

# MINUTES

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

held via teleconference on

**WEDNESDAY 20 MAY 2020**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 20 May 2020  
Commencing at 1.00pm**

**ATTENDANCE:**

**Panel Members**

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Annelise Tuor	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 6 MAY 2020**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 6 May 2020, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 DEVELOPMENT APPLICATIONS

#### 3.1 DA2019/1340 - LOT 100/ MEATWORKS AVENUE, OXFORD FALLS - ALTERATIONS AND ADDITIONS TO THE EXISTING PREMISES

##### PROCEEDINGS IN BRIEF

The application proposes demolition and excavation works and the construction of 13 additional industrial/warehouse units (referred to in the DA as “commercial/industrial buildings”) with ancillary office space and basement parking.

The Panel viewed the site and its surrounds except that Mr Sainsbury, because of his location in Canberra, viewed the site virtually supplemented by site photos. At the public meeting which followed the Panel was addressed by 5 objectors.

##### DECISION ON THE DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2019/1340 for alterations and additions to the existing premises at Lot 100 DP 1023183, Lot 100/ Meatworks Avenue, Oxford Falls for the following reasons:

1. Pursuant to Section 4.15 (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2000, in that the development is inconsistent with the Desired Future Character statement in the B2 Oxford Falls Valley Locality in that the development is not limited to low intensity, low uses, and the development unacceptably impacts on the natural landscape including landforms and vegetation.
2. Pursuant to Section 4.15 (1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2000, in that the proposed development does not comply with the Building Height and Side Boundary Setback Built Form Controls or satisfy the objectives of clause 20(1).
3. Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Warringah Local Environmental Plan 2000, in that the development is inconsistent with the following General Principles of Development Control:
  - a. Clause 43 Noise
  - b. Clause 56 Retaining Unique Environmental Features
  - c. Clause 57 Development on Sloping Land
  - d. Clause 58 Protection of Existing Flora
  - e. Clause 60 Watercourses & Aquatic Habitats
  - f. Clause 63 Landscaped open space
  - g. Clause 66 Building Bulk
  - h. Clause 72 Traffic and Access and Safety
4. The proposed development provides insufficient information to properly address the following matters under Schedule 15:
  - a. Traffic, access and safety
  - b. Geotechnical stability
  - c. Water Management
  - d. Acoustic impacts

Vote: 4/0

## 4.0 REVIEW OF DETERMINATIONS

### 4.1 REV2020/0006 - 79A LAUDERDALE AVENUE, FAIRLIGHT - REVIEW OF DETERMINATION OF APPLICATION DA2019/0342 FOR ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL BUILDING TO CREATE AN ATTACHED DUAL OCCUPANCY AND STRATA SUBDIVISION

#### PROCEEDINGS IN BRIEF

The application seeks a review of the refusal of Development Application No. DA2019/0342, which sought to regularise development consent granted through an agreement reached under Section 34 of the *Land and Environment Court Act 1979*, for the matter relating to DA0326/2016, as modified by conditions of consent agreed to under a Supreme Court appeal.

The Panel viewed the site from the public domain except that Mr Sainsbury, because of his location in Canberra, viewed the site virtually supplemented by site photos. At the public meeting which followed the Panel was addressed by a representative of the applicant.

The Panel notes the following corrections identified in two Supplementary Memos by the Council Planner to the table of built form controls in the assessment report (with consequential changes to the % variations in that table):

- 4.1.2.1 Wall Height  
Wall height east proposed should be 7.7m not 7.9m  
Wall height west proposed should be 9.1m not 9.3m
- 4.1.4.2 Side Setbacks  
Side setback required east min should be 2.56m not 2.63m  
Side setback required west min should be 3.03m not 3.1m
- 4.1.5.3 Private Open Space  
Private open space required should be 12sqm not 18sqm

Plans lodged on behalf on the applicant date 18 December 2019 rectified discrepancies which were reason for refusal of the original application.

#### 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 THE REVIEW APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. REV2020/0006 for Review of Determination of Application DA2019/0342 for alterations and additions to an existing residential building to create an attached dual occupancy and strata subdivision at Lot 11 DP 867302, 79A Lauderdale Avenue, Fairlight subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 1 to delete 7 December 2019 wherever it appears and substitute 7 December 2018.
2. The amendment of condition 23 to read as follows:

**23. Surrender of Consent**

Prior to the issue of a Construction Certificate, the applicant is to surrender development consent DA0326/2016 in accordance with Section 4.63 of the Environmental Planning and Assessment 1979 (NSW) and provide 72 Lauderdale Avenue, Fairlight with proof of such surrender.

3. The amendment of condition 53 to read as follows:

**53. Maximum Height**

Except as depicted on the Plan (plan reference number 21254 dated 9 September 2018) the maximum height of any building, improvement, structure or erection, vegetation or planting shall not exceed AHD RL 32.55 (the parapet height of level 1 shown on plan number DA-20 Section 2 (proposed cross section) revision L dated 18 December 2019). A certificate of compliance from a registered surveyor certifying that this condition has been complied with must be submitted to the Principal Certifying Authority prior to the issue of any occupation certificate.

Reason: To ensure that the height of the approved second floor level is constructed and planting is carried out in accordance with the levels shown on the Plan.

4. The addition of the following conditions:

**Right of Footway**

The structures proposed within the right of footway (shown as (A) on the submitted survey plan prepared by C.M.S. Surveyors dated 28 September 2015) are to be deleted. Existing stairs within the right of footway are to be retained. 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 compliance with the terms of the existing right of footway.

**Pre-Construction Dilapidation Report**

A dilapidation report, including a photographic survey, of 79B Lauderdale Avenue, Fairlight must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The report must detail the external physical condition of the property, including the existing stairs and driveway on the access handle to the west of the subject site. The dilapidation report is to be prepared by a suitably qualified person. 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 the land 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.

#### **Post-Construction Dilapidation Report**

A post-construction dilapidation report for 79B Lauderdale Avenue, Fairlight, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report;
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works; and
- Recommend remediation methods, should any damage have occurred.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

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

Vote: 4/0

#### 4.2 REV2020/0004 - 22 WATTLE AVENUE, FAIRLIGHT - REVIEW OF DETERMINATION OF APPLICATION DA2019/0795 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY (ATTACHED) AND SWIMMING POOLS

##### PROCEEDINGS IN BRIEF

The proposed development, as revised, comprises an attached dual occupancy development with each dwelling incorporating the following:

##### Ground Floor Level (RL16.9)

- Single garage (RL16.4) at street level with car stacker below (two spaces)
- Three (3) bedrooms, main bedroom with ensuite and walk-in-robe
- Study
- Separate bathroom at entry

##### Lower Ground Floor Level (RL13.10)

- Car stacker (RL14.29)
- OSD
- Rumpus
- Laundry
- Separate WC
- Kitchen, dining, living with adjoining north facing terrace (9.5m<sup>2</sup>)
- Central courtyard (east facing)
- Swimming pool

The Panel viewed the site from the public domain except that Mr Sainsbury, because of his location in Canberra, viewed the site virtually supplemented by site photos. At the public meeting which followed the Panel was addressed by two representatives of the applicant.

##### DECISION ON THE REVIEW APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. REV2020/0004 for Review of Determination of Application DA2019/0795 for demolition works and construction of a dual occupancy (attached) and swimming pools at Lot 26 DP 11828, 22 Wattle Avenue, Fairlight subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

*The meeting concluded at 3.04pm*

This is the final page of the Minutes comprising 8 pages numbered 1 to 8 of the Northern Beaches Local Planning Panel meeting held on Wednesday 20 May 2020.