

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 15 AUGUST 2018

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 15 August 2018
at Council Chambers, Civic Centre, Dee Why
Commencing at 1:00pm**

ATTENDANCE:

Panel Members

Lesley Finn	Chair
Robert Hussey	Town Planner
Annelise Tuor	Town Planner
Phil Jacombs	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING**2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 1 AUGUST 2018**

That the Minutes of the Northern Beaches Local Planning Panel held 1 August 2018, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2018/0626 - HUSTON PARADE NORTH CURL CURL - ALTERATIONS AND ADDITIONS TO AN EXISTING SURF CLUB TO PROVIDE SIGNAGE

PROCEEDINGS IN BRIEF

The proposal involves the installation of Community Information and Safety Signage at the existing surf club facilities.

The signage comprises the following:

1. One LED Screen Wall Sign will be located at the front of the building facing the carpark (near the pathway which travels under the building). The sign will be 1.92m in width and 0.96m in height and will be mounted inside the building.
2. One LED Screen Wall sign will be located facing the beach which will also be mounted inside the building. The sign will be 3.264m in width and 0.96m in height.

The hours of operation for the signs is 8.00am to 7.00pm, 7 days per week.

The Panel viewed the site and its surrounds. At the public meeting which followed there were no registered speakers.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/0626 for Alterations and Additions to an existing Surf Club to provide signage at Lot 7356 DP 1167221, Huston Parade North Curl Curl subject to the conditions set out in the assessment report.

Reasons:

The Panel agrees with the reasons for approval as set out in the Assessment Report.

Vote: 4/0

3.2 DA2018/0272 - 1A PARK STREET MONA VALE - INSTALLATION OF SIGNAGE WITHIN AN EXISTING BUS SHELTER

PROCEEDINGS IN BRIEF

The proposed development seeks consent for the installation of advertising signage ancillary to an existing bus shelter. The signage panel is to be affixed to the southern elevation, measuring 1.31m x 1.91m in size. The signage is to contain LED lighting and will be static.

The Panel viewed the site and its surrounds. At the public meeting which followed there were no registered speakers.

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 Environmental Plan 2014 seeking to justify a contravention of clause 22 of SEPP 64 – advertising signage development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) 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.

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

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/0272 for Installation of signage within an existing bus shelter at Lot 200 DP 1235930, 1A Park Street, Mona Vale subject to the conditions set out in the assessment report.

Reasons:

The Panel agrees with the reasons for approval as set out in the Assessment Report.

Vote: 4/0

3.3 DA2018/0404 - ADJACENT TO 4-6 NIANGALA CLOSE BELROSE - INSTALLATION OF ADVERTISING SIGNAGE ON A BUS SHELTER

PROCEEDINGS IN BRIEF

The proposed development seeks consent for signage ancillary to the existing bus shelter. Specifically, the works include a signage double sided signage panel on the southern elevation of the shelter measuring 1310mm x 1910mm (2.5m²). The signage is to contain LED lighting and will be static.

The Panel viewed the site and its surrounds. At the public meeting which followed there were no registered speakers.

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 22 of SEPP 64 – advertising signage development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) 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.

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

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/0404 for Installation of advertising signage on a bus shelter at adjacent to 4-6 Niangala Close, Belrose subject to the conditions set out in the assessment report.

Reason:

The Panel agrees with the reasons for approval as set out in the Assessment Report.

Vote: 4/0

3.4 DA2018/0722 - 2 STEINTON STREET, MANLY - ALTERATIONS AND ADDITIONS, CHANGE OF USE TO A DUAL OCCUPANCY (ATTACHED) AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal seeks development consent for alterations and additions to an existing building and change of use from a 12 room boarding house to a dual occupancy (attached).

Specifically the works involve the following:

- Internal alterations and additions to create 2 x 3 bedroom dwellings including 2 new lifts to serve each dwelling.
- External alterations and additions including the demolition of the western entry porch, western laundry building, repairs to existing brickwork and infill of a number of existing windows/doorways and new facade treatments.
- Construction of a new attic to accommodate new bedrooms and living spaces.
- Construction of 2 car stackers to serve the 2 new dwellings
- Replacement of the existing chimney stacks and roof tiles and addition of dormer windows and lift overruns concealed within chimney stack features.

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

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 Environmental Plan 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) 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.

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

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/0722 for Alterations and Additions, change of use to a dual occupancy (attached) and strata subdivision at Lot 3 DP 325333, 2 Steinton Street, Manly subject to the conditions set out in the assessment report with the following amendment:

1. Add a condition under the heading "conditions to be satisfied prior to the issue of any subdivision certificate" as follows:

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be

submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.

