

# MINUTES

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

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

**WEDNESDAY 19 FEBRUARY 2020**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 19 February 2020  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1.00pm**

**ATTENDANCE:**

**Panel Members**

Lesley Finn	Chair
Marcus Sainsbury	Environmental Expert
Robert Hussey	Town Planner
John Simmonds	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 5 FEBRUARY 2020**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 5 February 2020 have been posted on the Council's website

### 3.0 DEVELOPMENT APPLICATIONS

#### 3.1 DA2019/1273 - 46C WHITE STREET, BALGOWLAH - ALTERATIONS AND ADDITIONS TO A MULTI-UNIT HOUSING DEVELOPMENT

##### PROCEEDINGS IN BRIEF

The proposal proposes the following works:

- Provide additional floor space to Townhouse 3 (Unit 46C) to provide an artist studio accessed from the internal lobby stair;
- Increase the floor area by approximately 24sqm.
- Excavation within the existing void required;
- The walls along the eastern and southern elevations are existing as part of the existing approved building; and
- A door and window are proposed along the eastern wall and a window is proposed along the southern elevation to provide light and ventilation to the proposed studio.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by a 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 4.4 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.

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. DA2019/1273 for alterations and additions to a multi-unit housing development at Lot 4 SP 97119, 46C White Street, Balgowlah subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

### 3.2 DA2019/1393 - 1/17 FRANCIS STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing townhouse within a multi dwelling housing development. Specifically, the application proposes the following works:

##### Garage and Basement Level (FFL - RL 43.375)

- Excavation works to the sub-floor to create a new storage area;
- Demolish existing walls and doors on the western and southern elevations;
- The construction of a new masonry wall and piers on the southern elevation;
- To construction of a new internal staircase and doors to provide new access points to the proposed storage area.

##### Ground Floor (FFL - RL 46.400)

- Demolish the existing roof over the external bin area and enclose the area to create a mud room and new entryway;
- Internal alterations to the existing kitchen;
- The construction of a new fence along the eastern front boundary and southern edge of the driveway to enclose the existing front garden. The proposed fence contains masonry pillars with timber infills; and
- The construction of new external glazed doors on the eastern elevation of the existing lounge room.

##### First Floor (FFL - RL 49.350)

- Internal alterations to the existing floor plan to reconfigure the existing ensuite, bathroom, bedroom 2 and bedroom 3; and
- An extension on the southern elevation to create a new bedroom (bedroom 4).

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 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 DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/1393 for Alterations and additions to an existing dwelling at Lot 1 SP 67726, 1/17 Francis Street, Fairlight subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

### 3.3 DA2019/1017 - THE STRAND, DEE WHY - REGULARISATION OF THE USE OF AN APPROVED KIOSK AS A CAFE

#### PROCEEDINGS IN BRIEF

The proposal is to change the use of the building from a kiosk to a café. No building works are proposed.

The proposed hours of operation are 6.30am – 5.00pm Monday to Saturday and 7.00am – 5.00pm Sunday. The café will employ 3-4 staff at any one time.

An application was received by email from a person objecting to the development on Sunday 16 February seeking that this matter be postponed until the next Local Planning Panel meeting. On the following day, 17 February, the reasons for wanting deferral were emailed to the Council, those reasons being that the person would be interstate on the date of the meeting. The person also indicated that he had not had enough time to respond to the Assessment Report.

The members of the Panel were provided with two extensive submissions describing in detail this persons objections to the proposed development. The Panel was also advised by the independent consultant planner that a meeting had been held with this person to discuss his concerns regarding the proposed development.

Having regard to the circumstances above, and the fact that the Assessment Report was available one week before the date of the meeting and the already extensive and detailed submissions provided by the person seeking the adjournment, the Panel was not persuaded to adjourn or defer determination of this item at the meeting of 19 February 2020.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one resident and 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. DA2019/1017 for regularisation of the use of an approved kiosk as a cafe at Lot 1 DP 947971, The Strand, Dee Why subject to the conditions and for the reasons set out in the Assessment Report and the proposed Plan of Management, subject to the following:

1. The amendment of condition 13 to read as follows:

#### **13. Food Preparation**

Cooking is to be generally carried out off site in approved notified premises and only reheating and "toasting" and "boiling" permitted.

