

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

MONDAY 9 DECEMBER 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Monday 9 December 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Brian Kirk	Town Planner
Annelise Tuor	Town Planner
Phil Jacombs	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 4 DECEMBER 2019

The Panel noted that the Minutes of the Northern Beaches Local Planning Panel held 4 December 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2019/1011 - 52 RAGLAN STREET, MANLY - USE OF PART OF PREMISES AS A COMMUNITY FACILITY WITH ASSOCIATED ALTERATIONS

PROCEEDINGS IN BRIEF

The proposal is for the change of use and fit out of the lower ground floor of Manly Soldiers' Memorial Hall from a registered club to a community facility.

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. DA2019/1011 for use of part of premises as a Community Facility with associated alterations at Lot 2077 DP 752038 & Lot 2810 DP 726668, 52 Raglan Street, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 4 to read as follows:

4. Waste Removal

The lease agreement for the tenancies of the ground floor are to stipulate that occupants engage a waste collection service for the removal of all waste from the premises for appropriate disposal.

Reason: To ensure efficient waste management and the amenity of the area.

2. The amendment of condition 21 to read as follows:

21. Hours of Operation

The hours of operation of the Community Facility (Lower Ground Floor) are to be restricted to:

- Monday to Friday – 8.00am – 10.30pm
- Saturday – 8.00am – 10.30pm
- Sunday and Public Holidays – 8.00am – 10.30pm

Upon expiration of the permitted hours, all services (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: To ensure that amenity of the surrounding locality is maintained.

3. The addition of the following condition:

22. Maximum Staff and Patron Numbers

The maximum number of staff and patrons permitted within the Community Facility (Lower Ground Floor) at any time shall be limited to the following:

- A) A maximum of 30 staff
- B) A maximum of 20 patrons

Reason: To ensure that amenity of the surrounding locality is maintained.

Vote: 4/0

3.2 DA2019/0081 - 307 SYDNEY ROAD, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF RESIDENTIAL ACCOMMODATION

PROCEEDINGS IN BRIEF

The proposal includes demolition works and construction of multi dwelling housing consisting of four separate buildings, each with two dwellings, that are predominantly two storeys. The development includes alterations and additions to a house which is a member of a group of three houses which collectively are an existing heritage item.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 11 neighbours and 2 representatives of the applicant.

A written submission (among others) was made by the solicitor for an objector that the Panel had no power to determine the development application because the proposal included a fence on a common boundary and the adjoining land owner's consent had not been obtained. It is unnecessary for the Panel to consider the correctness of that submission because the applicant amended the development application today to the effect that the fence would be within the boundary of the subject land.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

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 4.3 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2019/0081 for demolition works and construction of residential accommodation at Lot D DP 335027 & Lot 1 DP 115705, 307 Sydney Road, Balgowlah because of the Panel's above decision on exceptions to development standards and for the following reasons:

1. The proposed development will have an adverse effect on the heritage item and its setting at 303, 305 and 307 Sydney Road and having regard to the provisions of clause 5.10 of the Manly Local Environmental Plan 2013. The adverse effect, in regards to 307 Sydney Road, results from the extent of demolition, the additional storey and the excavation under the house. Furthermore, there is an inadequate assessment of the significant fabric of 307 Sydney Road and the relationship between it and the two other buildings at 303 and 305 Sydney Road that comprise the heritage item.
2. The proposed development will result in unreasonable adverse amenity impacts on adjoining properties including view loss, overshadowing and inadequate open space and landscaped area.

Vote: 4/0

4.0 REVIEW OF DETERMINATIONS

4.1 REV2019/0049 - 4 AUGUSTA STREET, MANLY - REVIEW OF DETERMINATION OF APPLICATION DA2019/0124 FOR ALTERATIONS AND ADDITIONS TO THE EXISTING MULTI DWELLING HOUSING

PROCEEDINGS IN BRIEF

The application has been lodged under the provisions of section 8.3 of the EP&A Act, seeking a review of the Northern Beaches Local Planning Panel (NBLPP) refusal of DA2019/0124, which sought approval for the alterations and additions to the existing multi dwelling housing at the subject site.

