

# MINUTES

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

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

**WEDNESDAY 21 MARCH 2018**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 21 March 2018  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1.00PM**

**ATTENDANCE:**

**Panel Members**

Lesley Finn	Chair
Brian Kirk	Town Planner
Robert Hussey	Town Planner
John Simmonds	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 7 MARCH 2018**

That the Minutes of the Northern Beaches Local Planning Panel held 7 March 2018, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 NORTHERN BEACHES LOCAL PLANNING PANEL REPORTS

#### 3.1 DA2017/0636 - LOT 39 OLD PITTWATER ROAD BROOKVALE - DEMOLITION WORKS AND CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT

##### PROCEEDINGS IN BRIEF

The proposal seeks consent for the construction of multi dwelling housing.

Specifically the works include:

- 5 x 2 bedroom town houses;
- Car parking for 7 vehicles;
- Landscaping works; and
- Garbage room.

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

##### DECISION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2017/0636 for Demolition works and construction of a Multi Dwelling Housing Development at Lot 39 DP 778287, Lot 39 Old Pittwater Road, Brookvale subject to the conditions and for the reasons set out in the Assessment Report and subject to the following:

1. The addition of condition 13A as follows:

**13A Vehicle Access**

The development shall provide all weather access to all carparking in accordance with Council's guidelines.

Reason: To ensure adequate and safe vehicle access.

**Vote: 4/0**

Reasons for the decision:

The Panel was satisfied that the proposed development was reasonable in the circumstances having regard to the fact that the site is an isolated site and having regard to the context of surrounding developments and the Panel accepts the officers assessment of the application subject to the amendments to the recommended conditions above.

### 3.2 N0421/17 - 4 THE CHASE LOVETT BAY - DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING

#### PROCEEDINGS IN BRIEF

The application seeks consent for the following development to the site;

- Demolition of the existing dwelling,
- Retention of the existing outbuilding,
- Construction of a new 1-2 storey dwelling,
- Installation of an inclinor,
- Installation of a new wastewater system, and
- Tree removal and landscaping.

The Panel viewed the site and its environmental setting from the water and inspected the site and its surrounds on foot. At the public meeting which followed the Panel was addressed by eight residents and two representatives of the applicant. The Panel was also addressed by the Rural Fire Brigade.

#### DECISION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. N0421/17 for Demolition of an existing dwelling and construction of a new dwelling at Lot 100 DP 1159901, 4 The Chase, Lovett Bay subject to the conditions and for the reasons set out in the Assessment Report and subject to the following:

1. Reference to the Landscape Plan, prepared by CAB Consulting Pty Ltd, dated 18 January 2018 is to be deleted from the draft determination.
2. The amendment of condition C11 as follows:
  - C11. The Landscape Plan, prepared by CAB Consulting Pty Ltd, dated 18 January 2018 is to be amended to be consistent with *Planning for Bushfire Protection 2006* and as follows:
    - a. Three (3) additional locally native canopy trees, with a minimum maturity size of 8.5m and a minimum pot size of 100L, and
    - b. At least half the area occupied by the former tennis court is to be converted to a planting area, with at least two (2) locally native canopy trees with a minimum maturity size of 8.5m and a minimum pot size of 100L.
3. The amendment of condition C13 as follows:
  - C13. The approved Schedule of Materials and Finishes referenced in this consent is to be amended to replace the proposed use of Colorbond 'Windspray' with Colorbond 'Basalt' for the roofing, gutters and flashings.

#### Vote: 4/0

Reasons for decision:

The Panel was satisfied that the proposed development is suitable for the site and having regard to relevant bushfire requirements and the context of surrounding developments and the Panel accepts the officers assessment of the application subject to the amendments to the recommended conditions above.

### 3.3 DA242/2017 - 161 CONDAMINE STREET BALGOWLAH - DEMOLITION OF EXISTING DWELLING HOUSE, CONSTRUCTION OF A DUAL OCCUPANCY, SWIMMING POOL AND STRATA SUBDIVISION

#### PROCEEDINGS IN BRIEF

The proposal seeks consent for:

- Demolition of the existing dwelling;
- Construction of a dual occupancy with four-car basement car park;
- Swimming pool; and
- Strata subdivision.

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

#### DECISION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA242/2017 for Demolition of existing dwelling house, construction of a dual occupancy, swimming pool and strata subdivision at Lot 9 DP 8303, 161 Condamine Street, Balgowlah subject to the conditions and for the reasons set out in the Assessment Report and subject to the following:

1. The following deferred commencement conditions must be complied with to the satisfaction of Council prior to the operational Development Consent.
  - A. Further details are to be provided regarding the access to the proposed garage from Condamine Street demonstrating detailed levels of the transition from the roadway to the garage door and details showing the extent of works to be undertaken on the public roadway
  - B. Further details of the turning movements for all car spaces demonstrating that vehicles can safely and satisfactorily enter and exit the site in a forward direction and manoeuvre into and out of each car space in accordance with relevant Australian standards.
  - C. Specific details of the OSD Concept Plan including location and discharge arrangements.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the condition to the deferred commencement consent. If the applicant fails to satisfy council as to the above matters within 12 months from the date of determination this consent will lapse.

