

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 6 SEPTEMBER 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 6 September 2023

The public meeting commenced at 12.00pm and concluded at 1.24pm.

The deliberations and determinations commenced at 2.00pm following the public meeting and concluded at 6.39pm.

ATTENDANCE:

Panel Members

Peter Biscoe KC	Chair
Julie Walsh	Law
Heather Warton	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

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 – Frank Bush declared a conflict of interest in this matter and did not participate in the site inspection, public meeting, deliberation and determination.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 16 AUGUST 2023

The Panel notes that the minutes of the Northern Beaches Local Planning Panel held 16 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 DA2022/2234 - 19 MORELLA ROAD, WHALE BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL AND GARAGE.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a dwelling house including a swimming pool and garage.

At the public meeting which followed the Panel was addressed by representatives of three neighbouring properties and three representatives of the applicant.

The Panel received site inspection requests from the owners of 17 Morella Road, 21 Morella Road and 206 Whale Beach Road, Whale Beach. The requests were granted by the Chair and the Panel met with a Council Officer on Monday 4 September 2023 to carry out these inspections.

The Panel received four late submissions dated 4 September 2023 and supplementary memos from Council dated 5 and 6 September 2023.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request dated September 2023 under clause 4.6 of the Pittwater Local Environmental Plan 2014 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/2234 for demolition works and construction of a dwelling house including a swimming pool and garage on land at Lot 101 DP 871240, 19 Morella Road, Whale Beach subject to the conditions set out in the Assessment Report and supplementary memos, subject to the following.

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

17. Privacy Screen

A 1.65 metre privacy screen (measured from finished floor level) is to be erected for a length of 3m along edge of the Level 1 terrace area measured from the eastern edge of the building. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Construction Certificate.

Reason: In order to maintain privacy to the adjoining / nearby property.

2. The amendment of condition 24 to read as follows:

24. 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.

Properties: 17 Morella Road and 21 Morella Road and 206 Whale Beach Road, Whale Beach.

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. If access is denied, then no dilapidation report is required.

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 15 to read as follows:

15. Amendments to the approved plans

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

- a) The proposed species are to be amended to ensure there are no species that have a mature height of more than 8m. The species are also to be endemic.
- b) The proposed species along the northern boundary are to be replaced with endemic species for the extent of the 'home office and 'scullery,' on Plan A1.002 – Level 1 (Living Plan). These species are to achieve a minimum mature height of 4 metres.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and supplementary memos of 5 and 6 September 2023. Two days before the public meeting, submissions were received from a lawyer on behalf of the owners of 17 Morella Rd to the effect that the extent of the height exceedance was far greater than that addressed in the applicant's earlier clause 4.6 written request and in the Assessment Report and therefore that request was inadequate and the Panel had no power to approve the application. Having regard to the survey plan by a registered surveyor and the state of the evidence including the facts stated in a letter from the applicant's lawyer of 5 September 2023 and in Council's supplementary memo of 6 September 2023 and for the reasons expressed in that letter and memo, the Panel does not accept the submissions.

Vote: 3/0

4.2 DA2023/0172 - 1 GLADYS AVENUE, FRENCHS FOREST - DEMOLITION WORKS AND CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT COMPRISING OF 30 TOWNHOUSES AND BASEMENT CAR PARKING.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a multi-dwelling housing development comprising of 30 townhouses and basement car parking.

At the public meeting which followed the Panel was addressed by no neighbours and no representatives of the applicant.

The Panel received one late submission dated 5 September 2023 and a supplementary memo from Council dated 5 September 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. DA2023/0172 for the demolition works and construction of a multi-dwelling housing development comprising of 30 townhouses and basement car parking at 1, 5, 5A and 7 Gladys Avenue, Frenchs Forest 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.

Vote: 4/0

4.3 MOD2022/0660 - 9-11 VICTORIA PARADE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA220/2013 GRANTED FOR DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MIXED USE DEVELOPMENT AND STRATA SUBDIVISION.

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA220/2013 granted for demolition of existing structures and construction of a Mixed Use Development and Strata Subdivision.

At the public meeting which followed the Panel was addressed by one neighbour and three representatives of the applicant.

