



northern  
beaches  
council

# MINUTES

## NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

**WEDNESDAY 16 OCTOBER 2024**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 16 October 2024**

The public meeting commenced at 12.00pm and concluded at 1.21pm.

The deliberations and determinations commenced at 2pm following the public meeting and concluded at 5.42pm.

### **ATTENDANCE:**

#### **Panel Members**

David Crofts	Chair
Kara Krason	Town Planner
David Epstein	Urban Design/Architect
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 THE NORTHERN BEACHES LOCAL PLANNING PANEL MEETING HELD ON 2 OCTOBER 2024**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel Meeting held on 2 October 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 PEX2024/0005 - PART 29-31 MOORE ROAD (HARBORD HOTEL) AND 64 UNDERCLIFF ROAD, FRESHWATER - AMENDMENT TO WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 TO ALLOW HOTEL OR MOTEL ACCOMODATION, AND PUBS AS ADDITIONAL PERMITTED USES ON THE SITE

#### PROCEEDINGS IN BRIEF

The Proposal is for an amendment to the Warringah Local Environmental Plan 2011 to allow hotel or motel accommodation, and pubs as additional permitted use on the site.

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

The Panel received five late submissions dated 11<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> & 15<sup>th</sup> October 2024.

#### RECOMMENDATION OF PLANNING PANEL

That the Northern Beaches Local Planning Panel recommends that Council **progress** the Planning Proposal set out in Attachment 1 to the Council Assessment Report to the Local Planning Panel to amend the Warringah Local Environmental Plan 2011 to allow hotel or motel accommodation, as an additional permitted use on part of the site on 29 Moore Road (Lot 1 and 2, Section 1, DP 7002) and 64 Undercliff Road, (Lot 6, Section 1, DP 7002), Freshwater for the reasons presented in the Assessment Report, with the following additional recommendations:

1. The additional permitted use of hotel or motel accommodation be extended to Lot 13, Section 1, DP 7022.
2. An additional permitted use of pub related car parking and associated access at a basement level be permissible over Lot 6, Section 1, DP 7022.
3. An additional permitted use of hotel and motel accommodation related car parking, waste storage, plant and associated access at a basement level be permissible over Lots 3, 4 and 5, Section 1, DP 7002.
4. The Panel strongly supports the rapid development of the draft built form controls in the form of a DCP amendment for the site.
5. The draft built form controls in the form of a DCP amendment be exhibited at the same time as the Planning Proposal.

#### REASONS FOR RECOMMENDATION

The Panel agrees generally with the Assessment Report. The Panel is of the view that the inclusion in the Planning Proposal of hotel or motel accommodation as an additional permitted use on Lot 13 allows for additional design flexibility and increases the potential buffer from the pub to residential areas. The Panel is also of the view that additional flexibility needs to be provided at a basement level so that a practical outcome can be achieved, which is why some limited additional uses are being recommended at that level.

The Panel believes that the built form controls included in a draft DCP will assist in increasing understanding of the Planning Proposal and in delivering more certainty in relation to an acceptable development outcome. This is why the Panel recommends the concurrent exhibition of the draft DCP and Planning Proposal.

Vote: 4/0

#### 4.2 DA2023/1395 - 1010, 1012 & 1014 PITTWATER ROAD, COLLAROY - 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 two neighbours, one representative of the applicant and the owner.

The Panel received two late submissions dated 13 October 2024 and a Supplementary Memo from Council dated 15 October 2024.

##### 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. DA2023/1395 for demolition works and construction of Shop Top housing on land at Lot 3 DP 6777, 1012 Pittwater Road, Collaroy, Lot 2 DP 314645, 1014 Pittwater Road, Collaroy, Lot 4 DP 6777, 1010 Pittwater Road, Collaroy, to give the applicant the opportunity to submit to Council by 31 October 2024 the following:

- a) Additional information regarding the drainage easement affecting number 24 Ocean Grove, Collaroy in order to provide greater certainty in relation to planning impacts and the status of negotiations with the property owner.
- b) A setback of the proposed building from the glass brick window on Unit 02/26 Ocean Grove, Collaroy in order to provide sufficient daylight to the bedroom.
- c) Details of the privacy / security screening to benefit Unit 05/26 Ocean Grove, Collaroy from the landscaped area to the east of the terraces to Units 07 & 08.
- d) Improved access at ground level to all lift lobbies by providing a reduced corridor length.
- e) Demonstrate how convenient access to the roof communal open space operates in relation to those units that access lift 1.
- f) Additional information regarding solar access to dwellings at 1008 Pittwater Road, Collaroy.
- g) Additional information regarding privacy impacts to bathrooms and bedrooms in the proposed development and those adjacent at 1008 Pittwater Road, including by providing more details such as sections and details of the relevant boundary walls.
- h) Details of planter beds to be provided along terraces of the rear units of the proposed development in order to reduce privacy impacts on properties to the east.