Reason: To comply with food safety, Sydney Water and AS1668.2 requirements (DACHPGOG6)

Vote: 4/0

### **3.4 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.

In discussions at the public meeting between members of the Panel and the architect and planner for the applicant amended drawings regarding the internal configuration of the communal open space and measures to address privacy impacts were tabled which the Panel accepted as an acceptable solution to issues which had arisen in relation to the aspects of the development. Those drawings have become included in conditions 27 (SK04) and 93 (SK01, SK02 and SK03).

#### **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. DA2019/0748 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 subject to the conditions and for the reasons set out in the Assessment Report and Supplementary Report, subject to the following:

1. The amendment of condition 27 to read as follows:

### **27. Amended Landscape Plan**

Amended Landscape Plans, with sufficient detail design information as listed in the Northern Beaches Council DA Lodgement requirements including hardscape elements layout and details, as well as planting layout and schedules, shall be issued to the Certifying Authority at Construction Certificate stage.

The Amended Landscape Plans based on SK04 shall be in accordance with the landscape concepts prepared by Gartner Trovato Architects on drawing numbers DA-04 Ground Floor Plan, DA-05 Level 1 Plan, DA-06 Level 2 Plan, and DA-07 Level 3 Plan, except where modified by conditions, and shall demonstrate the following:

- Proposed surface treatments and materials, including but not limited to structures, features, walling, pavements, planters, on slab and at grade gardens, drainage and irrigation,
- Location, height and materiality of proposed walling and planters,
- Irrigation for all on slab planters,
- Layout of planting scheme including species selection, quantities and pot sizes, with the following to be detailed on the drawings:
  - i. Four (4) Eumundi Quandong trees to be planted as shown on the plans, at a container size of 200 litres, with a caliper of 50mm and at least 3 metres in height at installation,
  - ii. Garden planting along the proposed driveway shall not be taller than 1m at maturity and shall be maintained to ensure growth is limited to such height,
  - iii. The planting scheme shall utilise long-term planting species to ensure the continued presence of planting, with the use of hardy urban species replacing shrubs and groundcovers as nominated, as follows:
    - a. Ground Level: Shell Ginger within planters along Waratah Street boundary to be replaced with a suitable long life species, including the following consideration - Rhaps Palm or other selected similar species,
    - b. Ground Level: White Correa within planters along Bungan Street boundary to be replaced with a suitable long life species, including the following considerations - Acmena or Syzygium 'dwarf varieties', Abelia 'dwarf varieties', Buxus or Metrosideros 'dwarf varieties', or other selected similar species,
    - c. Level 1: Gristle Fern within planters to be replaced with a suitable long life species, including the following considerations - Birds Nest Fern, or other selected similar species,
    - d. Level 1: Coast Rosemary and White Alba within planters along Bungan Street to be replaced with a suitable long life species, including the following considerations - Acmena or Syzygium 'dwarf varieties', Abelia 'dwarf varieties', Buxus or Metrosideros 'dwarf varieties', or other selected similar species,
    - e. All planting within planters on Levels 1, 2, and 3 shall be selected to be easily accessed and maintained by residents / landscape maintenance contractors.

Reason: provide landscape amenity to soften the built form

2. The amendment of condition 93 to read as follows:

**93. Privacy Measures**

Fixed privacy screens/blade wall as detailed in drawings SK01, SK02 and SK03 dated 19 February 2020 shall be installed in accordance with those plans.

Reason: To protect the residential amenity of the adjoining units within 24 Waratah Street.

Vote: 4/0

*The meeting concluded at 2.45pm*

This is the final page of the Minutes comprising 10 pages  
numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 19 February 2020.