Reasons:

The Panel agrees with the reasons set out in the assessment report, in particular the continued operation of the boarding house would not be financially viable when measured against the criteria of State Environmental Planning Policy (Affordable Rental Housing).

In response to the concerns raised by the applicants representative, the Panel has included a condition in relation to strata subdivision that is approved as part of the application.

Vote: 4/0

3.5 MOD2018/0036 - 18 HOWARD AVENUE, DEE WHY - MODIFICATION OF DEVELOPMENT CONSENT DA2017/0318 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal seeks to modify Development Consent DA2017/0318 granted for Demolition works and construction of a shop top housing development.

Specifically the modifications involve the following:

Lower Ground Floor

- Parking level raised to natural ground level resulting in the deletion of the approved lower ground floor. This modification results in the floors above being raised in particular the addition of part of a floor at the rear of the site.

Ground Floor

- Retail tenancy 1 reconfigured.
- Garbage room, hydrant pump room and disabled WC location amended.
- Parking layout and access to upper parking levels amended.
- On site stormwater detention tank proposed under parking driveway.

First Floor

- Units 1 & 2 minor floor plan layout amendments.
- 2 parking spaces enclosed to form garages.

Second Floor Level

- Podium level raised to third floor level.
- Units 3 & 4 minor floor plan layout amendments.
- 2 parking spaces enclosed to form garages.

Third Floor Level

- New podium level.
- Units 5 & 6 minor floor plan layout amendments.
- Units 7 & 8 minor floor plan layout amendments.
- Central courtyard landscape bed increased from 1.0 metres wide to 2.0 metres wide.
- Northern building rearranged and floor plan modifications to Units 9 & 10 including the addition of rear terraces.

Fourth Floor Level

- Northern building rearranged and floor plan modifications to Units 11, 12 & 13.
- Units 14 & 16 study added and minor floor plan layout amendments.
- Units 14 & 16 balcony added to southern side resulting in a setback of 3 metres to the southern boundary and 6.7 metres to the kerbline on Howard Avenue.
- Unit 15 minor floor plan layout amendments.

Fifth Floor Level

- Units 17 & 19 study added and minor floor plan layout amendments.
- Units 17 & 19 southern balconies extended by 0.5m to 2.0 metres.
- Unit 18 minor floor plan layout amendments.

Sixth Floor Level

- Units 20 & 22 study added and minor floor plan layout amendments.
- Units 20 & 22 southern balconies extended by 0.5m to 2.0 metres.

- Unit 21 minor floor plan layout amendments.

Seventh Floor Level

- Units 23 & 25 study added and minor floor plan layout amendments.
- Units 23 & 25 southern balconies extended by 0.5m to 2.0 metres.
- Unit 24 minor floor plan layout amendments.

Roof Level

- No change

Car parking

The number of parking spaces remains unchanged at 39 cars providing a surplus of 4 car spaces, based on 25 residential units and the parking summary remains as follows;

- Residential: 31
- Visitors: 5
- Retail: 3

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 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, **approves** Application No. MOD2018/0036 for Modification of Development Consent DA2017/0318 granted for Demolition works and construction of a shop top housing development at Lot 12 DP 1229780, 18 Howard Avenue, Dee Why subject to the conditions set out in the assessment report with the following amendment:

1. Amend Condition 9 to read as follows:

Engineering plans are to be submitted to Council for approval under the provisions of Section 138 and 139 of the Road Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design [and construction for the following list of works, and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

1. Reconstruction of Kerb & Gutter for full frontage of the development site in Howard Avenue.
2. Construction of vehicular Crossing 6.0 meters wide.
3. Construction of full width footpath and shall be in accordance with Warringah Council's Public Space guidelines.
4. All streets cape works within the road reserve in Howard Avenue road reserve frontage are to be in accordance with the principles outlined in Council's Public Space Guidelines

An Application fee and additional fee associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges. The developer/applicant must lodge with Council a security bond against any damage or failure to complete the works required as part of this consent.

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

Reason: To ensure compliance with Council's specification for engineering works.

Reasons:

The Panel agrees with the reasons set out in the Assessment Report, In response to the submission from the applicant at the meeting, the Panel has deleted reference to the “*slip lane, drainage pipeline and associated works*” in Condition 9 but maintained the requirement for a bond as there are other works in the Public domain identified in Condition 9.

Vote: 4/0

3.6 MOD2018/0222 - 9-11 VICTORIA PARADE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA0220/2013 GRANTED FOR DEMOLITION WORKS, CONSTRUCTION OF A MIXED USE DEVELOPMENT AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The application includes:

- The demolition of the section of the residential flat building on 11 Victoria Parade which was to be retained as part of the redevelopment of the land; and
- The re-construction of it in exactly the same way so that it retains the heritage integrity of the approved development and complies with the requirements of the BCA and relevant Australian Standards.
- The deletion of Conditions ANS03 and ANS04 in Development Consent No. DA220/2013.

