

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 18 MARCH 2020

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 18 March 2020
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Paul Vergotis	Chair
Robert Hussey	Town Planner
Annelise Tuor	Town Planner
Ray Mathieson	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Annelise Tuor declared a conflict of interest in relation to item 3.4 and did not attend the site inspection and had no involvement in the public meeting, deliberation or determination of this item.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 4 MARCH 2020

That the Minutes of the Northern Beaches Local Planning Panel held 4 March 2020, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2019/1477 - 17 STURDEE LANE, ELVINA BAY - CONSTRUCTION OF A BOAT SHED, BOAT RAMP, JETTY, PONTOON AND ASSOCIATED WORKS

PROCEEDINGS IN BRIEF

The applicant seeks development consent for the construction of a boat shed, jetty, mooring pen, boat launching ramp and associated works.

At the public meeting 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. DA2019/1477 for Construction of a boat shed, boat ramp, jetty, pontoon and associated works at Lot 7 DP 8013, 17 Sturdee Lane, Elvina Bay subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The deletion of conditions 10 and 12.
2. The amendment of condition 11 to read as follows:

11. Structural Engineering for Estuarine Risk

Structural engineering design for the development shall be prepared, with input as necessary from a chartered professional engineer with coastal engineering as a core competency, to ensure that for its design life (taken to be 100years unless otherwise justified and accepted by Council) the development is able to withstand the wave impact forces and loadings identified in the approved Coastal Engineering Report prepared by Cardno dated 16 October 2019.

Note: The potential for component fatigue (wear and tear) should be recognised for the less severe, but more frequent, wave impact loadings.

Reason: To ensure structural engineering is prepared by an appropriately qualified professional.

3. The amendment of condition 24 to read as follows:

24. Compliance with Coastal Engineering Report

The development is to comply with all recommendations of the approved Coastal Engineering Report prepared by Cardno, dated 16 October 2019 and these recommendations are to be maintained over the life of the development.

Reason: To ensure preservation of the development and the estuarine environment.

Vote: 4/0

3.2 DA2020/0037 - 1/31 FAIRLIGHT STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A UNIT WITHIN A RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The application seeks consent for the following alterations and additions an existing unit within a residential flat building:

- Erection of a retractable roof over the existing balcony,
- Glass balustrade along the southern elevation of the balcony, and
- 1.3m high vertical slatted privacy screen along the western elevation of the balcony.

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 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. DA2020/0037 for alterations and additions to a unit within a residential flat building at Lot 1 SP 20172, 1/31 Fairlight Street, Fairlight subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.3 DA2019/1090 - 93 PARKES ROAD, COLLAROY PLATEAU - ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AND SUBDIVISION OF 1 LOT INTO 2

PROCEEDINGS IN BRIEF

The application proposes the following works:

- Torrens Title subdivision of one (1) Lot into two (2) Lots configured as;
Proposed Lot 140: 505.8 sqm (minimum dimensions 30.1m x 16.7m)
Proposed Lot 141: 636.5 sqm (minimum dimensions 53.2m x 21.82m) - Total Lot area is 775.8sqm, including the right of carriageway & passing bay
(Note: the minimum Lot size within this area is 600sqm excluding the right of carriage way)
- Demolition of the rear of the existing dwelling house, swimming pool, paving & decking, and ancillary site preparation works;
- Construction of a driveway along the western boundary (and creation of right-of-way) for shared access to each Lot; and
- Connections for infrastructure services and ancillary site works.

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 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 4.1 Minimum Subdivision Lot Size 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. DA2019/1090 for alterations and additions to the existing dwelling and subdivision of 1 lot into 2 at Lot 14 DP 12832, 93 Parkes Road, Collaroy Plateau subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.4 MOD2019/0499 - 46 VICTORIA PARADE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA367/2010 GRANTED FOR DEMOLITION OF AN EXISTING BUILDING AND CONSTRUCTION OF A 7 STOREY RESIDENTIAL FLAT BUILDING CONTAINING 11 UNITS WITH 2 LEVELS OF BASEMENT CARPARKING AND ASSOCIATED DECKS AND LANDSCAPING

PROCEEDINGS IN BRIEF

Annelise Tuor declared a conflict of interest in relation to this item and did not attend the site inspection and had no involvement in the public meeting, deliberation or determination of this item.

