

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via teleconference on

WEDNESDAY 15 APRIL 2020

Minutes of a meeting of the Northern Beaches Local Planning Panel held on Wednesday 15 April 2020

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Robert Hussey	Town Planner
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 1 APRIL 2020

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 1 April 2020, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 MOD2019/0648 - 57 SMITH STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA0251/2017 GRANTED FOR ALTERATIONS AND ADDITIONS TO THE EXISTING SEMI-DETACHED DWELLING

PROCEEDINGS IN BRIEF

The proposal seeks to modify the development approved under DA0251/2017, as follows:

- Internal reconfiguration;
- Reduction of depth of first floor rear balcony;
- Alteration to roof form from gable to hip with eave overhang;
- Changes to windows;
- Amendment to privacy screening; and
- Changes to materials and finishes.

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

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2019/0648 for Modification of Development Consent DA0251/2017 granted for alterations and additions to the existing semi-detached dwelling at Lot 131 DP 603177, 57 Smith Street, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of proposed Condition No. ANS02A Northern Window to Ground Floor Bedroom to read as follows:

ANS02A Northern Window to Ground Floor Bedroom

The proposed new window on the northern elevation of the ground floor bedroom is to be deleted or replaced with a window opening or window openings complementary to the original window openings on this facade. Details demonstrating compliance with this condition are to be submitted to and approved by Council's Heritage Advisor prior to the issue of the Construction Certificate.

Reason: To preserve the heritage character and the significance of the Pittwater Road Conservation Area.

Vote: 4/0

3.2 DA2019/0239 - 638 PITTWATER ROAD, BROOKVALE - DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal includes:

- The demolition of all existing structures on site and the removal of the large tree near the southern boundary.
- The construction of a shop top housing development that includes:
 - Three levels of basement parking (RLs 4.7, 7.9 and 11.1) with 164 parking spaces, motorcycle and bicycle parking, and residential storage space.
 - Three ground floor (RL 15.1) retail/business tenancies with additional basement floor space for the largest of the tenancies. Associated waste storage and service vehicle loading areas.
 - The ground floor also contains the lower levels of eight SoHo style apartments.
 - Two levels of residential apartments (RLs 20.1 and 20.2, and 23.15 and 23.25) containing 40 apartments in total.
 - Awnings around the western, southern and eastern boundaries of the site.
 - An illuminated light disk is proposed on the roof on the corner of Pittwater Road and Orchard Road.
- Vehicular access is via Charlton Lane for residential, retail and business parking, and via Orchard Road for loading and services.
- Communal open space is located on the podium level.
- Associated landscaping works.
- Provision has been made within the top basement level for access to No. 640 Pittwater Road, to the north west of the site, which does not have access other than from Pittwater Road.
- No signage or uses for the tenancies are proposed under this application.

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 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, **approves** Application No. DA2019/0239 for Demolition works and construction of a mixed use development at Lot 1 DP 1001963, 638 Pittwater Road, Brookvale subject to the conditions and for the reasons set out in the Assessment Report and Supplementary Memo, subject to the following:

1. The amendment of condition 3.3 to read as follows:

3. Transport for NSW Conditions

3. The proposed future potential vehicle access through the subject site to adjoining Lot 1, DP 900686, No. 640 Pittwater Road, as shown on the approval plans, is to be made available for future vehicular access in the event that it is reasonably demonstrated that no alternate vehicular access is available through any other adjoining property. The terms of any future Right of Carriageway are to be negotiated between the property owners.

2. The amendment of condition 10 to read as follows:

10. Construction, Excavation and Associated Works Bond (Maintenance for civil works)

The developer/applicant must lodge with Council a Maintenance Bond for the construction of civil infrastructure works within Pittwater Road, Orchard Road and Charlton Lane as part of this consent.

The bond is valued at 10% the cost of civil infrastructure works. The value of the bond shall be determined in consultation with Council.

The Maintenance Bond will only be refunded on completion of the six-month Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council issuing practical completion.

Reason: Protection of Council's infrastructure.

3. The amendment of condition 75 to read as follows:

75. Road Way configuration

The applicant is to prepare two options for the configuration of Charlton Lane, as follows:

- a two-way configuration with parking removed from both sides of the lane way
- a one-way configuration with 'no parking' restrictions maintained along one side of the lane way

These configurations must be accompanied by SIDRA analysis undertaken by an accredited traffic engineer, demonstrating the impacts of both options on the local network, including the intersections of;

- Charlton Lane and Sydenham Road
- Charlton Lane and Orchard Road
- Orchard road and Pittwater Road
- Sydenham Road and Pittwater Road

The applicant must submit detailed drawings of the options, including signage and line marking, SIDRA data and a report, to Council's Traffic Committee.

