

# MINUTES

## **NORTHERN BEACHES LOCAL PLANNING PANEL**

held via teleconference on

**WEDNESDAY 11 NOVEMBER 2020**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 11 November 2020**

The public meeting commenced at 1.00pm and concluded at 2.00pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 3.15pm.

### **ATTENDANCE:**

#### **Panel Members**

Lesley Finn	Chair
Robert Hussey	Town Planner
Annelise Tuor	Town Planner
Peter Cotton	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 4 NOVEMBER 2020**

The panel notes that the Minutes of the Northern Beaches Local Planning Panel held 4 November 2020, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 PUBLIC MEETING ITEMS

#### 3.1 DA2020/0298 - 25 KEVIN AVENUE AVALON BEACH - SUBDIVISION OF ONE LOT INTO TWO LOTS

##### PROCEEDINGS IN BRIEF

The proposal involves Torrens title subdivision of one existing lot into two new lots. The proposed subdivision is in a battle axe type configuration, with the existing dwelling to remain on the proposed new rear Lot 2, and existing structures at the front of the property (that would fall within proposed Lot 1) to be demolished.

The Panel viewed the site and its surrounds. At the public meeting there were no registered speakers.

##### 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 Pittwater Local Environmental Plan 2014 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.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/0298 for subdivision of one lot into two lots at Lot 10 DP 12435, 25 Kevin Avenue, Avalon Beach for the reasons for refusal set out in the Assessment Report.

##### REASON FOR DETERMINATION:

The Panel generally agrees with the assessment report and Supplementary Memo.

Vote: 4/0

### 3.2 DA2020/0744 - 635 WARRINGAH ROAD FORESTVILLE - DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE WITH NEW SHARED ACCESSWAY

#### PROCEEDINGS IN BRIEF

The proposed development consists of demolition of the existing building on the site and construction of a boarding house.

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

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/0744 for demolition works and construction of a Boarding House with new shared accessway at Lot 1 DP 28219, 635 Warringah Road, Forestville for the reasons for refusal set out below:

1. The Panel is not satisfied that the proposal will result in a boarding house development consisting of not more than 12 rooms as required by Clause 30AA of State Environmental Planning Policy (Affordable Rental Housing) 2009 by virtue of the shared common access driveway with the adjoining proposed boarding house development.
2. The Panel is not satisfied that the development is compatible with the character of the local area as required by Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 due to the excessive building bulk, inability to provide its own vehicular access and lack of landscaping around the development footprint.
3. The Panel is not satisfied that the landscape treatment of the front setback area is compatible with the surrounding streetscape along Warringah Road as required to be considered under Clause 29(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development in terms of the setback from the boundary between 633 and 635 Warringah Road, Forestville is inconsistent with the objectives of Clause B5 Side Boundary Setbacks of the Warringah Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4 Stormwater of the Warringah Development Control Plan.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C9 Waste Management of the Warringah Development Control Plan.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D9 Building Bulk of the Warringah Development Control Plan.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act

1979 the proposed development is inconsistent with the provisions of Clause E1 Private Property Tree Management of the Warringah Development Control Plan.

9. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

REASON FOR DETERMINATION:

The Panel generally agrees with the assessment report.

Vote: 4/0

### 3.3 DA2020/0745 - 633 WARRINGAH ROAD FORESTVILLE - DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE WITH NEW SHARED ACCESSWAY

#### PROCEEDINGS IN BRIEF

The proposed development consists of demolition of the existing building on the site and construction of a boarding house.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one resident and two representatives of the applicant.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/0745 for demolition works and construction of a Boarding House with new shared accessway at Lot 15 DP 212195, 633 Warringah Road, Forestville for the reasons for refusal set out below:

1. The Panel is not satisfied that the proposal will result in a boarding house development consisting of not more than 12 rooms as required by Clause 30AA of State Environmental Planning Policy (Affordable Rental Housing) 2009 by virtue of the shared common access driveway with the adjoining proposed boarding house development.
2. The Panel is not satisfied that the development is compatible with the character of the local area as required by Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 due to the excessive building bulk, inability to provide its own vehicular access and lack of landscaping around the development footprint.
3. The Panel is not satisfied that the landscape treatment of the front setback area is compatible with the surrounding streetscape along Warringah Road as required to be considered under Clause 29(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development in terms of the setback from the boundary between 633 and 635 Warringah Road, Forestville is inconsistent with the objectives of Clause B5 Side Boundary Setbacks of the Warringah Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C4 Stormwater of the Warringah Development Control Plan.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C9 Waste Management of the Warringah Development Control Plan.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D9 Building Bulk of the Warringah Development Control Plan.

