



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 6 JULY 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 6 July 2022

The public meeting commenced at 12.08pm and concluded at 1.37pm.

The deliberations and determinations commenced at 2.00pm following the public meeting and concluded at 4.30pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Robert Hussey	Town Planner
Nicole Glenane	Community Representative

The Panel have visited all sites personally, or electronically, 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 15 JUNE 2022

RECOMMENDATION

That the minutes of the Northern Beaches Local Planning Panel held 15 June 2022, were adopted by the Chairperson and have been posted on the Council's website

3.0 CATEGORY 3 APPLICATIONS

Nil

4.0 PUBLIC MEETING ITEMS

4.1 DA2021/1841 - 7 - 8 CORONATION STREET, MONA VALE - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a seniors housing development.

At the public meeting which followed the Panel was addressed by two (2) neighbours and two (2) representatives of the applicant.

The Panel received a supplementary memo from Council.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1841 for Demolition works and construction of a seniors housing development on land at Lot 35 DP 25446, 8 Coronation Street, MONA VALE, Lot 34 DP 25446, 7 Coronation Street, MONA VALE, subject to the conditions set out in the Assessment Report and Supplementary Memo, subject to the following:

1. The amendment of condition 66 to read as follows:

66. Allocation of parking spaces (strata title)

Two car parking spaces are to be allocated per unit. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability for residents in accordance with section C3 of Warringah Council's Development Control Plan.

2. The amendment of condition 22 to read as follows:

22. Amendments to the approved plans

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

- (a) Fixed and angled external privacy screens shall be installed to the north facing bedroom window to unit 04 and unit 05 and the south facing bedroom and dining room window to unit 6.
- (b) The solar panels shall have a pitch of no more than 5 degrees.
- (c) The tree marked "Ec" in the south east corner of the site marked on landscape plan LAO1 Rev B dated 19.04.2021 is to be replaced by a tree TL or Sa or Bc as described in the key on the plan.

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. Amend condition 26 to read as follows:

Submission Roads Act Application for Civil Works in the Public Road

The applicant is to obtain consent under section 138 of the Roads Act 1993 for the proposed works within the road reserve generally in accordance with the Site Analysis Plan - Drawing No.A01 Revision D for the design of footpaths, angle parking, bus stop, kerb extension, pram ramps, and pedestrian refuge and concept drainage plans prepared by Barrenjoey Consulting Engineers, job number 210903, drawing number SW1 to SW5, dated 12/1/2022 for the extension of the Council pipeline subject to the following:

The design must include the following:

- a) Construct a pedestrian refuge in Coronation Street, with islands 2m wide and 3m spacing in accordance with Council standard drawings.
- b) Construct a new kerb extension, west of Bus Stop (ID: 210381) on the northern side of the road.
- c) New pram ramps are to be provide at the road crossing points with footpath connections in accordance with Council standard drawings.
- d) Construct a 1.5 m wide concrete footpath connecting the development with the new pedestrian facilities.
- e) Provide 8 parking spaces east of the new kerb extension, by converting 90 to 60 degree angled parking.
- f) Provide 1 new parking space in the 90 degree angled parking area located west of Gate No.2 to Mona Vale Hospital.
- g) Relocate Bus Stop (ID: 210386) on the southern side of the road, immediately east of the driveway to No.9 Coronation Street, with new 'Bus Zone' between the driveways of No.9 and 10 Coronation Street. 'No Stopping' restrictions are to be installed from the new 'Bus Zone' to the property boundary of No.11 and 12. All bus stops must be upgraded to meet the Disability Standards for Accessible Transport.
- h) Relocate existing signage and make adjustments to line marking, where required, to accommodate the changes.
- i) The installation of traffic control devices and facilities requires the approval of Council and the Northern Beaches Local Traffic Committee prior to commencement of installation. A plan providing details of the proposed signage, line marking, and dimensions of the traffic facility must be lodged for consideration at least twelve (12) weeks prior to work commencing.

The section 138 consent under the Roads Act 1993 is to be submitted to the certifying authority prior to the issue of the Construction Certificate.

Reason: In order to provide safe access.

4. Amend condition 74 to read as follows:

Certification of Civil Works and Works as Executed Data on Council Land

The Applicant shall submit to Council a suitably qualified Civil Engineer's certification that the completed works have been constructed in accordance with this consent and any consent required under section 138 of the Roads Act 1993. Works as Executed data certified by a registered surveyor prepared in accordance with Council's 'Guideline for preparing Works as Executed data (details overdrawn on a copy of the approved civil plans) for Council Assets' in an approved format shall be submitted to Council for approval prior to the release of any security deposits.

Reason: To ensure compliance of works with Council's specification for engineering works.

