



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via teleconference on

WEDNESDAY 18 AUGUST 2021

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 18 August 2021

The public meeting commenced at 12.00pm and concluded at 2.35pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 4.30pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair	Items 3.1, 3.2, 3.3, 3.4, 3.5 & 4.1
Marcus Sainsbury	Environmental Expert	All items
Robert Hussey	Town Planner	Items 3.1, 3.2, 3.3, 3.4, 3.5 & 4.1
Lisa Bella Esposito	Town Planner	Item 4.2
Frank Bush	Community Representative	Items 3.2, 3.3, 3.4, 3.5, 4.1 & 4.2
Nick Lawther	Community Representative	Item 3.1

The Panel have visited all sites personally, or electronically (due to COVID restrictions), and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 21 JULY 2021

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 21 July 2021, were adopted by the Chairperson and have been posted on the Council's website

3.0 PUBLIC MEETING ITEMS

3.1 MOD2021/0317 - 82-84 BOWER STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2020/0211 GRANTED FOR THE RECONSTRUCTION OF WALLS/STRUCTURES THAT WERE TO BE RETAINED AND HAVE BEEN DEMOLISHED, AND FOR THE USE OF WALLS/STRUCTURES THAT WERE TO BE RETAINED, BUT HAVE BEEN DEMOLISHED AND REBUILT

PROCEEDINGS IN BRIEF

The proposal is for the revision of privacy screening to the kitchen window, living/dining room window, and the rear balcony as required by conditions 7 and 8 imposed by the NBLPP as part of the approved development consent DA2020/0211.

At the public meeting which followed the Panel was addressed by one neighbour and two representatives of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0317 for Modification of Development Consent DA2020/0211 granted for the reconstruction of walls/structures that were to be retained and have been demolished, and for the use of walls/structures that were to be retained, but have been demolished and rebuilt at Lot 5 DP 8075, 82-84 Bower Street, Manly subject to the conditions set out in the Assessment Report, subject to the following:

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

Any subsequent construction certificate application is to indicate that the West Elevation Ground Floor windows accessible from the kitchen, dining and living areas of No. 84 Bower Street, Manly are fitted with external screens which shall be solid up to 1.6m above the FFL and above that shall have vertical angled fins that cover the windows, and otherwise in accordance with Approved Modified Plans referenced in Condition 2A of this modified consent. The screens are to be maintained for the life of the development and are to be in place prior to the issue of any Occupation Certificate. The Approved Modified Plans shall be amended to reflect this condition and submitted to Council prior to the issue of the Construction Certificate.

Reason: To preserve and maintain visual privacy and amenity to the immediate adjoining property to the west at No. 86 Bower Street, Manly

2. The amendment of condition 8 to read as follows:

Any subsequent construction certificate application is to incorporate the provision of a planter box and timber screens to the Ground Floor Balcony of No. 84 Bower Street, Manly in accordance with Approved Modified Plans referenced in Condition 2A of this modified consent and subject to the following amendment:

- a. The planter box and screens are to extend the full length of the western elevation of the Ground Floor Balcony. The screen panels to the balcony shall be solid up to 1.6m above the FFL of the balcony.

The planter box and screens are to be retained for the life of the development and are to be in place prior to the issue of any Occupation Certificate. The Approved Modified Plans shall be amended to reflect this condition and submitted to Council prior to the issue of the Construction Certificate.

Reason: To preserve and maintain visual privacy and amenity to the immediate adjoining property to the west at No. 86 Bower Street, Manly.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

3.2 DA2020/1718 - 479 SYDNEY ROAD, BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE WITH BASEMENT CAR PARKING

PROCEEDINGS IN BRIEF

The proposal is for the demolition of existing site improvements and the construction of a boarding house at the subject site.

At the public meeting which followed the Panel was addressed by three neighbours and five representatives 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 Manly Local Environmental Plan 2013 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1718 for demolition works and construction of a boarding house with basement car parking at Lot 1 DP 313417, 479 Sydney Road, Balgowlah subject to the conditions set out in the Assessment Report, subject to the following:

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

Part C of Condition 1 'Approved Plans and Supporting Documentation'

(c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan	Dated	Prepared By
Waste Management Plan	8 December 2020	Robert Gizzi

2. The amendment of condition 15 to read as follows:

Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the

driveway crossing and footpath adjoining the site which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

1. Notwithstanding condition 4c which refers to a minimum driveway width of 5.5 metres, the driveway crossing is to be 7 metres wide at the boundary to 9 metres wide at the kerb a metre away from the existing stormwater pit on the western side.
2. The existing footpath is to be demolished and reconstructed along the entire frontage of the site.
3. The existing driveway crossing is to be reinstated to kerb, footpath and turf. Concurrence from TfNSW is to be provided with the application for the new kerb and layback. Details of the outlet connection from the stormwater system.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

3. The amendment of condition 70 to read as follows:

Adherence with Plan of Management

The boarding house is to be managed/maintained in strict accordance with the Approved Plan of Management, as amended by the Amended Plan of Management required by this consent. Each lease or occupation agreement for a room in the boarding house will require the lessee or occupier to abide by the Plan of Management (as may be amended from time to time) and a copy will be annexed to the agreement.

Reason: To ensure that the on-going management is maintained in accordance with this consent.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

3.3 DA2020/1743 - 45 LANTANA AVENUE, WHEELER HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT WITH BASEMENT PARKING & ASSOCIATED LANDSCAPING

PROCEEDINGS IN BRIEF

The proposal is for the demolition of the existing dwelling, garage and pool and construction of a Seniors Housing Development.

