

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 21 AUGUST 2024

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 21 August 2024

The public meeting commenced at 12.04pm and concluded at 12.21pm.

The deliberations and determinations commenced at 1pm following the public meeting and concluded at 3.22pm.

ATTENDANCE:

Panel Members

Marcia Doheny	Chair
Heather Warton	Town Planner
Ian Arnott	Planning/Heritage
Carolyn Hill	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 7 AUGUST 2024

The Panel noted that the minutes of the Northern Beaches Local Planning Panel Meeting held on 7 August 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 DA2024/0149 - 47 SYDENHAM ROAD, BROOKVALE - USE AS A HEAVY INDUSTRIAL STORAGE ESTABLISHMENT AND ASSOCIATED ALTERATIONS AND ADDITIONS.

PROCEEDINGS IN BRIEF

The Proposal is for use as a heavy industrial storage establishment and associated alterations and additions.

At the public meeting the Panel was not addressed by any neighbours, other submitters or any representatives of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2024/0149 for use as a heavy industrial storage establishment and associated alterations and additions on land at Lot 22 DP 6033, 47 Sydenham Road, Brookvale, 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

4.2 MOD2024/0287 - 2/34 CAMPBELL AVENUE, CROMER - MODIFICATION OF DEVELOPMENT CONSENT DA2023/1399 GRANTED FOR ALTERATIONS AND ADDITIONS TO A SEX SERVICES PREMISES.

PROCEEDINGS IN BRIEF

The Proposal is for Modification of Development Consent DA2023/1399 granted for alterations and additions to a Sex Services Premises.

At the public meeting the Panel was not addressed by neighbours or other submitters but did hear from 2 representatives of the applicant.

The Panel notes a concern raised regarding inadequate signage and disturbance of neighbouring tenancies. The Panel notes condition 11 of the original development consent which, if complied with, should resolve this issue and recommends that Council's Compliance team investigate this.

DETERMINATION OF MODIFICATION APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2024/0287 for Modification of Development Consent DA2023/1399 granted for alterations and additions to a Sex Services Premises on land at Lot 2 SP 81726, 2 / 34 Campbell Avenue, Cromer, subject to the conditions set out in the Assessment Report, and:

1. The deletion of condition 9A from this determination noting that it is that it is contained in the development consent as condition 14 and is therefore a duplication.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

4.3 DA2024/0299 - 342 & 344 WHALE BEACH ROAD, PALM BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, INCLUDING WIDENING OF THE EXISTING SHARED DRIVEWAY WITHIN THE ROAD RESERVE AND ASSOCIATED WORKS.

PROCEEDINGS IN BRIEF

The Proposal is for alterations and additions to a dwelling house, including widening of the existing shared driveway within the road reserve and associated works.

At the public meeting the Panel was not addressed by any neighbours, other submitters or any representatives of the applicant.

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. DA2024/0299 for alterations and additions to a dwelling house, including widening of the existing shared driveway within the road reserve and associated works on land at Lot 1 DP 632050 and Lot 326 DP 16362, 342 and 344 Whale Beach Road, Palm Beach, to allow for submission of the following by 28 August 2024:

a) Owner's consent for development on the road reserve or advice that owner's consent is not required for the grant of development consent authorizing development in the road reserve.

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 generally supports the application but requires clarity about whether owner's consent from Council to the lodgement of the application is needed given that both the application and the consent envisage extensive work in the road reserve. While the Panel notes that an approval under Section 138 of the Roads Act will be required, the status of the subject development application and whether it can or should extent to works in the road reserve and the associated question of whether owner's consent is required needs to be clarified.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2024/0295 - 186 MCCARRS CREEK ROAD, CHURCH POINT - CONSTRUCTION OF A BOAT SHED, LIFT AND RETAINING WALLS.

PROCEEDINGS IN BRIEF

The Proposal is for construction of a boat shed, lift and retaining walls

The Panel received a late confidential submission dated 16 August 2024 and a Supplementary Memo from Council dated 19 August 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 Environmental 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 standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.

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. DA2024/0295 for construction of a boat shed, lift and retaining walls on land at Lot 3 DP 517452, 186 McCarrs Creek Road, Church Point, Lot LIC 585801, 186 McCarrs Creek Road, Church Point subject to the conditions set out in the Assessment Report and Supplementary Memo, and:

1. The addition of the following condition:

Finished Levels

The finished levels of the southern elevation at the building and the boundary and of the proposed retaining walls are approved only as shown on drawing A107, Revision C, dated 14 June 2024. Retention of levels either within the site or on the adjoining property are not to differ from what has been approved.

Reason: To avoid adverse impacts to adjoining land.

2. The addition of the following condition:

Colours and Finishes

West facing retaining walls are to be finished in a rough cast sandstone or sandstone cladding to blend with the natural environment.

Reason: To minimise visual impact.

3. The amendment of condition 44 to read as follows:

44. Lift Motor Noise

The lift motor shall not produce noise levels that exceed 5dB(A) above the background noise

when measured one metre from any adjoining premises.

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 and Supplementary Memo.

Vote: 4/0

5.2 DA2024/0767 - 18 & 1/18 QUINTON ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING (UNIT 1).

PROCEEDINGS IN BRIEF

The Proposal is for alterations and additions to a residential flat building (unit 1).

The Panel received a late submission dated 19 August 2024 and a Supplementary Memo from Council dated 20 August 2024.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2024/0767 for alterations and additions to a residential flat building (unit 1) on land at Lot CP SP 12069, 18 Quinton Road, Manly, Lot 1 SP 12069, 1 / 18 Quinton Road, Manly, subject to the conditions set out in the Assessment Report and Supplementary Memo.

REASONS FOR DETERMINATION

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

Vote: 4/0

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 21 August 2024.