The proposed modification seeks approval to delete conditions from Development Consent No. 367/2010.

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

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2019/0499 for Modification of Development Consent DA367/2010 granted for demolition of an existing building and construction of a 7 storey Residential Flat Building containing 11 units with 2 levels of basement carparking and associated decks and landscaping at Lot CP SP 10040, 46 Victoria Parade, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. Proposed modification of Condition 97 is refused
2. The amendment of condition 100 to read as follows:

100

Obscure glass screening at the western end of the rear balconies at Levels 1, 2 and 4 shall be installed and maintained in perpetuity at a height of at least 1.6 metres high above the finished balcony floor level.

Structurally secured obscured glazing with a finished height of 1.6m measured from the finished balcony floor level must be provided along the entire western side of the Level 3 balcony adjoining Unit 3C.

Details demonstrating compliance shall be provided to the Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To reduce impacts on the amenity of adjoining residential properties.

Vote: 3/0

3.5 DA2019/0997 - 6 THE CORSO, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A COMMERCIAL BUILDING AND LOT CONSOLIDATION

PROCEEDINGS IN BRIEF

The proposal seeks approval for:

- The retention of the existing heritage facades at No. 6 The Corso and No. 50 East Esplanade.
- The construction of 5 levels of commercial floor space including ground floor retail tenancies facing The Corso and a café facing East Esplanade.
- Minor alterations to the existing floor space at No. 46 – 48 East Esplanade.
- Landscaped planting on the structure.
- Stormwater works.

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 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, grants **deferred commencement approval** to Application No. DA2019/0997 for demolition works and construction of a commercial building and lot consolidation at Lot 1 DP 971762, Lot 10 DP 1207797 & Lot 1 DP 80202, 6 The Corso, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of Deferred Commencement Condition 1 to read as follows:

1. Demolition and Construction Management Plan

A Demolition and Construction Management Plan (DCMP) must be prepared that provides details of exactly how the demolition and construction will be managed over the course of the works. Particular focus on how traffic and pedestrian safety will be managed, and how the infrastructure and heritage of the Corso will be preserved.

The DCMP must be prepared by a suitably accredited person and submitted to and approved by Council prior to the activation of this consent.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The DCMP must include (but will not necessarily be limited to):

1. Full details of the asbestos removal from the site including what safety measures will be put in place to protect surrounding residents, pedestrians and businesses.
2. Make provision for all construction materials to be stored on site, at all times.
3. Specify the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
4. Specify demolition and construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
5. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
6. Specify that, due to the proximity of the site adjacent to Manly Village Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zones between the hours 8:00am-9:30am and 2:30pm-4:00pm weekdays.
7. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
8. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
9. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
10. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DCMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
11. Specify spoil management process and facilities to be used on site.
12. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.
13. Specify the proposed phases of construction works on the site, the proposed order in which works on the site will be undertaken, the expected duration of each construction phase, and the method statements on how various stages of construction will be undertaken.
14. Specify the proposed method of access to and egress from the site for construction vehicles, including access routes and truck rates through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
15. The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
16. Make provision for Worker parking. How many vehicles are expected at various stages of works? At what times of the day? Where will they then go considering parking is in such high demand in Manly?
17. Detail any temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
18. The proposed method/device to remove loose material from all vehicles and/or

machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.

19. The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing Structural Engineer, or equivalent.
20. Proposed protection for adjoining properties.
21. Proposed protection for the heritage listed facades and the proposed protection methods and strategies for heritage items located outside the property in The Corso including items I102 - 2 cast iron pedestals, I103 - war memorial (cenotaph) and I114 - cast iron letter box.
22. The location and operation of any on site crane.
23. Delivery, demolition and construction hours in accordance with the conditions of this consent.
24. Critical construction timeline summary/diagram to ensure that any major disruption work does not occur during busy periods.
25. Alterations to infrastructure within the public domain.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the DCMP is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The DCMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

2. The addition of the following Deferred Commencement Condition 2:

2. Structural Engineering Report on the Heritage Facade

A report, prepared by a suitably qualified and practicing structural engineer, is to be submitted to Council.