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 preliminary view is that there is a range of outstanding issues to be resolved in order that the development provides a satisfactory planning outcome. These issues primarily relate to stormwater management, access to light, accessibility, solar access and privacy.

Vote: 4/0

## 5.0 NON PUBLIC MEETING ITEMS

- 5.1 **MOD2024/0163 - 89 STUART STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2021/1329 GRANTED FOR DEMOLITION WORKS INCLUDING THE RETENTION OF A PORTION OF THE EXISTING BUILDING AND THE CONSTRUCTION OF A NEW DWELLING HOUSE INCLUDING A SWIMMING POOL.**

### PROCEEDINGS IN BRIEF

The Proposal is for Modification of Development Consent DA2021/1329 granted for demolition works including the retention of a portion of the existing building and the construction of a new dwelling house including a swimming pool.

The Panel received Supplementary Memos from Council dated 15<sup>th</sup> and 16<sup>th</sup> October 2024.

### DETERMINATION OF MODIFICATION APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Modification Application No. Mod2024/0163 for Modification of Development Consent DA2021/1329 granted for demolition works including the retention of a portion of the existing building and the construction of a new dwelling house including a swimming pool on land at Lot 1 DP 72989, 89 Stuart Street, Manly subject to the conditions set out in the Assessment Report and Supplementary Memos.

### REASONS FOR DETERMINATION

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

Vote: 4/0

**5.2 DA2024/0583 - 1/42, 2/42 & 42 FAIRLIGHT STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DUAL OCCUPANCY.**

**PROCEEDINGS IN BRIEF**

The Proposal is for alterations and additions to a dual occupancy.

**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/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. DA2024/0583 for alterations and additions to a dual occupancy on land at Lot CP SP 96177, 42 Fairlight Street, Fairlight, Lot 1 SP 96177, 1/42 Fairlight Street, Fairlight, Lot 2 SP 96177, 2/42 Fairlight Street, Fairlight subject to the conditions set out in the Assessment Report, and:

1. The addition of the following condition:

**Amendment to proposal**

The works proposed in the area identified on DA09 as permeable area within the front setback are to be deleted from the development and the existing levels and landscaping are to be retained.

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

Reason: To maintain the visual amenity of the streetscape.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report.

Vote: 4/0

**5.3 DA2024/1030 - 32 THE CORSO, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING.**

**PROCEEDINGS IN BRIEF**

The Proposal is for alterations and additions to an existing building.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/1030 for alterations and additions to an existing building on land at Lot 1 DP 91759, 32 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



**5.4 DA2024/0921 - 12 BOWER STREET MANLY - 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 Manly Local Environment Plan 2013 seeking to justify a contravention of Clause 4.3A Special Height Provisions 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. DA2024/0921 for alterations and additions to a dwelling house on land at Lot 32 DP 8075, 12 Bower Street, Manly subject to the conditions set out in the Assessment Report, and:

1. The addition of the following condition:

**Protection of existing street trees**

All existing street trees in the vicinity of the works shall be retained during all construction stages, and the She Oak street tree fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report.

Vote: 4/0

**5.5 MOD2024/0345 - 291 & 293 CONDAMINE STREET, NORTH MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2022/0682 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING.**

**PROCEEDINGS IN BRIEF**

The Proposal is for Modification of Development Consent DA2022/0682 granted for demolition works and construction of shop top housing.

**DETERMINATION OF MODIFICATION APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Modification Application No. Mod2024/0345 for Modification of Development Consent DA2022/0682 granted for demolition works and construction of shop top housing on land at Lot 2 DP 11320, 293 Condamine Street, Manly Vale, Lot 1 DP 11320, 291 Condamine Street, Manly 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

This is the final page of the Minutes comprising 10 pages numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting held on Wednesday 16 October 2024.