

# MINUTES

## **NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL MEETING**

held in the Manly Town Hall, 1 Belgrave Street Manly on

**WEDNESDAY 9 AUGUST 2017**

**Minutes of a Meeting of the Northern Beaches Independent Assessment  
Panel held on Wednesday 9 August 2017**

**at Manly Town Hall, 1 Belgrave Street Manly**

**Commencing at 1 p.m.**

**ATTENDANCE:**

**Panel Members**

Paul Vergotis	Chair (Lawyer)
Steve Kennedy	Urban Design Expert
Marcus Sainsbury	Environmental Expert
Peter Cotton	Community Representative

**1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST**

Nil

**2.0 MINUTES OF PREVIOUS MEETING**

**2.1 MINUTES OF NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL HELD 26  
JULY 2017**

**RECOMMENDATION**

That the Minutes of the Northern Beaches Independent Assessment Panel held on 26 July 2017, copies of which were previously circulated to all Members, are hereby confirmed as a true and correct record of the proceedings of that meeting.

### 3.0 NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL REPORTS

#### 3.1 62 & 85 HILLSIDE ROAD, NEWPORT - N0317/16

##### PROCEEDINGS IN BRIEF

The subject development application seeks consent for the following:

- A four (4) lot subdivision. While civil and landscaping works would affect both allotments within the subject site, the four proposed allotments would be located within the existing boundaries of 62 Hillside Road. The details of the four proposed allotments are as follows:
  - Lot 1a: 1372m<sup>2</sup>
  - Lot 1b: 2049m<sup>2</sup>
  - Lot 1c: 1277m<sup>2</sup>
  - Lot 1d: 1276m<sup>2</sup>
- Minor modifications to the driveway previously approved by Development Application No. N0274/09. Changes include:
  - Minor increases to the driveway width;
  - A 20m passing bay to compensate for a 3.5m “pinch point” adjacent to Lot 1c;
  - Provision of a turning Bay for service vehicles;
  - Redesign of the turning “Y” bay to reallocate two off-street car visitor parking spaces
- Stormwater works to service the proposed allotments;
- Clearing of vegetation for Asset Protection Zones (APZs) and building footprints within the proposed allotments; and
- Demolition of the dwelling within 85 Hillside Road (Lot 1, DP 408800).

The Panel took a view of the site and its surrounds. At the public meeting which followed the Panel was addressed by four (4) objectors. The Panel was also addressed by a representative of the applicant.

##### DECISION OF NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL

That the Northern Beaches Independent Assessment Panel as the consent authority **defers the determination** of Development Application No. N0317/16 for the Subdivision of 62 Hillside Road into 4 residential lots plus civil and landscaping works on land at Lot 1 DP 408800 and Lot 2 DP 1036400, 62 and 85 Hillside Road, Newport, for the reasons outlined below.

1. The applicant is to provide documentation to the Councils satisfaction that the proposed subdivision will not result in significant impacts under the *Environment Protection Biodiversity Conservation Act, 1999* (Cth) in relation to listed threatened species communities and/or populations.

The decision was unanimous.

### **3.2 129 LAGOON STREET, NARRABEEN - DA2017/0335**

#### **PROCEEDINGS IN BRIEF**

The proposal seeks development consent for demolition of three dwelling houses, outbuildings and removal of trees across three (3) separate lots. Following site preparation works the proposal involves excavation and the construction of a residential flat building with basement car parking, two levels of residential apartments and a loft level with associated landscaping and site works.

##### Basement Level:

- Car parking for 35 vehicles (including 1 disabled persons space and 4 visitor car spaces);
- Bicycle parking;
- Residential storage areas (including a bulky goods storage area);
- Plant rooms;
- Lift and stairwell access/egress; and
- Sanitary facilities;
- Games/bedroom for Unit 11 and 12;
- Rainwater tanks.

##### Ground Floor Level – RL9.050:

- 4 x 1 bedroom apartments;
- 4 x 2 bedroom\* apartments;
- 4 x 3 bedroom\* apartments;
- Lift and stairwell access/egress;
- Pedestrian entry lobby and secondary entry;
- Vehicle entry to the basement from Lagoon Street;
- Landscaping and private courtyard;
- On-site stormwater detention system.