The Traffic Committee will decide on the best outcome and provide this decision to the applicant.

The applicant must then install the treatment, in accordance with condition 76.

Details demonstrating compliance must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To determine the most appropriate configuration of the lane way to optimise traffic that is generated by the proposed development.

4. The amendment of condition 84 to read as follows:

84. Right of Access (through-site vehicle link)

The proposed future potential vehicle access through the subject site to adjoining Lot 1, DP 900686, No. 640 Pittwater Road, as shown on the approval plans, is to be made available for future vehicular access in the event that it is reasonably demonstrated that no alternate vehicular access is available through any other adjoining property. The terms of any future Right of Carriageway are to be negotiated between the property owners.

5. The addition of the following condition:

The Soho units on the ground floor depicted on the approved plans are not to be used for residential or habitation purposes and are not to be separately subdivided from, and are only to be used in conjunction with, the residential units directly above.

Vote: 3/1 – Robert Hussey dissented for the following reasons:

- A. The principal access/egress to the site via the narrow Charlton Lane is not adequately resolved at this stage. This requires further traffic modelling to assess the impact of new developments in the immediate vicinity of this proposal, particularly the configuration of Charlton Lane to accommodate both the increased residential vehicle/pedestrian and industrial traffic and determine whether any new infrastructure upgrading is required to achieve economic and orderly development.
- B. The proposed retention of the row of mature trees adjacent to Charlton Lane, which is relied upon for screening and privacy for the new Soho units will likely be compromised by the proximity of these units with a 4m -5m setback and an access path over the root system. Unless significantly pruned, the canopies will overhang the new buildings.
- C. The proposal shows little regard to the WDCP front setback controls that envisage a partial setback in the order of 4.5m rather than the zero-setback proposed. This consequently reduces the opportunity to achieve a high quality streetscape outcome in Orchard Road.
- D. Notwithstanding substantial numerical compliance, the units are minimal in size and many have compromised solar access and privacy, which does not satisfy the qualitative requirements of SEPP 65 for good amenity. This includes Units 4 and 5, which rely on high-lite windows adjacent to an internal corridor. The balconies of these units are also south facing with no solar access.

3.3 MOD2019/0641 - 1A QUEENSCLIFF ROAD, QUEENSCLIFF - MODIFICATION OF DEVELOPMENT CONSENT DA2015/1267 GRANTED FOR ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING TO INCLUDE INTERNAL AND EXTERNAL CHANGES AND A TURNABLE IN THE BASEMENT CAR PARK

PROCEEDINGS IN BRIEF

The applicant seeks approval to modify DA2015/1267 in the following manner:

Basement level (Approved FL 24.52)

- Extend the excavation adjacent to the storage room for Unit 3 to the side boundary.
- Remove an internal wall to increase the internal area of the storage room for Unit 3 by 10.1m³.
- Remove an internal wall to the storage room for Unit 1 make use of an under-stair area.
- Add a 6.0m diameter vehicle turntable.
- Relocate the drainage pit.

Ground Floor - Unit 1 (Existing RL 27.16)

- Demolish a side wall at the north-western side of the combined living room/kitchen and add a 1.5m wide extension to increase the area of the kitchen and add a pantry.
- Demolish the angled facade at the northern side of the combined living/dining room and replace with a flat facade with 0.5m wide Juliet balcony.
- Infill the highlight window in the south-eastern wall to the ensuite.
- Reconfiguration of rooms by relocating internal walls.
- Add a 0.8m blade wall to the south-western external wall of the lobby.
- Relocated pedestrian ramp.
- Rearrange the front landscaped area.
- Square and cover the bin store.

Mid Level - Unit 2 (Existing RL 29.81)

- Demolish a side wall at the north-western side of the combined living room/kitchen and add a 1.5m wide extension to increase the area of the kitchen.
- Demolish the angled facade at the northern side of the combined living/dining room and replace with a flat facade with 0.5m wide Juliet balcony.
- Extend the ensuite by 1.5m to occupy a portion of the southern (street facing) balcony.
- Reconfiguration of rooms by relocating internal walls.
- Add a 0.8m blade wall to the south-western external wall of the lobby stairwell.
- Remove the flat canopy from the southern side of the building.

