



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 3 AUGUST 2022**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 3 August 2022**

The public meeting commenced at 12.10pm and concluded at 1.25pm.

The deliberations and determinations commenced at 1.45pm following the public meeting and concluded at 3.30pm.

### **ATTENDANCE:**

#### **Panel Members**

David Crofts	Chair
Robert Hussey	Town Planner
Graham Brown	Town Planner
John Simmonds	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

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 20 JULY 2022**

#### **RECOMMENDATION**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 20 July 2022, were adopted by the Chairperson of that meeting and have been posted on the Council's website

## **3.0 CATEGORY 3 APPLICATIONS**

## 4.0 PUBLIC MEETING ITEMS

### 4.1 MOD2021/0983 - 231 WHALE BEACH ROAD, WHALE BEACH - MODIFICATION OF DEVELOPMENT CONSENT REV2021/0034 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING SHOP TOP HOUSING AND RETAIL PREMISES, WITH ASSOCIATED CARPARKING, LANDSCAPING AND STRATA SUBDIVISION.

#### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent REV2021/0034 granted for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision.

At the public meeting which followed the Panel was addressed by five (5) neighbours and two (2) representatives of the applicant.

The Panel received three (3) late submissions dated 1 August 2022 and a supplementary memo.

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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, **refuses** Application No. Mod2021/0983 for Modification of Development Consent REV2021/0034 granted for demolition works and construction of a Mixed Use Development comprising Shop Top Housing and retail premises, with associated carparking, landscaping and strata subdivision on land at Lot B DP 316404, 231 Whale Beach Road, WHALE BEACH, for the following reasons:

1. Pursuant to Section 4.55(2)(a) of the Environmental Planning and Assessment Act 1979, the Panel is of the view insufficient evidence was provided by the applicant to demonstrate the proposed modification is substantially the same development as approved given the need to ensure the qualitative impacts of the proposed modification are not significantly different from the existing approval. These impacts are associated with the large increase in patronage resulting in additional street parking, noise associated with the movement of patrons, and safety of pedestrians and patrons given the poor road alignment in the area.
2. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed modification should be refused, as it has not been demonstrated that the modification does not create unacceptable traffic and safety impacts in the area. These impacts relate to additional traffic generated by the additional patronage, particularly in relation to the potential conflict with the use of the public car park in peak times (summer months), the narrow carriageway, and lack of footpaths in the area.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development should be refused because the ameliorative measures proposed in the acoustic report are highly unlikely to be consistently implemented in practice (e.g. consistent closure of windows and other openings on summer evenings), and failure will result in unacceptable noise impacts on adjoining and nearby residential properties.
4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development should be refused as the modification application does not adequately demonstrate that the proposed patronage levels can be accommodated within the building, including back of house operations.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development should be refused because it is only able to provide minimal onsite parking, and existing approved development is already deficient relative to Pittwater DCP standards. It is noted that the Pittwater DCP standards are less demanding than those

specified by the RTA guidelines for Traffic Generating Development, Section 5.8.2.

6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development should be refused as the modification is not in the public interest.

#### REASONS FOR DETERMINATION:

The Panel does not agree with the assessment report for the following reasons:

- The impacts of the proposed modification have not adequately demonstrated.
- Day to day management of the proposed modification will be problematic particularly relating to acoustic impacts.
- The nature of the road and pedestrian movement systems in the vicinity.
- The impact of topography on parking and pedestrian catchments.
- The supply of carparking, particularly in peak times.
- The proximity of residences and the local nature of the business zone.
- The lack of containment of the development in relation to its infrastructure requirements, and reliance on the public realm to deliver these.

Vote: 4/0

#### 4.2 DA2021/1963 - 10 - 12 LOQUAT VALLEY ROAD, BAYVIEW - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT.

##### PROCEEDINGS IN BRIEF

The proposal is for Demolition works and construction of a seniors housing development.

At the public meeting which followed the Panel was addressed by one (1) neighbour and three (3) representatives of the applicant.

The Panel received two (2) late submissions dated 1 August 2022 and a supplementary memo.

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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, **refuses** Application No. DA2021/1963 for the demolition works and construction of a seniors housing development on land at Lot 14 DP 30382, 12 Loquat Valley Road, BAYVIEW, Lot 13 DP 30382, 10 Loquat Valley Road, BAYVIEW, for the reasons for refusal set out in the Assessment Report and supplementary memo.

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

The Panel notes that the Council's stormwater pipeline is still to be located by survey and may impact on the development.

The Panel agrees with the Council's view that the Clause 4.6 variation is not justified because it does not adequately demonstrate:

- 1) A contravention of Clause 40(4) (a & b) 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.

Vote: 4/0

This is the final page of the Minutes comprising 6 pages numbered 1 to 6 of the Northern Beaches Local Planning Panel meeting held on Wednesday 3 August 2022.