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. Mod2022/0660 for Modification of Development Consent DA220/2013 granted for demolition of existing structures and construction of a Mixed Use Development and Strata Subdivision on land at Lot CP SP 31058, 11 Victoria Parade, Manly subject to the conditions set out in the Assessment Report, subject to the following:

4. The amendment of condition number DA1A to include at the end:
 - A4.01 Revision B dated 13 April 2023 – Platform Architects

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

26. External Finishes

On the heritage building the external colour scheme for surfaces intended for painting is to be based where possible on physical and documentary evidence in keeping with the architectural style and period of the original building. The proposed external finishes and colours on approved drawing reference External Finishes A4.01 Revision B dated 13 April 2023 for the new building on levels 5 & 6 and the rendered parts of the new building are required to be recessive - preferably a darker shade of the proposed MAS1 and MAS2, rather than the proposed off white colour (CL1 and REN).

Details demonstrating compliance are to be submitted to the Council's Heritage Advisor for approval prior to the issue of the Construction Certificate.

Reason: To ensure the proposed colour scheme is appropriate to the type and style of the building and the surrounding area.

REASONS FOR DETERMINATION

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

Vote: 4/0

4.4 DA2023/0127 - 6 NAMONA STREET, NORTH NARRABEEN - DESIGNATED DEVELOPMENT - ALTERATIONS AND ADDITIONS TO AN EDUCATIONAL ESTABLISHMENT (NARRABEEN NORTH PUBLIC SCHOOL) INCLUDING THE REMOVAL AND REPLACEMENT OF TREES, LANDSCAPING WORKS, AND THE INSTALLATION OF A SUBSTATION AND FIRE HYDRANT BOOSTER.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an educational establishment (Narrabeen North Public School) including the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster.

At the public meeting which followed the Panel was addressed by two 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, **approves** Application No. DA2023/0127 for alterations and additions to an educational establishment (Narrabeen North Public School) including the removal and replacement of trees, landscaping works, and the installation of a substation and fire hydrant booster (Designated Development) on land at Lot 3 DP 1018621, 6 Namona Street, North Narrabeen 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 DA2023/0296 - 261 ALFRED STREET, CROMER - DEMOLITION WORKS, SUBDIVISION OF ONE LOT INTO TWO LOTS, AND CONSTRUCTION OF A DRIVEWAY.

PROCEEDINGS IN BRIEF

The proposal is for demolition works, subdivision of one lot into two lots, and construction of a driveway.

The Panel received one late submission dated 4 September 2023 and a supplementary memo from Council dated 5 September 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 4.1 Minimum Lot Size 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. DA2023/0296 for demolition works, subdivision of one lot into two lots, and construction of a driveway on land at Lot 28 DP 11438, 261 Alfred Street, Cromer subject to the conditions set out in the Assessment Report and supplementary memo.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and supplementary memo. The Panel is satisfied, in this particular case and having regard to condition 34 concerning building footprint, that the objective of clause 4.1 – Minimum Lot Size of the Warringah Local Environmental Plan 2011 is satisfied, namely, to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality.

Vote: 4/0

5.2 DA2023/0212 - 13 GREEN STREET, BROOKVALE - ALTERATIONS AND ADDITIONS TO AN EXISTING INDUSTRIAL BUILDING TO CREATE ROOFTOP CAR PARKING.**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to an existing industrial building to create rooftop car parking.

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 Building 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. DA2023/0212 for Alterations and additions to an existing industrial building to create rooftop car parking on land at Lot 1 DP 1206968, 13 Green Street, Brookvale 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 DA2023/0770 - 23 TAIYUL ROAD, NORTH NARRABEEN – STRATA SUBDIVISION OF AN EXISTING DUAL OCCUPANCY DEVELOPMENT.

PROCEEDINGS IN BRIEF

The proposal is for Strata Subdivision of an existing dual occupancy development.

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 Environmental Plan 2014 seeking to justify a contravention of clause 4.2A Minimum Lot Size 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. DA2023/0770 for Strata Subdivision of an Existing Dual Occupancy Development on land at Lot 48 DP 6462, 23 Taiyul Road, North Narrabeen 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 12 pages
numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 6 September 2023.