

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 5 MARCH 2025

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 5 March 2025

The public meeting commenced at 12.00pm and concluded at 12.15pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 1.35pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Jason Perica	Town Planner
Kate Barlett	Planning, Economics & Government & Public Administration
Susan Denham	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

Nil

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 5.1 – Kate Bartlett declared a conflict of interest in this matter and 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 19 FEBRUARY 2025

The Panel notes that the minutes of the Northern Beaches Local Planning Panel Meeting held on 19 February 2025, 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 DA2024/1134 - 17 TRISTRAM ROAD, BEACON HILL - DEMOLITION WORKS AND CONSTRUCTION OF A CENTRE-BASED CHILD CARE FACILITY

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a centre-based child care facility.

At the public meeting which followed the Panel was addressed by 2 neighbours.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2024/1134 for demolition works and construction of a centre-based child care facility at Lot 12 DP 13261, 17 Tristram Road, Beacon Hill for the reasons for refusal set out in the Assessment Report, supplementary memo and the below:

1. The amendment of the following reason for refusal:

1. Inconsistent with Design Quality Principles within Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.

Particulars

- a) The bulk, scale, size and intensity of the development is not commensurate with the prevailing low density residential character of Tristram Road.
- b) The proposed landscaped scheme consists of minimal deep soil landscaped zones and insufficient planting along the side boundaries, which is not compatible with the established landscaped setting on Tristram Road.
- c) The development protrudes significantly forward of the prevailing front building line along the southern side of Tristram Road and consequently, will not maintain an appropriate visual relationship with the surrounding buildings.
- d) The development would deliver inadequate amenity to the ground floor playrooms 1 and 2 as these areas would receive minimal direct sunlight.
- e) The Environmental Noise Assessment submitted with this application recommends that all windows to the playrooms be shut during operation to achieve the noise amenity criteria for neighbours. This would preclude natural ventilation of the playrooms, which would deliver poor amenity.
- f) The development does not employ adequate sustainability measures to minimise the development's energy consumption.
- g) As the consequence of the inadequate internal and external amenity (such as lack of sunlight penetration into play rooms 1 & 2 and the extensive use of hard surfaces in the external spaces) the educational setting would potentially be compromised.
- h) Consequently, the development fails to satisfy the following design quality principles within Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021:

Principle 1: Context.

Principle 2: Built Form.

Principle 4: Sustainability.

Principle 5: Landscape.

Principle 6: Amenity.

REASONS FOR DETERMINATION

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

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 MOD2024/0419 - 34-35 SOUTH STEYNE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2022/1164 GRANTED FOR DEMOLITION AND CONSTRUCTION OF A COMMERCIAL BUILDING

PROCEEDINGS IN BRIEF

The proposal is Modification of Development Consent DA2022/1164 granted for Demolition and construction of a commercial building.

DETERMINATION OF MODIFICATION APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2024/0419 for Modification of Development Consent DA2022/1164 granted for demolition and construction of a commercial building at Lot 2 DP 861591 & Lot B DP 102407, 34-35 South Steyne, Manly subject to the conditions set out in the Assessment Report, and the below:

1. The addition of the following condition:

That the mechanical plant be surrounded by a visual screen, located as close as possible to the plant commensurate with the functionality of the plant, to a height of RL 19.50.

Reason: to preserve the visual amenity of the units overlooking the site.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 3/0

5.2 DA2025/0050 - 61A ELIMATTA ROAD, MONA VALE - STRATA SUBDIVISION OF EXISTING DUAL OCCUPANCY (ATTACHED)

PROCEEDINGS IN BRIEF

The proposal is Strata subdivision of existing dual occupancy (attached).

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 4.1 Minimum 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. DA2025/0050 for strata subdivision of existing dual occupancy (attached) at Lot 1 DP 1126465, 61A Elimatta Road, Mona Vale 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 DA2024/1490 - 165 CONDAMINE STREET, BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY (ATTACHED) AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal is demolition works and construction of a dual occupancy (attached) and strata subdivision.

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.

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. DA2024/1490 for demolition works and construction of a dual occupancy (attached) and strata subdivision at Lot 7 DP 8303, 165 Condamine Street, Balgowlah subject to the conditions set out in the Assessment Report and, Supplementary Memo and the below:

1. The addition of the following deferred commencement condition:

Deferred Commencement – Amendments to the Approved Plans

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

- The section of the Ground Floor front deck highlighted in red on Drawing No. A1002 (Ground Floor Plan) of the Approved Plans is to be deleted and replaced with landscaped area.
- The set back to the property boundary of that part of the front balcony/building causing overshadowing is to be increased to result in at least 50% of the eastern window on the northern elevation of the southern neighbour achieving solar access from 9am-10am. No change is to occur to the rear setback of the proposed building. Achievement of the outcome sought by the amendment to be certified by a suitably qualified Architect.

Amended plans are to be submitted reflecting these changes.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development and increase solar access to adjoining / nearby properties.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

2. The amendment of the following condition:

Amendments to the approved plans

The following amendments are to be made to the Approved Plans:

- a) The section of the Ground Floor front deck highlighted in red on Drawing No. A1002 (Ground Floor Plan) of the Approved Plans is to be deleted and replaced with landscaped area.
- b) The architect certified plans submitted which satisfy the deferred commencement condition in relation to solar access.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

REASONS FOR DETERMINATION

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

Vote: 3/1 - Jason Perica had a dissenting view. Mr Perica had concerns with the bulk and scale, bulk distribution, visual impacts, inconsistency with the character of the area and site planning of the proposal, and as such did not support approval.

5.4 DA2024/1428 - 146 HUDSON PARADE, CLAREVILLE - DEMOLITION WORKS AND CONSTRUCTION OF RETAINING WALLS

PROCEEDINGS IN BRIEF

The proposal is demolition works and construction of retaining walls.

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. DA2024/1428 for demolition works and construction of retaining walls at Lot 7 DP 13760 & Lot LIC 602023, 146 Hudson Parade, Clareville 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 PROPOSED DELEGATION TO NORTHERN BEACHES COUNCIL DEVELOPMENT DETERMINATION PANEL

DETERMINATION OF PROPOSED DELEGATION

The following delegations be given to the Northern Beaches Council Development Determination Panel to replace existing assumed concurrence in relation to development applications and modification applications as follows:

Delegation of Functions relating to contravention of development standards from Northern Beaches Local Planning Panel to Council's Development Determination panel

Exercise the functions of the Local Planning Panel under Part 4 of the Environmental Planning and Assessment Act 1979 in relation to development applications and modification applications in the following circumstances:

All class 1 & 10 buildings where the development contravenes a numerical standard by greater than 10% in the following circumstances:

- *height of buildings under the Warringah LEP 2011, Manly LEP 20213 and Pittwater LEP 2014; and*
- *floor space ratio under the Manly LEP 2013.*
- *Any built form control considered a development standard under the B2 and C8 Localities of Warringah LEP 2000*

This delegation will lapse on gazettal of the Northern Beaches consolidated LEP.

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 5 March 2025.