

# MINUTES

## **NORTHERN BEACHES LOCAL PLANNING PANEL MEETING**

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

**WEDNESDAY 12 JUNE 2019**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 12 June 2019  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1:30pm**

**ATTENDANCE:**

**Panel Members**

Paul Vergotis	Chair
Steve Kennedy	Urban Design Expert
Marcus Sainsbury	Environmental Expert
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 5 JUNE 2019****RECOMMENDATION**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 5 June 2019, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 DEVELOPMENT APPLICATIONS

#### 3.1 DA2018/2058 - 3 BRUCE AVENUE, MANLY - ALTERATIONS AND ADDITIONS TO A DUAL OCCUPANCY

##### PROCEEDINGS IN BRIEF

The proposal includes works as follows:

- Demolition of existing north-eastern common staircase
- New Ground Floor Storage room
- New First Floor Bathroom
- Refurbish existing Basement Laundry/Bathroom
- Changes to windows

The application also includes Strata re-subdivision to allocate and title the areas of work.

At the public meeting the Panel were addressed by the applicant.

##### 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 4.4 Floor Space Ratio 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. DA2018/2058 for alterations and additions to a dual occupancy at SP 22407, 3 Bruce Avenue, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

### 3.2 DA2019/0053 - 40 FAIRY BOWER ROAD, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL FLAT BUILDING

#### PROCEEDINGS IN BRIEF

The proposal involves alterations and additions to the existing Residential flat building. In detail, this includes:

- New gates and fence to surround the property
- New timber glazed door to match existing to apartment 2

#### Ground Floor Apartments 1 and 2

- Remove windows
- Demolish brickwork below sill
- Addition of a new door
- Landing and steps to the garden
- Wrought iron fence over existing brick garden fence

#### First Floor Apartments 3 and 4

- Attic level to each apartment
- New bathroom and bedroom to each apartment
- New living room and kitchen to apartment 4

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by a neighbour in support of the application.

#### 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 Building and 4.4 Floor Space Ratio development standards 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. DA2019/0053 for alterations and Additions to an existing residential flat building at SP 8962, 40 Fairy Bower Road, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

### 3.3 DA2019/0231 - 346-352 WHALE BEACH ROAD, PALM BEACH - DEMOLITION WORKS, CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL AND CONSOLIDATION OF LOTS

#### PROCEEDINGS IN BRIEF

The application seeks consent for demolition works, consolidation of four (4) allotments into one (1) Lot, and construction of a new three (3) storey dwelling house, with basement parking, swimming pool and associated excavation and landscaping works.

- Specifically, the proposal includes the following:
- Consolidation of four (4) allotments into one (1) allotment;
- Excavation works to accommodate a basement level to provide for parking with an associated storage area;
- The ground level will accommodate three (3) bedrooms with ensuites, Entry and Entry Courtyard, Open plan Kitchen, Dining and Living room, Laundry, Outdoor Dining Area, Gym with Sauna, 2 WCs, and Pool Terrace;
- The first floor will accommodate two additional bedrooms with ensuites, storage, kitchen, Dining Area, Living Area, Cinema, WC, Outdoor Dining Area, Outdoor Living Area;
- The second floor will accommodate Master Bedroom and Ensuite, Study, Laundry, and Terrace;
- The construction of a swimming pool;
- Associated earthworks; and
- Associated landscaping works.

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 EXCEPTION TO DEVELOPMENT STANDARD

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environment Plan 2014 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. DA2019/0231 for Demolition works, construction of a dwelling house including swimming pool and consolidation of Lots at Lots 327, 328, 329 & 330 DP 16362, 346 - 352 Whale Beach Road, Palm Beach subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 47 as follows:

**47. Consolidation of Lots**

Lot 327, 328, 329, and Lot 330 in DP 16362 must be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land Registry Services.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure development is not constructed over property boundaries

2. The deletion of Conditions 51, 52 and 54.
3. The addition of a condition as follows:

Prior to any construction works, including any rock breaking or excavation (or the like), a methodology statement shall be prepared by a suitably qualified and practising geotechnical engineer which shall provide an assessment of the subject land and adjoining land having regard to the site conditions. Such a report shall provide any necessary recommendations for the implementation for any excavation which shall be implemented during the course construction including any works necessary to protect adjoining properties.

Reason: To ensure the stability of the land and adjoining properties.

4. The addition of a condition as follows:

**Pre-construction dilapidation Survey**

Prior to any construction works a photographic survey of adjoining properties (344 and 354 Whale Beach Road, Palm Beach) shall be submitted to Council/Accredited Certifier prior to issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person.

Reason: Protection of adjoining properties

5. The addition of a condition as follows:

**Post construction dilapidation survey**

Prior to the issue of an Occupation Certificate a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining properties(344 and 354 Whale Beach Road, Palm Beach), is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to an Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute

over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

Reason: Protection of adjoining properties

Vote: 4/0



### 3.4 DA2018/1743 - 396-402 SYDNEY ROAD, BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING

#### PROCEEDINGS IN BRIEF

The proposal, as amended, includes the demolition of existing structures and construction of a four storey shop top housing development with two levels of basement parking. In particular the proposal includes the following:

##### Basement 2

- 15 residential spaces including 4 disabled parking spaces and 3 visitor parking spaces
- services and storage

##### Basement 1

- 9 commercial parking spaces and 8 residential spaces
- loading bay
- bicycle parking
- services

##### Ground Floor

- 6 retail/business units
- kitchen and amenities
- waste room
- landscaping

##### Level 1

- 4 x 2 bedroom units and 1 x 1 bedroom unit with attached balconies
- landscaped light well