8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause E1 Private Property Tree Management of the Warringah Development Control Plan.
9. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

**REASON FOR DETERMINATION:**

The Panel generally agrees with the assessment report.

Vote: 4/0



### **3.4 DA2020/0665 - 85-89 FOAMCREST AVENUE NEWPORT - DEMOLITION WORKS, CONSOLIDATION OF THREE LOTS INTO ONE LOT, AND THE CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING**

#### **PROCEEDINGS IN BRIEF**

The proposal seeks approval for the consolidation of the existing three lots into a single allotment, together with the demolition of the existing structures on site, followed by the construction of a residential flat building.

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

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#### **DECISION ON DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0665 for demolition works, consolidation of three lots into one lot, and the construction of a residential flat building at Lots 40, 41 and 42 DP 6248, 85-89 Foamcrest Avenue, Newport subject to the conditions set out in the Assessment Report.

#### **REASON FOR DETERMINATION:**

The Panel generally agrees with the assessment report.

Vote: 4/0

**3.5 PLANNING PROPOSAL (PEX2020/0006) 114-120 OLD PITTWATER RD, BROOKVALE****PROCEEDINGS IN BRIEF**

The proposal is to include an additional permitted use of 'office premises' within Schedule 1 of the Warringah Local Environmental Plan 2011 (WLEP 2011) on land at 114-120 Old Pittwater Road, Brookvale.

The Panel viewed the site and its surrounds. At the public meeting there were no registered speakers.

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**ADVICE OF NORTHERN BEACHES LOCAL PLANNING PANEL**

- A. The Panel have concerns about the gross area of the office space and the ability of the proposed WLEP provisions (including the sunset clause and potential creation of existing use rights) to ensure that the buildings will only be temporarily used for this purpose.
- B. The Panel advises Council that the Planning Proposal for 114-120 Old Pittwater Road, Brookvale be forwarded to the NSW Department of Planning, Industry and Environment to seek a Gateway Determination to enable public submissions and further consultation, particularly in relation to the concerns expressed in A above and in the SGS Report.

**REASON FOR RECOMMENDATION:**

The Panel generally agrees with the planning proposal report.

Vote: 4/0

**3.6 PLANNING PROPOSAL - REAR OF 88 BOWER ST, MANLY (PEX2020/0008)****PROCEEDINGS IN BRIEF**

The proposal is to re-zone land under Manly Local Environmental Plan 2013 (MLEP) at the rear of 88 Bower St, Manly, from RE1 Public Recreation to E4 Environmental Living.

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

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**ADVICE OF NORTHERN BEACHES LOCAL PLANNING PANEL**

- A. The Panel recommends that Council endorse the Planning Proposal lodged for the rear of 88 Bower St, Manly, to be submitted to the Department of Planning, Infrastructure and Environment to seek a Gateway Determination.
- B. That prior to any post-Gateway Planning Proposal being formally exhibited, evidence is provided that the site has been consolidated with the front part of the site fronting 88 Bower Street.

**REASON FOR RECOMMENDATION:**

The Panel generally agrees with the planning proposal report.

Vote: 4/0

## 4.0 NON PUBLIC MEETING ITEMS

### 4.1 DA2020/0854 - 27 CORKERY CRESCENT ALLAMBIE HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL

#### PROCEEDINGS IN BRIEF

The proposal seeks alterations and additions to a dwelling house including swimming pool.

The Panel viewed the site and its surrounds.

The Panel considered the additional information from the applicant regarding the deletion of the condition reducing the proposed double carport to a single carport. The majority of the Panel did not support this submission on the basis that two car spaces (garage and carport) are adequate for a single dwelling house and the provision of an extra car space would be at the expense of landscaping.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0854 for Alterations and additions to a dwelling house including swimming pool at Lot 2 Sec 12 DP 758016, 27 Corkery Crescent, Allambie Heights subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 1 a) to reference the correct architectural plans as follows:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
1 Site Plan	Issue E, 14 October 2020	B + W
2 Ground Floor Plan	Issue E, 14 October 2020	B + W
3 First Floor Plan	Issue E, 14 October 2020	B + W
4 Elevations - Northwest & Northeast	Issue E, 14 October 2020	B + W
5 Elevations - Southeast & Southwest	Issue E, 14 October 2020	B + W
6 Sections - A-A & Pool	Issue E, 14 October 2020	B + W

2. The addition of the following condition:

#### **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

**REASON FOR DETERMINATION:**

The Panel generally agrees with the assessment report. The applicant sought an amendment to the condition in relation to parking on the site and this submission was not supported for the reasons set out above.

Vote: 4/0

\* Amended 19 November to include the amendment to condition 1 to reference to correct plans.

This is the final page of the Minutes comprising 13 pages  
numbered 1 to 13 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 11 November 2020.