Upper Level - Unit 3 (Existing RL 32.44)

- Demolish a side wall at the north-western side of the combined living room/kitchen and add a 1.5m wide extension to increase the area of the kitchen and add a pantry.
- Demolish the angled facade at the northern side of the combined living/dining room and replace with a flat facade with 0.5m wide Juliet balcony.
- Extend the ensuite by 1.5m to occupy a portion of the southern (street facing) balcony.
- Extend Bedroom 1 by 1.0m to occupy a portion of the southern balcony.
- Extend the southern balcony by 1.2m.
- Add a 0.7m high planter box to the south-western corner of the extended southern balcony.
- Reconfiguration of rooms by relocating internal walls.
- Add a 0.8m blade wall to the south-western external wall of the lobby stairwell.
- Remove the flat canopy from the southern side of the building.

Roof - Unit 3 Upper Level & Roof (Existing RL 35.09)

- Replace the existing pitched roof with a shallower pitched roof (i.e. the ridgeline is reduced in height by 1.4m).
- Add 0.4m high parapets around the edge of the new roof.
- Extend the south-western corner of the existing living room by 1.3m to provide a WC.

Following a review of submissions received, the applicant submitted a minor revision to the plans which included the following changes (although these changes could have been imposed as conditions):

- Removal of the proposed planter box at the north-western corner of the development to marginally improve view sharing;
- Reduction to the length of the wall to the proposed ensuite extension at the south-western corner of Level 2 by 0.4m to marginally improve view sharing; and
- Reduction to the height of the planter box at the south-west corner of Level 2 to marginally improve view sharing.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one neighbour 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, **approves** Application No. Mod2019/0641 for Modification of Development Consent DA2015/1267 granted for alterations and additions to a residential flat building to include internal and external changes and a turntable in the basement car park at Lot CP SP 4968, 1 A Queenscliff Road, Queenscliff 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 1B(a) to read as follows:

1B. Amendments to approved plans**a) Side facing balconies**

The north-eastern side boundary facing balcony returns at ground, first and second floor level are to be reduced to a maximum width of 300mm through placement of the associated balustrade.

2. The addition of the following condition:

14A. Structural Adequacy

The removal and relocation of the internal walls as a result of the development are to be certified in writing as structurally sound by a qualified Structural Engineer.

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

Reason: To ensure the structural integrity of the building is maintained.

Vote: 4/0

3.4 DA2019/1280 - 60 & 62 BEACONSFIELD STREET AND 7, 9, 11 & 13 QUEENS PARADE, NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A MULTI UNIT HOUSING WITH ASSOCIATED CARPARKING AND LANDSCAPE WORKS

PROCEEDINGS IN BRIEF

The applicant seeks consent for demolition works and construction of Multi Unit Housing Development with associated carparking and landscaping. Specifically, the proposed development involves:

- Demolition of all existing structures on site.
- Construction of a townhouse style building 18 x 3-bedroom dwellings with basement car parking for 43 vehicles.
- All of the townhouses have pedestrian access at ground floor level. Lifts provide access within all of the dwellings. Living areas are provided on the upper level of the dwellings with access to a rooftop terrace for additional private open space.
- Carparking is provided in two basement areas, one with access from Beaconsfield Street and the other with access from Queens Parade. Each dwelling is provided with garage parking for two vehicles. The basements also provide visitor car parking for 7 vehicles (including 2 disabled spaces) and a car wash bay. The basement also houses a bin storage room, a bulky goods storage room and a plant room.
- The proposal includes tree removal and landscaping works including works within the road reserve

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by four representatives of the applicant and received one written submission from a registered speaker.

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. DA2019/1280 for demolition works and Construction of a multi unit housing with associated carparking and Landscape works at Lot 2 DP 209106, Lots 3A & 3B DP 164259, Lots 4A & 4B DP 159498 and Lot 5A DP 158658, 60 & 62 Beaconsfield Street and 7, 9, 11 & 13 Queens Parade, Newport subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 18 to read as follows:

18. Construction Traffic Management Plan.

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion during school drop-off and pick-up times, truck movements will not be permitted between the hours of 8.30am – 9.45am and 3.00pm – 4.00pm on school days.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes 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;
- 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;
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP 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, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- 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;
- Specify that the roadway (including footpath) must be kept in a serviceable condition

for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.

- 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 practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties; and
- The location and operation of any on site crane.

The CTMP 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 Construction Traffic Management Plan 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 CTMP 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. (DACTRCPC1)

Vote: 4/0

The meeting concluded at 5.15pm

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 Wednesday 15 April 2020.