The report must undertake an assessment of the heritage listed façade of 6 The Corso, Manly and outline their structural adequacy and methodology for retention and how they will be conserved, including any works that will be required to achieve this.

The report must be submitted to and approved by Council prior to the activation of the consent.

Reason: To understand the methods needed to protect and retain heritage significant fabric during demolition and construction.

3. The following amendments of condition 4:

(l) Any necessary approvals under section 138 of the Roads Act 1993 must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

(m) **Deleted**

4. The deletion of condition 8
5. The amendment of condition 13 to read as follows:

13. Rooftop plant

All rooftop plant, including air-conditioners and exhaust hoods, must remain below the level of the approved reduced levels as shown on the approved plans.

Reason: To minimise the impact on nearby residential properties.

6. The amendment of condition 15 to read as follows:

15. Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property / Properties: No. 53 East Esplanade, No. 4 The Corso and the buildings on No. 8-28 The Corso that adjoin the subject site.

The dilapidation report is to be prepared by a suitably qualified and practising structural engineer. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

7. The addition of condition 22A to read as follows:

22A. Engineering and Heritage

The existing façade of 6 The Corso is to be retained in accordance with the recommendations of the Structural Engineer referenced in Deferred Commencement Condition 2. A suitably qualified and practising structural engineer is to be appointed to oversee these works during demolition and construction works.

A suitably qualified and practising heritage architect is to be appointed to oversee the conservation and retention of the façade at 6 The Corso and the building at 46-48 East Esplanade, Manly during demolition and construction works.

Details demonstrating compliance with this condition are to be submitted to the Principal
Certifying Authority.

Reason: To protect heritage significant fabric during demolition and construction.

Vote: 4/0

3.6 DA2019/0645 - 26 WHISTLER STREET, MANLY - DEMOLITION WORKS, CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal seeks consent for the following works:

- Demolition of all structures;
- Construction of a 10-storey residential flat building, comprising:
 - Basement car parking for 33 residential cars, 8 bicycle racks, storage and services;
 - Ground floor car parking for 24 residential cars, 16 bicycle racks, storage, services, and residential apartments;
 - Seven storeys of residential apartments, comprising:
 - 3 x 1-bedroom apartments;
 - 26 x 2-bedroom apartments; and
 - 12 x 3-bedroom apartments.
 - Rooftop communal open 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 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. DA2019/0645 for demolition works, construction of a residential flat building and strata subdivision at Lot CP SP 15752, 26 Whistler Street, Manly 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:

Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	2019/621518 Ausgrid Referral Response	28 October 2019

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

- The addition of the following condition:

Public Artwork

Public artwork is to be provided along the ground floor southern elevation of the building facing the right of way.

Details are to be provided to Council's Executive Manager Development Assessment prior to the issue of the Construction Certificate.

Reason: To improve the pedestrian amenity.

- The addition of the following condition:

Right of Way

The existing right of way along the southern boundary of the subject site is to be extended to a width of 3m. The amended right of way is to be registered on title. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the consent.

- The addition of the following condition:

Lighting to Short Street

Lighting is to be provided to the communal open space area on the Short Street elevation. Lighting is to be illuminated outside of daytime hours. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Public safety.

- The addition of the following condition:

Public Landscaping

Landscaping is to be provided in accordance with the approved landscape plans. The landscape planting areas on the Short Street elevation are to be maintained by the owner(s) of the development for the life of the development.

Reason: To ensure consistency with the consent.

- The addition of the following condition:

Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for landscaping works on Council's roadway on Short Street. Engineering plans for the new landscaping works within the road

reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the landscaping works, which are to be generally in accordance with the Council's specification. The plan shall be prepared by a qualified civil engineer. The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure landscaping works are constructed in accordance with relevant standards and Council's specification.

Vote: 3/1 – The community representative dissented.

The meeting concluded at 5.10pm

This is the final page of the Minutes comprising 16 pages
numbered 1 to 16 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 18 March 2020.