

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held in the Council Chambers, Civic Centre, Dee Why on

WEDNESDAY 7 MARCH 2018

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 7 March 2018
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00PM**

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Annelise Tuor	Town Planner
Nick Lawther	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING**2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 14
FEBRUARY 2018**

The Minutes of the Northern Beaches Local Planning Panel held 14 February 2018 were adopted by the Chair and have been posted on the Council's website

3.0 NORTHERN BEACHES LOCAL PLANNING PANEL REPORTS

3.1 DA2017/0708 - 255 CONDAMINE STREET MANLY VALE - DEMOLITION WORKS AND CONSTRUCTION OF BOARDING HOUSE MADE PURSUANT TO THE SEPP AFFORDABLE RENTAL HOUSING 2009

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one resident and a representative of the applicant.

At the public hearing the applicant requested an opportunity, before the panel made its determination, to submit revisions to its proposal and plans including reducing the height of the building by a floor, works to improve the hydraulics of the creek, raising the floor level and parking. In the circumstances the Panel decided not to accede to the request.

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2017/0708 for demolition works and construction of a boarding house made pursuant to the SEPP Affordable Rental Housing 2009 at Lot 8 DP 604034, 255 Condamine Street, Manly Vale subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of reason for refusal number 6 to read as follows:
 6. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of clause 4.3 Height of Buildings of the Warringah Local Environmental Plan 2011, and the Panel is not satisfied as to the matters referred to in clause 4.6(4)(a) of the Warringah Local Environment Plan 2011.

Vote: 4/0

3.2 DA0213/2017 - 133-139 PITTWATER ROAD MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A NEW SERVICE STATION

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one resident and a representative of the applicant.

The applicant's representative indicated an intention to reach a satisfactory arrangement with the adjoining landowner for the relocation of services and incorporation of flashing to waterproof the adjoining wall on 141 Pittwater Road, Manly.

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA0213/2017 for demolition works and construction of a new service station at Lots 1-4, Section 6, DP 2427, 133-139 Pittwater Road, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of conditions ANS07A, ANS07B and ANS11 as follows:

ANS07A (4CD10)

Noise arising from the works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Reason: To ensure compliance with legislation and to prevent disturbance to the surrounding community.

ANS07B (4NL01)

Noise arising from demolition and construction works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Reason: To prevent disturbance to the surrounding community during construction.

ANS11 (6NL03)

The ongoing use of the premises/property must not give rise to 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure compliance with legislation and to protect public health and amenity.

2. The deletion of conditions 2(b) and 2(d).

Vote: 4/0

3.3 N0356/17 - 10 MOUNTVIEW PLACE BILGOLA PLATEAU - CONSTRUCTION OF A NEW DWELLING INCLUDING THE RETENTION OF A SUBSTANTIAL PORTION OF THE EXISTING DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by three residents and two representatives of the applicant.

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. N0356/17 for construction of a new dwelling including the retention of a substantial portion of the existing dwelling at Lot 42, DP 236798, 10 Mountview Place, Bilgola Plateau for the following reasons:

1. Unacceptable impact in terms of solar impact, visual bulk and privacy to properties to the south, particularly from retention of the level 1 (basement) undercroft area and increase in the width of level 2 (ground floor level).
2. Increase in bulk to the east resulting in an unacceptable level of view sharing from Mountview Place and from the property at 1A Mountview Place.
3. In relation to the height development standard the Panel is not satisfied as to the matters prescribed by clause 4.6(4)(a) of the Pittwater Local Environment Plan 2014.

Note: The Panel considers a more skilful design could resolve the above issues.

Vote: 4/0

3.4 DA0207/2017 - 2 RICHMOND ROAD SEAFORTH - DEMOLITION AND CONSTRUCTION OF A NEW DWELLING HOUSE

PROCEEDINGS IN BRIEF

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

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA0207/2017 for demolition and construction of a new dwelling house at Lot 1 DP 397354 and Lot 2 DP 256919, 2 Richmond Road, Seaforth subject to the conditions and reasons outlined in the Assessment Report and for the reasons outlined in that report, subject to the following:

1. The addition of **deferred commencement** condition A1 as follows:

A1

The plans are to be amended to the satisfaction of Council's Executive Manager, Development Assessments or delegate to incorporate the following:

- a) Reduce the length of the bin store room on the upper ground floor to a point level with the northern wall of bathroom 2 on the ground floor
- b) The roof over the bin store room is to have a minimum 900mm set back from the eastern boundary and the height of the eastern wall of the bin store room is to be reduced to not more than 1.8 metres above the finished floor level of that room
- c) Set back the eastern façade of the ground floor and upper ground floor at a minimum of 900mm from the eastern boundary between the northern end of bathroom 2 and the southern end of the development. The setback area at ground level is to be landscaped with species that do not exceed a maximum height of 3.5 metres above the existing ground level.
- d) The eastern façade of the garage for a distance of 1 metre from the northern boundary is to be open or screened to provide a sightline for vehicles entering and exiting the site, for safety reasons.

