



northern  
beaches  
council

# MINUTES

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

held via teleconference on

**WEDNESDAY 17 MARCH 2021**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 17 March 2021**

The public meeting commenced at 1.00pm and concluded at 1.25pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 2.45pm.

### **ATTENDANCE:**

#### **Panel Members**

Lesley Finn	Chair
Steve Kennedy	Urban Design Expert
Robert Hussey	Town Planner
Ray Mathieson	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 3 MARCH 2021**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 3 March 2021, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 PUBLIC MEETING ITEMS

#### 3.1 DA2020/1228 - 25 NIELD AVENUE, BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS AND TORRENS TITLE SUBDIVISION

##### PROCEEDINGS IN BRIEF

The proposal is for demolition works, subdivision of one lot into two and the construction of two semi-detached dwelling houses.

The Panel notes that the applicant provided amended plans during the meeting to address concerns raised by adjoining residents which were considered by the Panel and found to be acceptable, based on the Supplementary Memo provided by Council Officer. The Panel considered that the amended plans did not require re-notification in accordance with the Community Participation Plan.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 4 neighbours and 2 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. DA2020/1228 for demolition works and construction of two semi-detached dwellings and Torrens Title subdivision at Lot 16 DP 6363, 25 Nield Avenue, Balgowlah, subject to the conditions set out in the Supplementary Memo and Assessment Report.

##### REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report and supplementary memo.

Vote: 4/0

### 3.2 DA2020/1235 - 888 PITTWATER ROAD, DEE WHY - USE OF PREMISES AS A CAR WASH FACILITY INCLUDING FITOUT

#### PROCEEDINGS IN BRIEF

The development application proposes the following:

- A car wash located in the south eastern corner of basement B2 car parking level;
- The car wash involves the allocation of ten (10) existing parking spaces;
- Two (2) drop off areas, two (2) fully self-contained wash bays and two (2) vacuum/detailing areas;
- Construction of a new office to be used in conjunction with the use of the car wash on the eastern side of lift shaft and internal staircase. The office will measure 2.15m in height. The office proposes a window/counter along the eastern elevation to service customers;
- Construction of plant room along the northern side of lift shaft and internal staircase which will result in the removal of a trolley bay.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel were not addressed by any speakers.

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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. DA2020/1235 for use of premises as a car wash facility including fit out at Lot 2 DP 1241568, 888 Pittwater Road, Dee Why for the reasons set out in the Assessment Report:

Reasons for Refusal:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.
2. Pursuant to 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Objectives of the Warringah Development Control Plan 2011.
3. 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 C2 Traffic, Access and Safety of the Warringah Development Control Plan.
4. 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 C3 Parking Facilities of the Warringah Development Control Plan, in particular the proposal would result in deficiency of 71 commercial car parking spaces which is unacceptable.
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 D20 Safety and Security of the Warringah Development Control Plan.

#### REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

### 3.3 DA2020/1162 - 27 BELLEVUE AVENUE, AVALON BEACH - DEMOLITION WORKS AND CONSTRUCTION OF THREE SENIOR'S LIVING APARTMENTS WITH PARKING

#### PROCEEDINGS IN BRIEF

The proposal involves demolition of the existing dwelling and structures, excavation, removal of trees, and construction of three self-contained seniors housing units with 6 car parking spaces.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 3 neighbours and 4 representatives of the applicant.

Amended plans were received by the panel on 16 March 2021. These plans were considered by the panel and did not require re-notification in accordance with the Community Participation Plan.

#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1162 for demolition works and construction of three senior's living apartments with parking at Lot 33 DP 11462, 27 Bellevue Avenue, Avalon Beach for the reasons for refusal as outlined below:

Reasons for Refusal:

1. 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 29 Character/Clause 31 Design of in-fill self-care housing/ Clause 32 Design of residential development/ Clause 33 Neighbourhood Amenity and streetscape

There is insufficient information in regard to the landscape plan to show integration of landscaped features with built form to complement character of the area.

