



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

FRIDAY 21 JULY 2023

Minutes of the Northern Beaches Local Planning Panel held on Friday 21 July 2023

The public meeting commenced at 10.30am and concluded at 11.34am.

The deliberations and determinations commenced at 12.00pm following the public meeting and concluded at 1.30pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Deborah Laidlaw	Town Planner
Marjorie Ferguson	Town Planner
Lloyd Graham	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 – Deborah Laidlaw 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 5 JULY 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 5 July 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 DA2023/0020 - 48 EUROBIN AVENUE, MANLY - DEMOLITION WORK AND CHANGE OF USE OF SITE TO AN EDUCATIONAL ESTABLISHMENT (STELLA MARIS COLLEGE) AND INSTALLATION OF TEMPORARY DEMOUNTABLE BUILDINGS.

PROCEEDINGS IN BRIEF

The Proposal is for demolition work and change of use of site to an educational establishment (Stella Maris College) and installation of temporary demountable buildings.

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

The Panel received a late submission dated 20 July 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 Environmental 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 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. DA2023/0020 for demolition work and change of use of site to an educational establishment (Stella Maris College) and installation of temporary demountable buildings on land at Lot CP SP 12627, 50 Eurobin Avenue, Manly, Lot 1 SP 12627, 1 / 50 Eurobin Avenue, Manly, Lot 2 SP 12627, 2 / 50 Eurobin Avenue, Manly, Lot 42 DP 14521, 48 Eurobin Avenue, Manly subject to the conditions set out in the Assessment Report, subject to the following:

1. The deletion of condition 14.
2. The deletion of condition 29.
3. The amendment of condition 30 to read as follows:

30. Required Screen Planting

Screen planting shall be planted in accordance with the following:

- a) All screen planting as indicated along the boundaries of the site as indicated on Landscape Plans dated 19/12/2022 prepared by JDH Architects.
- b) The screen planting along the Eurobin Avenue frontage shall be of the same of the same planting scheme and species as proposed along the southern part of the western side

boundary, i.e. Syzygium Australe (Straight and Narrow, common name Narrow Lilly Pilly).

- c) Plants are to be installed as advanced specimens at minimum 1 metre intervals and be of a minimum container size of 75 litre at planting in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To maintain environmental amenity.

- 4. The amendment of condition 43 to read as follows:

43. Replacement of landscaping adjacent to Scholastica Building

Within six (6) months following the removal of the temporary demountable building the landscape planting along the western side of the Scholastica Building is to be reinstated in accordance with the approved landscape plan and relevant conditions as required by DA2014/232.

Reason: To ensure the landscaping outcomes for the existing school development are maintained.

REASONS FOR DETERMINATION

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

Vote: 3/0

4.2 DA2022/1869 - 4-6 NIANGALA CLOSE, BELROSE - ALTERATIONS AND ADDITIONS TO BELROSE SUPER CENTRE INCLUDING SIX (6) NEW TENANCIES FOR USE AS SPECIALISED RETAIL PREMISES AND RECONFIGURATION OF THE EXISTING CAR PARK.

This item was withdrawn from the agenda on Tuesday 18 July 2023 and was not determined at this meeting.

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2023/0304 - 87 BLACKBUTTS ROAD, FRENCHS FOREST - DEMOLITION WORKS, AND THE CONSTRUCTION OF FOUR SENIORS HOUSING DWELLINGS AND ASSOCIATED WORKS.

PROCEEDINGS IN BRIEF

The Proposal is for demolition works, and the construction of four seniors housing dwellings and associated works.

The Panel received a late submission dated 20 July 2023 and a supplementary memo from Council dated 20 July 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 SEPP (Housing) 2021 development standards 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. DA2023/0304 for demolition works, and the construction of four seniors housing dwellings and associated works on land at Lot 2413 DP 752038, 87 Blackbutts Road, Frenchs Forest subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

5. The amendment of condition 16 to read as follows:

16. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The western facing bedroom 2 windows in dwellings TH3 and TH4 are to use a fixed pane of frosted glass for any part that is less than 1.6m above Finished Floor Level (FFL) or be highlight windows with a minimum sill height of 1.6m above the FFL. A second window may be provided to each bedroom in the northern wall provided that no part is closer than 1m to the western wall and that each of the additional windows has a maximum dimension of 1m width by 1m height.
- The southern facing first floor living room 2 window in dwelling TH4 is to use a fixed pane of frosted glass for any part that is less than 1.6m above FFL or to be a highlight window with a minimum sill height of 1.6m above the FFL.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the

Construction Certificate.

Reason: To minimise unreasonable impacts upon surrounding land.

6. The amendment of condition 21 to read as follows:

21. External Finishes to Roof

The external finish to the roof shall be 'Shale Grey'. No metallic finish steel finish is permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur.

7. The amendment of condition 23 to read as follows:

23. Requirements for Seniors Housing or Housing for Persons with a Disability

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with all the standards specified in Part 5, Division 3 Cl. 85 (Schedule 4) within State Environmental Planning Policy (Housing) 2021, with exception of Clause 85 Schedule 4, Clause 17 'Access to kitchen, main bedroom, bathroom and toilet'.

Details demonstrating compliance with the above requirement are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure safe and equitable access for seniors or people with a disability.

8. The addition of the following condition 66:

66. Maintenance of lift TH1

The lift in TH1 shall be maintained in a functioning and serviceable state for the life of the development, by the owner(s) of the dwelling. This requirement shall be registered on the title of that unit or form part of a by-law if the development is strata subdivided. Northern Beaches Council shall be empowered to vary, release or modify such restriction or by-law.

Reason: To ensure suitable accessibility is maintained.

REASONS FOR DETERMINATION

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

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 Friday 21 July 2023.