

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 14 DECEMBER 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 14 December 2022

The public meeting commenced at 12.00pm and concluded at 12.48pm.

The deliberations and determinations commenced at 1.25pm following the public meeting and concluded at 6.06pm.

ATTENDANCE:

Panel Members

Peter Biscoe KC	Chair
Kara Krason	Town Planner
Robert Hussey	Town Planner
Frank Bush	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 except as follows:

Item 4.4 – Peter Biscoe KC declared a conflict of interest in this matter and did not participate in the hearing, deliberation and determination.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 7 DECEMBER 2022

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 7 December 2022, 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 PEX2022/0002 - 15 MONA STREET, MONA VALE - PLANNING PROPOSAL

This matter was withdrawn from the agenda and was not determined at this meeting.

4.2 PEX2022/0003 PLANNING PROPOSAL AT 6 MITCHELL ROAD, PALM BEACH

PROCEEDINGS IN BRIEF

The proposal is to amend Pittwater Local Environmental Plan 2014 by adding “dwelling houses” as an additional permissible use on that portion of the subject land zoned RE1 below RL 74.5AHD.

At the public meeting which followed the Panel was addressed by two (2) objectors on behalf of the neighbours.

At the public meeting Counsel for an objector submitted that: (a) there were two planning proposals before the Panel, one by The Planning Hub on behalf of the applicant and the other by Council as set out in Attachment 2 to the Council assessment report; (b) that the former was beyond power under the Environmental Planning and Assessment Act 1979 but that the latter was within power and the Panel could advise in respect of the latter; (c) that the Panel should reject the former and advise Council only in respect to the latter. The Panel considers that there is only one planning proposal before it, namely the Council’s planning proposal set out in Attachment 2 to the Council assessment report. The Panel will advise Council only in respect of that planning proposal.

RECOMMENDATION OF PLANNING PANEL

That the Northern Beaches Local Planning Panel recommends that Council **support** the planning proposal set out in Attachment 2 to the Council assessment report to permit a dwelling house limited to a building height of RL 74.5AHD as an additional permitted use on 6 Mitchell Road Palm Beach, for the reasons presented in the assessment report, subject to the following:

The Panel suggests that the additional clauses in Schedule 1 of the Pittwater Local Environment Plan should read to the following effect:

Use of certain land at 6 Mitchell Road, Palm Beach

- (1) This clause applies to land at 6 Mitchell Road, Palm Beach, being Lot 1. DP1086858 and identified as “area 25” on the Additional Permitted Uses Map.
- (2) Development on the part of 6 Mitchell Road, Palm Beach zoned RE1 for the purposes of a dwelling house, not exceeding RL 74.5AHD in height, is permitted with development consent.
- (3) The height limit restriction of RL 74.5AHD also applies to the remainder of 6 Mitchell Road, Palm Beach, currently zoned C4.
- (4) Subject to the restriction imposed by clause 3, the remainder of 6 Mitchell Road, Palm Beach continues to be subject to the development height controls in clause 4.3 of the Pittwater Local Environmental Plan.

Vote: 4/0

4.3 DA2022/1158 - 13 ILUKA ROAD, PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a dwelling house including swimming pool.

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

The Panel was provided with copies of the original plans to which the assessment report relates.

The Panel was advised by Council that the development control plan compliance assessment table on pages 177-8 of the assessment report should be amended so that items A4.12 Palm Beach Locality, C1.3 View Sharing and D12.5 front Building Line record "No" under the headings "Compliance with requirements" and "Consistency Aims / Objectives".

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2022/1158 for demolition works and construction of a dwelling house including swimming pool on land at Lot 62 DP 14682, 13 Iluka Road, Palm Beach 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

4.4 REV2022/0016 - 53 WHISTLER STREET, MANLY - REVIEW OF DETERMINATION OF APPLICATION OF DA2021/1344 FOR ALTERATIONS AND ADDITIONS TO TWO SEMI-DETACHED DWELLINGS INCLUDING A HARD STAND PARKING AREA.

PROCEEDINGS IN BRIEF

The proposal is for review of Determination of Application of DA2021/1344 for alterations and additions to two semi-detached dwellings including a hard stand parking area

The Panel received one (1) late submission dated 12 December 2022 and a supplementary memo from Council. The Panel also received and considered a further written late submission.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, confirms the determination of the Panel on 2 March 2022 **approves** Application No. REV2022/0016 for review of Determination Application Review of Determination of Application of DA2021/1344 for alterations and additions to two semi-detached dwellings including a hard stand parking area on land at Lot 1 DP 1103720, 55 Whistler Street, Manly, Lot 1 DP 742272, 53 Whistler Street, Manly subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The addition of the following condition:

Vehicular Swept Path

Vehicular maneuvering paths must be provided to demonstrate a vehicle can enter and depart the site in a forward direction without encroaching beyond the right of way. The drawings must be compliant with Australian/New Zealand Standard AS/NZS 2890.1:2004 – Parking facilities - Off-street car parking.

Details demonstrating compliance with this condition must be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to safe maneuvering, access and parking of vehicles.

2. The amendment of condition 6 to read as follows:

6. Retractable gates

The Applicant is to ensure that the retractable gate providing access to the parking space at No.55 is remotely operated by the driver and able to retract along the full length of the 8m side set back.

