

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL

held via teleconference on

WEDNESDAY 12 AUGUST 2020

Minutes of the Northern Beaches Local Planning Panel on Wednesday 12 August 2020.

The public meeting for item 3.3 commenced at 1.00pm and concluded at 1.16pm.

The deliberations and determination of all items commenced immediately following the public meeting and concluded at 2.18pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Brian Kirk	Town Planner
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 29 JULY 2020

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 29 July 2020, were adopted by the Chairperson and have been posted on the Council's website.

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2020/0448 - 25 RICHARD ROAD, SCOTLAND ISLAND - CONSTRUCTION OF A BOAT SHED, JETTY AND ASSOCIATED WORKS

PROCEEDINGS IN BRIEF

The proposal is for the demolition of the existing boatshed and construction of a new boatshed.

The Panel viewed the site and its surrounds and/or have viewed digital images of same.

No public meeting was held because a recent statutory Direction by the Minister for Planning and Public Places states that the Panel is not required to hold a public meeting where there are less than 10 unique submissions by way of objection and there were no objections to this 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 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 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. DA2020/0448 for construction of a boat shed, jetty and associated works at Lot 38 DP 12749, 25 Richard Road, Scotland Island 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 1 to include the following report:

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment	21/10/2015	Planning for Bushfire Protection Pty Ltd

Vote: 4/0

3.2 DA2019/1398 - 3/63-67 THE CORSO, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING TO FACILITATE SHOP TOP HOUSING CONTAINING 12 APARTMENTS INCLUDING THE CONSTRUCTION OF A PERGOLA AND LIFT OVERRUN TO THE ROOF TERRACE

PROCEEDINGS IN BRIEF

The proposal is for changes to existing Strata Part Lot 3. Strata Part Lots 1 and 2 (which solely consist of existing retail outlets on the ground floor) remain unchanged.

The Panel viewed the site and its surrounds.

Council officers and representatives of the applicant attended a briefing of the Panel on 10 August 2020.

No public meeting was held because a recent statutory Direction by the Minister for Planning and Public Places states that the Panel is not required to hold a public meeting where there are less than 10 unique submissions by way of objection and there were no objections to this application.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written requests 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 have 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. DA2019/1398 for alterations and additions to an existing building to facilitate shop top housing containing 12 apartments including the construction of a pergola and lift overrun to the roof terrace at Lot 3 SP 67337, 3/63 - 67 The Corso, Manly subject to the conditions and for the reasons set out in the Assessment Report and Supplementary Memos, subject to the following:

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

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- a) Approved Plans

Architectural Plans – Endorsed with Council’s Stamp		
Drawing No..	Dated	Prepared By
101 (DA4)- Ground Floor Plan	7 August 2020	Platform Architects Pty Ltd
102 (DA4) – Mezzanine Plan	7 August 2020	Platform Architects Pty Ltd
103 (DA2) – First Floor Plan	23 March 2020	Platform Architects Pty Ltd
104 (DA4) – Second Floor Plan	7 August 2020	Platform Architects Pty Ltd
105 (DA4) – Roof Plan/Site Plan	7 August 2020	Platform Architects Pty Ltd
108 (DA4) – Roof Demolition Plan	7 August 2020	Platform Architects Pty Ltd
201 (DA4) – South Elevation – The Corso	7 August 2020	Platform Architects Pty Ltd
202 (DA4) – West Elevation	7 August 2020	Platform Architects Pty Ltd
203 (DA4) – North Elevation	7 August 2020	Platform Architects Pty Ltd
204 (DA4) – East Elevation	7 August 2020	Platform Architects Pty Ltd
301 (DA4) – Section AA	7 August 2020	Platform Architects Pty Ltd
302 (DA4) – Section BB	7 August 2020	Platform Architects Pty Ltd
303 (DA4) – Section CC	7 August 2020	Platform Architects Pty Ltd
304 (DA4) – Section DD	7 August 2020	Platform Architects Pty Ltd
305 (DA4) – Section EE	7 August 2020	Platform Architects Pty Ltd
306 (DA4) – Section FF	7 August 2020	Platform Architects Pty Ltd
Roof Terrace Design (Issue A)	12 May 2020	Platform Architects Pty Ltd

Reports/Documentation – All recommendations and requirements contained within:		
Report	Dated	Prepared By
External Noise Intrusion Assessment	1 May 2020	Acoustic Dynamics
DA Stage BCA Access Report	6 November 2019	Urban Health Consultants Pty Ltd
Structure Load Check	1 September 2016	MPN Group Consulting Engineers
Construction Management Plan	14 November 2019	Low Impact Development Consulting

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

2. The amendment of condition 7 to read as follows:

7. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- Bedroom 1 in Apartments 04 and 05 are to be increased to achieve a minimum area of 10m².

