



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

THURSDAY 20 APRIL 2023

Minutes of the Northern Beaches Local Planning Panel held on Thursday 20 April 2023

The public meeting commenced at 12.00pm and concluded at 12.50pm.

The deliberations and determinations, following the public meeting, commenced at 1.15pm and was adjourned 1.30pm. The Panel then reconvened at 2.00pm and concluded at 3pm.

ATTENDANCE:

Panel Members

Graham Brown	Acting Chair
Kara Krason	Town Planner
Peter Cotton	Community Representative

4.0 PUBLIC MEETING ITEMS

4.1 DA2022/0469 - 1102 BARRENJOEY ROAD, PALM BEACH - CONSTRUCTION OF SHOP TOP HOUSING.

PROCEEDINGS IN BRIEF

The proposal is for construction of shop top housing.

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

The Panel received five (5) late submissions dated 17 & 18 April 2023 and a supplementary memo from Council dated 20 April 2023. An amended clause 4.6 was provided by the applicant and a supplementary memo was prepared by Council.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel, by majority, is not 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:
 - i) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - ii) 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.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2022/0469 for construction of shop top housing on land at Lot 11 DP 1207743, 1102 Barrenjoey Road, Palm Beach, for the following reasons:

1. The applicant's written request under clause 4.6 of the Pittwater LEP 2014 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has not adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case;
 - b) there are sufficient environmental planning grounds to justify the contraventions, and
 - c) 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.
2. 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 Clause 4.3 Building Height of the Pittwater Local Environmental Plan 2014 as it is not considered to be compatible with the height and scale of surrounding development and does not minimise the adverse visual impact of development on the natural environment and heritage items.

3. 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 Clause 5.10 Heritage Conservation of the Pittwater Local Environmental Plan 2014.
4. 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 Clause 7.7 Geotechnical Hazards of the Pittwater Local Environmental Plan 2014.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Part D12 (Palm Beach locality) of the Pittwater 21 DCP.
6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to satisfactorily meet the relevant Design Quality Principles of SEPP 65, in particular Principle 1: Context and Neighbourhood Character and Principle 2: Built Form and Scale and Principle 9: Aesthetics
7. 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:

By majority of the Panel the application was refused for the following reasons:

1. The clause 4.6 written request does not adequately address the provisions of clause 4.6(3) to demonstrate that compliance with the Building Height development standard under clause 4.3 of Pittwater Local Environmental Plan 2014 is unreasonable or unnecessary in the circumstances of the case or that there are sufficient environmental planning grounds to deviate from the standard.
2. The proposal has not demonstrated that the development is compatible with desired future character of the zone and Palm Beach locality.
3. The proposed development exhibits unreasonable height, bulk and scale that would dominate the streetscape and in particular heritage listed Barrenjoey House.
4. Insufficient information submitted to satisfactorily demonstrate compliance with clause 7.7 of the LEP in relation to geotechnical impacts.

Graham Brown did not support the refusal of the development. He maintains that the development application has been thoroughly independently assessed against the character and the desired future character of the area and the heritage impacts on Barrenjoey House and found acceptable. Similarly, he accepts the clause 4.6 written request justifies a variation to the height development standard

Vote: 2/1

This is the final page of the Minutes comprising 4 pages
numbered 1 to 4 of the Northern Beaches Local Planning Panel meeting
held on Thursday 20 April 2023.