



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 19 OCTOBER 2022**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 19 October 2022**

The public meeting commenced at 12.00pm and concluded at 12.31pm.

The deliberations and determinations commenced at 12.45pm following the public meeting and concluded at 1.44pm.

### **ATTENDANCE:**

#### **Panel Members**

Annelise Tuor	Chair
Brian Kirk	Town Planner
Graham Brown	Town Planner
Lloyd Graham	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**

No apologies

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members have signed a declaration of interest in relation to each item on the agenda. No conflicts of interest were disclosed.

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 5 OCTOBER 2022**

That the Panel noted the minutes of the Northern Beaches Local Planning Panel held 5 October 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 DA2022/0682 - 291 - 293 CONDAMINE STREET, MANLY VALE - DEMOLITION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING.

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of shop top housing.

At the public meeting, the Panel was addressed by two (2) representatives of the applicant and supplementary information was provided by the applicant regarding the car stacker at the request of the Panel.

#### 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 4.3 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. DA2022/0682 for Demolition works and construction of shop top housing on land at Lot 2 DP 11320, 293 Condamine Street, Manly Vale, Lot 1 DP 11320, 291 Condamine Street, Manly Vale subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 18 to read as follows:

##### **18. Amendments to Balcony Elements / Cladding**

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

- i) The rectangular landscape planter boxes on each balcony (shown along the sides of each balcony area) are to be widened to 1.0 metre (m) for all 9 residential Units.
- ii) A 1.0m wide x 0.6m deep soil planter box is to be provided along the (east) edge of the balcony balustrade for Unit 7 (FL27.942) to include additional minor landscape elements similar to adjacent buildings to the north. The main balustrade is to be of glazed material and setback from Condamine Street to maintain a maximum trafficable width of 3.0m from the front (eastern) wall of Unit 7 to minimise the visual impact of the balustrade height when viewed from Condamine Street.
- iii) The front balustrades facing Condamine Street for L2 and L3 are to include glazed material for their width to provide a more open style translucent appearance to the street.

- iv) The west facing balconies are to include horizontally (stackable) sliding privacy screens fitted to enable solar access and privacy screening for Units 5, 6, 8 and 9. Additional custom fitted screen panels shall be included to enable the full width of the west facing balconies to be screened from direct overlooking from No.17, No.19 and No.21 Highview Avenue.
- v) The "MC1" Stryum colour Monument Black wall panel and balcony (BAL1 and BAL2) colour is not approved. This colour is to be changed to a lighter mid-tone natural colour, sympathetic to the adjacent buildings and streetscape.
- vi) The west facing fixed (F) balcony windows to Units 5, 6, 8, and 9 shall include translucent glass to limit internal direct overlooking to those units from No.17 Highview Avenue.
- vii) The west facing terrace balustrades are to be amended to incorporate non visually permeable components to a minimum height of 760 millimetres (mm), and maximum height of solid balustrade components to 900mm.
- viii) High light windows with a minimum sill height of 1.6m are to be provided in the southern elevation on Levels 02 and 03 to the lounge kitchen areas of these units. All windows to the south elevation are to be openable and to have a similar treatment to the other windows on these levels.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land and address streetscape considerations.

2. The amendment of condition 19 to read as follows:

**19. Amendment to Roof Height and Roof Elements**

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

- i) Photovoltaic Cells on the roof are to be kept to less than 5% pitch in order to minimise view impact.
- ii) The roof top equipment plant area and screening is to be limited to 1.5 metres wide, measured from the northern boundary separation firewall, in order to minimise view impacts to properties (to the west) that overlook the site. Perimeter screening on the roof equipment's plant area is limited to 1.0m above roof level.
- iii) The clerestory roof element should be deleted and replaced with a flat ventilated skylight to minimise view impact and maximise ventilation.
- iv) The overextension of the parapet wall above the southern upper roof edge shall be deleted to minimise view and shadowing impacts.
- v) The roof plan for the construction certificate (CC) is to appropriately annotated to show that no satellite dishes, antenna or chimney vents are to be installed on the rooftop within 8.0m of the southern edge of the roof.

Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land, including view and overshadowing impacts.

3. The addition of the following condition 19A:

**19A. Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above Ground slab level, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

Reason: To ensure essential services are appropriately screened

4. The addition of the following condition 79A:

**79A. Somerville Place widening**

The Applicant shall create an easement for unimpeded access to the widened Somerville Place (under the provisions of Section 88B of the Conveyancing Act) to be shown on the plan of strata subdivision, to accompany the Section 88B instrument to provide 1m wide access along the western boundary of Somerville Place. The terms of the proposed easements shall be approved by the CEO or a delegated officer of Council.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To provide unimpeded access to the widened Somerville Place.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the assessment report subject to amendments to the conditions to clarify the requirement for an easement to access the widening of Somerville Place, and minor design changes to improve appearance and amenity. The Panel accepted the applicant's submission in relation to the minimum floor to floor requirement being 3.2 metres to allow for the proper construction of the building and achieve a minimum floor to ceiling height of 2.7 metres.

Vote: 4/0

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2022/1070 - 10 ROMFORD ROAD, FRENCHS FOREST - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A CARPORT.

#### PROCEEDINGS IN BRIEF

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

---

#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1070 for demolition works and construction of a new carport and pergola on land at Lot 2 DP 31552, 10 Romford Road, Frenchs Forest, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 12 to read as follows:

#### **12. Survey Certificate**

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating the finished roof/ridge height are in accordance with the approved plans, and no part of any structure (including gutters) encroaches beyond the property boundary.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

#### REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report subject to the amendment of condition 12 to ensure the development is contained within the property boundary.

Vote: 4/0

This is the final page of the Minutes comprising 7 pages numbered 1 to 7 of the Northern Beaches Local Planning Panel meeting held on Wednesday 19 October 2022.