

# **MINUTES**

## **NORTHERN BEACHES LOCAL PLANNING PANEL MEETING**

held via Teleconference on

**WEDNESDAY 5 FEBRUARY 2025**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 5 February 2025**

The public meeting commenced at 12.00pm and concluded at 2.10pm.

The deliberations and determinations commenced following the public meeting at 2.30pm and concluded at 3.55pm.

### **ATTENDANCE:**

#### **Panel Members**

David Crofts	Chair
Benjamin Hendriks	Town Planner
Mary-Lynne Taylor	Law
Philip Young	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 11 DECEMBER 2024**

The Panel notes that the minutes of the Northern Beaches Local Planning Panel Meeting held on 11 December 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 DA2024/0366 - 27 WAINE STREET, FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A MULTI DWELLING HOUSING

#### PROCEEDINGS IN BRIEF

The Proposal is for demolition works and construction of a multi dwelling housing.

At the public meeting which followed the Panel was addressed by 4 neighbours and a neighbour's representative and 3 representatives of the applicant.

#### DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/0366 for demolition works and construction of a multi dwelling housing at Lot A DP 412396, 27 Waine Street, Freshwater, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 15 to read as follows:

**15. The following amendments are to be made to the approved plans:**

(a) A planter box is to be provided to run along the eastern edge of the Terrace for dwelling 4. The height of the box is to match the proposed balustrade, and the width is to be at least 900mm (internal measurement). The planter box is also to return along the southern section of the terrace for a length of 2m. Any plantings in the box are to be no more than 300mm in height at maturity.

(b) The width of the landscaped strip to the rear of unit 4 (south-eastern POS) is to be increased to be a minimum of 1.5m. The sandstone to the south of this POS area is also to be replaced with planting.

(c) The Crepe Myrtle to the rear of Unit 4 is to be replaced with Blueberry Ash.

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

Reason: To provide privacy screening in relation to the adjacent residences south of the subject site.

#### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

## 4.2 DA2024/1249 - EAST ESPLANADE, MANLY - ALTERATIONS AND ADDITIONS INCLUDING INTERNAL FIT-OUT FOR USE OF PREMISES AS A PUB AND ARTISAN FOOD AND DRINK INDUSTRY

### PROCEEDINGS IN BRIEF

The Proposal is for alterations and additions including internal fit-out for use of premises as a pub and artisan food and drink industry.

At the public meeting which followed the Panel was addressed by a neighbour and 3 representatives of the applicant.

### DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/1249 for alterations and additions including internal fit-out for use of premises as a pub and artisan food and drink industry at Lot 1 DP 1170245, East Esplanade, Manly subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 46 to read as follows:

#### **46. Patron Numbers – Reviewable Condition**

This condition is imposed under s4.17(10B) of the Environmental Planning and Assessment Act 1979 to enable Council to review the performance of the approved development with respect to number of patrons. This review will take place with 14 days' notice within the first 12 months of operations, or with 14 days' notice at any time following the first 12 months of operations, where Council is in receipt of complaints related to patron numbers and amenity impacts.

The capacity of the pub and artisan food and drink industry premises must not exceed a combined maximum of 700 patrons at any one time.

When operating the ancillary markets, the capacity of the premises must not exceed 700 patrons at any one time.

Reason: To ensure the amenity of surrounding areas, and ensure consistency with this consent.

2. The amendment of condition 47 to read as follows:

#### **47. Plan of Management – Ongoing Compliance**

Ongoing compliance with the approved Plan of Management, Revision D, dated 9 August 2024 by Architectus Australia Pty Ltd, as amended by conditions of this consent, is required for the life of the development.

Reason: To maintain the amenity of surrounding locality and the safety of patrons and staff.

3. The amendment of condition 48 to read as follows:

#### **48. Hours of Operation – Reviewable Condition**

This condition is imposed under s4.17(10B) of the Environmental Planning and Assessment Act 1979 to enable Council to review the performance of the approved development with respect to hours of operation. This review will take place with 14 days' notice within the first 12 months of operations, or with 14 days' notice at any time following the first 12 months of operations, where Council is in receipt of complaints related to hours of operation and amenity impacts.