- Bedroom 2 in Apartments 08 and 11 are to be designated on the plans as Studies only.
- The timber screen surrounding the air conditioning condensers on the roof is to be reduced in height to a maximum of 1.0m above the finished floor level of the roof terrace.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

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

13. Passive Ventilation Systems

Details of passive ventilation for all individual residential units are to be provided to the PCA for approval prior to any Construction Certificate being issued.

All passive ventilation systems must meet the requirements for AS2107:2016 and the recommendations contained in the External Noise Intrusion Assessment dated 1 May 2020 as prepared by Acoustic Dynamics.

Reason: To meet indoor acoustic design objectives.

4. The amendment of condition 14 to read as follows:

14. Flooding

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – C1

All new works to ground floor Strata tenancy PT3 shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – C2

All new works to ground floor Strata tenancy PT3 must be designed and constructed to ensure structural integrity up to the Flood Planning Level of 5.84m AHD, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level of 5.84m AHD. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

Flood Emergency Response – E2

Appropriate access to the shelter in place refuge should be available from all areas of the new development.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of floodprone property and reduce public and private losses in accordance with Council and NSW Government policy.

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

24. Installation of Passive Ventilation

Prior to any Occupation Certificate being issued, details are to be provided to the PCA to certify that all individual residential units have passive ventilation units installed as specified in the External Noise Intrusion Assessment dated 1 May 2020 as prepared by Acoustic Dynamics

Reason: To ensure residents benefit from the recommended noise attenuation with adequate ventilation (DACHPFPOC6)

6. The deletion of condition 32
7. The amendment of condition 34 to read as follows:

34. Loading and Servicing

Any Loading/Unloading and Servicing of the completed development from within the pedestrianised areas of Market lane, Sydney Road or The Corso must only occur between the hours of 5am and 8am when bollards in Henrietta Lane, Central Avenue and Market lane are open to facilitate servicing. Any loading or servicing requirements outside of those hours must be accommodated from within Loading Zones in surrounding streets

Reason: to ensure pedestrian safety on pedestrianised areas (DACTRGOG1)

Vote: 4/0

3.3 DA2019/1260 - 27-29 NORTH AVALON ROAD, AVALON BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT COMPRISING 10 SELF CONTAINED DWELLINGS AND SITE CONSOLIDATION

PROCEEDINGS IN BRIEF

The proposal development seeks consent for the following:

Demolition works and construction of a seniors housing development, comprising ten (10) self-contained dwellings for seniors or people with a disability. The building is designed with four (4), two storey detached buildings centrally connected by an elevated footbridge.

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

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2019/1260 for Demolition works and construction of a Seniors Housing development comprising 10 self contained dwellings and site consolidation at Lots 32 & 33 DP 8394, 27-29 North Avalon Road, Avalon Beach for the following reasons:

1. The Panel is not satisfied that:
 - 1) the applicant's written requests under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify contraventions of clause 26 and clause 40 under the SEPP (Housing for Seniors and People with a Disability) 2004 development standards 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.
2. Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2014:
 - Clause 26(2) Access
 - Clause 29 Character
 - Clause 31 Design of in-fill self-care housing
 - Clause 32 Design of residential development
 - Clause 33 Neighbourhood Amenity and streetscape
 - Clause 34 Visual and Acoustic privacy
 - Clause 36 Stormwater
 - Clause 38 Accessibility
 - Clause 39 Waste Management
 - Clause 40 Building Height (rear 25%)
3. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the Aims set out in Clause 1.2(b) of the Pittwater LEP 2014.

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the Pittwater 21 Development Control Plan:
- Clause A4.1 Avalon Beach Locality
 - Clause B4.22 Preservation of Trees and Bushland Vegetation
 - Clause B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
 - Clause B5.9 Stormwater Management
 - Clause B6.1 Access Driveways
 - Clause B5.10 Stormwater Discharge into Public Drainage System
 - Clause B5.12 Stormwater Drainage Systems and Natural Watercourses
 - Clause B6.2 Internal Driveways
 - Clause C1.1 Landscaping
 - Clause C1.5 Visual Privacy
 - Clause C1.6 Acoustic Privacy
 - Clause C1.12 Waste and Recycling Facilities
 - Clause C1.15 Storage Facilities
 - Clause C1.21 Seniors Housing
 - Clause C1.24 Public Road Reserve - Landscaping and Infrastructure
 - Clause C4.4 Subdivision - Public Roads, Footpath and Streetscape
 - Clause D1.13 Landscaped Area
 - Clause D1.15 Fences
 - Built Form Control Side building line (multi-unit housing)
 - Built Form Control Landscaped areas
5. Pursuant to Section 4.15(1)(b)(i) of the Environmental Planning and Assessment Act 1979, the proposed development will result in unacceptable impacts on the natural environment of the Avalon Beach Locality.
6. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the Desired Future Character of the location and is an over-development of the site.
7. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the local public interest.

Vote: 4/0

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Northern Beaches Local Planning Panel
on Wednesday 12 August 2020.