

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 18 DECEMBER 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 18 December 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Brian Kirk	Town Planner
Graham Brown	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 11
DECEMBER 2019**

The Panel noted that the Minutes of the Northern Beaches Local Planning Panel held 11 December 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2019/0748 - 19 BUNGAN STREET, MONA VALE - DEMOLITION OF ALL EXISTING STRUCTURES AND THE CONSTRUCTION OF A FOUR STOREY SHOP TOP HOUSING DEVELOPMENT OVER BASEMENT CAR PARKING

PROCEEDINGS IN BRIEF

The proposal seeks consent for demolition works and construction of Shop top Housing, comprising the following:

- Site clearance, demolition of all existing structures and removal of 7 trees;
- Excavation to a maximum depth of 8.8m;
- Construction of 2 levels of basement parking for 112 car parking spaces, 2 motorcycle spaces, 16 bicycle parking spaces and storage space;
- Vehicular access via a new driveway from Waratah Street;
- Nine (9) x ground floor retail tenancies comprising a total of 930sqm of retail floor space. All tenancies address either a public streets or the retail arcade;
- Thirty-six (36) residential apartments comprising 3 x 1 bedroom units, 29 x 2 bedroom units and 4 x 3 bedroom units, and include eight (8) Silver Level Living (adaptable) apartments. All apartments have private terraces ranging from 9.9sqm to 34sqm;
- All apartments are designed around a central landscaped courtyard. Additional planting is provided within retail level, the retail arcade and the frontages of the site;
- Waste and recycling storage areas are located within the Waratah Street frontage, adjacent to the basement car park and the entrance to the residential units.

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

At the public hearing a representative of the applicant advised that the applicant had no objection to a condition providing for a public right of footway over the strip of land between Bungan Street and 24 Waratah Street, Mona Vale.

On the morning of the public meeting the Panel was advised that a petrol service station was formerly on the site. The Panel had not been provided with the report required by clause 7 of SEPP 55 – Remediation of Land specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. In those circumstances the Panel is prohibited from giving consent to the carrying out of the proposed development by clause 7. At the public hearing the applicant's representative requested that the matter be deferred for consideration by the Panel in the New Year. It was subsequently ascertained that the petrol service station was the subject of a development approval in 1965. In these exceptional circumstances the Panel made the decision set out below.

DECISION ON DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** Application No. DA2019/0748 for demolition of all existing structures and the construction of a four storey shop top housing development over basement car parking at Lot 200 DP 746507, 19 Bungan Street, Mona Vale until the meeting of the Panel on 19 February 2020. In the meantime, the applicant is required to submit the report required by clause 7(2) of SEPP 55 by 31 January 2020.

Vote: 4/0

3.2 DA2019/0622 - 163-165 PACIFIC PARADE, DEE WHY - CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING AND DEMOLITION WORKS

PROCEEDINGS IN BRIEF

The proposal involves the construction of 16 apartments over 4 levels with basement car parking accessed from Pacific Parade. The composition of the proposed units is as follows:

- 7 x 2 Bedroom apartments
- 9 x 3 Bedroom apartments

Parking is provided at basement level and part of the ground floor level. Parking is proposed for a total of 29 vehicles comprising:

- 26 resident spaces; and
- 3 visitor spaces which includes a disabled space.

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 Warringah Local Environmental Plan 2011 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

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/0622 for construction of a residential flat building and demolition works at Lot 1 DP 1246740 & Lot 2 DP 1246740, 163-165 Pacific Parade, Dee Why subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Acoustic Treatment

The common walls between the bedrooms of one unit and the living rooms or bathrooms of an adjoining unit are to be constructed to a minimum of 10Rw (sound reduction index) units above the minimum requirement specified in the Building Code of Australia for separating wall construction applicable to this building. Details are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To provide for internal acoustic amenity.

Vote: 4/0

3.3 DA2019/1081 - 119-120 NORTH STEYNE , MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal includes the following works:

- Removal of the existing decorative awning feature along the eastern elevation of the residential flat building and extend existing roof by 1.46m over part of the existing balcony of Apartment 08.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one representative 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 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

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/1081 for alterations and additions to an existing residential flat building at Lot CP SP 74073, 119-120 North Steyne, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.4 MOD2019/0521 - 23 LAUDERDALE AVENUE, FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA2017/1304 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF 4 ATTACHED DWELLINGS AND 4 LOT TORRENS TITLE SUBDIVISION

PROCEEDINGS IN BRIEF

The proposed modification involves a change in levels, increased height of the dwellings, re-arranged floor plans, addition of a small balcony and change to vehicular access to Unit 1. In detail, the change in levels results in the following height increases:

- Unit 1 - Increase in height of roof by 600mm; increase in height of clerestory by 500mm
- Unit 2 - Increase in height of roof by 400mm; increase in height of clerestory by 300mm
- Unit 3 - Increase in height of roof by 200mm; increase in height of clerestory by 100mm
- Unit 4 - Reduction in height of clerestory by 100mm

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

In the course of discussion with the applicant's representative and Council's assessment officer at the public meeting it was agreed that the non-compliant aspect of the proposed height increase was limited to 100mm at the Unit 1 clerestory. Subsequently, the Council assessment officer indicated to the Panel that another non-compliant aspect was about 100mm on the north-eastern part of the roof of Unit 1 close to Arlington Drive.