The Panel viewed the site and its surrounds. At the public meeting which followed there were no registered speakers.

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. MOD2018/0222 for Modification of development consent DA0220/2013 granted for demolition works, construction of a mixed use development and strata subdivision at Lot 1 DP 77358 and SP 31058, 9-11 Victoria Parade, Manly for the following reasons:

1. The Panel is not satisfied that the engineering report submitted with the modification application provides sufficient justification for the demolition of a significant portion of a building.
2. The building is a listed heritage item under the Manly Local Environment Plan 2013 and was required to be retained under the original Development Consent approval from the Court.
3. The rebuilding of this portion of the building, which faces the street, to be a replica of the original with the incorporation of some original elements such as windows is not an appropriate heritage outcome on the basis of the information submitted with the application (engineering report dated 8 February 2018) to justify its demolition.

Vote: 4/0

3.7 N0538/17 - 70 MCCARRS CREEK ROAD, CHURCH POINT - CONSTRUCTION OF A NEW DWELLING

PROCEEDINGS IN BRIEF

The application seeks consent for the following development at the subject site:

- Construction of a new dwelling house, comprising two bedrooms, three bathrooms, study, games room, multiple decks, laundry and open plan kitchen/living/dining, over 3 levels,
- Construction of an elevated parking area for two vehicles,
- Installation of a lift connecting the lower parking platform level to the two upper levels of the dwelling,
- Construction of a boathouse,
- Tree removal, and
- landscaping.

In association with the construction of the proposed new dwelling house, the applicant also seeks consent to disturb an Aboriginal shell midden, which constitutes integrated development under the provisions of s4.46 of the EP&A Act and s90 of the National Parks and Wildlife Act.

The application also seeks consent to construct a new seawall, which constitutes integrated development under the provisions of s4.46 of the EP&A Act and s91 of the WM Act.

The application is also reliant upon extensive works in the public road reserve, including the construction of an elevated access driveway and turning bay. Whilst separate approval is required for these works pursuant to s138 of the Roads Act, the cumulative impact of these works has been considered as part of this assessment, as these works are intrinsic to the proposed new dwelling.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two neighbours, three representatives of the applicant and the owner.

The applicant requested that the matter be deferred to address the further information required by the Rural Fire Service and that the assessment report did not address all the arborist reports submitted with the application. The Panel considered that there was no utility in deferring the application due to the number of issues that need to be addressed. It was also satisfied that the assessment report adequately considered the arborist report from 2015 as well as the arborist reports from 2017 and 2018 which are referred to by the word "addendum" in the assessment report.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) 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.

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

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. N0538/17 for Construction of a new dwelling at Lot 1 DP 1121456, 70 McCarrs Creek Road, Church Point for the following reasons:

1. Height

The proposed development exceeds the 8.5m maximum building height prescribed by clause 4.3 (Height of Buildings) of PLEP 2014 and the request to vary this development standard does not adequately address the matters required by clause 4.6 (Exceptions to development standards) of PLEP 2014.

2. Unacceptable impacts upon existing vegetation

The proposed development results in a significant net loss of Littoral Rainforest Endangered Ecological Community on the site, inconsistent with the provisions of clause B4.17 (Littoral Rainforest – Endangered Ecological Community) of P21 DCP. The extent of clearing and tree removal has not been appropriately minimised, attributing to inconsistency with the objectives of the E4 Environmental Management Zone, and the desired future character of the Church Point and Bayview Locality prescribed by clause A4.4 (Church Point and Bayview Locality) of P21 DCP.

3. Excessive built form

The proposal is inconsistent with the minimum front building line prescribed by clause D4.3 (Front building line) of P21 DCP, the building envelope prescribed by clause D4.8 (Building envelope) of P21 DCP, the landscaped area requirement of clause D4.10 (Landscaped area – Environmentally sensitive land) of P21 DCP and the undercroft height limits of clause D4.13 (Construction, retaining walls, terracing and undercroft areas) of P21 DCP, such that the bulk of the proposal, including its excessive height, presents as an overdevelopment of the environmentally sensitive and highly constrained site.

4. Inadequate consideration of risks

The application does not adequately consider the risks associated with the construction of the proposed driveway and dwelling house in light of the geotechnical hazard that affects the site, inconsistent with the provisions of clauses 7.2 (Earthworks) and 7.7 (Geotechnical hazards) of PLEP 2014 and B3.1 (Landslip hazard) of P21 DCP. Furthermore, the application has not demonstrated consistency with the provisions of *Planning for Bushfire Protection 2006* and has not been endorsed by the NSW RFS, resulting in inconsistency with the s4.14 of the EP&A Act.