The hours of operation for the pub and artisan food and drink industry are to be restricted to:

- Monday to Wednesday and Sunday: 7am to midnight
- Thursday to Saturday: 7am to 1am

No patrons may enter the premises after midnight on any night that the premises trades after midnight.

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: To maintain the amenity of surrounding locality and the safety of patrons and staff.

4. The addition of the following condition:

**Compliance with Police referral and Plan of Management Amendment**

The development is to comply with the contents of the NSW Police referral listed in the condition titled 'Compliance with Other Department, Authority or Service Requirements'.

The Plan of Management is to be amended to adopt all the recommendations of the NSW Police referral.

Prior to the issue of the Occupation Certificate, details demonstrating compliance with this condition (compliance of the overall development, and Plan of Management compliance) are to be submitted to the satisfaction of the Principal Certifier.

Reason: To ensure consistency with this consent and ensure public amenity and safety.

5. The addition of the following condition:

**Public Toilets**

The public toilets on the ground floor must be accessible to the public for at least the approved hours of operation of the premises, including any time allowed for patrons to leave the licenced premises.

Reason: To maintain public amenity.

**PROCEEDING IN BRIEF:**

The Panel received a late submission dated 29 January 2025 and a supplementary memo from Council dated 3 February 2025.

**REASONS FOR DETERMINATION**

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

Vote: 4/0

**4.3 DA2024/1117 - 54 WANGANELLA STREET, BALGOWLAH - INCREASE IN STUDENT NUMBERS AT AN EXISTING EDUCATIONAL ESTABLISHMENT - ST CECILIA'S PRIMARY SCHOOL**

**PROCEEDINGS IN BRIEF**

The proposal is for an increase in student numbers at an existing educational establishment - St Cecilia's Primary School.

At the public meeting which followed the Panel was addressed by a neighbour and a neighbour's representative and 2 representatives of the applicant.

**DETERMINATION OF DEVELOPMENT APPLICATION**

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/1117 for increase in student numbers at an existing educational establishment - St Cecilia's primary school at Lot 1 DP 1137830, 54 Wanganella Street, Balgowlah subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

**Kiss & Drop Management Statement**

The school is to operate in accordance with the approved Kiss & Drop Management Statement listed in the condition titled 'Compliance with Other Department, Authority or Service Requirements'.

Reason: To manage the impacts of school related traffic at peak times.

**PROCEEDING IN BRIEF:**

The Panel received a late submission dated 2 February 2025. and a supplementary memo from Council dated 4 February 2025.

**REASONS FOR DETERMINATION**

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

Vote: 4/0

#### 4.4 DA2024/0458 - 1-5/53 & 53 STUART STREET - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING INCLUDING A CAR STACKER AND FENCING

##### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a residential flat building including a car stacker and fencing.

At the public meeting the Panel was addressed by 2 neighbours and their representative and a representative of the applicant.

##### DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/0458 for alterations and additions to a residential flat building including a car stacker and fencing at Lot 1-4 SP 9319, Lot 6 SP 9319, Lot 8 SP 73721 & Lot CP SP 9319, 1-5/53 & 53 Stuart Street, Manly subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 3 to read as follows:

##### **3. Approved Land Use**

Approved Land Use Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a residential flat building in accordance with the Dictionary of the Manly Local Environmental Plan 2013, as follows:

*residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.*

Nothing in this consent shall authorise the use of the subfloor area as habitable floorspace.

Any variation to the approved land use and/occupancy of any unit or part of the building beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

2. The amendment of condition 33 to read as follows:

##### **33. Plant Noise**

Any plant noise shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

##### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0



## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2024/0960 - 4-6 NIANGALA CLOSE, BELROSE - ALTERATIONS AND ADDITIONS TO EXISTING BULKY GOODS CENTRE (HOMECO BELROSE) AND USE OF NEW FLOOR AREA AS A SPECIALISED RETAIL PREMISES

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to existing bulky goods centre (Homeco Belrose) and use of new floor area as a specialised retail premises.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 Warringah LEP 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. DA2024/0960 for alterations and additions to existing bulky goods centre (HomeCo Belrose) and use of new floor area as a specialised retail premises at Lot 1 DP 1104786, 4-6 Niangala Close, Belrose subject to the conditions set out in the Assessment Report, subject to the following:

#### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

**5.2 MOD2024/0655 - 16 & 20 HOMESTEAD AVENUE, COLLAROY - MODIFICATION OF DEVELOPMENT CONSENT DA2023/1392 GRANTED FOR DEMOLITION AND CONSTRUCTION OF SENIORS HOUSING INCLUDING STRATA SUBDIVISION**

**PROCEEDINGS IN BRIEF**

The proposal is for modification of development consent DA2023/1392 granted for demolition and construction of seniors housing including strata subdivision.

