



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 15 MAY 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 15 May 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1:00pm**

ATTENDANCE:

Panel Members

Paul Vergotis	Chair
Steve Kennedy	Urban Design Expert
Robert Hussey	Town Planner
Phil Jacombs	Community Representative

1.0 DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 8 MAY 2019

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 8 May 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 MOD2018/0715 - 33 UPPER CLIFFORD AVENUE, FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA166/2015 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE AND CONSTRUCTION OF A SWIMMING POOL

PROCEEDINGS IN BRIEF

The proposed modification includes changes as follows

Rear yard level:

- Reconfigured pool plant room
- New terraced planters and revised stair access

Basement level:

- Swimming pool and spa reconfigured and reduced in height
- Internal alterations
- Changes to windows
- Relocation of existing palm trees

Ground floor level:

- Revised rear deck
- Internal alterations
- Revised external front stair

First floor level:

- Internal alterations
- Revised front courtyard canopy/roof

Roof level:

- Changes to roof profile and roof light
- Parapet added/extended

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by 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, **approves** Application No. MOD2018/0715 for Modification of development consent DA166/2015 granted for alterations and additions to an existing dwelling house and construction of a swimming pool at Lot C DP 102834, 33 Upper Clifford Avenue, Fairlight subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.2 MOD2019/0034 - 36 BEATTY STREET, BALGOWLAH HEIGHTS - MODIFICATION OF DEVELOPMENT CONSENT DA0315/2015 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The proposed modification includes changes as follows:

- Change of use of the approved non-trafficable roof garden to use as a balcony
- New pergola/awning over proposed balcony and removal of central balustrade
- New bin storage platform at front boundary
- Changes to windows

The changes listed above require the deletion of conditions ANS25 and ANS26.

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

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2019/0034 for Modification of Development Consent DA0315/2015 granted for alterations and additions to a dwelling house at Lot 20A DP 350345, 36 Beatty Street, Balgowlah Heights subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.3 DA2018/1044 - 12 FERN CREEK ROAD, WARRIEWOOD - SUBDIVISION OF PART LOTS 11, 12 & 13 DP 1092788 AND PART LOT 5 DP 73961 INTO THREE 3 LOTS CONSTRUCTION OF ROADS, DRAINAGE AND ASSOCIATED INFRASTRUCTURE

PROCEEDINGS IN BRIEF

The proposed development includes three (3) separate parts:

1. Subdivision of part-lots 11, 12 & 13 DP 1092788 (No. 11, 12 and 13 Fern Creek Road) and part-lot 5 DP 736961 (No.9 Fern Creek Road), to create a northern public open space park adjoining the creek line (proposed Lot 3,4 5 and part Lot 13), and a new road reserve and two (2) new development lots (proposed Lot 1 and 2 with a combined site area of 9375.5m2). (The development lots will be the subject of a future DA for further subdivision and housing.)
2. Construction of a northward extension of Fern Creek Road and a new east-west road, which will terminate to the west as a cul-de-sac and connect with a planned road on the eastern site boundary, in accordance with Council's layout plan for the precinct, and
3. Temporary stormwater drainage works, to drain the land and the roads into the creekline through a new headwall, extending from the eastern end of the east-west road extension.

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. DA2018/1044 for subdivision of part lots 11, 12 & 13 DP 1092788 and part lot 5 DP 73961 into three 3 lots construction of roads, drainage and associated infrastructure at Part Lots 11, 12 & 13 DP 1092788 and Part Lot 5 DP 73961, 12 Fern Creek Road, Warriewood subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. Condition No's 37 and 38 to be moved, re-numbered and placed under the heading "Conditions that must be complied with prior to the issue of and strata subdivision and subdivision certificate".

Vote: 4/0

3.4 DA2018/1548 - 24 BONA CRESCENT, MORNING BAY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A BOAT SHED AND JETTY

PROCEEDINGS IN BRIEF

The development application seeks consent for alterations and additions to a dwelling house, specifically the following works:

Dwelling House (currently under construction)

- addition of a bathroom within the footprint of the approved basement level.

Waterfront Structures

- construction of a 4m x 6m boat shed and associated loading platform in the north-eastern corner of the site;
- construction of a 1.5m wide FRP mini-mesh jetty and 3.6m x 2.4m mini-mesh floating pontoon extending from the property boundary into the Pittwater waterway, with associated timber piles; and
- use of a 6m x 5m berthing area located at the end of the pontoon, angled parallel to the shore.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by two objectors 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, **approves via deferred commencement** Application No. DA2018/1548 for alterations and additions to a dwelling house including a boat shed and jetty at Lot 8 DP 21880, 24 Bona Crescent, Morning Bay 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 as follows:

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

The proposed loading deck on the north-eastern elevation of the proposed boat shed is to include stairs on the north-western and south-eastern sides to enable public foreshore access.

This access:

- is to provide safe public access along the foreshore
- is to be maintained at all times.
- should comply with all relevant standards and codes

2. The addition of Deferred Commencement Condition 2 as follows:

Details of a proposed seawall in the pre-existing location as shown on the survey plan (prepared by CMS surveyors, drawing name 15820detail dated 09/11/2016)

3. The deletion of Condition No. 14.

Vote: 4/0

3.5 MOD2019/0083 - 22 LOWER BEACH STREET, BALGOWLAH - MODIFICATION OF DEVELOPMENT CONSENT DA99/2016 GRANTED FOR DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF THREE (3) X TWO (2) STOREY TOWNHOUSES WITH ASSOCIATED GARAGES AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal is to modify the roof pitch and springing point of the development.