DECISION ON MODIFICATION APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2019/0521 for Modification of Development Consent DA2017/1304 granted for demolition works and construction of 4 attached dwellings and 4 lot Torrens title subdivision at Lot 1 DP 168846 & Lot 1 DP 1087552, 23-25 Lauderdale Avenue, Fairlight subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.5 DA2019/0505 - 874-876 PITTWATER ROAD, DEE WHY - DEMOLITION WORKS AND THE CONSTRUCTION OF A SHOPTOP HOUSING DEVELOPMENT WITH ASSOCIATED BASEMENT CARPARKING, LANDSCAPING, AND PUBLIC DOMAIN IMPROVEMENT WORKS

PROCEEDINGS IN BRIEF

The proposal is for an eight storey shop top housing development over four levels of basement car parking, including:

- 12 x ground floor retail tenancies with a total GLA of 758.4m²,
- 78 x residential apartments, inclusive of 7 x adaptable units, comprising:
 - 4 x studio apartments,
 - 41 x 1 bedroom apartments,
 - 31 x 2 bedroom apartments,
 - 2 x 3 bedroom apartments,
- 141 x parking spaces, comprising:
 - 78 x residential parking spaces,
 - 47 x retail parking spaces,
 - 11 x residential visitor spaces,
 - 1 x maintenance space,
 - 1 x removalist space, and
 - 3 x car share spaces,
- Associated infrastructure, and
- Landscaping.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one objector and one representative 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 Warringah Local Environmental Plan 2011 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

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/0505 for demolition works and the construction of a shop top housing development with associated basement car parking, landscaping and infrastructure at Lots 1-4 DP 9900, 874-876 Pittwater 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 the following condition:

Removing Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- a. Work Health and Safety Act
- b. Work Health and Safety Regulation
- c. Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- d. Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- e. Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- f. The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

If asbestos is detected, the site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: For the protection of the environment and human health.

2. The addition of the following condition:

Acoustic Treatment

The common walls between the bedrooms of one unit and the living rooms or bathrooms of an adjoining unit are to be constructed to a minimum of 10Rw (sound reduction index) units above the minimum requirement specified in the Building Code of Australia for separating wall construction applicable to this building. Details are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To provide for internal acoustic amenity.

Vote: 4/0

4.0 MEETING GUIDELINES

4.1 ADOPTION OF MEETING GUIDELINES

The Panel adopts the Northern Beaches Local Planning Panel Public Meetings Guidelines set out below.

NORTHERN BEACHES LOCAL PLANNING PANEL

PUBLIC MEETINGS GUIDELINES

1. Panel public meetings are usually held twice per month (excluding January) in Council's Dee Why Chambers at 725 Pittwater Road, Dee Why. Anyone may attend. Agendas are available on Council's website, usually five days prior.
2. The Panel is bound by the Code of Conduct for Local Planning Panel Members approved by the Minister for Planning. As required by the Code, Panel members must sign a declaration disclosing whether they have a conflict of interest in relation to any matter on the agenda for a public meeting. After the meeting, the declarations will be published on Council's website.
3. Prior to a public meeting the Panel will have been briefed with Council's assessment report, submissions and other relevant documents relating to each agenda item. And the Panel usually will have carried out a site inspection in order to better understand the issues. Submissions generally are not received at site meetings. Council staff may be present as appropriate.
4. Speakers at a public meeting must be registered to speak, subject to the Chair's discretion to override this restriction. Registrations should be made by 4pm on the day preceding the meeting by contacting the Panel Coordinator on 9942 2360.
5. Public meetings provide an opportunity to make oral submissions. Written submissions and material are generally not accepted since there will have been prior opportunity to provide them. However, if a legal representative seeks to make a new submission on a matter of law, it should be in writing. If written submissions or material are accepted, they will be published on Council's website.
6. Public meetings are video and audio recorded. The recordings will be published on Council's website after the meeting.
7. A speaker will have three minutes to speak (whereupon a bell will ring). An extension may be granted at the Chair's discretion. Where there are a large number of speakers with a common interest, the Panel may hear their representative (who may be subject to the same three minute time constraint) with a view to discharging the Panel's responsibilities in a timely way.
8. Objectors (and any submitters in support of the application) will be heard before the applicant. In considering whether the applicant will be granted extra speaking time. The Chair will take into account the number and nature of objectors' submissions to which the applicant may need to respond.
9. Speakers should be clear and concise. Repeating matters already raised by previous speakers is unnecessary: it is sufficient for a speaker to acknowledge that they hold similar views. Speakers should use respectful language: defamatory or rude language will not be tolerated. At the end of an oral submission the speaker should remain seated to give Panellists the opportunity to ask questions.
10. Once all speakers in relation to all matters on the agenda have finished, the Chair will close the public meeting and the Panel will move into a closed session to deliberate and determine all matters on the agenda. The Chair has a casting vote in the event of a deadlock. A closed

session will not be recorded. During a closed session the Panel may seek clarification or answers to questions from Council staff or applicants or others, but they are precluded from participating in the Panel's deliberations and determinations.

11. The Panel usually makes its reasoned determinations on the day. They will be published on Council's website, normally within two working days.

The meeting concluded at 3.21pm

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 18 December 2019.