**DETERMINATION OF MODIFICATION APPLICATION**

- A. That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, vary the Height of Building Development Standard of Section 84(2)(c)(i) of State Environmental Planning Policy (Housing) 2021 as the applicant has demonstrated that the proposed development will be in the public interest and consistent with the objectives of the standard.
- B. The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2024/0655 for Modification of Development Consent DA2023/1392 granted for Demolition and construction of Seniors Housing including strata subdivision at Lot 1 & 2 DP 1151053, 16 & 20 Homestead Avenue, Collaroy 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 PROPOSED AMENDED DELEGATION TO COUNCIL'S CHIEF EXECUTIVE OFFICER (GENERAL MANAGER)

#### DETERMINATION OF PROPOSED DELEGATION

The Northern Beaches Local Planning Panel delegates the following:

#### A. Delegation of Appeal Functions from Northern Beaches Local Planning Panel to Northern Beaches Council's Chief Executive Officer and General Counsel

*Pursuant to s2.20(8) of the Environmental Planning and Assessment Act 1979 (Act), the Northern Beaches Local Planning Panel (Panel) delegates to Northern Beaches Council's Chief Executive Officer (General Manager), and General Counsel:*

*the functions of the Panel referred to in s8.15(4) of the Act of control and direction of appeals under Division 8.3 of Part 8 of the Act (Appeal) against a determination or decision made by the Panel, subject to the conditions and limitations described below:*

##### Conditions and Limitations Applying to Delegated Functions

*In the case of an Appeal relating to a determination or decision of the Panel that is contrary to a Council officer's development assessment report, the Chief Executive Officer (General Manager), or General Counsel, or their delegate will consult with the Chair of the Panel that made the determination or decision (or the Chair's nominee) as to the conduct of the Appeal. In the case of all Appeals the Chief Executive Officer (General Manager), or General Counsel, or their delegate, will keep that Panel Chair (or the Chair's nominee) informed as to major developments in, and the outcome of, the Appeal.*

#### B. Delegation of Functions relating to Height of Buildings, Floor Space Ratio and Heritage from Northern Beaches Local Planning Panel to Northern Beaches Council's Chief Executive Officer, Director Planning & Place, and Executive Manager Development Assessment

*Pursuant to s2.20(8) of the Environmental Planning and Assessment Act 1979 (Act), the Northern Beaches Local Planning Panel (Panel) delegates to Northern Beaches Council's Chief Executive Officer (General Manager), Director Planning & Place, and Executive Manager Development Assessment:*

*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;*

1. *where there is a pre-existing non-compliance of more than 10% for a class 2-9 building under clause 4.3 Height of buildings of the Manly Local Environmental Plan 2013, Pittwater Local Environmental Plan 2014 or Warringah Local Environmental Plan 2011, and the development does not result in any further overall/maximum non-compliance in height,*
2. *where there is a pre-existing non-compliance of more than 10% for a class 2-9 building under clause 4.4 Floor space ratio of Manly Local Environmental Plan 2013, Pittwater Local Environmental Plan 2014 or Warringah Local Environmental Plan 2011 and the development does:*
  - a. *not result in changes to the extent of the building envelope; and*
  - b. *results in only a minor increase to the gross floor area (for example balcony enclosure or similar)*
3. *where development involving the demolition of a heritage item, and the works (including removal or pruning of trees):*

- a. *will have no more than a minimal impact on the heritage integrity of the item, and*
- b. *Council's heritage advisor supports the proposal.*

Vote: 4/0

This is the final page of the Minutes comprising 12 pages  
numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 5 February 2025.