

# MINUTES

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

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

**WEDNESDAY 19 JUNE 2019**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 19 June 2019  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1:30pm**

**ATTENDANCE:**

**Panel Members**

Peter Biscoe	Chair
Annelise Tuor	Town Planner
Graham Brown	Town Planner
Ray Mathieson	Community Representative

**1.0 DECLARATIONS OF INTEREST**

Nil

**2.0 MINUTES OF PREVIOUS MEETING****2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 12 JUNE 2019****RECOMMENDATION**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 12 June 2019, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 DEVELOPMENT APPLICATIONS

#### 3.1 DA2019/0039 - 14 HERBERT STREET, MANLY - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE

##### PROCEEDINGS IN BRIEF

The Development Application seeks consent for alterations and additions to the existing dwelling including a two storey addition at the rear, internal alterations, a car space and an in-ground pool in the rear yard.

The lower ground floor will be altered to:

- Demolish rooms at rear
- Reconfigure existing rooms as bedroom 4, bathroom, laundry
- Construction of rumpus room at rear
- Use as secondary dwelling/granny flat abandoned

The ground floor will be altered to:

- Demolish sunroom
- Reconfigure existing living/ kitchen
- Provide internal stair access to lower ground floor
- Construction of new covered deck

Pool (rear yard)

- New partly in-ground pool with timber decking
- Landscaping of rear yard including paved areas, retaining walls, stairs, firepit

Front yard

- Car space is provided on eastern side of site
- New pedestrian path
- Bin storage area
- landscaping

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. DA2019/0039 for alterations and additions to the existing dwelling house at Lot 24 DP 456038 & Lot 23 DP 4449, 14 Herbert Street, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

### 3.2 DA2017/0947 - 1114-1118 PITTWATER ROAD, COLLAROY - CONSTRUCTION OF COASTAL PROTECTION WORKS

#### PROCEEDINGS IN BRIEF

The proposal involves the construction of coastal protection works on the seaward (eastern) side of the site. The works will be located mostly on private land with a smaller part of the structure on the adjoining beach which is Crown land. This is necessary as these protection works must be consistent with the overall alignment of other coastal protection works along Collaroy and Narrabeen Beach.

In detail the proposal includes:

- Site preparation works
- The construction of engineered coastal protection works ("seawall") on the eastern side of the site and on the adjoining crown land
- The back-filling of the coastal protection works to restore the subject land to its natural ground level
- The covering of the coastal protection works with sand and vegetation
- Associated landscaping treatment around the works (on the subject site)

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

A supplementary assessment report was provided to the Panel and announced at the public meeting.

#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2017/0947 for construction of coastal protection works at SP 1977 & Lot 7351 DP 1166942, 1114-1118 Pittwater Road, Collaroy subject to the conditions and for the reasons set out in the assessment report and supplementary report.

Vote: 4/0

### 3.3 DA2019/0478 - 8 PACIFIC PARADE, MANLY - DEMOLITION WORKS, CONSTRUCTION OF A SEMI-DETACHED DWELLING AND LAND SUBDIVISION

#### PROCEEDINGS IN BRIEF

The proposed development involves the demolition of the existing dwelling-house, construction of two new semi-detached dwellings and subdivision of the existing lot into two new lots.

In detail, the proposal involves the following:

##### Subdivision

- Existing Lot 38 - 445.7sqm
- Proposed Lot A - 222.9sqm
- Proposed Lot B - 222.9sqm

##### Ground Floor Level

- Internal courtyard
- Open plan kitchen/dining/living area
- Rear deck
- Rear garden and landscaping
- Internal staircase
- 2 x attached carports
- Front fence

##### First Floor Level

- Three bedrooms and bathroom
- Rear Juliet balcony
- Void between ground and first floors

The works also include a new single driveway crossover, new low height picket front fence, new dividing boundary fencing and new landscaping.

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 DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2019/0478 for demolition works, construction of a semi-detached dwelling and land subdivision at Lot 38 Sec 1 DP 4603, 8 Pacific Parade, Manly for the reasons set out below:

1. The proposed semi-detached building does not complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality because the building form, in particular, the lack of setback of the second storey and lack of variation of building materials does not maintain the character of the street where upper storeys are setback from the lower storey and the roof form is incompatible with roof forms in the locality. Furthermore, the proposed carport roof form is an overly dominant element in the streetscape. Consequently, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed semi-detached building is inconsistent with the requirements of Clause 3.1.1.1 of the Manly Development Control Plan 2013 and with objective 5 in Clause 3.1 to assist in maintaining the character of the locality.

