



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 16 AUGUST 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 16 August 2023

The public meeting commenced at 12.00pm and concluded at 12.19pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 1.02pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Marcus Sainsbury	Environmental Expert
David Epstein	Urban Design/Architect
Nick Lawther	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 2 AUGUST 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 2 August 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 MOD2023/0238 - 15 THE CHASE, LOVETT BAY - MODIFICATION OF DEVELOPMENT CONSENT DA2022/1368 GRANTED FOR ALTERATIONS AND ADDITIONS TO DWELLING HOUSE, INSTALLATION OF AN INCLINE PASSENGER LIFT AND REPLACEMENT OF THE ON-SITE WASTEWATER TREATMENT SYSTEM.

PROCEEDINGS IN BRIEF

The Proposal is for Modification of Development Consent DA2022/1368 granted for alterations and additions to dwelling house, installation of an incline passenger lift and replacement of the on-site wastewater treatment system.

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

The Panel received two (2) late submissions dated 14 August 2023 and a supplementary memo from Council dated 14 August 2023.

DETERMINATION OF MODIFICATION APPLICATION

THAT the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. Modification Application No. Mod2023/0238 for Modification of Development Consent DA2022/1368 granted for alterations and additions to dwelling house, installation of an incline passenger lift and replacement of the on-site wastewater treatment system. on land at Lot 4 DP 22826, 15 The Chase, Lovett Bay, Lot LIC 367042, 15 The Chase, Lovett Bay for the reasons for refusal set out in the Assessment Report and supplementary memo, for the following reasons:

1. **Pursuant to 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 (PLEP 2014).**

Particulars:

- The proposed modifications are not permitted under Clause 7.8 Limited development on foreshore area as they do not represent exclusions under Clause 7.8(2).
- Compliance with this standard is considered to be reasonable and necessary, given the site zoning as C3 Environmental Management, the existing dwelling's intrusion into the foreshore area and the variation proposed to the non-landscaped area control.
- The environmental planning grounds advanced to justify a variation to Clause 7.8 Limited development on foreshore area of the PLEP 2014 are not sufficient.
- The merits of the variation have been assessed with regard to the objectives of the development standard and underlying objectives of the C3 Environmental Management zone. The proposal is considered to be inconsistent with the objectives and provisions of Clause 7.8 - Limited development on foreshore area and the objectives of the C3 Environmental Management zone.

2. **Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021.**

Particulars:

- The proposed development is likely to cause an adverse impact on the visual amenity and

scenic qualities of the coast, including coastal headlands, a matter for consideration under Section 2.11 Development on land within the coastal use area.

3. **Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause Zone C3 Environmental Management of the Pittwater Local Environmental Plan 2014.**

Particulars:

- Contravention of PLEP 2014 Clause 7.8 Limited development on foreshore area and Pittwater 21 Development Control Plan 21 DCP (P21DCP) Clause D8.9 Landscaped Area result in a proposal that does not provide for residential development of a low density and scale integrated with the landform and landscape, resulting in a visually prominent built form.
- The proposed modification is inconsistent with the objectives of the C3 Environmental Management zone.

4. **Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause A4.8 Lower Western Foreshores and Scotland Island Locality of the Pittwater 21 Development Control Plan.**

Particulars:

- The proposed development is considered to be inconsistent with the desired future character statement of the Lower Western Foreshores and Scotland Island Locality within Clause A4.8 of the P21DCP.

5. **Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D8.2 Scenic protection - General of the Pittwater 21 Development Control Plan.**

Particulars:

- The proposed development is not considered to minimise visual impact on the natural environment when viewed from any waterway and is inconsistent with this Clause, resulting from contravention of PLEP 2014 Clause 7.8 Limited development on foreshore area and P21DCP Clause D8.9 Landscaped Area.

6. **Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D8.9 Landscaped Area of the Pittwater 21 Development Control Plan.**

Particulars:

- The modification proposed by this application further decreases landscaped area and increases non-landscaped area to an unreasonable and unsupported extent, whilst increasing the existing dwellings encroachment into the foreshore area.

7. **Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not within the public's interest.**

Particulars:

- It is considered that the proposal would result in a development which will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community, and is therefore not in the public interest.

REASONS FOR DETERMINATION

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

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2023/0376 - 400 BARRENJOEY ROAD, BILGOLA BEACH - CHANGE OF USE OF PREMISES FROM A KIOSK TO A CAFE

PROCEEDINGS IN BRIEF

The Proposal is for change of use of premises from a kiosk to a café.

The Panel received two (2) late submissions dated 9 August 2023 and 12 August 2023 and a supplementary memos from Council dated 10 August 2023 and 14 August 2023

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0376 for the use of an existing kiosk as a café at Lot 7096 DP 1124092 Part Lot 7327 DP 1164236, 400 Barrenjoey Road, Bilgola Beach, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 10 to read as follows:

10. Service of Alcohol

The sale, supply and consumption of alcohol is not permitted, without the prior written statutory approval of the Council.

Reason: To ensure that the safety and amenity of the surrounding locality is maintained.

2. The amendment of condition 12 to read as follows:

12. Use of roofing

Any plastic membranes used across the northern façade of the outdoor dining shade are only to be used in inclement weather. The structure is generally to remain open.

Reason: To ensure that the amenity of the surrounding locality is remained.

REASONS FOR DETERMINATION

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

Vote: 4/0

5.2 DA2023/0687 - 9/110 NORTH STEYNE, MANLY - 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 Manly Local Environment Plan 2013 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. DA2023/0687 for alterations and additions to a residential flat building on land at Lot 9 SP 68048, 9 / 110 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

5.3 DA2023/0287 - NORTH STEYNE, MANLY - SUBDIVISION OF TWO (2) LOTS INTO FOUR (4) STRATUM LOTS

PROCEEDINGS IN BRIEF

The Proposal is for subdivision of two (2) lots into four (4) stratum lots.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0287 for subdivision of two (2) lots into four (4) stratum lots on land at Lot 1 DP 1062787, 0 North Steyne, Manly, Lot 3 DP 1062787, 0 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 DA2023/0306 - 20 SPRING COVE AVENUE, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Proposal is for alterations and additions to a dwelling house including a swimming pool.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0306 for alterations and additions to a dwelling house including a swimming pool on land at Lot 15 DP 1189590, 20 Spring Cove Avenue, 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

This is the final page of the Minutes comprising 10 pages numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting held on Wednesday 16 August 2023.