



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held in the Council Chambers, Civic Centre, Dee Why on

WEDNESDAY 8 MAY 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 8 May 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 6:00pm**

ATTENDANCE:

Panel Members

Lesley Finn	Chair
Annelise Tuor	Town Planner
Graham Brown	Town Planner
Lloyd Graham	Community Representative

1.0 DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 1 MAY 2019

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 1 May 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 MOD2018/0703 - 57 SMITH STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA251/2017 GRANTED FOR ALTERATIONS AND ADDITIONS TO THE EXISTING SEMI-DETACHED DWELLING

PROCEEDINGS IN BRIEF

The proposal seeks to modify Development Consent DA251/2017 as follows:

- Reduction in the depth of the approved first floor rear balcony (in accordance with condition of consent ANS01A, to allow for deletion of the condition);
- Internal reconfiguration of the first floor;
- Changes to approved windows;
- Alteration of the upper roof from pitched to flat with parapet;
- Alteration of the lower roof from pitched apron to flat;
- Amendment of the first floor rear balcony privacy screen (in accordance with condition of consent ANS01B, to allow for deletion of the condition); and
- Changes to materials and finishes.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by two representatives of the applicant.

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. MOD2018/0703 for modification of Development Consent DA251/2017 granted for alterations and additions to the existing semi-detached dwelling at Lot 131 DP 603177, 57 Smith Street, Manly for the following reasons:

1. The site is in the Pittwater Road Conservation Area, is part of a semi-detached dwelling and is on a highly visible corner location. The proposed modification would result in a form that would be seen from Alexander and Collingwood Streets and will have a greater impact on the significance of the conservation area than that which was approved in the development consent.
2. The justification provided by the applicant for the modification is not sufficient to warrant the increased impact on the conservation area.

Vote: 4/0

3.2 DA2018/1069 - 5 DALLEY STREET, QUEENSCLIFF - DEMOLITION WORKS AND THE CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal involves the following works for approval:

- Demolition of all existing structures and selected trees on site.
- Construction of a residential flat building with basement carparking.
- Ancillary site works including excavation, landscaping and drainage.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by five residents and a representative of the applicant.

DECISION ON EXCEPTION TO DEVELOPMENT STANDARD

A. The Panel is not 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 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/1069 for demolition works and the construction of a residential flat building at Part Lot 1 DP 302634, 5 Dalley Street, Queenscliff for the following reasons:

1. 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 B2 Number of Storeys of the Warringah Development Control Plan 2011. In particular, the resultant impact on adjoining properties.
2. 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 B3 Side Boundary Envelope of the Warringah Development Control Plan 2011. In particular, the impact on solar access for adjoining properties and building bulk.
3. 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 B5 Side Boundary Setbacks of the Warringah Development Control Plan 2011. In particular, the narrow setback, deep excavation, inadequate landscaping and resultant building bulk along the side setbacks.
4. 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 C7 Excavation and Landfill of the Warringah Development Control Plan 2011. In particular, the deep excavation close to the side boundaries for both number 3 and number 7 Dalley Street and the poor amenity to unit one of the proposed development.
5. 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 D1 Landscaped Open Space and Bushland Setting of the Warringah Development Control Plan 2011. In particular, the inadequate deep soil planting and narrow landscaping width along the side boundaries.

6. 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 D6 Access to Sunlight of the Warringah Development Control Plan 2011. In particular, inadequate solar access to the ground floor unit living areas of the development and overshadowing of adjoining neighbours.
7. 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 D7 Views of the Warringah Development Control Plan 2011.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the privacy measures proposed to satisfy the provisions of Clause D8 Privacy of the Warringah Development Control Plan 2011 result in reduced amenity for the proposed development.
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 D9 Building Bulk of the Warringah Development Control Plan 2011 given the number of storeys, the reduced setbacks and height.
10. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development. In particular, the quality of landscaped open space, amenity and built form and scale.

Vote: 4/0

3.3 DA2018/1663 - 12 DARLEY STREET, FORESTVILLE - CONSTRUCTION OF A BOARDING HOUSE

PROCEEDINGS IN BRIEF

The proposal seeks consent for the following works:

- Construction of a boarding house, comprising:
 - 22 boarding rooms within kitchen and bathroom facilities, including one Manager's room with private open space;
 - 2 communal living rooms;
 - Basement car park containing 11 car spaces, 5 motorcycle spaces, 5 bicycle rack spaces, and storage;
- At-grade accessible parking space;
- Bin storage; and
- Landscaping works.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by four residents and a representative of the applicant.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **grants a deferred commencement consent** to Application No. DA2018/1663 for construction of a boarding house at Lot 2 DP 365757, 12 Darley Road, Forestville subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of deferred commencement Condition 1 to read as follows:

Amended plans are to be submitted to provide for the following:

- The retention of the existing tree in the north-west corner of the site.
- The deletion of the driveway and accessible carparking space in the north-west corner of the site and relocation of the bin store room.
- The deletion of rooms 7, 8 to provide private open space with appropriate acoustic treatment.
- The deletion of room 16 to provide a single storey element at ground level being the communal living area.
- The southern wall of the access stairway to the first floor shall be glazed similar to the façade treatment below.

2. The addition of deferred commencement Condition 2 to read as follows:

A detailed acoustic report in relation to the development as a whole including the location of any proposed air-conditioning units.

3. The addition of deferred commencement approval Condition 3 to read as follows:

The Plan of Management is to be updated to reflect the amended plans and include emergency/complaints contact information including a phone number.

4. The deletion of Condition 22.

5. The amendment of operational conditions to be consistent with the amended plans including Condition 42 to read as follows:

Boarding House Plan of Management

Prior to the issue of any Construction Certificate, the submitted Boarding House Plan of Management is to be amended to the satisfaction of the Certifying Authority. The Plan shall include detail to manage the requirements detailed as follows:

- 1) The maximum number of boarders and lodgers
 - a) The building is to contain no more than 1 persons per designated single bedrooms and 2 persons per designated double bedrooms (not including children under the age of 5 years).
 - b) The occupier of premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case) Note: The Public Health Regulation 2012 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days
- 2) The requirements detailed within Schedule 2 Part 1, Clauses 2 – 7 under the Local Government (General) Regulation 2005.

Reason: To ensure the premises a maintained in an appropriate manner

Statement of reasons:

1. The development application in its current form does not satisfy Clause 30A of the State Environmental Planning Policy – Affordable Rental Housing 2009.
2. The built form along Violet Avenue needs to be further reduced to a scale more in keeping with residential development in the locality.
3. The existing Tallowood tree in the north west corner is of significant landscape value in the locality and the retention of the tree assists in maintaining the landscaped character of the street as required by Clause 30A of the State Environmental Planning Policy – Affordable Rental Housing 2009.
4. The Panel has imposed deferred commencement conditions to retain the Tallowood tree and to delete rooms to reflect a more residential character consistent with Clause 30A. This will necessitate the deletion of the driveway, accessible car parking space and relocation of the bin storage room.
5. An acoustic report is required addressing the amended plans to ensure that there is no unreasonable impact on adjoining properties.

Vote: 3/1 – Lloyd Graham dissented.

The meeting concluded at 9:30pm

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 8 May 2019.