5. The amendment of condition 36 to read as follow:

Pre-Construction Dilapidation Report

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

6 Coronation Street, Mona Vale
9 Coronation Street, Mona Vale
28 Cook Terrace, Mona Vale
30 Cook Terrace, Mona Vale
32 Cook Terrace, Mona Vale
34 Cook Terrace, Mona Vale

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

REASONS FOR DETERMINATION:

Subject to the above, the Panel agrees generally with the assessment report and supplementary memo.

Vote: 4/0

4.2 DA2021/2590 - 40 PINE STREET, MANLY - CONSTRUCTION OF A DWELLING HOUSE.

PROCEEDINGS IN BRIEF

The proposal is for construction of a dwelling house.

At the public meeting which followed the Panel was addressed by two (2) neighbours and two (2) representatives of the applicant.

The Panel received 3 late submissions dated on 4 June 2022.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2021/2590 for the construction of a dwelling house on land at Lot 5 DP 939161, 40 Pine Street, MANLY, for the following reasons:

1. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered to be suitable for the proposed development.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Manly Local Environmental Plan 2013.
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 4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) of the Manly Development Control Plan as the proposed development fails to provide adequate access and off-street parking to meet the needs of the future occupants of the dwelling house and external parties. Additionally, the proposal would increase the demand for on-street parking.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 6.12 Essential Services of the Manly Local Environmental Plan 2013 as the site is unable to provide adequate access and off-street parking to meet the needs of the future occupants of the dwelling and external parties. Furthermore, the applicant has not been able to demonstrate that the proposed development can adequately manage and dispose stormwater generated from the 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 3.4.2 Privacy and Security of the Manly Development Control Plan as the proposed dwelling would allow the future occupants to directly overlook into private open space at 9 and 11 Pacific Parade.
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 4.1.1.1 Residential Density and Dwelling Size of the Manly Development Control Plan as the undersized nature of the allotment makes it difficult for the development to comply with a number of Council's primary planning controls or provide an acceptable level of internal amenity for the future occupants of the dwelling.
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 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan 2013 as the front and rear setback non-compliances will create adverse amenity impacts for adjacent properties and the future occupants of the dwelling house.

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 4.1.5 Open Space and Landscaping of the Manly Development Control Plan as the proposal provides insufficient total open space and landscaping to enable the establishment of adequate landscape treatment to screen the built form from downslope properties. Furthermore, the proposal provides inadequate areas of private open space to meet the recreational needs of the future occupants of the dwelling house.
9. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 6.4 Stormwater Management of the Manly Local Environmental Plan 2013 as there is insufficient information to determine whether stormwater generated from the development can be appropriately managed and disposed of.
10. 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 3.7 Stormwater Management of the Manly Development Control Plan 2013 as there is insufficient information to determine whether stormwater generated from the proposal can be appropriately managed and disposed of.
11. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not in the public interest.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2022/0036 - 0 GRIFFITHS STREET, FAIRLIGHT - CONSTRUCTION OF COLUMBARIUM WALLS, A MEMORIAL GARDEN AND SIGNAGE WITHIN MANLY CEMETERY.

PROCEEDINGS IN BRIEF

The proposal is for construction of columbarium walls, memorial garden and signage.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0036 for the construction of columbarium walls, memorial garden and signage at Lot 1 DP 1121171, 0 Griffiths Street, Lot 1 DP 117863, 0 Hill Street, Lot 1 DP 34468, 38A Hill Street, Lots 7322, 7323 and 7324 DP 1154744, Griffiths Street, and Lot 7006 DP 1023270, 0 Griffiths Street FAIRLIGHT NSW 2094, subject to the conditions set out in the Assessment Report, subject to the following:

1. The deletion of condition 20.

Reason: It duplicates part of condition 15.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

5.2 DA2022/0521 - 1044 PITTWATER ROAD, COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

PROCEEDINGS IN BRIEF

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

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0521 for alterations and additions to a dwelling house on land at Lot 11 Sec 6 DP 6777, 1044 Pittwater Road, COLLAROY, subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

5.3 DA2022/0641 - 17/122 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a residential flat 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 Environment Plan 2013 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - i) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - ii) 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0641 for alterations and additions to a residential flat building on land at Lot 17 SP 1717, 17 / 122 Bower Street, MANLY subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

5.4 DA2022/0176 - 148 PRINCE ALFRED PARADE, NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL.**PROCEEDINGS IN BRIEF**

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

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 Environment Plan 2014 seeking to justify a contravention of clause 7.8 Limited Development on Foreshore area has adequately addressed and demonstrated that:
 - i) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - ii) 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0176 for Alterations and additions to a dwelling house including a swimming pool on land at Lot 9 DP 204399, 148 Prince Alfred Parade, NEWPORT, subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report

Vote: 4/0

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 6 July 2022.