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

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 Buildings development standard and clause 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 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 REVIEW APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. REV2019/0049 for review of determination of application DA2019/0124 for alterations and additions to the existing multi dwelling housing at Lot 2 Sec 11 DP 2428, 4 Augusta 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 8 to read as follows:

8. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- a) The privacy screen on the western elevation on the roof of the garage is to be removed from the approved plans.
- b) The landscaped and grassed area on the roof of the garages is to be entirely a non-trafficable landscaped area and the height of the garage shall not exceed RL36.15.
- c) The rear Loft Floor deck shall be reduced to a maximum width of 4 metres centrally

- located. The area either side of the deck is to be incorporated into the roof structure.
- d) The roof over the Upper Floor rear deck is to be deleted. A retractable awning may be provided.
 - e) The privacy screens on the eastern and western sides of the Lower Floor and Upper Floor rear decks are to have a maximum height of 1.6 metres above the finished floor level of each deck and have a minimum 25% transparency.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Vote: 4/0

5.0 PLANNING PROPOSALS

5.1 PLANNING PROPOSAL 10-12 BOONDAH RD AND 6 JACKSONS RD, WARRIEWOOD (PEX2019/0003)

PROPOSAL IN BRIEF

The 2019 Planning Proposal is requesting the following amendments to Pittwater LEP 2014:

- Rezone the site from RU2 Rural Landscape zone to R3 Medium Density Residential zone and RE1 Public Recreation zone;
- Amend the Height of Buildings Map to increase the maximum building height from 8.5m to 15.0m;
- Amend the Lot Size Map to remove the 1 hectare minimum lot size standard; and
- Amend Clause 6.1(3) and the Urban Release Area Map to enable a dwelling yield of 110 to 130 dwellings.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 4 neighbours and 1 representatives of the applicant.

ADVICE OF NORTHERN BEACHES LOCAL PLANNING PANEL

The Northern Beaches Local Planning Panel advises Council not to progress the 2019 Planning Proposal lodged for 6 Jacksons Road and 10 & 12 Boondah Road, Warriewood to a Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 for the following reasons:

- A. It is inconsistent with the relevant Strategic Planning Framework being the *Warriewood Valley Strategic Review Addendum Report* adopted 17 November 2014, amended 19 December 2017 by the Northern Beaches Council and incorporated in Clause 6.1 Warriewood Valley Release Area of the *Pittwater Local Environmental Plan 2014*.
- B. The 2019 Planning Proposal has not demonstrated sufficient Strategic Merit or Site-Specific Merit as required under the NSW Planning, Industry and Environment's *Planning Proposals: A guide for preparing planning proposals* (December 2018).
- C. The 2019 Planning Proposal will exacerbate an existing under supply of open space land in the Warriewood Valley Release Area through both the increased demand arising from the additional unplanned residential population and the loss of a significant area of land that has been identified and planned by Council for Open Space provision in the relevant Local Strategic documents.
- D. The Planning Proposal is inconsistent with the following applicable Ministerial Planning Directions under Section 9.1 of the EP&A Act 1979:
 - i. 1.2 Rural Zones
 - ii. 2.1 Environment Protection Zones
 - iii. 2.3 Heritage Conservation
 - iv. 4.1 Acid Sulfate Soils
 - v. 4.3 Flood Prone Land
 - vi. 4.4 Planning for Bushfire Protection
 - vii. 7.1 Implementation of the Metropolitan Strategy
- E. The proposed 4 storey residential flat building development envisaged by the 2019 Planning Proposal on 10 and 12 Boondah Road is considered to be excessive in building height, scale

and density when compared with the local character context of the Warriewood Valley in the vicinity of the site and having the regard to environmental constraints of the site. The proposal is inconsistent with the relevant design principles of *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development*, particularly in respect to the proposed 15m maximum building height standard and the proposed yield of 110-130 dwellings.

