



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 15 MARCH 2023**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 15 March 2023**

The public meeting commenced at 12.00pm and concluded at 12.09pm.

The deliberations and determinations commenced at 12.30pm following the public meeting and concluded at 1.23pm.

### **ATTENDANCE:**

#### **Panel Members**

David Crofts	Chair
Lisa Bella Esposito	Town Planner
Graham Brown	Town Planner
Nick Lawther	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.

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 1 MARCH 2023**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 1 March 2023, 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 DA2022/0798 - 11 TAYLOR STREET, NORTH CURL CURL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL.**

This item was withdrawn from the agenda on Monday 13 March 2023 and was not determined at this meeting.

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2022/1431 - 633 - 635 WARRINGAH ROAD, FORESTVILLE - DEMOLITION WORKS AND CONSTRUCTION OF SENIORS HOUSING.

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of seniors housing.

The Panel received a late submission dated 13 March 2023 and a supplementary memo from Council dated 14 March 2023.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of clause 108(2)(c) and 85 (1) SEPP (Housing) 2021 Floor Space Ratio and Private car accommodation 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.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

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#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** DA2022/1431 for demolition works and construction of seniors housing on land at Lot 1 DP 28219, 635 Warringah Road, Forestville, Lot 15 DP 212195, 633 Warringah Road, Forestville, subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The deletion of condition 14
2. The deletion of condition 62
3. The addition of the following condition:

##### **Unexpected finds and new evidence of contamination**

Any new information revealed or unexpected finds uncovered in relation to land contamination during demolition works or construction works that has the potential to harm human health must be immediately notified to the Council and the Principal Certifying Authority. Works are to cease until a suitability qualified expert has made an assessment of any unexpected finds and the advice of this expert complied with prior to continuing any further building works.

Reason: To prevent harm to human and environmental health via exposure and disposal of contaminants during excavation.

## REASONS FOR DETERMINATION

The Panel agreed generally with the assessment report and supplementary memo. The Panel considered whether the site had the potential to be contaminated as required under Clause 4.6 (2) of the SEPP(Resilience and Hazards) 2021 for a change of use. The Panel had clear knowledge of the history of uses on the site, the benefit of the recent court judgement on the same site that were satisfied that the site posed a low risk of contamination, and the advice of Council's Environmental Compliance officer who reviewed the application and indicated that the risk of contamination would not justify the need for further site investigations (Clause 4.6 (2) and (4)(c)). In this regard the Panel were satisfied the requirements of clause 4.6 of the SEPP(Resilience and Hazards) 2021 were met. The Panel required the inclusion of a condition for unexpected finds (contamination) as a precautionary condition.

Vote: 4/0

**5.2 DA2022/1677 - 13 BIRKLEY ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING.****PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a semidetached dwelling.

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**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1677 for alterations and additions to a semidetached dwelling on land at Lot B DP 440550, 13 Birkley Road, Manly, subject to the conditions set out in the Assessment Report, subject to the following:

1. The deletion of condition 8
2. The deletion of condition 17
3. The deletion of condition 21
4. The deletion of condition 23

**REASONS FOR DETERMINATION**

The Panel agreed generally with the assessment report.

Vote: 4/0

**5.3 DA2022/1940 - 49 ANZAC AVENUE, COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.**

**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a dwelling house.

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**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1940 for alterations and additions to a dwelling house on land at Lot 14 DP 12609, 49 Anzac Avenue, Collaroy, subject to the conditions set out in the Assessment Report.

**REASONS FOR DETERMINATION**

The Panel agreed generally with the assessment report.

Vote: 4/0

**5.4 MOD2022/0625 - 214 HUDSON PARADE, CLAREVILLE - MODIFICATION OF DEVELOPMENT CONSENT DA2021/1790 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, INCLUDING A SWIMMING POOL AND GARAGE.**

**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a dwelling house, including a swimming pool and garage.

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**DETERMINATION OF MODIFICATION APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Modification Application No. Mod2022/0625 for Modification of Development Consent DA2021/1790 granted for alterations and additions to a dwelling house, including a swimming pool and garage on land at Lot 41 DP 13760,214 Hudson Parade, Clareville, Lot LIC 187249,214 Hudson Parade, Clareville, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

**Stair Materials**

Details of the materials for the steps and landings are to be of a colour and texture that relates to the landscape and landform of the Foreshore Protection Area, that is, colours and materials that recede into a well vegetated natural environment. Details are to be provided and approved by Council's Landscape Officer, prior to the issue of a Construction Certificate.

Reason: To ensure the materials for the steps and landings are to be of a colour and texture that relates to the landscape and landform of the Foreshore Protection Area.

**REASONS FOR DETERMINATION**

The Panel agreed generally with the assessment report.

Vote: 4/0

**5.5 DA2022/1964 - 31/62 NORTH STEYNE, MANLY - ALTERATIONS TO APARTMENT.  
PROCEEDINGS IN BRIEF**

The proposal is for alterations to apartment.

**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.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

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**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1964 for alterations to apartment. on land at Lot 31 SP 5227, 31 / 62 North Steyne, Manly, subject to the conditions set out in the Assessment Report.

**REASONS FOR DETERMINATION**

The Panel agreed generally with the assessment report.

Vote: 4/0

**5.6 DA2022/1647 - 16 YACHTSMANS PARADISE, NEWPORT - CONSTRUCTION OF A SEAWALL AND EARTHWORKS.**

**PROCEEDINGS IN BRIEF**

The proposal is for construction of a seawall and earthworks.

**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.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

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**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1647 for construction of a seawall and earthworks on land at Lot 2 DP 537303, 16 Yachtsmans Paradise, Newport subject to the conditions set out in the Assessment Report.

**REASONS FOR DETERMINATION**

The Panel agreed generally with the assessment report.

Vote: 4/0

**5.7 DA2023/0053 - 5/122 & 8/122 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO A UNIT WITHIN A RESIDENTIAL FLAT BUILDING.**

**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a unit within a residential flat building.

**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.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

B. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

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**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0053 for alterations and additions to a unit within a residential flat building on land at Lot 5 SP 1717, 5/122 Bower Street, Manly, Lot 8 SP 1717, 8/122 Bower Street, Manly subject to the conditions set out in the Assessment Report.

**REASONS FOR DETERMINATION**

The Panel agreed generally with the assessment report.

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 15 March 2023.