Note: The amended plans are to be submitted within 3 months from the date of this determination.

Vote: 4/0

**3.5 N0302/17 - 1191-1193 BARRENJOEY ROAD PALM BEACH -
ALTERATIONS AND ADDITIONS TO 'THE BOATHOUSE PALM BEACH' INCLUDING
CHANGE OF USE OF THE FIRST FLOOR**

PROCEEDINGS IN BRIEF

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

A representative for the applicant requested the Panel to defer consideration to give the applicant the opportunity to lodge an amended application for consent including in relation to use, numbers (capacity), hours of operation and parking. In the circumstances the Panel considered it inappropriate to accede to the request.

The Panel, however, would welcome an application addressing such matters.

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. N0302/17 for alterations and additions to 'The Boathouse Palm Beach' including change of use of the first floor at Lot 2 DP 595174, 1191-1193 Barrenjoey Road, Palm Beach subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of reason for refusal number 4 as follows:
 4. Until the draft Pittwater Local Environment Plan 2014 is gazetted the Panel is not satisfied that it can issue a consent in relation to the sea plane and boat hire businesses.

Vote: 4/0

3.6 N0475/17 - 192 BARRENJOEY ROAD NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING INCLUDING NEW POOL AND LANDSCAPING

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by a representative of the applicant.

DECISION

The Panel was satisfied as to the matters referred to in clause 4.6(4)(a) of the Pittwater Local Environment Plan 2014 as detailed within the Assessment Report.

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. N0475/17 for alterations and additions to a dwelling including new pool and landscaping at Lot 1 DP 1210322, 192 Barrenjoey Road, Newport subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.7 DA0141/2016 - 27 SYDNEY ROAD MANLY - SECTION 96 TO MODIFY APPROVED ALTERATIONS AND ADDITIONS TO AN EXISTING COMMERCIAL BUILDING INCLUDING A THIRD AND FOURTH FLOOR ADDITION AND INTERNAL ALTERATIONS - PART 2

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by a representative of the applicant.

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA0141/2016 to modify approved alterations and additions to an existing commercial building including a third and fourth floor addition and internal alterations – Part 2 at Lot B DP 318834, 27 Sydney Road, Manly, subject to the conditions and for the reasons outlined in the Assessment Report, subject to the following:

1. The amendment to proposed modified condition ANS04 as follows:

ANS04

A contribution is to be paid for the provision, extension or augmentation of traffic and parking, environmental programs, streetscape and landscaping, community facilities and administration that will, or are likely to be, required as a consequence of development in the area.

A contribution for this development for carparking and additional floor space is detailed below. The amount of the payment shall be in accordance with the Section 94 charges as at the date of the payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions plan to effect changes in land values, construction costs and the Consumer Price Index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with Council's adopted Section 94 Contributions Plan 2017-18 as follows;

Additional commercial gross floor area = 238.22m²
Rate = \$28,036.34 per 100m² of additional commercial gross floor area
= \$280.3634 per square metre
\$280.3634 x 238.22
= \$66,788.17

Additional commercial gross floor area = 238.22m²
Rate = \$37,392.78 per parking space, at 1 space per 40m² of gross floor area
= \$37,392.78 x 6
= \$224,356.68
Total = \$294,144.85

Note: Section 94 Contribution fees are adjusted on the 1st July each year and are based on the March CPI figures.

Reason: To enable the provision of public amenities and services required/anticipated as a consequence of increased demand resulting from the development.

2. The amendment of numbering of Condition ANS05 (3MS01) to ANS06 (3MS01).

Vote: 4/0

3.8 DA0190/2017 - 56 BOWER STREET MANLY - ALTERATIONS AND ADDITIONS TO THE EXISTING RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by a representative of the applicant.

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA0190/2017 for alterations and additions to the existing residential flat building at Lot 17 DP 8075, 56 Bower Street, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.9 DA0224/2017 - 7-9 MARINE PARADE MANLY - ALTERATIONS AND ADDITIONS TO THE EXISTING SHOP TOP HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by a representative of the applicant.

DECISION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA0224/2017 for alterations and additions to the existing shop top housing development at SP 12796, 7-9 Marine Parade, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition ANS02 as follows:

ANS02

The north western setback of the proposed balcony from the boundary is to be aligned with the outer wall of bedroom 1 of the subject apartment. Plans demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority, prior to the issue of the Construction Certificate.

Reason: To ensure adequate acoustic and visual amenity for the neighbouring property.

Vote: 4/0

4.0 REVIEW OF DETERMINATIONS

Nil

5.0 PLANNING PROPOSALS

Nil

6.0 CATEGORY 3 APPLICATIONS

Nil

The meeting concluded at 7.55pm

This is the final page of the Minutes comprising 13 pages
numbered 1 to 13 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 7 March 2018.