

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 1 NOVEMBER 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 1 November 2023

The public meeting commenced at 12.00pm and concluded at 12.48pm.

The deliberations and determinations commenced at 1.05pm following the public meeting and concluded at 3.56pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Heather Warton	Town Planner
Glennys James	Town Planner
Andrew Doherty	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.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 18 OCTOBER 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 18 October 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 DA2022/1164 - 34-35 SOUTH STEYNE, MANLY - DEMOLITION AND CONSTRUCTION OF A COMMERCIAL BUILDING

PROCEEDINGS IN BRIEF

The Proposal is for demolition and construction of a commercial building.

At the public meeting the Panel was addressed by one speaker in objection, one speaker in support of the application and two representatives of the applicant.

The Panel received a late submission dated 30 October 2023 and two supplementary memos from Council dated 31 October 2023.

DEFERRAL FOR 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. DA2022/1164 for Demolition and construction of a commercial building on land at Lot B DP 102407, 34 - 35 South Steyne, Manly, Lot 2 DP 861591, 34 - 35 South Steyne, Manly, to give the applicant the opportunity to submit to Council by 16 November 2023 the following:

- a) A further amended plan showing a reduction in the overall height of the building by 0.5 metre below that of the existing amended plan, with the exception of the front parapet which should be aligned in height with the adjacent buildings as per the existing amended plan.
- b) Modelling showing the impact of the further amended plans on views from Units 632, 633 and 732 of 25 Wentworth Street, Manly.
- c) Modelling showing the impact of a building envelope constructed to the maximum building height (Clause 4.3) of the Manly Local Environmental Plan 2013 (with the exception of the front parapet which should be aligned in height with the adjacent buildings as per the existing amended plan) on views from Units 632, 633 & 732.

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's view is that it requires additional information in order to determine the matter because of the critical nature of view impacts on adjacent residences resulting from the proposed exceedance of maximum building heights.

Vote: 4/0

4.2 DA2023/0544 - 6 STEWART AVENUE, CURL CURL - CONSTRUCTION OF A SECONDARY DWELLING

PROCEEDINGS IN BRIEF

The Proposal is for construction of a secondary dwelling.

At the public meeting the Panel was addressed by three neighbours.

The Panel received a late submission dated 30 October 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. DA2023/0544 for construction of a secondary dwelling on land at Lot 3 DP 6260, 6 Stewart Avenue, Curl Curl subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:

- a) All Thuja occidentalis plant species must be replaced with Syzygium Straight and Narrow Lilly Pilly in 0.3L pots and spaced no more than 1m apart.
- b) The Acacia parvipinnula plant species must be replaced with Syzygium luehmannii Riberry Lilly Pilly in a 75L pot and be planted at least 2m from any building.
- c) The Wahlenbergia communis groundcover plant species must be replaced with a suitable buffalo grass species.
- d) Planting along the full length of the rear boundary of Syzygium Straight and Narrow Lilly Pilly in 0.3L pots and spaced no more than 1.5m apart. The stormwater overland spreader and clothes drying line be relocated as appropriate.

Certification shall be provided to the Certifier that these amendments have been documented.

Reason: Landscape amenity.

2. The addition of the following condition:

Landscape Maintenance

The Syzygium Straight and Narrow Lilly Pilly plants must be maintained to a height of at least 3m above the existing ground level.

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan(s) and any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report. The Panel was of the view that the proposal required additional landscape screening in order to satisfactorily maintain neighbourhood character and to manage the visual impact of the development on the adjacent open space.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2023/0588 - 161 RIVERVIEW ROAD - AVALON BEACH - CONSTRUCTION OF AN INCLINATOR

PROCEEDINGS IN BRIEF

The Proposal is for construction of an inclinator.

The Panel received a late submission dated 29 October 2023 and a supplementary memo from Council dated 1 November 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 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:
 - 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. DA2023/0588 for construction of an inclinator on land at Lot PO 11544, 161 Riverview Road, Avalon Beach and Lot 1 DP 1282914, 161 Riverview Road, Avalon Beach 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.

Pursuant to Clause 4.6, contravention of clause 7.8 Limited Development on Foreshore Area development standard of the Pittwater Local Environmental Plan 2014 is justified. The objectives of the development standard are met. In terms of environmental planning grounds, the site is extremely steep (87% slope) and the construction of stairs as alternate access would have a greater impact on site and unique character of the locality. The Proposal will not result in unreasonable impacts on adjoining or nearby properties, or the natural environment.

The Proposal minimises the impacts on the site and the Pittwater waterway and satisfactorily responds to the significant physical constraints and absence of any existing secure passage to the foreshore.

Vote: 4/0

5.2 DA2023/1134 - 47 FLORENCE TERRACE, SCOTLAND ISLAND - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

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

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 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. DA2023/1134 for alterations and additions to a dwelling house on land at Lot 359 DP 12749, 47 Florence Terrace, Scotland Island and Lot LIC 325191, 47 Florence Terrace, Scotland Island subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Pursuant to Clause 4.6, contravention of clause 7.8 Limited Development on Foreshore Area development standard of the Pittwater Local Environmental Plan 2014 is justified. The objectives of the development standard are met. In terms of environmental planning grounds, the siting and built form of the proposal is consistent with surrounding developments, responds to the site context, has minimal impact on ecological, scenic, cultural and aesthetic values, and maintains the existing low density character of the area.

Vote: 4/0

5.3 DA2023/0493 - 8 OCEAN ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING INCLUDING A FRONT FENCE

PROCEEDINGS IN BRIEF

The Proposal is for alterations and additions to a residential flat building.

The Panel received amended plans and BASIX Certificates for units 1-6 submitted by the applicant in the NSW Planning Portal on 30 & 31 October 2023 and a supplementary memo from Council dated 1 November 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 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. DA2023/0493 for alterations and additions to a residential flat building including a front fence on land at Lot CP SP 14402, 8 Ocean Road, Manly, 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.

Pursuant to Clause 4.6, contravention of clause 4.3 Height of Buildings development standard of the Manly Local Environment Plan 2013 is supported based on the applicants written request, as it has been established that it is unreasonable to require compliance and environmental planning grounds to support the variation.

Vote: 4/0

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 1 November 2023.