

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 6 DECEMBER 2023

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

The public meeting commenced at 12.00pm and concluded at 2.00pm.

The deliberations and determinations commenced at 2.30pm following the public meeting and concluded at 5.30pm.

ATTENDANCE:

Panel Members

Peter Biscoe KC	Chair
Robert Hussey	Town Planner
Deborah Laidlaw	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.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 22 NOVEMBER 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 22 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 DA2023/0367 - 52 OLD BARRENJOEY ROAD, AVALON BEACH - DEMOLITION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of shop top housing.

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

The Panel received a supplementary memo from Council dated 5 December 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. DA2023/0367 for the demolition works and construction of shop top housing on land at Lot E DP 28519,52 Old Barrenjoey Road, Avalon Beach for the reasons for refusal set out in the Assessment Report and supplementary memo, subject to the following:

1. The amendment of reason for refusal 4 to read as follows:
 4. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause C1.4 Solar Access of the Pittwater 21 Development Control Plan.

Particulars:

The additional overshadowing to the rear courtyard, used for a children's play centre, of the adjoining property at No.50 Old Barrenjoey is unreasonable, by analogy with Clause C1.4 Solar Access of Pittwater 21 Development Control Plan. For the purposes of this analogy, a minimum area of 80m² of the rear courtyard should have solar access between 9am and 3pm on June 21st is recommended by the control.

REASONS FOR DETERMINATION

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

Vote: 4/0

4.2 DA2022/1985 - 27 WAINE STREET, FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a residential flat building.

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

The Panel received two late submissions dated 4 December 2023.

The Panel notes a clerical error in the Planning Conclusion at the end of the Assessment Report: in the penultimate paragraph the words “not seen” should read “seen”.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2022/1985 for the demolition works and construction of a residential flat building on land at Lot A DP 412396, 27 Waine Street, Freshwater for the reasons for refusal set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel, by majority of 3/1, agrees generally with the Assessment Report.

Mr Hussey dissents and makes the following points:

1. The clause 4.6 request regarding the height exceedance has been justified.
2. The proposal has been accepted by the Design & Sustainability Advisory Panel.
3. The landscape officer has raised no objections.
4. The proposal makes a useful contribution to the unit mix in the area.
5. The proposed location of the basement access is in a relatively safe location.

Vote: 3/1

4.3 DA2022/2152 - 122, 122A, 124, 126, 128 CRESCENT ROAD AND 55 & 57 THE AVENUE, NEWPORT - DEMOLITION WORKS AND SUBDIVISION OF LAND INTO 8 LOTS INCLUDING TREE REMOVAL AND INFRASTRUCTURE WORK.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and subdivision of land into 8 lots including tree removal and infrastructure work.

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

The Panel received a supplementary memo from Council dated 5 December 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 Environmental Plan 2014 seeking to justify a contravention of clause 7.8 Limited Development of Foreshore Area 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. DA2022/2152 for demolition works and subdivision of land into 8 lots including tree removal and infrastructure work on land at Lot 295 DP 820302, 122 A Crescent Road, Newport, Lot 111 DP 556902, 124 Crescent Road, Newport, Lot 3 DP 210342, 128 Crescent Road, Newport, Lot 21 DP 545339, 57 The Avenue, Newport, Lot LIC 407538, 57 The Avenue, Newport, Lot LIC 460612, 57 The Avenue, Newport, Lot 1 DP 503390, 126 Crescent Road, Newport, Lot 2 DP 210342, 55 The Avenue, Newport, Lot 111 DP 556902, 122 Crescent Road, Newport, Lot 112 DP 556902, 122 Crescent Road, Newport, Lot LIC 188424, 122 Crescent Road, Newport, Lot 295 DP 820302, 122 Crescent Road, Newport, Lot 295 DP 820302, 122 Crescent Road, Newport, subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

2. The amendment of condition 119 to read as follows:

119. Restriction on Building Footprints

A Restriction is to be placed on the title of each lot limiting the future building footprint to that illustrated on approved plan No. AD-DA903, Rev 5 dated 24/10/2023, as amended by the conditions of this consent including condition 17.

The above restrictions are to be registered on the title of each lot under S88B of the Conveyancing Act prior to release of the Subdivision Certificate. Council as the consent authority has the power to vary the terms of the restriction.

Reason: To ensure that future development is consistent with the intent of this approval.

REASONS FOR DETERMINATION

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

Vote: 4/0

4.4 DA2022/2256 - 22 RAGLAN STREET, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT WITH BASEMENT CAR PARKING.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a mixed use development with basement car parking.

At the public meeting which followed the Panel was addressed by four representatives of the applicant.

The Panel received a late submission dated 4 December 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. DA2022/2256 for the demolition works and construction of a mixed use development with basement car parking on land at Lot 100 DP 1009880, 22 Raglan Street, Manly for the reasons for refusal 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 DA2023/0798 - 41 THE CORSO, MANLY - USE OF PREMISES AS A TOBACCONIST AND ASSOCIATED ALTERATIONS.

PROCEEDINGS IN BRIEF

The proposal is for use of premises as a tobacconist and associated alterations.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0798 for use of premises as a tobacconist and associated alterations on land at Lot 9 DP 26171, 41 The Corso, Manly subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 11 by adding the following introductory statement:
“The applicant is to note the following recommendations to Council from NSW Police Force – Crime Prevention:”

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

**5.2 DA2023/1011 - 38, 1/38 & 2/38 WHITE STREET, BALGOWLAH - TORRENS
SUBDIVISION OF ONE LOT INTO TWO.****PROCEEDINGS IN BRIEF**

The proposal is for Torrens subdivision of one lot into two.

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 4.3 Height of Buildings development standard and 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. DA2023/1011 for Torrens subdivision of one lot into two on land at Lot 1 SP 7561, 1 / 38 White Street, Balgowlah, Lot 3 SP 7561, 1 / 38 White Street, Balgowlah, Lot 2 SP 7561, 2 / 38 White Street, Balgowlah, Lot 4 SP 7561, 2 / 38 White Street, Balgowlah, Lot CP SP 7561, 38 White Street, Balgowlah 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 DA2023/1097 - 91 RICHARD ROAD, 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 Environmental Plan 2014 seeking to justify a contravention of clause 7.8 Limited Development on Foreshore Area 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. DA2023/1097 for alterations and additions to a dwelling house on land at Lot 5 DP 12749, 91 Richard Road, Scotland Island 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 11 pages
numbered 1 to 11 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 6 December 2023.