

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 6 MARCH 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 6 March 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1:00pm**

ATTENDANCE:

Panel Members

| | |
|---------------|--------------------------|
| Paul Vergotis | Chair |
| Brian Kirk | Town Planner |
| Annelise Tuor | Town Planner |
| Nick Lawther | Community Representative |

1.0 DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING**2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 20
FEBRUARY 2019****RECOMMENDATION**

That the Minutes of the Northern Beaches Local Planning Panel held 20 February 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2018/1831 - 3/3 OYAMA AVENUE, MANLY - ALTERATIONS AND ADDITIONS TO AN RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a residential flat building. The works in detail include:

- Retractable awning to the third and fourth floor north facing terrace (unit 3).

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

DECISION ON EXCEPTION TO DEVELOPMENT STANDARD

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 Building 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/1831 for alteration and additions to a residential flat building at Lot 3 DP 89509, 3/3 Oyama Avenue, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Statement of Reasons: The Panel agrees with the reasons set out in the assessment report.

Vote: 4/0

3.2 MOD2018/0482 - 3 OGILVY ROAD, CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA203/2013 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING

PROCEEDINGS IN BRIEF

The changes sought are for modification to the approved ground which includes extensions to the rear of the site, new lower ground floor deck, internal alterations, external alterations and removal of Condition ANS01 which states:

ANS01

A detailed stormwater management plan is to be prepared to fully comply with Council's Specification for On-site Stormwater Management 2003 and Specification for Stormwater Drainage 2003 and must be submitted to Council prior to issue of the Construction Certificate. The stormwater management plan and designs must also investigate, assess and propose controls in relation to any surface runoff from the street on to the property. The stormwater management plan must be prepared by a Chartered professional engineer. Any controls proposed in relation to the stormwater management plan must be met and certified off by a suitably qualified engineer prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate provision is made for the disposal and management of stormwater which may impact the development and which will be generated by the development.

The ground floor decks are to be extended to the rear of the site.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two neighbours and one representative of the applicant. The Panel was handed additional information by an objectors.

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2018/0482 for modification of development consent DA203/2013 granted for alterations and additions to an existing dwelling at Lot 10 Sec J DP 2610, 3 Ogilvy Road, Clontarf subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of a Condition as follows:

- (a) The proposed ground floor deck is to be amended so as to be set back from the eastern side boundary by 2.5m and to extend no further than 3.0m beyond the southern elevation wall towards the rear boundary.
- (b) The proposed roof extension on the ground floor deck shall be deleted.
- (c) The proposed lower ground floor deck is to be amended to align with the same side and rear boundary setback as the proposed ground floor deck as amended by (a).

Reason: To protect the amenity of adjoining neighbours and to provide an increased setback from the watercourse and to increase the landscaped open space.

Statement of reasons: The Panel after inspecting the subject premises and the 2 adjoining premises as well as hearing submissions from the neighbours considered the proposed ground floor and lower ground floor decks should be reduced in size to achieve greater compliance with

side and rear boundary setbacks, height and landscaped area.

Vote: 4/0

3.3 DA2018/1289 - 1150-1168 PITTWATER ROAD, COLLAROY - CONSTRUCTION OF COASTAL PROTECTION WORKS (SEA WALL)

PROCEEDINGS IN BRIEF

The proposal involves the construction of coastal protection works on the eastern side of the site. The works will be located entirely on private land.

In detail the proposal includes:

- Site preparation works.
- The construction of an engineered coastal protection wall on the eastern side of the sites.
 - The wall consists of a vertical element and a rock toe. This is known as a hybrid design (i.e. a combination of a rock revetment and a vertical wall).
 - The wall will contain seven sets of stairs giving the residents access to the beach.
- The back filling of the coastal protection wall to restore the subject properties to their natural ground level.
- The covering of the rock portion of the coastal protection wall

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

Annelise Tuor advised that she is a member of the NSW Coastal Council.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** Application No. DA2018/1289 for construction of coastal protection works (sea wall) at SP 2949, Lots A-C DP302895, Lots B and C DP 954998, Lots 71 and 72 DP 1011242, Lot 1 DP 970200 and Lot, 1150-1168 Pittwater Road, Collaroy for the following reasons:

The Panel was provided with a written submission from the applicant's solicitor outlining a number of changes to the recommended conditions of development consent. This submission was provided at the meeting and in the circumstances the Panel was of the view that proper consideration was needed which meant that development application was deferred pending the receipt of a review of the written submission by Council's legal advisors.