Reason: To facilitate safe and convenient entry and egress to the parking space without encroachment on adjacent property.

3. The amendment of condition 9 to read as follows:

9. Driveway Operable Gates and Amended Landscaping

The Applicant is to ensure driveway operable gate within the private property can slide open the minimum 8 metres to permit a vehicle to maneuver safely within the right of way at No 57 Whistler Street, Manly during entering and exiting the property. The landscape plans are to be amended to reflect the architectural plans responding to the car parking and gate, and the conditions of consent.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure suitable vehicular access to private property.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report, subject to the above.

Vote: 3/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2022/1200 - MANLY ART GALLERY & MUSEUM WEST ESPLANADE, MANLY - INSTALLATION OF A NEW ROOF MOUNTED BUILDING SIGN ON THE ART GALLERY AND MUSEUM BUILDING MANLY.

PROCEEDINGS IN BRIEF

The proposal is for installation of a new roof mounted building sign on the Art Gallery and Museum Building Manly.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1200 for the installation of a new roof mounted artwork on the Manly Art Gallery and Museum, located at Lot 7340 in DP 1144101, West Esplanade, Manly, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 8 to read as follows:

8. Dimming control to illumination

Dimming control is required to control the illumination in order to minimise the impact of the signage on the significance of the heritage items in the vicinity.

The following maximum output of illumination shall not exceed the following thresholds:

- Full sun directed to the face of the signage: 6,000 cd/m²
- Daytime (between sunrise and sunset daily): 6,000 cd/m²
- Dawn and twilight periods and inclement / cloudy weather: 700 cd/m²
- Nighttime: 350 cd/m²
- 4 LUX to habitable rooms of adjacent residential development (including mixed use) where they may occur to comply with AS4282.
- The level of reflectance is not to exceed the 'Minimum coefficients of luminous intensity per unit area of Class 2A', as set out in Australian Standard AS/NZS 1906. 1:2007.

The art installation and the LED strip lighting shall be fitted with an electronic sensor that adjusts the intensity of illumination as conditions change.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure the impact of the illumination is minimised on the heritage items or their significance.

2. The amendment of condition 9 to read as follows:

9. Best Practice Lighting Design – pre construction

The illuminated art installation and LED strip lighting must be designed, located and constructed to achieve consistency with the objectives and principles outlined in Appendix A (Best Practice Lighting Design) of the National Light Pollution Guidelines for Wildlife (Department of Environment and Energy, Version 1.0, January 2020).

Compliance with this condition must be confirmed by a suitably experienced lighting design practitioner prior to issue of the Construction Certificate.

Reason: To ensure compliance with the National Light Pollution Guidelines for Wildlife 2020.

3. The amendment of condition 5 to read as follows:

5. Confirmation of best practice lighting design – operation

Following construction, a suitably experienced lighting design practitioner is to confirm that the illuminated art installation and LED strip lighting has been sited, constructed and installed in a manner which is consistent with Appendix A (Best Practice Lighting Design) of the National Light Pollution Guidelines for Wildlife (Department of Environment and Energy, Version 1.0, January 2020).

Reason: To mitigate potential light pollution impacts to wildlife.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report, subject to the above.

Vote: 4/0

5.2 DA2022/0530 - 18 PORTIONS LOVETT BAY, LOVETT BAY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A LIFT AND RETAINING WALLS.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dwelling house including a lift and retaining walls.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0530 for alterations and additions to a dwelling house including a lift and retaining walls on land at Lot 3 DP 20284, 18 Portions Lovett Bay, Lovett Bay, Lot LIC 577755, 18 Portions Lovett Bay, Lovett Bay 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 DA2022/1330 - 20/7 THE CRESCENT, MANLY - ALTERATIONS AND ADDITIONS TO A UNIT WITHIN A RESIDENTIAL FLAT BUILDING INCLUDING A NEW SPA.**PROCEEDINGS IN BRIEF**

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

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1330 for alterations and additions to a unit within a residential flat building including a new spa on land at Lot 20 SP 70727, 20/7 The Crescent, 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 DA2022/1131 - 5/7 PARKVIEW ROAD, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING INCLUDING THE CONSOLIDATION OF UNITS 5 AND 6 INTO A SINGLE DWELLING.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a residential flat building including the consolidation of Units 5 and 6 into a single dwelling.

The Panel received one (1) late submission dated 12 December 2022 and a supplementary memo from Council.

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 4.4 Floor Space Ratio 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1131 for alterations and additions to a residential flat building including the consolidation of Units 5 and 6 into a single dwelling on land at Lot 6 SP 80349, 6 / 7 Parkview Road, Fairlight, Lot 5 SP 80349, 5 / 7 Parkview Road, Fairlight subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The amendment of condition 8 to read as follows:

8. Amendments to the approved plans

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

- The return element of the front balcony along the southern elevation is to be deleted and the ends of the front balcony shall be setback 500mm from each corner of the building.
- The proposed door "D03" must be retained as a window

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

REASONS FOR DETERMINATION:

The Panel generally agrees with the assessment report, subject to the above.

Vote: 4/0

This is the final page of the Minutes comprising 14 pages
numbered 1 to 14 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 14 December 2022.