##### Level 2

- 4 x 2 bedroom units and 1 x 1 bedroom unit with attached balconies

##### Level 3

- 3 x 2 bedroom units and 2 x 1 bedroom unit with attached balconies

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

#### DECISION ON EXCEPTION TO DEVELOPMENT STANDARD

B. The Panel is satisfied that:

- 2) 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. DA2018/1743 for demolition works and construction of shop top housing at Lots A & B DP 85983, 396-402 Sydney Road, Balgowlah subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition no 16 as follows:

#### **Pre- construction Dilapidation Survey**

Prior to any construction a photographic survey of adjoining properties (394 Sydney Road, 162 Woodland Street, 162A Woodland Street, 162B Woodland Street, the common driveway and services area to the north and 404 Sydney Road ) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to Council/Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified person.

Reason: Protection of adjoining properties

2. The addition of a condition as follows:

#### **Post construction dilapidation survey**

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to an Occupation Certificate being issued.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Council/Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

Reason: Protection of adjoining properties

Vote: 4/0

### 3.5 DA2018/1667 - 181 ALLAMBIE ROAD, ALLAMBIE HEIGHTS - PARTIAL EXTERNAL DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT

#### PROCEEDINGS IN BRIEF

This application seeks consent for a senior's housing development, which consists of partial demolition works, site preparation works, the removal of trees and the construction of a 2 storey development comprising 24 independent living units to be used for seniors housing in two separate blocks (known as Building A and Building B).

Specifically, the development includes the following works:

**Building A** – provides for a total of 8 units over two storeys (4 units per floor). Units are accessible from two lifts located on the parking level.

**Building B** – provides for total of 16 units over two storeys (8 units per floor). Ground floor units are accessible directly from the parking level, through private courtyards. First floor units are accessible by two lifts and raised walkways above ground floor courtyards

**Carparking** - the carpark provides 30 resident parking spaces, which includes 2 visitor parking spaces and a loading bay.

**Access** – existing vehicular access to the site is via Martin Luther Place and the existing internal driveway. A new loop road is proposed to extend from this internal driveway to the parking area for the proposed development.

**Landscape works** - the landscape design comprises new tree plantings, turf areas, feature rock outcrops, a 4-hole putting golf course and community activity areas and structures.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by five objectors and a two 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, **defers** Application No. DA2018/1667 for partial external demolition works and construction of a seniors housing development at Lot 2615 DP 752038, 181 Allambie Road, Allambie Heights for the following reasons:

The Panel noted that the information provided within the assessment report suggests that the proposed development is considered satisfactory having regard to the design and merits of the built form. Notably, the assessment report supported the application with respect to works to improve riparian habitat.

Given the applicant has not, at this stage, provided all necessary environmental reports and bushfire reports to the NSW Rural Fire Service and Council, the Panel formed the view that the development application should be the subject of a deferral to allow the applicant to submit the requisite reports to enable a proper assessment to be undertaken as to the suitability of the proposed development on the land and how such development would integrate into and impact upon the adjoining bushland within the public reserve.

The additional information is to be submitted to the Council by 20 July 2019, otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 12 June 2019) will determine the application

electronically, unless the Chair determines that a further public meeting is required.

Vote: 4/0

## 4.0 REVIEW OF DETERMINATIONS

### 4.1 REV2019/0002 - 257 HARBORD ROAD, DEE WHY - REVIEW OF DETERMINATION OF MODIFICATION APPLICATION MOD2018/0314 IN RELATION TO AN APPROVED BOARDING HOUSE DEVELOPMENT (DA2013/0324)

#### PROCEEDINGS IN BRIEF

The proposed development seeks consent to modify development consent DA2013/0324 for a boarding house as follows:

##### Basement Level

- Convert the originally approved circulation space/maneuvering area into 28 enclosed storage spaces.
- Reconfigure the approved parking layout to accommodate parking predominantly within the rear, eastern half of the basement.
- Relocate the motorbike and bicycle parking (7 spaces each) to the eastern and western ends of the basement.

##### First Floor Level

- Convert the approved first floor level communal living room at the front north-west corner of the site into a new 30.5m<sup>2</sup> double boarding room.
- Convert the approved first floor communal terrace at the rear north-east corner of the site into a new 28.3m<sup>2</sup> double boarding room with a 17m<sup>2</sup> balcony extending past the existing footprint.

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

#### DECISION ON REVIEW APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. REV2019/0002 for Review of Determination of Modification Application MOD2018/0314 in relation to an approved boarding house development (DA2013/0324) at Lot 1770 DP 752038, 257 Harbord Road, Dee Why 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:

##### **Rectification works**

The existing unauthorised storage enclosures including roller doors within the basement parking area are to be removed by 15 July 2019 in order to accommodate the amended layout as per the conditions for storage and vehicular/motorbike/bicycle parking. Photographic evidence is to be provided to Council confirming compliance with this condition.

Reason: To ensure compliance with the development consent.

2. The amendment of Condition 49 as follows:

##### **B. Modify Condition 49. Allocation of Spaces to read as follows:**

Car parking spaces provided within the basement shall be provided, made accessible and maintained at all times. One (1) space must be appropriately marked and permanently allocated to the on-site Manager. The remaining sixteen (16) spaces must be used solely by the current occupants of the boarding house.

Reason: To ensure that adequate parking facilities to service the development are provided on the site. (DACPLG01)

Vote: 4/0

*The meeting concluded at 4:18pm*

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