

# MINUTES

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

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

**WEDNESDAY 5 FEBRUARY 2020**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 5 February 2020  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1.00pm**

**ATTENDANCE:**

**Panel Members**

Paul Vergotis	Chair
Steve Kennedy	Urban Design Expert
Graham Brown	Town Planner
Lloyd Graham	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 18 DECEMBER 2019**

The Panel notes that the minutes of the Northern Beaches Local Planning Panel held 18 December 2019, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 DEVELOPMENT APPLICATIONS

#### 3.1 DA2019/1056 - 35 FAIRLIGHT CRESCENT, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING

##### PROCEEDINGS IN BRIEF

This application seeks consent for alterations and additions to an existing residential flat building, for a new metal roof over the existing concrete slab roof of the entire building.

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

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/1056 for alterations and additions to a residential flat building at Lot CP SP 4731, 35 Fairlight Crescent, Fairlight 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. External Finishes to Roof

The external finish colour to the roof shall be 'Colorbond' 'Dune' or 'Windspray' or similar.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

Vote: 4/0

### 3.2 DA2019/1275 - 67 FLORENCE TERRACE, SCOTLAND ISLAND - CONSTRUCTION OF A BOAT SHED AND ASSOCIATED WORKS

#### PROCEEDINGS IN BRIEF

The application seeks consent for:

- The construction of a boat shed;
- A timber skid ramp; and
- Associated access decking.

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

#### 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, **approves** Application No. DA2019/1275 for construction of a boat shed and associated works at Lot 5 DP 816673, 67 Florence Terrace, Scotland Island subject to the conditions and for the reasons set out in the Assessment Report.

1. The amendment of condition 12 to read as follows:

##### 12. External Finishes to Roof

The external finish colour of the boat shed shall be consistent to those on the dwelling house on the site. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development. (DACPLC03)

2. The addition of the following condition:

**3A. Use of Boat Shed**

The boat shed shall not be used for residential purposes at any time.

Reason: To ensure compliance with relevant planning controls.

Vote: 4/0

### 3.3 MOD2019/0378 - 49 LAUDERDALE AVENUE, FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA2018/0880 GRANTED FOR CONSTRUCTION OF A DWELLING HOUSE AND A SECONDARY DWELLING

#### PROCEEDINGS IN BRIEF

The proposal is for a modification to the approved "construction of a dwelling house and a secondary dwelling." In detail, the modification involves:

- Request to amend DA condition 10 in regard to the BCA class. This includes modifying the entry stairs and entry way to the secondary dwelling to establish a separate entry and fire protection between the two dwellings (including extension of carport slab).
- Request to amend Condition 36 in regard to landscaping. This includes a new 3m high fence in place of boundary planting as prescribed by the condition.
- Request to amend Condition 20 in regard to window design for privacy. Request the condition be amended for ground floor windows 14, 15, and 16 (as a result of screen planting at western boundary and proposed fence to the eastern boundary).
- Change proposed window W21 to a glazed door and extension of W2
- Extend the first floor rear balcony to 2m in depth with privacy screens to either side

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

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2019/0378 for Modification of Development Consent DA2018/0880 granted for construction of a dwelling house and a secondary dwelling at Lot 11 DP 1216827, 49 Lauderdale Avenue, Fairlight subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The deletion of condition 10

2. The amendment of condition 20 to read as follows:

**20. Window Design for Privacy**

The proposed windows W4, W5, W6, W15, W16 are each to be redesigned to be one of the following:

- Highlight windows with a solid sill height to a level of 1.5m from finished floor level; or
- Wholly obscured and fixed (not able to be opened) glazing up to a height of 1.5m; or
- Provided with fixed louvre screens to a level of 1.5m above finished floor level with no individual opening greater than 30 millimetres

Reason: To reasonably minimise privacy impact between the subject site and adjoining properties.

3. The amendment of condition 25 to read as follows:

**25. NBLPP Amendments**

The approved plans referred to in Part B condition no. 1 shall be amended for the purposes of the issue of a Construction Certificate as follows:

- (a) The Site Plan (drawing No. 2018-050-A01 dated 18 October 2018 shall provide notation of Trees #1, #2 & #3;
- (b) DELETED
- (c) DELETED
- (d) DELETED
- (e) DELETED
- (f) Elevations Plan No. 2018-050-A04 dated 18 October 2018 shall show window Nos. W4, W5, W6, W14, W15 & W16
- (g) The notation in black in relation to '1B Bolingbroke Pde Brick Apartment Metal Roof' shall be amended to read '1A Bolingbroke Pde Brick Apartment Metal Roof'
- (h) DELETED
- (i) DELETED
- (j) A fence of up to 3m in height shall be erected along the eastern boundary for the extent indicated on 2018-050-A04 (as shown in red dotted line)

4. The amendment of condition 36 (a) (i) to read as follows:

**36. Landscaping**

- a) Landscaping is to be implemented in accordance with the Landscape Plan prepared by Bradley Architecture, drawing number 17-2049, 40-06, issue A, and amended as follows:
  - i) screen planting along the eastern boundary shall be planted for the full extent of the building (excluding the carport structure), and along the western boundary, within the landscape area.

5. The addition of the following condition:

**Deck**

The deck to level 1 shall be altered so as the eastern side is setback 1.4 metres from the south east corner of the building and shall have a maximum depth of 2 metres and a maximum length of 4 metres.

Reason: To ensure adequate amenity, views and privacy is maintained between neighbouring properties.



6. The addition of the following condition:

**Windows**

Window W21 shall be changed to a glazed door. Window W2 shall be extended horizontally to a width of approximately 5 metres.

Reason: To improve the amenity of the use of the building.