Clause 38 Accessibility

The proposal for access from basement garage to the footpath is unacceptable due to pedestrian and vehicular conflict.

The proposal provides insufficient information to show the ability for occupants to sufficiently access infrastructure and transport links.

The proposed car stackers do not provide a convenient or appropriate type of parking for this type of development.

Clause 39 Waste Management

The location of bin storage, away from the front setback and in the basement, is not acceptable for this type of development.

2. 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 B6.2 Internal Driveways of the Pittwater 21 Development Control Plan.  
The design for driveway access is unacceptable due to conflict between pedestrian movements and vehicular movements.  
The proposal provides insufficient information for Council's Development Engineer to assess based on the redesign required to address issues raised by Councils Traffic Engineer and Landscape Officer.
3. 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 C1.1 Landscaping of the Pittwater 21 Development Control Plan.

There is insufficient information in regard to the landscape plan to show integration of landscaped features with built form to complement character of the area.

4. 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 C1.12 Waste and Recycling Facilities of the Pittwater 21 Development Control Plan.  
The location of bin storage, away from the front setback and in the basement, is not acceptable for this type of development.
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 C1.21 Seniors Housing of the Pittwater 21 Development Control Plan.  
There is insufficient information in regard to the landscape plan to show integration of landscaped features with built form to complement character of the area.
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 D1.8 Front building line of the Pittwater 21 Development Control Plan.  
There is insufficient information in regard to the landscape plan to show integration of landscaped features with built form to complement character of the area.

**REASON FOR DETERMINATION:**

The Panel agrees generally with the assessment report.

Vote: 4/0

## 4.0 NON PUBLIC MEETING ITEMS

### 4.1 DA2020/1581 - 10 GOVERNMENT ROAD, BEACON HILL - DEMOLITION WORKS AND SUBDIVISION OF ONE LOT INTO TWO LOTS

#### PROCEEDINGS IN BRIEF

The applicant seeks development consent for demolition of existing on-site structures and Torrens Title subdivision of one allotment into two allotments, including civil works.

The Panel viewed the site and its surrounds.

#### 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 4.1 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 standard 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.

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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. DA2020/1581 for demolition works and subdivision of one lot into two lots at Lot J3 DP 370116, 10 Government Road, Beacon Hill subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

##### **Restriction as to User (Vehicular Access) – Lot 1**

The applicant shall submit a restriction as to user (under the provisions of Section 88B of the Conveyancing Act) to be incorporated on the title of Lot 1. The restriction shall preclude that lot from utilising its frontage for vehicular traffic except for the section created as a Right of Carriageway. The wording of the restriction of use is to be prepared by a surveyor, with terms acceptable to Council. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with Council policy for vehicular access.

#### REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0



#### 4.2 DA2020/1386 - 31 OXFORD FALLS ROAD, BEACON HILL - SUBDIVISION OF ONE LOT INTO TWO, ALTERATION TO THE EXISTING DWELLING, NEW DRIVEWAY AND PARKING

##### PROCEEDINGS IN BRIEF

The proposal is for the Torrens Title subdivision of one lot into two lots and construction of a new driveway and crossing, with drainage infrastructure to support the proposed development.

The Panel viewed the site and its surrounds.

##### 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 not consistent with the objectives of the standard 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. DA2020/1386 for subdivision of one lot into two, alteration to the existing dwelling, new driveway and parking at Lot 1 DP 661034, 31 Oxford Falls Road, Beacon Hill for the reasons set out in the Assessment Report and in particular the traffic circumstances in Oxford Falls Road, including proximity to the restricted intersection with Brooker Avenue, which necessitate an adequate parking bay adjacent to the front boundary to allow safe access and egress from the subject property.

##### REASON FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

This is the final page of the Minutes comprising 9 pages  
numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 17 March 2021.