

# MINUTES

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

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

**WEDNESDAY 20 NOVEMBER 2019**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 20 November 2019  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1.00pm**

**ATTENDANCE:**

**Panel Members**

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Annelise Tuor	Town Planner
Ray Mathieson	Community Representative

## **1.0 APOLOGIES AND DECLARATIONS OF INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 6 NOVEMBER 2019**

The Minutes of the Northern Beaches Local Planning Panel held 6 November 2019, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 DEVELOPMENT APPLICATIONS

#### 3.1 DA2019/1075 - 1 KENNETH ROAD, MANLY - ALTERATIONS AND ADDITIONS TO RECREATION FACILITY (INDOOR) INSTALLATION OF A 265KW PHOTOVOLTAIC CELL SYSTEM OF THE ROOF OF MANLY BOY CHARLTON AQUATIC CENTRE

##### PROCEEDINGS IN BRIEF

The proposal is for the installation of a 265 kW solar photovoltaic (PV) cell system on the roof of the main building at the Manly Andrew 'Boy' Charlton Aquatic Centre (MABC).

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by three 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. DA2019/1075 for alterations and additions to Recreation Facility (Indoor) Installation of a 265kW Photovoltaic cell system of the roof of Manly Boy Charlton Aquatic Centre at Lot 1 DP 65674, Lot 1 DP 168526, Lot 1 DP 168527, Lot 4 DP 1161541 and Lots 83-86 DP 939916, 1 Kenneth Road, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 7 to read as follows:

##### **7. Electrical inverter equipment**

Details, including the location, of the electrical inverter equipment to be installed shall be submitted and approved by Council's Executive Manager, Development Assessment prior to the issue of a Construction Certificate.

2. The amendment of condition 10 to read as follows:

##### **10. Noise from electrical inverter equipment**

Noise from the electrical inverter equipment shall not exceed background noise levels +5dB(A) as measured from any neighbouring residential premises.

Reason: To maintain the amenity of the area and not create offensive noise.

Vote: 4/0

### 3.2 DA2019/0332 - 55 KALANG ROAD, ELANORA HEIGHTS - DEMOLITION AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

#### PROCEEDINGS IN BRIEF

The proposal seeks consent for demolition and construction of a shop top housing development, as follows:

- Demolition of structures;
- Construction of a four-storey shop top housing development, comprising:
  - Parking area (part basement, part at-grade) for:
    - 15 cars;
    - 6 bicycles; and
    - 1 delivery bay.
  - Ground floor retail tenancy;
  - First and second floor residential apartments:
    - 2 x one-bedroom apartments; and
    - 4 x two-bedroom apartments.
- Driveway works; and
- Landscaping works.
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The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two neighbours and two representatives of the applicant.

The Panel received a Supplementary Memo from the Assessing Officer proposing an amendment to the Deferred Commencement Conditions.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings 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 standards 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, grant **deferred commencement approval** to Application No. DA2019/0332 for demolition and construction of a Shop Top Housing Development at Lot 92 DP 564686, 55 Kalang Road, Elanora Heights subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 1 to read as followed:

**1. Stormwater Works on Adjoining Land**

The Applicant is to obtain development consent for the installation of the necessary stormwater infrastructure over adjoining land.

2. The amendment of condition 2 to read as follows:

**2. Stormwater Drainage Easement(s)**

The disposal of stormwater drainage is to generally follow the fall of the land. The easement(s) required are to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The Applicant is to detail the size, gradient and capacity of the inter-allotment pipe traversing the downstream properties up to the connection with the Council drainage system in Allington Reserve. The onsite stormwater detention system is to be designed and constructed to accommodate the existing capacity of this pipe, based on the existing catchment areas of the properties draining to the inter-allotment pipe, for all storms up to and including the 1 in 100 year ARI storm event. The applicant is to provide evidence that this inter-allotment pipe is operating and is in reasonable condition to convey stormwater. Where this pipe is not in a condition to convey stormwater, details of works required to allow the pipe to convey stormwater must be detailed on the plan. The Applicant must provide Council with evidence of the creation of the easement and details demonstrating compliance with the capacity requirements listed above in order to activate the consent.

Vote: 4/0

### 3.3 DA2019/0191 - 2A WEST STREET, BALGOWLAH - SUBDIVISION OF ONE LOT INTO TWO TORRENS TITLE LOTS

#### PROCEEDINGS IN BRIEF

The proposed development is for land subdivision of one lot into two lots as follows:

- Existing Lot 1 - 564m<sup>2</sup>
- Proposed Lot 2 - 500m<sup>2</sup>

The proposal also includes the construction of a new suspended driveway from the eastern (lower) section of New Street West, and the relocation of the existing easement adjacent to the northern boundary 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 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, **refuses** Application No. DA2019/0191 for subdivision of one lot into two Torrens Title lots at Lot 22 DP 739842, 2A West Street, Balgowlah for the following reasons:

1. It has not been demonstrated that the site is suitable for the proposed development because:
  - Having regard to the topography and vegetation of the site, it has not been established that future developments of the site will result in acceptable impacts.
  - The proposed driveway to respond to the constraints of the site is within the Council road reserve and restricts reasonable access to Council's stormwater assets.

Vote: 4/0

### 3.4 DA2018/1870 - 16 UPPER GILBERT STREET, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING

#### PROCEEDINGS IN BRIEF

The proposal includes demolition of existing structures and construction of a residential flat building (RFB) with lift access to all levels. The RFB will include the following:

##### Basement

- 10 car parking spaces including one accessible space and two visitor parking spaces
- Waste bin room and bulky goods storage
- bicycle storage
- switch room

##### Ground Floor

- 2 x 2 bedroom units

##### First Floor

- 1 x 3 bedroom unit
- 1 x 2 bedroom adaptable unit

##### Second Floor

- 1 x 3 bedroom unit

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

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARD

A. The Panel is not 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 standards and the objectives for development within the zone in which the development is proposed to be carried out.

The required Floor Space Ratio development standard under clause 4.4 of the Manly LEP is 0.75:1. The proposal is 1.03:1 which exceeds the control by 36%. In particular, in the view of the Panel, there is insufficient information to demonstrate that the Floor Space Ratio standard has been abandoned in the area, and the proposal is not in the public interest because it is inconsistent with the following objectives of the standard:

- (a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character (in particular the James Street streetscape character),
- (c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,

- (d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land (in particular 14 James Street) and the public domain.

### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/1870 for demolition works and construction of a Residential Flat Building at Lot A DP 110371, 16 Upper Gilbert Street, Manly because of the Panel's decision above on exceptions to development standards precludes the granting of consent.

While the Panel does not have to otherwise determine the merits of the application, a reduction in Floor Space Ratio would better address issues such as density, rear setback, and appearance from James Street, including landscape setting.

Vote: 4/0

*The meeting concluded at 5.03pm*

This is the final page of the Minutes comprising 9 pages  
numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 20 November 2019.