Vote: 4/0

### 3.4 DA2019/0238 - 10-12 WYATT AVENUE, BELROSE - CONSTRUCTION OF A CHILD CARE CENTRE AND ANCILLARY CARETAKER RESIDENCE

#### PROCEEDINGS IN BRIEF

The proposal involves the following:

- 60 child places
- 16 car parking spaces (including one accessible space)
- Hours of operation – 7.00am and 6:30pm (Monday to Friday)
- Four “activity rooms”
- Outdoor play areas
- Undercover play area
- Caretakers residence including 3 bedrooms, kitchen, laundry, en-suite and lift
- Storage shed
- Fencing
- Landscaping
- OSD
- New driveway crossing
- Stormwater management system
- Relocation of an existing drainage easement
- Establishment and maintenance of APZ's on subject site and adjoining land (10 Wyatt Avenue)

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by six objectors and one 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, **defers determination** of Application No. DA2019/0238 for construction of a child care centre and ancillary caretaker residence at Lot 2616 DP 752038, 10-12 Wyatt Avenue, Belrose, pending the submission of

1. Plan of Management which shall address, but is not limited to, the following matters:
  - a) Pick up and drop off times
  - b) How is the queueing of vehicles managed
  - c) Traffic control
  - d) In and out of the site
  - e) Delivery of goods
  - f) Outdoor play times
  - g) Hours of operation
  - h) Removal of waste
  - i) Signing in and out processes
  - j) Emergency response times
  - k) Complaints register and hotline
2. Supplementary Traffic And Parking Impact Statement that addresses the potential use of a Give Way sign on Wyatt Avenue and Contentin Road, the median strip in Wyatt Avenue and particularly the impact of the median strip on heavy vehicles used by Transgrid to access their property at the end of Wyatt Avenue and any impacts on the access to nearby and adjoining properties to the site (in particular impacts on the access to 14 Wyatt Avenue).

The Plan of Management and Supplementary Traffic And Parking Impact Statement shall be submitted to the Council by 25 March 2020 otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 5 February 2020) will determine the application electronically, unless the Chair determines that a further public meeting is required.

Vote: 4/0

### **3.5 DA2019/0845 - 68A QUEENSCLIFF ROAD, QUEENSCLIFF - DEMOLITION WORKS AND CONSTRUCTION AND STRATA SUBDIVISION OF A SHOP TOP HOUSING COMPRISING 2 COMMERCIAL UNITS AND 5 RESIDENTIAL UNITS**

#### **PROCEEDINGS IN BRIEF**

The proposal involves demolition of the existing structures on site and construction of a shop top housing development which will be strata subdivided into 7 lots. Specifically, the proposal comprises the following components:

##### Basement

- Access from Queenscliff road to parking for 6 vehicles, one of which is a small car space.
- Bicycle racks, storage areas and plant room.
- Lift installation and exit stairs to ground floor and Bridge Road.

##### Ground Floor

- Commercial space 1 (including kitchen, cool room and unisex toilet) opening onto covered awning terrace areas to be used as a cafeteria.
- Commercial space 2 including unisex WC.
- Residential and commercial waste storage facilities.
- Lift, entry lobby and stairs to basement and first floor level.

##### First Floor

- Units 1, 2 and 3, each comprised of open plan kitchen, living and dining room areas, balconies, 1 bedroom and 1 bathroom.
- Lift, lobby area and stairs to ground and second floors.

##### Second Floor

- Unit 4 comprised of open plan kitchen, living and dining room, balcony, 3 bedrooms, all with built in robe and bedroom 1 with en-suite, 1 common bathroom.
- Unit 5 comprising open plan kitchen, living and dining room, balcony, two bedrooms, each with built in robe, 1 bathroom.
- Lift installation lobby area and stairs to first floor and roof terrace areas.

##### Roof Plan

- Private roof terrace areas for units 5 and 6 comprising 40.5sqm and 28.6sqm respectively.
- "Tilt" pop up glazed roof sky lights over internal stairs.
- Common roof terrace area of 70sqm with access from common stair well.
- Lift installation and overrun.
- Central building services flute.
- Planter box and privacy screen divisions between respective terrace areas.

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

#### **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 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

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2019/0845 for demolition works and construction and strata subdivision of a shop top housing comprising 2 commercial units and 5 residential units at Lot A DP 961049, 68A Queenscliff Road, Queenscliff for the reasons set out in the Assessment Report.

The Panel notes the applicant's architects willingness to discuss future changes to the redevelopment of this site and is open to suggested ways to overcome the current shortcomings of this development application having regard to height, car parking and view loss impacts to adjoining properties.

However, the Panel was not satisfied that the current proposal could be amended in such a way to address the current shortcomings.

Vote: 4/0

**3.6 MOD2019/0547 - 80-84 MONA VALE ROAD & 22 JUBILEE AVENUE, MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0123 GRANTED FOR 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 to modify Development Consent DA2019/0123 to amend hours of operation of the approved market events as follows:

**Approved:**

Sundays:

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

**Proposed:**

Sundays:

- Set Up: 6:00am-7:30am
- Trading: 7:30am to 12:30pm
- Pack Down: 12:30pm-2:00pm

Therefore, the proposal involves extending the hours to commence set up one hour earlier, and subsequently commence trading one hour earlier.

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

**DECISION ON MODIFICATION APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. Mod2019/0547 for Modification of Development Consent DA2019/0123 granted for use of part of the car parking area associated with the Pittwater RSL Club for the purposes of an organic food market at Lot 26 DP 654262 & Lot 27 DP 5055 & Lot 120 DP 135512, 80-84 Mona Vale Road & 22 Jubilee Avenue, Mona for the reasons set out in the Assessment Report.

Vote: 4/0

*The meeting concluded at 5.40pm*

This is the final page of the Minutes comprising 14 pages  
numbered 1 to 14 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 5 February 2020.