



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 22 NOVEMBER 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 22 November 2023

The public meeting commenced at 12.00pm and concluded at 12.27pm.

The deliberations and determinations commenced at 12.45pm following the public meeting and concluded at 1.40pm.

ATTENDANCE:

Panel Members

Peter Biscoe KC	Chair
Marcia Doheny	Law
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.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 15 NOVEMBER 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 15 November 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 DA2023/0285 – 1, 3 & 5 BLUEGUM CRESCENT AND 142 FRENCHS FOREST ROAD WEST, FRENCHS FOREST - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING WITH BASEMENT CAR PARKING INCLUDING STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a residential flat building with basement car parking including strata subdivision.

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

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 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. DA2023/0285 for demolition works and construction of a residential flat building with basement car parking including strata subdivision on land at Lot 62 DP 30700, 5 Bluegum Crescent, Frenchs Forest, Lot 61 DP 30700, 3 Bluegum Crescent, Frenchs Forest, Lot 59 DP 30700, 142 Frenchs Forest Road West, Frenchs Forest, Lot 60 DP 30700, 1 Bluegum Crescent, Frenchs Forest subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 27 to read as follows:

27. Amendments to the approved plans

a. The north-facing living room windows of Apartments A105 and A205 shall be amended to incorporate either:

- i. external full-height louvre-style privacy screens covering a minimum of half the glazing width; or
- ii. external louvre-style privacy screens covering the full width of the glazing up to a minimum height of 1.5m above the FFL; or
- iii. frosted/translucent glazing up to a minimum height of 1.5m above the FFL.

b. The north-facing balconies of Apartments AG01, A104 and A204 shall have louvre-style

privacy screens added to the northern edge of those balconies, which shall extend for 50% of the northern edge, commencing at the eastern wall between the lounge room and the bedroom.

c. The screens for Apartments A105 and A205 shall be fixed and angled towards the north-east, and the screens for Apartments AG01, A104 and A204 shall be fixed and angled towards the north-west.

d. All screens are to have fixed louvre blades with a maximum spacing of 100mm, and shall be constructed of materials and colours that complement the finishes and character of the building.

e. Screens installed on balconies are to extend the full height from finished floor level to the ceiling of the balcony.

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

Reason: To improve the privacy and amenity of the property to the north.

REASONS FOR DETERMINATION

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

Vote: 4/0

4.2 DA2022/1950 - 23 ASHBURNER STREET, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PROCEEDINGS IN BRIEF

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

The Panel received three submissions dated 20 & 21 November 2023 and a supplementary memo from Council dated 22 November 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. DA2022/1950 for demolition works and construction of a dwelling house including swimming pool on land at Lot 1 DP 926840, 23 Ashburner Street, Manly, subject to the conditions set out in the Assessment Report and supplementary memo.

1. The amendment of condition 9 to read as follows:

9. Flooding

In order to protect property and occupants from flood risk the following is required:

Flood Effects Caused by Development – A2

There is to be no filling of the land or any other reduction of the available flood storage which results in a net loss of storage below the 1% AEP flood level.

As outlined in the Flood Management Report prepared by Northern Beaches Consulting Engineers dated 16/03/2023 the following measures are to be implemented to ensure there is no net loss of storage below the 1% AEP flood level.

- The pool room must be raised above the FPL of 4.70m AHD, with an open substructure as to not impede the flow of flood waters.
- To offset flood storage area losses the external rear landscaping must be lowered by 100mm below the existing NGL.
- The proposed pool coping is to be flush with the adjacent natural ground level and the section of wall running adjacent to the pool must be removed, or open to RL 4.70m AHD as to not impede the flow of floodwaters.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Building Components and Structural Soundness – B1

All new development below the Flood Planning Level as determined in the Flood Management Report prepared by Northern Beaches Consulting Engineers dated 16/03/2023 shall be designed and constructed as flood compatible materials.

Building Components and Structural Soundness – B3

All new electrical equipment, power points, wiring and connections must be waterproofed and/or located above the Flood Planning Level as determined in the Flood Management Report prepared by Northern Beaches Consulting Engineers dated 16/03/2023.

Floor Levels – C1

New floor levels within the development shall be set at or above the Flood Planning Level of 4.70m AHD.

Fencing – F1

F1 - New fencing (including pool fencing, boundary fencing, balcony balustrades and accessway balustrades) shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area along any straight length, from the natural ground level up to the 1% AEP flood level. Openings shall be a minimum of 75mm x 75mm.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Storage of Goods – G1

Storage areas for hazardous or potentially polluting materials shall not be located below the Flood Planning Level of 4.70m AHD unless adequately protected from floodwaters in accordance with industry standards.

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

Pools - H1

The pool's coping is to be flush with the natural ground level.

All electrical equipment associated with the pool (including pool pumps) are to be waterproofed and/or located at or above the Flood Planning Level or adequately protected from floodwaters. Pool fencing shall be open to allow for the unimpeded movement of flood waters. It must be designed with a minimum of 50% open area from the natural ground level up to the 1% AEP flood level of 4.33m AHD.

Details demonstrating compliance are to be submitted to the Principal Certifier for approval.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

REASONS FOR DETERMINATION

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

Vote: 4/0

4.3 DA2023/0067 - 79 ASHWORTH AVENUE, BELROSE - DEMOLITION WORKS AND SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS

PROCEEDINGS IN BRIEF

The proposal is for demolition works and subdivision of one (1) lot into two (2) lots.

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

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2023/0067 for the demolition works and subdivision of one (1) lot into two (2) lots on land at Lot 1 DP 232410, 79 Ashworth Avenue, Belrose for the reasons for refusal set out in the Assessment Report, subject to the addition of the following reason 8 for refusal and the renumbering of the proposed reason 8 in the report as reason 9:

8. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is unsuitable for the land due to inconsistency with the minimum lot size for subdivision.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2023/0849 - 1/63-67 THE CORSO, MANLY - ALTERATIONS AND ADDITIONS TO A COMMERCIAL PREMISE

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a commercial premise.

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. DA2023/0849 for alterations and additions to a commercial premise on land at Lot 1 SP 67337, 1 / 63 - 67 The Corso, 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 9 pages numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting held on Wednesday 22 November 2023.