



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 6 MARCH 2024

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 6 March 2024

The public meeting commenced at 12.00pm and concluded at 12.31pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 1.17pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Lisa Bella Esposito	Town Planner
Marjorie Ferguson	Town Planner
Phillip 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

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 21 FEBRUARY 2024

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 21 February 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 DA2023/0617 - 22 & 24 ANGLE STREET, BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a Residential Flat Building.

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

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

The Panel is not satisfied that:

- a) 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 and 4.4 Floor Space Ratio 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.
- b) 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

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2023/0617 for the demolition works and construction of a Residential Flat Building on land at Lot 6 DP 9585, 24 Angle Street, Balgowlah, Lot 7 DP 9585, 22 Angle Street, Balgowlah for the following reasons:

1. 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 State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development, including the design quality principles and criteria under the Apartment Design Guide.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.
3. The proposed development breaches the maximum building height development standard and is inconsistent with the objectives of Clause 4.3 of the Manly Local Environmental Plan 2013.
4. The proposed development exceeds the maximum floor space ratio development standard and is inconsistent with the objectives of Clause 4.4 of the Manly Local Environmental Plan 2013.
5. 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 4.6 Exceptions to Development Standards of the Manly Local Environmental Plan 2013. The proposed development is of excessive size, mass, bulk and scale, and is out of character with the area.
6. The proposal is supported by a written request to vary the height of buildings development standard in accordance with Clause 4.6 of the MLEP 2013. The written request is not well founded as it does not satisfactorily demonstrate:
 - a) Compliance with the development standard is unreasonable or unnecessary in the

circumstances of the case

- b) The proposed development is consistent with the objectives of the development standard contained within Clause 4.3 of the Manly Local Environmental Plan 2013, and
 - c) There are sufficient environmental planning grounds to justify contravening the development standard because the provided justification is insufficient and the Panel does not agree with the justification provided.
7. The proposal is also supported by a written request to vary the floor space ratio development standard in accordance with Clause 4.6 of the Manly Local Environmental Plan 2013. The written request does not adequately demonstrate:
- a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
 - b) The proposed development is consistent with the objectives of the development standard contained within Clause 4.4 of the Manly Local Environmental Plan 2013, and
 - c) There are sufficient environmental planning grounds to justify contravening the development standard because the provided justification is insufficient and the Panel does not agree with the justification provided.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 1.7 Aims and Objectives of this Plan under the Manly Development Control Plan 2013.
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.4.1 Sunlight Access and Overshadowing of the Manly Development Control Plan 2013, as it results in additional overshadowing to Unit 1, 72A West Street, Balgowlah and 20 Angle Street, Balgowlah.
10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 4.1.3 Floor Space Ratio (FSR) of the Manly Development Control Plan 2013. The proposed development is of excessive size, bulk and scale, and is out of character with the area, which is attributable to the substantial variation to the floor space ratio development standard.
11. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan 2013. The proposed development does not comply with the front and rear setback controls, which results in unreasonable building bulk in the Angle Street and Sydney Road streetscapes including when viewed from the adjoining property to the rear (72 West Street). In addition there are significant negative interface and privacy impacts on neighbouring dwellings.
12. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest, given the significant level of non-compliance with the floor space ratio development standard under the Manly Local Environmental Plan 2013, inconsistencies with SEPP 65 and the Apartment Design Guide, non-compliances with the built form controls under the Manly Development Control Plan 2013 and the extent to which the proposal is inconsistent with the existing and desired future character of the locality.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

4.2 DA2023/1290 - 40 CORMACK ROAD, BEACON HILL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dwelling house

At the public meeting which followed the Panel was not addressed by any neighbours or representatives of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1290 for alterations and additions to a dwelling house on land at Lot 2, Sec 64, DP 247228, 40 Cormack Road, Beacon Hill subject to the conditions set out in the Assessment Report, subject to the following:

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

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans		
Drawing No.	Dated	Prepared By
DA-01C Site Plan	January 2024	Jo Willmore Designs
DA-02C Ground floor	January 2024	Jo Willmore Designs
DA-03C First floor	January 2024	Jo Willmore Designs
DA-04C Elevations	January 2024	Jo Willmore Designs
DA-05C Elevations	January 2024	Jo Willmore Designs
DA-06C Sections	January 2024	Jo Willmore Designs
DA-07C Window schedule – ground floor	January 2024	Jo Willmore Designs
DA-08C Window schedule – first floor	January 2024	Jo Willmore Designs
DA-09C Soft landscaped area	January 2024	Jo Willmore Designs
Stormwater Management Plan D-1597A	01.09.2023	Edward Bennett

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Environmental Effects	February 2024	Jo Willmore Designs
Preliminary Geotechnical Assessment	5.09.2023	White Geotechnical Group
BASIX Certificate A503043	11.08.2023	Jo Willmore Designs
Waste Management Plan	13.09.2023	Listed Applicant

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2023/1775 - 13 QUINTON ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL.

PROCEEDINGS IN BRIEF

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

The Panel received a late submission dated 4 March 2024 and a supplementary memo from Council dated 5 March 2024.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1775 for alterations and additions to a dwelling house including a swimming pool on land at Lot 10 DP 2428, 13 Quinton Road, Manly, Lot 9 DP 2428, 13 Quinton Road, Manly subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The amendment of condition 7 to read as follows:

7. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- The pool concourse is to maintain a minimum 2.1 metre setback to the southern side boundary. Only the pool coping (of a maximum width of 400mm) is to be within 2.1 metres of the southern side boundary.
- Landscape planting capable of achieving a mature height of 2.5m is to be provided to the southern side boundary adjoining the pool. The planting is to be located adjoining the spa and concourse to achieve privacy to the ground floor windows of the adjoining southern property 11 Quinton Road. Selected planting shall comply with the requirements of Australian Standard AS 1926.1 for a Non Climbable Zone, as appropriate.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and supplementary memo.

Vote: 4/0

5.2 DA2023/1202 - 10 & 4-8 INMAN ROAD, CROMER - USE OF PREMISES AS AN INDOOR RECREATIONAL FACILITY, FITOUT AND SIGNAGE.

PROCEEDINGS IN BRIEF

The proposal is for use of premises as an indoor recreational facility, fitout and signage.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1202 for use of premises as an indoor recreational facility, fitout and signage on land at Lot 3 DP 1282038, 10 Inman Road, Cromer, Lot 1 DP 1282038, 4 - 8 Inman Road, Cromer 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 DA2023/1791 - 3/8-28 THE CORSO, MANLY - INTERNAL FITOUT OF A BUSINESS PREMISES AND SIGNAGE.

PROCEEDINGS IN BRIEF

The proposal is for internal fitout of a business premises and signage.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **grants deferred commencement approval** to Application No. DA2023/1791 for internal fitout of a business premises and signage on land at Lot 3 SP 87071, 3 / 8 - 28 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 DA2023/1877 - 3/8-28 THE CORSO, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING AND CHANGE OF USE TO AN OFFICE PREMISES.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing building and change of use to an office premises .

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1877 for alterations and additions to an existing building and change of use to an office premises on land at Lot 3 SP 87071, 3 / 8 - 28 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

This is the final page of the Minutes comprising 11 pages numbered 1 to 11 of the Northern Beaches Local Planning Panel meeting held on Wednesday 6 March 2024.