Following receipt of this information, the Panel (as constituted on 6 March 2019) will determine the application electronically, unless the Chair determines that a further public meeting is required.

Vote: 4/0

**3.4 MOD2018/0432 - 12A –12L MCDONALD STREET AND 25-27 COLES ROAD,
FRESHWATER - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0550
GRANTED FOR ATTACHED DWELLINGS TO INSTALL AIR CONDITIONING UNITS
TO EACH DWELLING**

PROCEEDINGS IN BRIEF

The modification seeks retrospective approval for 14 air conditioning units and a single ventilation shaft from the basement projecting above the roof line.

The air conditioning units have been installed on the roof of each of the 14 attached dwellings.

The ventilation shaft has been installed between dwellings six and seven and extends above the roof level of dwelling six.

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

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** Application No. MOD2018/0432 for modification of development consent DA2016/0550 granted for attached dwellings to install air conditioning units to each dwelling at Lots 1-14 DP 1226906, 12A–12L McDonald Street and 25-27 Coles Road, Freshwater for the following reasons:

The Panel, upon hearing an submission from Mr Novakovic from IPM Holdings Pty Ltd, whom offered to submit amended plans to address the concerns raised in the assessment report and the Panel's concerns about the installation of the air-conditioning units on the roof and to relocate several air-conditioning units into the basement, the Panel decided to defer the determination of the modification application pending submission of amended plans.

The amended plans shall indicate the relocation of all 14 air-conditioning units into the basement and the modification of the basement ventilation shaft to indicate a flat cawling that will achieve a reduction of the ventilation shaft height

The amended plans must be submitted to the Council by 3 April 2019, otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 6 March 2019) will determine the application electronically, unless the Chair determines that a further public meeting is required.

Vote: 3/1 – Annelise Tuor dissented.

3.5 DA2019/0054 - PITTWATER ROAD, MANLY - OUTDOOR CONCERT ENTERTAINMENT FACILITY

PROCEEDINGS IN BRIEF

The proposal involves the use of the playing fields area of Keirle Park for a music event called “The Drop Festival” on 23 March 2019. The music event will commence at 3.00pm and finish before 10.00pm. The music event has a capacity of 10,000 patrons. Attendance at the event is limited to persons aged 18 years and older.

Works will be carried out in preparation for the event from 19 March to 23 March. These works include setting up the various structures associated with the music event, such as the stage, the installation of toilets, the marquees for the markets area, construction of a bar and food service areas, positioning of food trucks, provision of free water stations, and erection of temporary structures for medical services, box office and back stage rooms. 1.8m high fencing will be erected around the site of the music event. During this period the site will be “locked down” to create a designated safe work zone.

Intermittent sound checking will occur from 2pm to 6pm on 22 March. A final sound check will occur from 10am to 2pm on the day of the music event. No rehearsals longer than 15 minutes are scheduled. Any rehearsals will only occur during the sound check times and will be monitored and set to 5 dB lower than the festival level limit. The Noise Guide for Local Government gives the example of a limit of L_{max} 75 dB (A) being suitable for a one-off music festival. A limit of L_{max} 75 dB (A) will be adopted for this event.

Works will be carried out to remove all structures from 24 March to 26 March. During this period the site will be “locked down” to create a designated safe work zone.

The proposal includes a Traffic Management Plan, Security Management Plan, Event Medical Plan, Fire Safety Plan, Grass Management Plan, Noise Management Plan, Event Management Plan, Waste Management Plan, Flood Management Plan and Emergency Management Plan.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by eight representatives 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. DA2019/0054 for outdoor concert entertainment facility at Lots 8-20 Sec 6 DP 1177, Lot 1 DP 177459, Lot 1 DP 535058 and Lots 7328 and 7329 DP 1151520, Pittwater Road, Manly subject to the conditions and for the reasons set out in the Assessment Report as amended by the supplementary report and inclusive of Consolidated Conditions 1-31, subject to the following:

1. The amendment of Condition No. 27 as follows:

27. Limitation on this Consent – One Event Only

This consent is for a one off event, being The Drop Festival to be held during the following dates:

- (a) Bump-in (start to end of set-up) from 19 to 22 March 2019
- (b) Event date - 23 March 2019
- (c) Bump-out (finish, removal of all structures and departure) from 24 to 26 March 2019

- (d) Maximum number of 10,000 patrons at the event at any one time.

Any future event will need to be the subject of a separate development application.

Reason: To ensure compliance with the terms of this consent.

Statement of Reasons: The Panel agrees with the reasons set out in the assessment report.

Vote: 4/0

The meeting concluded at 5:00pm

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 6 March 2019.