



northern  
beaches  
council

# MINUTES

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

held via teleconference on

**WEDNESDAY 15 SEPTEMBER 2021**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 15 September 2021**

The public meeting commenced at 12.00pm and concluded at 12.30pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 2.05pm.

### **ATTENDANCE:**

#### **Panel Members**

Annelise Tuor	Chair
Robert Hussey	Town Planner
Lisa Bella Esposito	Town Planner
Andrew Doherty	Community Representative

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 1 SEPTEMBER 2021**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 1 September 2021, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 PUBLIC MEETING ITEMS

#### 3.1 MOD2021/0362 - 24 WANDEEN ROAD, CLAREVILLE - MODIFICATION OF DEVELOPMENT CONSENT DA2020/1163 GRANTED FOR CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

##### PROCEEDINGS IN BRIEF

The proposal is for design modifications to DA2020/1163, for the construction of a new dwelling house and swimming pool.

At the public meeting the Panel was addressed by no 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. Mod2021/0362 for Modification of Development Consent DA2020/1163 granted for construction of a dwelling house including a swimming pool at Lot 102 DP 13760, 24 Wandeen Road, Clareville subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of the following condition:

##### **8. Amendments to the approved plans**

The windows on the western elevation are to be treated as follows:

- Vertical window (W11) to the stairwell on the ground floor western elevation shall be opaque glazing or incorporate external fixed vertical privacy screening over the entire window or incorporate external fixed blade to a minimum depth of 300mm along the southern edge and bottom sill of the window.
- Windows W9 & W10 on the western elevation shall be opaque to a height of at least 1.6m (when measured from the finished floor level) or incorporate external fixed vertical privacy screening over the entire window.

Amended plans are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: to protect the amenity of the adjoining property to the west.

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report subject to amendments to condition 8 to achieve a reasonable balance between views for the occupant and visual privacy for the adjoining property.

Vote: 4/0

### 3.2 DA2020/1759 - 51 ARTHUR STREET, FORESTVILLE - DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

#### PROCEEDINGS IN BRIEF

The proposal is for the demolition of the existing commercial development and construction of a three storey shop top housing with four (4) x residential split-level apartments above a retail ground level.

At the public meeting the Panel were not addressed by any 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 Warringah Local Environmental Plan 2011 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1759 for Demolition works and construction of a shop top housing development at Lot 2 DP 233083, 51 Arthur Street, Forestville for the reasons for refusal set out in the Assessment Report.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

### 3.3 DA2021/0541 - 45 DARLEY ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dwelling house.

At the public meeting the Panel was addressed by no neighbours and three 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. DA2021/0541 for alterations and additions to a dwelling house at Lot 1 DP 19320, 45 Darley Road, Manly 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:

##### **Amendments to the approved plans**

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

- a) Drawing number DA29 Exterior Finishes and Schedule is to be amended to require that the existing face brickwork of the existing dwelling is to be retained.

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.

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

##### **Existing Sandstone**

The existing sandstone in the boundary wall along the street frontages of Cliff Street & Darley Road are to be retained for reuse in the rebuilt wall.

Reason: to retain original materials that contribute to the streetscape.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report subject to the above conditions.

Vote: 4/0

## 4.0 NON PUBLIC MEETING ITEMS

### 4.1 DA2021/0527 - 31 OXFORD FALLS ROAD, BEACON HILL - SUBDIVISION OF ONE (1) LOT INTO TWO (2) LOTS, INCLUDING THE DEMOLITION OF ALL EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW DRIVEWAY

#### PROCEEDINGS IN BRIEF

The proposal is for subdivision of one lot into two, including the demolition of all existing structures and the construction of a new driveway.

#### 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 Lot Size 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. DA2021/0527 for Subdivision of one (1) lot into two (2) lots, including the demolition of all existing structures and the construction of a new driveway at Lot 1 DP 661034, 31 Oxford Falls Road, Beacon Hill 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:

##### **Building Platform**

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 proposed Lot 2. The restriction shall restrict the construction of a future dwelling within the area designated as Possible Building Platform as it appears on the Plan of Proposed Subdivision dated 28/04/2021 prepared by Bee Lethbridge. The restriction may only be removed, varied or amended by Northern Beaches Council. 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 orderly development of land.

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

**Landscaping of Driveway Frontage**

The area to the east of the driveway denoted as (2) in the Plan of Proposed Subdivision shall be landscaped to a maximum height of 1m to maintain sightlines, pedestrian safety and screening of the driveway to minimise the 'gun barrel' effect.

Reason: local amenity and safety

**REASONS FOR DETERMINATION:**

The Panel agrees generally with the assessment report subject to the above conditions.

Vote: 4/0



## 4.2 DA2020/1733 - 332-338 SYDNEY ROAD, BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a five (5) storey shop top housing development comprising two (2) levels of basement car parking, ground floor retail premises and 14 residential apartments on Levels 1 to 4 above.

### 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 4.3 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.

### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2020/1733 for demolition works and construction of a Shop Top Housing Development at Lot A DP 336220 & Lot 1 DP 318879 & Part Lot 1 & Part Lot 2 DP 796788, 332-338 Sydney Road, Balgowlah for the reasons for refusal set out in the Assessment Report.

### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report. The Panel notes the request to defer the application to enable consideration of amended plans submitted by the applicant on 3 September 2021. The Panel has considered the supplementary memo dated 15 September 2021 prepared by Council Officers which provides a preliminary assessment of the amended plans. Whilst this indicates that a number of the issues could be resolved, the substantial issues such as the additional height and clause 4.6 variation remain unresolved. The Panel considers there is no utility in deferring the application given a proper assessment of the amended design is required, including a referral to Design and Sustainability Advisory Panel.

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 meeting  
held on Wednesday 15 September 2021.