The building was originally approved with a roof pitch of approximately 1.0° and a springing point level of RL36.79 resulting in a maximum roof ridge level of RL36.89. This height was determined by using the level marked as "ROOF+ 36790" on the North Elevation (Drawing A20, Issue A), which does not correspond with the highest part of the roof, and measuring to the highest part of the roof using Adobe Acrobat X Pro (to avoid possible errors arising from paper stretch).

The S96(1A) approval resulted in a building with an approved roof pitch of approximately 3.0° and a springing point level of RL36.79 resulting in a maximum roof ridge level of RL37.25. This height was determined by using the level marked as "CEILING+ 36530" on the North Elevation and South Elevation (Drawing A20, Issue B) and measuring to the highest part of the roof using Adobe Acrobat X.

The current proposal is for a building with a roof pitch of approximately 3.8° and a springing point level of RL36.90 resulting in a maximum roof ridge level of RL37.47.

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

The Panel was presented documents by the applicant.

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2019/0083 for Modification of Development Consent DA99/2016 granted for demolition of existing dwelling, construction of three (3) x two (2) storey townhouses with associated garages and Strata Subdivision at Lot 7 DP 31047, 22 Lower Beach Street, Balgowlah subject to the following:

1. The addition of a condition to read as follows:

The existing roof of the building shall be modified so as to achieve heights (as shown on the plans submitted with the modification application (MOD2019/0083) prepared by Woodhouse Danks) which indicate a gutter height of not more than RL 36.400, RL36.900 and a maximum ridge height of RL 37.250. This work is to be carried out under the supervision of a registered surveyor and upon completion the surveyor shall provide certification that the roof strictly complies with the maximum height as specified.

Reason: To maintain visual amenity to neighbouring properties.

2. The addition of a condition to read as follows:

External Finishes to Roof

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the

issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

3. The addition of a condition to read as follows:

This modification approval relates only to the roof pitch and pitching point and does not give approval to any other modifications shown on the approved modification plans.

Reason: To ensure approval relates to what has been applied for.

4. The deletion of Condition No. ANS02.

Statement of reasons: The Panel noted from the information provided to it by the applicant's architect that a maximum height of RL 37.250 was achievable with alterations being made to the roof form. In addition, the Panel in exercising its discretion having regard to relevant case law with respect to the determination of modification applications.

Vote: 4/0

3.6 DA2018/1817 - 6 GLADYS AVENUE, FRENCHS FOREST - DEMOLITION WORKS AND TREE REMOVAL, BULK EXCAVATION AND THE CONSTRUCTION OF A HOARDING HOUSE WITH BASEMENT CAR PARKING

PROCEEDINGS IN BRIEF

The applicant seeks consent for a two-storey boarding house over basement car parking at the subject site. The proposed boarding house comprises:

- 30 x boarding rooms, all accommodating up to 2 adult lodgers, with bathroom and kitchen facilities,
- 1 x manager's room,
- 2 x communal rooms (one on each level),
- 16 x car parking spaces, inclusive of 2 x accessible parking spaces and 1 x manager's parking space,
- 1 x communal laundry,
- Associated civil infrastructure, including the construction of a new driveway and cross over, and
- Landscaping.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by seven objectors.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/1817 for Demolition works and tree removal, bulk excavation and the construction of a boarding house with basement car parking at Lot 4 DP 25713, 6 Gladys Avenue, Frenchs Forest as it is contrary to Section 4.15(1)(a)(i)(iii)(b)(c)(d) and (e) of the Environmental Planning and Assessment Act 1979 (NSW) for the reasons set out below:

1. The proposed development is inconsistent with clause 1.2 (Aims of Plan) of Warringah Local Environmental Plan 2011 and clause A.5 (Objectives) of Warringah Development Control Plan 2011.
2. The proposed boarding house, by virtue of its scale, density, architectural/landscape design and impact upon canopy trees, represents an over development of the site which is not compatible with the character of the local area and results in inconsistency with the objectives of the R2 Low Density Residential zone of Warringah Local Environmental Plan 2011.
3. The application fails to demonstrate that the site can be adequately accessed and serviced by all vehicles reasonably associated with the ongoing use and management of the proposed boarding house, inconsistent with the provisions of clause C2 (Traffic, Access and Safety) of Warringah Development Control Plan 2011.
4. The application fails to demonstrate that the stormwater management solution is appropriate for the site, resulting in inconsistency with the requirements and objectives of clause C4 (Stormwater) of Warringah Development Control Plan 2011.
5. The landscaped treatment of the front setback of the proposed boarding house is not compatible with the character of surrounding dwellings, and the proposed development is inconsistent with the requirements and objectives of clause D1 (Landscaped Open Space and Bushland) and E1 (Preservation of Trees or Bushland Vegetation) of Warringah

Development Control Plan 2011.

6. The proposed development will result in unacceptable impacts upon the amenity of adjoining dwellings and future occupants of the development, inconsistent with the requirements and objectives of clauses D2 (Private Open Space), D3 (Noise) and D8 (Privacy) of Warringah Development Control Plan 2011.
7. The built form of the proposed boarding house is excessive, resulting in unreasonable impacts upon the surrounding environment and inconsistency with the requirements and objectives of clauses B3 (Side Boundary Envelope), B9 (Rear Boundary Setbacks) and D9 (Building Bulk) of Warringah Development Control Plan 2011.

Vote: 4/0

The meeting concluded at 4:45pm

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 15 May 2019.