Vote: 4/0



### 3.4 MOD2018/0654 - 41 MARINE PARADE, AVALON - MODIFICATION OF DEVELOPMENT CONSENT N0279/16/R GRANTED FOR DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW DWELLING

#### PROCEEDINGS IN BRIEF

The application seeks consent for modifications to the dwelling house approved pursuant to N0279/16/R on 6 June 2017. The modifications sought are highlighted in red on the plans provided to support the application, and include (but are not limited to) the following:

- Changes to the layout and design of the driveway, including the removal of the turning area and the inclusion of a turntable within the driveway,
- The inclusion of skylights within the roof form,
- A slight shift in the placement of the development on the site,
- New parapet detail to garage entrance,
- Changes to windows/doors sizes and placement,
- Changes to the location and materiality of down-turned vertical blade, and
- Increase to floor/roof levels and minor reduction to roof pitch,

The proposed modifications are also highlighted in the overlays provided to support the application.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two neighbours 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** Application No. MOD2018/0654 for modification of development consent N0279/16/R granted for demolition of existing structures and construction of a new dwelling at Lot 6 DP 553660, 41 Marine Parade, Avalon subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of Condition B34 to read as follows:

Windows W27 and W28 on the northern elevation of the upper level are to comprise frosted or opaque glazing (or are to be finished with a frosted or opaque surface treatment) to a minimum height of 1.5m above the finished floor level of the respective internal room (Ensuite and Robe 2).

Reason: To ensure privacy between adjoining properties and for future occupants of the development.

2. The amendment of Condition B33 to read as follows:

The relocation of the vertical blade on the northern end of the dining room window shown in Modification Approved Plans referenced in Condition A0 is not authorised by this consent. The location of the vertical blade is to remain in the position shown in the plans referenced in the confirmation of satisfaction of the deferred commencement letter from Council dated 19 July 2017 (being immediately adjacent to the northern edge of the window). The vertical blade shall be a minimum depth of 250mm.

Reason: To maintain the intent of the imposition of the condition.

Vote: 4/0



### 3.5 DA2019/0123 - 80-84 MONA VALE ROAD AND 22 JUBILEE AVENUE, MONA VALE - USE OF PART OF THE CARPARKING AREA ASSOCIATED WITH THE PITTWATER RSL CLUB FOR THE PURPOSES OF AN ORGANIC FOOD MARKET

#### PROCEEDINGS IN BRIEF

The proposal seeks consent for use of part of the existing Pittwater RSL Club car park for markets, as follows:

- Up to 100 stalls;
- Up to 42 days per year (Wednesdays or Sundays); and
- Hours of operation: 7:30am-12:30pm.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were addressed by three residents and three representatives of the applicant.

The Panel was provided with a memo from a Council officer in relation to the traffic lights phasing issue, footpath construction and temporary use.

At the public meeting, the applicant indicated that approval was only being sought to operate the market on Sundays.

The applicant also requested that the conditions in relation to construction of the footpath be deleted.

#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority is satisfied as to the matters in Clause 2.8 (3) of the Pittwater Local Environment Plan 2014 and **approves** Application No. DA2019/0123 for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market at Lot 26 DP 654262, Lot 27 DP 5055 and Lot 120 DP 133512, 80-84 Mona Vale Road & 22 Jubilee Avenue, Mona Vale subject to the conditions and for the reasons set out in the Assessment Report, subject to following:

1. The deletion of deferred commencement Condition No 1.

Reason: The Panel was satisfied that sufficient evidence has been provided so as not to require the deferred commencement condition.

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

This consent expires in 18 months from the date of commencement of operation of the market on site unless, by no later than 13 months after the date of commencement, the applicant lodges a modification application to extend the expiry date to 5 years and Council thereafter approves the modification.

Reason: To monitor the operation of the consent to ensure no adverse impact on any adjoining land or the amenity of the neighbourhood and the temporary use of the land in accordance with the consent.

3. The deletion of Conditions. 6, 7 and 13.

Reason: In relation to Condition 6, the Panel deferred consideration of the requirement for construction of a footpath until such time a modification application is lodged extending the consent period. In relation to Conditions 7 and 13, the Panel considered that they were unnecessary in light of the additional information that was provided.

4. The amendment of Condition No. 10 to read as follows:

**Hours of Operation**

The hours of operation are to be restricted to:

Sundays:

- Set Up: 7:00am-8:30am
- Trading: 8:30am to 12:30pm
- Pack Down: 12:30pm-2:00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises for the purpose of the markets shall be required to leave. Stallholders and site managers may commence set up from 7:00am and must vacate the site by 2:00pm. No access to the site for the purpose of market stall set up is permitted before 7:00am.

Reason: Information to ensure that amenity of the surrounding locality is maintained. At the public meeting, the applicant indicated that approval was only being sought to operate the market on Sundays.

Vote: 4/0

*The meeting concluded at 6:18pm*

This is the final page of the Minutes comprising 13 pages  
numbered 1 to 13 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 19 June 2019.