



northern  
beaches  
council

# MINUTES

## NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

**WEDNESDAY 2 OCTOBER 2024**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 2 October 2024**

The public meeting commenced at 12.00pm and concluded at 1.30pm.

The deliberations and determinations commenced at 1.45pm following the public meeting and concluded at 3.53pm.

### **ATTENDANCE:**

#### **Panel Members**

David Crofts	Chair
Lisa Bella Esposito	Town Planner
Michael Leavey	Planning & Government & Public Administration
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 – David Crofts declared a conflict of interest in this matter because he participated in the determination of the Development application which was now the subject of a review application, and consequently did not participate in the hearing, deliberation and determination.

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF THE NORTHERN BEACHES LOCAL PLANNING PANEL MEETING HELD ON 4 SEPTEMBER 2024**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel Meeting held on 4 September 2024, 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 REV2024/0023 - 121 NARRABEEN PARK PARADE, MONA VALE - REVIEW OF DETERMINATION OF APPLICATION DA2023/0646 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE.

#### PROCEEDINGS IN BRIEF

The Proposal is for Review of Determination of Application DA2023/0646 for demolition works and construction of a dwelling house.

At the public meeting which followed the Panel was addressed by 5 neighbours and 1 representative of the applicant.

The Panel received three late submissions dated 28 September 2024, 30 September 2024 & 1 October 2024 and a Supplementary Memo from Council dated 1 October 2024.

#### DETERMINATION OF REVIEW OF DETERMINATION OF APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. REV2024/0023 for Review of Determination of Application DA2023/0646 for demolition works and construction of a dwelling house on land at Lot 1 DP 22672, 121 Narrabeen Park Parade, Mona Vale, subject to the conditions set out in the Assessment Report and Supplementary Memo, and:

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

##### **9. Landscape Plan**

An amended landscape plan prepared by a qualified landscape architect, shall be submitted to the satisfaction of Council's Landscape Officer and the Executive Manager Development Assessment, prior to the issue of a Construction Certificate and is to include the following details:

- a) all nominated landscape areas shall be planted as garden or planter and include plant species (trees, shrubs, other plants) or lawn, and shall remain as soft landscape,
- b) any use of paver slabs or flagging in identified landscape areas shall be scattered in layout to ensure that any planting is not impacted by foot traffic,
- c) the nominated tree planting of within the front of the property shall not be located within the narrow planters and shall rather be located within either garden bed areas or lawn areas of suitable surface area, including within the identified north upper terrace and garden area at the front of the property, and in consideration of maintaining existing view corridors,
- d) the nominated tree planting of within the rear of the property shall be located within either garden bed areas or lawn areas of suitable surface area, and in consideration of maintaining existing view corridors,
- e) the nominated Pennisetum alopecuroides (Fountain Grass) shall not be planted and shall be substituted with a non self-seeding species of similar size and form,
- f) plans shall indicate the design layout of the planting scheme including plant species selection, locations and quantities,
- g) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; generally selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or Council's Tree Guide; to achieve at least 6.0 metres height at maturity; and shall be located at least 3.0 metres from buildings or more, at least 1.5 metres from common boundaries; and located

either within garden bed or within a prepared bed within lawn,

- h) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting, and at 4 plants per metre square for groundcovers, perennials and other low planting of a minimum 140mm container size at planting, and shall be in a garden or planter bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- i) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces,
- j) where swimming pools are part of the development works, selected planting shall comply with the planting and care requirements of AS1926.1 for a non-climbable zone.

The approved amended landscape plan shall be submitted to the Principal Certifier.

Reason: Landscape amenity.

2. The amendment of Condition 13(d) to read as follows:

13(d). An angled 1.8m high privacy screen shall be installed along the northern edge of the planter bed adjacent to the sliding glass door to the master bedroom.

#### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and Supplementary Memo with the amendment of Condition 9 and 13(d), subject to the above.

Vote: 3/0

**4.2 DA2024/0534 - 14 BASSETT STREET, MONA VALE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.**

**PROCEEDINGS IN BRIEF**

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

At the public meeting which followed the Panel was addressed by 2 neighbours and 2 representatives of the applicant.

The Panel received a late submission dated 30 September 2024 and a Supplementary Memo from Council dated 30 September 2024.