\* Note: "Media/Loft Rooms" without suitable access to natural light and natural ventilation cannot comply with the BCA for use as bedrooms.

##### First Floor Level – RL12.10:

- 4 x 1 bedroom apartments;
- 4 x 2 bedroom\* apartments;
- 4 x 3 bedroom\* apartments;
- Lift and stairwell access/egress;

##### Mezzanine Loft Level – RL14.70:

- Loft space for Units 15 and 16 on first floor;
- Master bedrooms and bathrooms for Units 19 to 22 on the first floor;
- Master bedrooms, living room and bathrooms for Units 17 and 18 on the first floor;

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

The Panel amended Condition 2 as follows:

**2. Amendments to the approved plans**

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

- The first floor privacy screens shown on the approved plans are to be adjustable ("plantation style") and fitted on horizontal sliding rails to enable occupants to adjust privacy / sunlight to the balcony space.
- New "Capped and Lapped" timber paling fencing 1.8m high is to be provided along the side boundaries (beyond the 6.5m front building line) and rear boundaries, at the Applicant's expense, to ensure privacy at ground level between adjacent land. Fencing in front of the building is to be open style metal / wire / wood with screen hedge planting up to 1.2m above finished ground level.
- External privacy screens are to be added to south facing bedroom windows on Level 1 to a minimum of 1.65m

**DECISION OF NORTHERN BEACHES INDEPENDENT ASSESMENT PANEL**

- A. That the written request from the applicant pursuant Clause 4.6 of the WLEP 2011 is considered to be appropriate and justified as it has demonstrated that compliance with the development standard set out in Clause 4.3 (height of buildings) would be unreasonable or unnecessary in the circumstances of the case; and there are sufficient environmental planning grounds to justify the contravention of the development standard; and the contravention of the development standard is in the public interest.
- B. That the Northern Beaches Independent Assessment Panel as the consent authority **approves** Development Application No. DA2017/0335 for Demolition works, the construction of a residential flat building and strata subdivision on land at Lot 5 & 6 DP 4888 and Lot 7 DP 1082203, 129-133 Lagoon Street Narrabeen, for the reasons outlined in the report, as amended by the Panel.

The decision was unanimous.

### 3.3 89-90 NORTH STEYNE AND 90-92 WHISTLER STREET, MANLY - DA0056/2017

#### PROCEEDINGS IN BRIEF

The proposal involves:

- Demolition of all structures, which include 4 x residential flat buildings containing a total of 16 units;
- Construction of a four-storey residential flat building comprising 14 units
  - Three one-bedroom apartments,
  - Three two-bedroom apartments,
  - Six three-bedroom apartments,
  - Two four-bedroom apartments, each including a roof terrace.
- Construction of a two-level basement car park, comprising 37 parking spaces, bin storage area, garbage chute, plant rooms, and bicycle storage; and
- Landscaping works.

The Panel took a view of the site and its surrounds. At the public meeting which followed the Panel was addressed by seven (7) objectors. The Panel was also addressed by a planning consultant on behalf of the applicant.

#### DECISION OF NORTHERN BEACHES INDEPENDENT ASSESMENT PANEL

- A. The Panel were of the opinion that notwithstanding the architectural merits of the scheme the number and degree of non-compliances were unacceptable and could not be supported.
- B. That the Northern Beaches Independent Assessment Panel as the consent authority **refuses** Development Application No. DA56/2017 for Demolition of existing structures and construction of a Residential Flat Building on land at Lot A & B DP 430074, SP 10633 and SP 3980, 89-90 North Steyne & 90-92 Whistler Street, Manly, for the reasons outlined below.
  1. The proposed development is contrary to Section 79C of the *Environmental Planning and Assessment Act, 1979* (NSW) pursuant to Section 79C(1)(a)(i),(iii),(b) and (e).

The decision was unanimous.

### 3.4 21 ILUKA AVENUE, MANLY - DA17/2017

#### PROCEEDINGS IN BRIEF

The modification application seeks the following amendments:

- Deletion of *Murraya paniculata* along the eastern side boundary and replacement with *Pandorea Pandorana* and *Bambusa textilis 'Gracilis'*; and
- Deletion of Condition No. ANS05A, which reads as follows:  
    "ANS05A  
    *The living room, dining room and kitchen on the ground floor of proposed Lot 10 shall be set back a further 500mm.*  
    *Reason: To protect the amenity of neighbours.*"

ANS05A was not in the staff recommendation and was applied by the NBIAP (Manly LEP).