- F. The proposed construction of active open space (new synthetic surfaced sports fields) on 6 Jacksons Road and the proposed residential flat building development on 10 Boondah Road is unacceptable as it would involve the destruction of areas of remnant Swamp Oak Floodplain Forest, being an Endangered Ecological Community (EEC) of significant biodiversity value.
- G. The proposed residential flat building development on 10 and 12 Boondah Road is unacceptable as it would involve the destruction of an area of remnant Bangalay Sand Forest, being an Endangered Ecology Community (EEC) of significant biodiversity value.
- H. The 2019 Planning Proposal is inconsistent with the following Planning Directions and Priorities of Council's *Towards 2040 Draft Local Strategic Planning Statement* (Draft LSPS):
 - Direction – Landscape:
 - Priority 1 – Healthy and valued coast and waterways
 - Priority 2 – Protected and enhanced bushland and biodiversity
 - Priority 5 – Greener urban environments
 - Priority 6 – High quality open space for recreation
 - Direction – Resilience:
 - Priority 8 – Greater community resilience to natural hazards and climate change
 - Direction – Infrastructure and Collaboration:
 - Priority 9 – Infrastructure delivered with employment and housing growth
 - Direction – Housing:
 - Priority 15 – Housing supply, choice and affordability in the right locations
- I. The "Site-Specific" 2019 Planning Proposal to enable the proposed 4 storey residential flat building development and open space purposes is considered to be pre-emptive and it would create an undesirable precedent in light of Council's *Towards 2040 Draft LSPS* which has recently been on public exhibition and includes the following Actions:
 - a) Action 6.5 – Investigate the provision of sports fields in new housing development areas including Warriewood Valley and potentially Ingleside.
 - b) Action 15.1 – Prepare and implement a local housing strategy.
 - c) Action 15.2 – Develop LEP and DCP controls informed by the local housing strategy to ensure the supply and mix of housing responds to community needs.
- J. The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Objectives of the Greater Sydney Region Plan:
 - i. Direction for Livability:
 - Objective 7 – Communities are healthy, resilient and socially connected.
 - Objective 13 – Environmental Heritage is identified, conserved and enhanced.
 - ii. Direction for Sustainability:
 - Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is

enhanced.

- Objective 30 – Urban Tree Canopy cover is increased.
- Objective 31 – Public Open Space is accessible, protected and enhanced.

K. The 2019 Planning Proposal is considered to be inconsistent with the following Directions and Planning Priorities of the North District Plan:

i. Direction for Livability:

- Planning Priority N3 – Providing Services and social infrastructure to meet people's changing needs.

ii. Direction for Sustainability:

- Planning Priority N16 – Protecting and enhancing bushland and biodiversity.
- Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid connections.
- Planning Priority N22 – Adapting to the impacts of urban and natural hazards and climate change.
- Planning Priority N23 – Preparing local strategic planning statements informed by local strategic planning.

L. The development of sports fields at 6 Jacksons Road as envisaged under the 2019 Planning Proposal is considered to be inconsistent with Clause 6.1(4) of the Pittwater LEP 2014 as it does not provide for the rehabilitation of aquatic and riparian vegetation habitats and ecosystems within the Narrabeen Creek Line Corridor within the full extent of the creek line corridor as shown on the Urban Release Area Map of the LEP.

Vote: 4/0

5.2 PLANNING PROPOSAL PEX2019/0005 - HERITAGE LISTING OF 21 WHISTLER STREET MANLY**PROPOSAL IN BRIEF**

The Planning Proposal for 21 Whistler Street, Manly is to amend Schedule 5 Environmental Heritage and the Heritage Map of the Manly Local Environmental Plan 2013.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 3 representatives of the applicant.

DECISION OF NORTHERN BEACHES LOCAL PLANNING PANEL

The Northern Beaches Local Planning Panel defers advising the Council until the Panel receives an assessment by Council's Heritage Consultant concerning documents provided by the applicant today which the applicant contended does not warrant the item being listed as a heritage item.

Vote: 4/0

The meeting concluded at 6.17pm

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 Monday 9 December 2019.