5. Suitability of the site for the development

The site has considerable constraints which render it unsuitable for the scale of the development proposed.

Vote: 4/0

3.8 DA2018/0149 - 60 BINALONG AVENUE, ALLAMBIE HEIGHTS - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TWO STOREY BOARDING HOUSE CONTAINING 36 BEDS AND ASSOCIATED PARKING

PROCEEDINGS IN BRIEF

The applicant seeks consent for demolition works and the construction of a boarding house with basement car parking.

The development includes the following works:

- Demolition of all existing structures on site,
- Site preparation works, including excavation for the basement carpark,
- The construction of a two storey, 36 room boarding house (rooms of between 17.31sqm and 22.87sqm in area) with a basement car park,
- The construction of a new driveway, pathways, paving and stairs,
- Associated landscaping works.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by twelve neighbours and a representative of the applicant. The Panel also considered a late submission from Catherine Vlotman.

RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/0149 for Demolition of existing structures and construction of a two storey boarding house containing 36 beds and associated parking at Lot 2211 and 2223 DP 752038, 60 Binalong Avenue, Allambie Heights for the following reasons:

1. Character of the area

The proposed development is not compatible with the existing and desired future character of the local area and therefore does not comply with Clause 30A of SEPP (ARH) and is not consistent with the objectives of the R2 low residential zone of the WLEP 2011 and the relevant provisions of the WDCP 2011 as follows:

- (a) The proposed development is of a scale that is far greater than any other residential development in the vicinity.
- (b) The design presents an uncharacteristic continuous length of building elements, along all street frontages with no attempt to visually break up the built form.
- (c) The treatment of the front landscaped areas is not compatible with the existing streetscape. The desired future character seeks to maintain the existing character of the local area.
- (d) The setbacks to each street boundary are inadequate and are not compatible with the established pattern of residential development in the vicinity.

2. Carparking

The proposal does not provide adequate onsite parking in accordance with the parking rate requirement of SEPP (ARH) and is deficient in the order of 10 spaces which would result in unacceptable parking impacts on surrounding streets.

3. Wall Height

The proposed development has an excessive wall height and fails to comply with Part B1

Wall Height of the WDCP 2011.

4. Front Setbacks and Landscaping

The proposed setbacks and landscape treatment from Binalong Avenue, Jennifer Avenue and Nargong Road are inadequate and the landscape treatment of the setbacks does not comply with clause 29 (2) (b) of SEPP (ARH) and the desired future character established by Part B7 Front Boundary Setbacks and Part D1 Landscaped Open Space and Bushland Setting in the Warringah DCP 2011.

5. Privacy

The proposed development results in unacceptable internal privacy impacts.

6. Stormwater, Drainage and Engineering

Insufficient information has been provided to demonstrate adequate stormwater disposal and drainage or compliance with overland flow requirements in accordance with clause C6 of WDCP 2011, as follows.

- (a) The site is adjacent to a sag pit that carries a substantial amount of upstream stormwater. An overland flow study is required to determine the 1 in 100 year ARI water level in the open channel adjacent to the development site. Furthermore, the study is to consider the potential flooding of the site from the floodwaters on Nargong Road. Cross sections detailing the 1 in 100 year ARI water surface level are to be provided at appropriate intervals.
- (b) The flood levels of the receiving water must be indicated on the drainage layout plan (if applicable). Water surface profiles are to be detailed for the existing and proposed conditions for the development site as well as both upstream and downstream of the development site. The Hec-Ras computer program is preferred for this application.
- (c) The proposed development must comply with all requirements of Section 9.3 of Council's Water Management Policy. Runoff from the developed site must not cause a detrimental effect on any property. This may require the retention (and possible expansion) of existing surface flow paths within the development site.
- (d) The 100 year ARI flood flow level must be established in AHD for the proposed future floor levels and basement entry levels which shall be a minimum of 500 mm above the 100 year flood level. This is to ensure that the proposed future dwelling and basement car parking areas are protected in major storm events. This requirement may alter the design of the proposed driveway crossing and level of the basement.
- (e) The proposed vehicle and pedestrian access to the basement garage must demonstrate that it is free from overland flows and provides a satisfactory level of risk from flooding.

7. Insufficient Information

Insufficient information has been provided to demonstrate compliance with the following:

- Part E1 - Preservation of Trees or Bushland Vegetation of the WDCP 2011
- Part C2 - Traffic, Access and Safety of WDCP 2011 and clause 4 (1) (c) of SEPP (ARH)
- Part C9 - Waste Management of the WDCP 2011

Vote: 4/0

The meeting concluded at 5:30pm

This is the final page of the Minutes comprising 17 pages
numbered 1 to 17 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 15 August 2018.