At the public meeting which followed the Panel was addressed by two neighbours and two representatives of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1743 for demolition works and construction of a seniors housing development with basement parking & associated landscaping at Lot 3 DP 26532, 45 Lantana Avenue, Wheeler Heights subject to the conditions set out in the Assessment Report and Supplementary Memo.

REASONS FOR DETERMINATION:

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

Vote: 4/0

3.4 DA2021/0304 - 13 WANGANELLA STREET, BALGOWLAH - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing dwelling house.

At the public meeting which followed the Panel was addressed by two neighbours and one representatives of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/0304 for alterations and additions to dwelling house at Lot 7 Sec D DP 2044 & Lot 8 Sec D DP 2044, 13 Wanganella Street, Balgowlah subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

3.5 DA2020/1596 - 6 MITCHELL ROAD, PALM BEACH - CONSTRUCTION OF A DWELLING HOUSE, INCLUDING A SWIMMING POOL, DRIVEWAY AND GARAGE

PROCEEDINGS IN BRIEF

The proposal is for the demolition of the existing dwelling and the construction of a new dwelling which includes a double garage, lift and access located on land zoned RE1 Public Recreation.

At the public meeting which followed the Panel was addressed by three neighbours.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1596 for construction of a dwelling house, including a swimming pool, driveway and garage at Lot 1 DP 1086858, 6 Mitchell Road, Palm Beach for the reasons set out in the Assessment Report and Supplementary Memo.

REASONS FOR DETERMINATION:

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

Vote: 4/0

3.6 DA2021/0632 - 7 REDDALL STREET, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal is for the demolition of the external timber fire escape stairs and balconies and the reconstruction of the fire stair and slightly enlarged rear balconies to the first and second levels of the existing residential flat building.

At the public meeting which followed the Panel was addressed by one neighbour and five representatives 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 Manly Local Environmental Plan 2013 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/0632 for alterations and additions to a residential flat building at Lot CP SP 9588, 7 Reddall Street, Manly subject to the conditions set out in the Assessment Report, subject to the following:

1. The deletion of condition 7

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report except that the Panel disagrees with the proposal to impose condition 7 requiring (among other things) the new screen to extend for the entire length of the portion of the first and second floor balconies facing 127 Bower Street. The Panel considers that this condition would unreasonably interfere with the internal amenity of units in the subject building particularly in relation to light and ventilation. The Panel does not agree that the provision of the full length privacy screen is warranted by the degree of overlooking of 125 Bower Street.

Vote: 4/0

4.0 NON PUBLIC MEETING ITEMS

4.1 DA2021/0619 - 15 JUBILEE AVENUE, WARRIEWOOD - CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING 59 SELF-STORAGE UNITS AND 24 LIGHT INDUSTRIAL UNITS

PROCEEDINGS IN BRIEF

The proposal is for a mixed use development comprising of 59 self-storage units and 24 light industrial tenancies.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/0619 for construction of a mixed use development comprising 59 self-storage units and 24 light industrial units at Lot 202 DP 1019363, 15 Jubilee Avenue, Warriewood subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 39 to read as follows:

Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, and maintained, inclusive of the following conditions:

- i) street tree planting shall be in accordance with the approved works within the road reserve under the Roads Act application and approval,
- ii) proposed *Lomandra longifolia* species within the driveway 2.0m x 2.5m splay shall be substituted for a dwarf *Lomandra* species limited in mature height at 1 metre or less,
- iii) all planting within the site shall consist of the following minimum container sizes: trees - 75 litre container size, shrubs - 200mm pot, and groundcovers and native grasses - 140mm pot,
- iv) all tree planting within the site shall be located at least 5 metres from buildings,
- v) all garden areas shall include a drip irrigation system based on station timer and be maintained by the proposed strata body of the subject building,
- vi) the eastern boundary proposed screen shrub planting shall be at a minimum 1 metre centres,

vii) the western boundary easement area shall be landscaped within low native grasses at a minimum 4 per square metre density.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Three years after the issue of the Occupation Certificate the applicant or owner is to provide Council with an audit (from a landscape architect or landscape designer) of the approved Landscape Plan confirming that the vegetation has grown satisfactorily. To the extent (if any) that is has not, the vegetation will be replaced.

Reason: Environmental amenity.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.2 REV2021/0012 - 402 SYDNEY ROAD, BALGOWLAH - REVIEW OF DETERMINATION OF APPLICATION DA2020/0634 FOR DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal is for a Section 8.2 Review of a refusal to grant consent to DA2020/0634. The review Application encompasses the majority of assessment detail for the original DA but in a 4 storey building.

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 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. REV2021/0012 for Review of Determination of Application DA2020/0634 for demolition works and construction of a shop top housing development at Lot B DP 85983 & Lot A DP 85983, 402 Sydney Road, Balgowlah subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition to read as follows:

Hours Of Operation

For the occupancies identified as 'Retail/Business 2' and 'Retail/Business 3' as appears on development application plan DA102 P9 Ground Floor Plan, the hours of operation shall be limited to 7am and 7pm Monday to Saturday and no operation on Sundays or a Public Holiday. Any extension to operating hours will require a separate development application to be submitted to Council.

Reason: to protect the amenity of neighbouring properties.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 3/0

his is the final page of the Minutes comprising 15 pages
numbered 1 to 15 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 18 August 2021.