**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 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.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under Clause 4.6.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **grants deferred commencement approval** Application No. DA2024/0534 for alterations and additions to a dwelling house on land at Lot 23 DP 6195, 14 Bassett Street, Mona Vale, subject to the conditions set out in the Assessment Report, and:

- The addition of the following condition of consent:

**New roof**

Nothing within this consent grants general access to the proposed new roof (RL 26.89). The new roof, above the approved first floor level, is to be non-trafficable in perpetuity.

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

- The addition of the following condition of consent:

**Remaining roof**

That part of the remaining roof (RL 23.56), indicated on drawing no. DA8 'First Floor Plan' as 'non-trafficable area', is to be non-trafficable in perpetuity.

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

**REASONS FOR DETERMINATION**

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

Vote: 3/1

**4.3 DA2024/0199 - 42 BALGOWLAH ROAD, BALGOWLAH - USE OF THE PREMISES AS SPECIALISED RETAIL AND OFFICES, ALTERATIONS AND ADDITIONS AND SIGNAGE.**

**PROCEEDINGS IN BRIEF**

The Proposal is for use of the premises as specialised retail and offices, alterations and additions and signage.

At the public meeting which followed the Panel was addressed by 1 neighbour and the owner.

The Panel received three late submissions dated 30 September 2024.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2024/0199 for use of the premises as specialised retail and offices, alterations and additions and signage on land at Lot 2 DP 530316, 42 Balgowlah Road, for the following reasons:

1. 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 4.2.4 of the Manly DCP.

Particulars:

- i. The Proposal provides insufficient off-street car parking to service the development.
  - ii. The Proposal results in pedestrian, vehicular and bicycle conflicts within the Site and in relation to the access to the premises at the Balgowlah Road frontage.
  - iii. The Proposal results in pedestrian / vehicular conflict on the western side of Quirk Street due to the configuration of access points to the development, and lack of a defined footpath on the Quirk Street frontage.
  - iv. The Proposal constitutes an overdevelopment of the site based on the configuration of the development, car parking shortfall and access conflicts.
  - v. As a result of the above the Proposal has an unacceptable negative impact on the amenity of the surrounding area, particularly its residential component.
2. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

**REASONS FOR DETERMINATION**

The Panel considered the application, the submissions received and the presentations to the public meeting. The Panel concluded that the application had a number of significant short comings particularly those relating to pedestrian access and general movement logistics associated with the retail floor space. The Panel was concerned with pedestrian, vehicle and cyclist conflict with people accessing the ground floor retail space from Balgowlah Road. The Panel noted the short-fall in car parking as well as the difficulty of pedestrians safely accessing the ground floor retail space from the internal car park due to the lack of a continuous defined footpath on the western side of Quirk Street.

The Panel is of the view that the shortcomings in the application require considerable redesign.

Vote: 4/0

**4.4 MOD2024/0326 - 261 ALFRED STREET, CROMER - MODIFICATION OF DEVELOPMENT CONSENT DA2023/0296 GRANTED FOR DEMOLITION WORKS, SUBDIVISION OF ONE LOT INTO TWO LOTS, AND CONSTRUCTION OF A DRIVEWAY.**

**PROCEEDINGS IN BRIEF**

The Proposal is Modification of Development Consent DA2023/0296 granted for demolition works, subdivision of one lot into two lots, and construction of a driveway.

At the public meeting which followed the Panel was addressed by the owner.

**DETERMINATION OF MODIFICATION APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. Mod2024/0326 for Modification of Development Consent DA2023/0296 granted 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 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 DA2023/1869 - 54, 56 & 58 BEACONSFIELD STREET, NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING INCLUDING THE CONSOLIDATION OF 3 LOTS INTO 1.

#### PROCEEDINGS IN BRIEF

The Proposal is for demolition works and construction of a Residential Flat Building including the consolidation of 3 lots into 1 lot.

#### 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 4.3 Height of Buildings and Clause 4.5A Density Controls for Certain Residential Accommodation 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.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under Clause 4.6.

#### DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **grants deferred commencement approval** to Application No. DA2023/1869 for demolition works and construction of a Residential Flat Building including the consolidation of 3 lots into 1 lot on land at Lot 5B DP 158658, 58 Beaconsfield Street, Newport, Lot 6 DP 1096088, 56 Beaconsfield Street, Newport, Lot 7B DP 162021, 54 Beaconsfield Street, Newport subject to the conditions set out in the Assessment Report, and:

- The addition of the following condition of consent:

##### **Hours of use of the terrace**

The use of the terrace is prohibited between 10pm and 7am. This is to be a requirement provided in any Strata by laws.

Reason: To maintain the acoustic amenity of the locality.

- The addition of the following condition of consent:

##### **Restrictions on Noise**

Noise levels from the use of the rooftop terrace shall not exceed 5dB(A) above the background noise level (L90, 15 min) measured at the boundary of the nearest residential receiver. Furthermore, there is to be no amplified sound (eg. music) on the rooftop terrace.

Reason: To ensure the appropriate acoustic amenity for neighbouring properties.

- The addition of the following condition of consent:

##### **Use of the Roof Terrace**

There are to be no permanent structures located on the rooftop terrace. Any temporary shade structures are to be taken down when not in use and stored in the shade structure storage location shown on the plans, or other location, so as to be not visible from the public domain or other private properties.

Reason: To minimise visual impact from the public domain by additional informal built

structures.

#### REASONS FOR DETERMINATION

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

Vote: 4/0

**5.2 DA2024/0427 - 12 WILLIAM STREET, BROOKVALE - DEMOLITION, EXCAVATION AND CONSTRUCTION OF AN INDUSTRIAL BUILDING FOR SELF-STORAGE UNITS.**

**PROCEEDINGS IN BRIEF**

The Proposal is for demolition, excavation and construction of an industrial building for self-storage units.

**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 standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contravention.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under Clause 4.6.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/0427 for demolition, excavation and construction of an industrial building for self-storage units on land at Lot 13 DP 7258, 12 William 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 DA2024/0304 - 3/28 REDDALL STREET, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING.**

**PROCEEDINGS IN BRIEF**

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

The Panel received a late submission dated 1 October 2024 and a Supplementary Memo from Council dated 2 October 2024.

**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 and Clause 4.4 Floor Space Ratio 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.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under Clause 4.6.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/0304 for alterations and additions to a residential flat building on land at Lot 85 DP 70416, 3 / 28 Reddall Street, Manly subject to the conditions set out in the Assessment Report amended by the Supplementary Memo, as follows:

1. The amendment of Condition 16 to read as follows:

**Condition 16. Front and side setback**

The front and side setbacks should be modified to minimise the visibility and dominance of the loft level:

- The four 'side dormer clad in weatherboard with operable screening' as shown on plans DA05, DA06 and DA07 should be stepped in an additional 200mm from the side boundaries.
- The inset balcony fronting Reddall Street should be minimum 8900mm setback from the front boundary, that it is not forward of the intersection of the ridge line of the existing/main roof.

Details demonstrating compliance with this condition should be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

Reason: To ensure the integrity of the historic building is maintained.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report and Supplementary Memo.

Vote: 4/0

**5.4 DA2024/0838 - 4 PARADISE AVENUE, AVALON BEACH - CONSTRUCTION OF AN INCLINATOR PASSENGER LIFT WITH ANCILLARY WORKS.**

**PROCEEDINGS IN BRIEF**

The Proposal is for construction of an inclinator passenger lift with ancillary works.

**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.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under Clause 4.6.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/0838 for construction of an inclinator passenger lift with ancillary works on land at Lot 1 DP 1152509, 4 Paradise Avenue, Avalon Beach, Lot LIC 580821, 4 Paradise Avenue, Avalon Beach subject to the conditions set out in the Assessment Report.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report.

Vote: 4/0

**5.5 DA2024/1013 - 7 TAIYUL ROAD, NORTH NARRABEEN - SUBDIVISION OF ONE LOT INTO TWO STRATA LOTS.**

**PROCEEDINGS IN BRIEF**

The Proposal is for subdivision of one lot into two strata lots.

**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 4.2A Minimum Subdivision Lot Size 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.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under Clause 4.6.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/1013 for subdivision of one lot into two strata lots on land at Lot 56 DP 6462, 7 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 14 pages numbered 1 to 14 of the Northern Beaches Local Planning Panel meeting held on Wednesday 2 October 2024.