. However, the Panel is not satisfied that the suggested changes would resolve the issues and therefore deferral of the determination of the application is not warranted.

DECISIONS ON EXCEPTIONS TO DEVELOPMENT STANDARDS

1. The Panel is not satisfied that:

- a) the applicant's written request under clause 4.6 of the Pittwater Local Environment Plan 2014 seeking to justify a contravention of clause 7.8 Limited Development on Foreshore Area development standard has adequately addressed and demonstrated that:
 - i) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - ii) there are sufficient environmental planning grounds to justify the contraventions.
- b) 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2022/1548 for the construction of an incline passenger lift on land at Lot 1 DP 1191316, 137 Riverview Road, Avalon Beach, Lot LIC 618131, 137 Riverview Road, Avalon Beach, for the following reasons:

1. **Pursuant Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 7.8 Limited development on foreshore area of the Pittwater Local Environmental Plan 2014 and the requirements of Clause 4.6 (4) are not satisfied.**

Particulars:

- i. The written request under Clause 4.6 fails to demonstrate that compliance with Clause 7.8 is unreasonable and unnecessary and that there are sufficient environmental planning grounds.
- ii. The Clause 4.6 written request does not demonstrate that the development will be consistent with the objective of Clause 7.8.
- iii. The environmental planning grounds advanced within Clause 4.6 state that the

proposed development will not obstruct or restrict the continued public access to and along the foreshore area. This claim is contrary to the architectural plans provided which indicate the landing at the waterfront level will obstruct the continued public access along the foreshore area. The Applicant's written request in accordance with Clause 4.6 to vary Clause 7.8 is not well-founded and cannot be supported.

iv. The written Clause 4.6 fails to address the W1 Natural Waterways zone objectives.

2. **Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development appears to encroach within the W1 Natural Waterways Zone. The development is prohibited in this zone.**
3. **Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development does not satisfy the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, specifically relating to 2.10 and 2.11 of the SEPP in relation to maintaining public access.**
4. **Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provision of Clause 1.2 Aims of the Plan, Clause Zone C4 Environmental Living zone of the *Pittwater Local Environmental Plan 2014* and A4.1 Avalon Beach Locality of the *Pittwater 21 Development Control Plan*.**

Particulars:

- i. As the proposed development will restrict the continued public access to and along the foreshore area, it fails to be consistent with the provisions of the PLEP 2014 and the zone objectives of C4 Environmental Living zone.
 - ii. The proposed development is inconsistent with the character statement of the Avalon Beach locality as prescribed under A4.1 within the Pittwater Development Control Plan.
5. **Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* the proposed development is not in the public's interest for the above reasons.**
 6. **Insufficient Information**

Particulars:

- i. No detail or information has been included on the submitted architectural plans in relation to the location of the bottom landing platform, the proposed retaining wall at the bottom of the inclinor lift for the car lift pit, construction details and how public access along the foreshore will be maintained. This absence of information is such that it is not clear what approval is sought for or the resultant impacts.

REASONS FOR DETERMINATION:

The Panel generally agrees with the Assessment Report and supplementary memo and refuses the application for the reasons set out above.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

- 5.1 DA2023/0082 - 1A MYOORA ROAD, TERREY HILLS - ALTERATIONS AND ADDITIONS TO AN EXISTING RECREATION FACILITY (OUTDOOR) INCLUDING UPGRADES TO THE EXISTING DRIVING RANGE, INSTALLATION OF NEW NETTING, CONSTRUCTION OF A NEW MINI-GOLF COURSE, CONVERSION OF THE EXISTING BASEBALL NETS INTO A CHILDREN'S PLAY AREA, EXPANSION OF LICENSED AREAS AND SIGNAGE.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing recreation facility (outdoor) including upgrades to the existing driving range, installation of new netting, construction of a new mini-golf course, conversion of the existing baseball nets into a children's play area, expansion of licensed areas and signage.

The panel received a late submission dated 5 June 2023 and a supplementary memo from Council dated 6 June 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. DA2023/0082 for alterations and additions to an existing recreation facility (outdoor) including upgrades to the existing driving range, installation of new netting, construction of a new mini-golf course, conversion of the existing baseball nets into a children's play area, expansion of licensed areas and signage on land at Lot 51 DP 825753, 1A Myoora Road, Terrey Hills, to give the applicant the opportunity to submit to Council by 5 July 2023 the following:

- a) Information demonstrating consistency of the functions centre use with the area approved for use as a conference centre under DA1996/261. This should include details of any changes to the operation of the area, including hours of operation, to that which is approved under DA1996/261.
- b) Further information on the visual impact of the proposal (including the netting material, poles and the flags) when viewed from the residential areas located across the valleys north of the site and from within the adjoining national park.

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 has deferred the application as further information is required to fully understand the impacts of the application and its consistency with previous approvals.

Vote: 4/0

5.2 DA2023/0195 - MANLY WHARF RETAIL WHARVES AND JETTIES, MANLY - USE OF PREMISES (SHOP 11) AS A CAFE INCLUDING FIT-OUT AND SIGNAGE.

PROCEEDINGS IN BRIEF

The proposal is for use of premises (Shop 11) as a café including fit-out and signage.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0195 for use of premises (Shop 11) as a café including fit-out and signage on land at Lot 1 DP 1170245, 0 Wharves And Jetties, Manly, subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel generally agrees 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 7 June 2023.