The Panel took a view of the site and its surrounds. At the public meeting which followed the Panel was addressed by one (1) objector. The Panel was also addressed by a planning consultant on behalf of the applicant.

#### DECISION OF NORTHERN BEACHES INDEPENDENT ASSESMENT PANEL

That the Northern Beaches Independent Assessment Panel as the consent authority **refuses** Development Application No. DA17/2017 to modify approved Construction of two semi-detached dwellings and Torrens Title land subdivision – Part 2 on land at Lot 2 DP 1217919, 21 Iluka Avenue, Manly, for the reasons outlined below.

1. The proposed modifications sought to the development have not been properly justified and cannot be supported.
2. The development consent as granted on 20 April 2017 is reaffirmed.

The decision was unanimous.



## **4.0 REVIEW OF DETERMINATIONS**

### **4.1 571-575 SYDNEY ROAD, SEAFORTH - DA373/2016**

#### **PROCEEDINGS IN BRIEF**

The current application seeks a review of the determination (refusal) pursuant to Section 82A of the *Environmental Planning and Assessment Act 1979*. The proposal seeks consent for:

- Demolition of existing structures;
- Construction of a four-storey mixed use development, incorporating:
  - Two ground floor retail/business tenancies;
  - Two 2-bedroom apartments;
  - Two 3-bedroom apartments;
  - One 4-bedroom apartment;
  - Two levels basement of car parking for 15 vehicles (9 residential, 1 visitor and 5 retail/business spaces).

The Section 82A application has provided amendments to the proposal in an attempt to address the reasons for refusal. The amendments maintain substantially the same development as the development described in the original application.

The current amended proposal contains the following amendments to the original:

- Additional basement level to accommodate compliant parking;
- Deletion of car stackers;
- Provision of disabled access to commercial and residential bin storage areas;
- Deletion of eastern and western blade walls and replacement with fire shutters to relevant windows;
- Additional articulation to western elevation of Apartment 5;
- Deletion of the roof terrace (roof now non-trafficable);
- 300mm reduction in height of Apartment 5 roof form;
- Inclusion of car park waiting bay and traffic signal system.

The Panel took a view of the site and its surrounds. At the public meeting which followed the Panel was addressed by nine (9) objectors. The Panel was also addressed by a planning consultant on behalf of the applicant.

The Panel added the following condition ANS07A.

#### **ANS07A**

Commercial space 2 is to be reduced in size through the relocation of the south facing wall to align with the location of the balcony to apartment 1. Amended plans are to be submitted to Council prior to the issue of Construction Certificate.

The Panel added the following condition ANS07B.

#### **ANS07B**

The three metre wide areas of the podium at ground level 2 to the east and west of commercial 2 are to be non-trafficable and to have planters to achieve a minimum soil depth of 900mm and to be planted with dense screen planting to achieve a nominal mature height of 4.5m. Amended plans are to be submitted to Council prior to the issue of Construction Certificate.

## DECISION OF NORTHERN BEACHES INDEPENDENT ASSESMENT PANEL

- A. That the written request from the applicant pursuant Clause 4.6 of the MLEP 2013 is considered to be appropriate and justified as it has demonstrated that compliance with the development standard set out in Clause 4.3 (height of buildings) would be unreasonable or unnecessary in the circumstances of the case; and there are sufficient environmental planning grounds to justify the contravention of the development standard; and the contravention of the development standard is in the public interest.
- B. That the Northern Beaches Independent Assessment Panel as the consent authority **approves** Development Application No. DA373/2016 for Section 82A Review of Determination of refused demolition, construction of shop top housing and strata/stratum subdivision – Part 2 on land at Lot 43 DP 656428, 571-575 Sydney Road, Seaforth, for the reasons outlined in the report, as amended by the Panel.

The decision was unanimous.

## **5.0 PLANNING PROPOSALS**

Nil

*The meeting concluded at 5.41pm.*

This is the final page of the Minutes comprising 11 pages  
numbered 1 to 11 of the Northern Beaches Independent Assessment Panel meeting  
held on Wednesday 9 August 2017.