2. The addition of condition 22A as follows:

#### 22A (2US01)

Section 94 contribution is to be paid for the provision of or increase in the demand for public amenities and public services as a consequence of the development in the area. The total contribution for this development of demolition, construction of a dual occupancy is \$20,000.00, being \$20,000.00 per additional dwelling. This contribution shall be paid to Council after completion of the remediation works.

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

**Vote: 4/0**

## Reasons for decision:

The Panel finds the Clause 4.6 submission in respect of floor space and the Clause 4.6 submission in respect of lot size are well founded. The Panel found the development to be satisfactory and endorsed the recommendations in the council officers report, with the exception of access from Condamine street into the development and safe manoeuvrability in the proposed carpark. The Panel also found that further details were required in relation to proposed draining of the site.

### 3.4 DA260/2017 - 9A LEWIS STREET BALGOWLAH HEIGHTS - DEMOLITION WORKS AND TWO LOT TORRENS TITLE SUBDIVISION

#### PROCEEDINGS IN BRIEF

The proposal seeks the demolition of the existing dwelling and two lot Torrens Title subdivision.

The Panel viewed the site and its surrounds. At the public meeting which followed there were no members of the public present to make a submission.

#### DECISION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA260/2017 for demolition works and two lot Torrens Title subdivision at Lot B DP 407195, 9A Lewis Street, Balgowlah Heights subject to the conditions and for the reasons set out in the Assessment Report and subject to the following:

1. The following deferred commencement condition must be complied with to the satisfaction of Council prior to the operational Development Consent.
  - A. Evidence is to be submitted of the registration of an easement to convey stormwater from the subject site to Beatrice Street and associated engineering plans for the design of inter-allotment stormwater line in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and related Australia Standard.  
*Reason: To ensure compliance with Council's specification for engineering works.*

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the deferred commencement consent. If the applicant fails to satisfy council as to the above matters within 12 months from the date of determination this consent will lapse.

#### Vote: 4/0

Reasons for decision:

The Panel found that the Clause 4.6 submission in respect of the minimum lot size requirement was well founded. The Panel was not satisfied that an easement is in place and the stormwater disposal system was satisfactory and therefore imposed a deferred commencement condition to ensure compliance Council's engineering requirements and to ensure orderly development. The Panel otherwise endorsed the council officers report and recommendations.



### 3.5 DA2017/1136 - 209 - 211 OCEAN STREET NARRABEEN - ALTERATIONS AND ADDITIONS TO A SHOP TOP HOUSING DEVELOPMENT

#### PROCEEDINGS IN BRIEF

The development application is for alterations and additions to an existing part two / part three storey shop top housing building for the purposes of constructing an additional unit above the two storey western portion of the building.

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

#### DECISION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2017/1136 for Alterations and Additions to a shop top housing development at Lot CP SP 89359, 209 - 211 Ocean Street, Narrabeen subject to the conditions and for the reasons set out in the Assessment Report and subject to the following:

1. The amendment to condition 2 as follows:

2. **Amendments to the approved plans**

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

- The air conditioning units and associated louvre screening shall be relocated elsewhere on the roof terrace (RL18.560) and in the vicinity of the lift overrun, stairwell and lightwell. No part of the air conditioning units and associated louvre screening shall be of a height greater than the lift overrun (RL20.850). 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. (DACPLB02)

**Vote: 4/0**

Reasons for decision:

The Panel finds the Clause 4.6 submission in respect of building height is well founded. The Panel found the development to be satisfactory and endorsed the recommendations in the council officers report, subject to the amendment of condition 2 requiring the air conditioning units to be relocated in a position so as to mitigate any visual impacts and any unreasonable impacts upon neighbours.

## 4.0 REVIEW OF DETERMINATIONS

### 4.1 REV2018/0003 - 43 BOORALIE ROAD TERREY HILLS - REVIEW OF DETERMINATION OF MODIFICATION OF DEVELOPMENT CONSENT DA2017/0233 TO MODIFY THE HOURS OF OPERATION OF AN APPROVED SERVICE STATION

#### PROCEEDINGS IN BRIEF

The application has asked that several conditions imposed in the approved MOD2017/0223 be reviewed by an alternate Panel. The conditions requested for amendment were 36 and 36B.

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

#### DECISION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. REV2018/0003 for review of determination of modification of development consent DA2017/0233 to modify the hours of operation of an approved service station at Lot 1 DP 545812, 43 Booralie Road, Terrey Hills and that condition 36 and 36B be retained.

**Vote: 4/0**

Reasons for decision:

The Panel recognises that the subject site is a sensitive site with potential amenity impacts in terms of noise disturbance. No evidence was put to the Panel by any representative of the applicant to justify any variation to the original condition. Reference to Operational Noise Management Plan requires the installation of various acoustic barriers which are likely to satisfy the noise criteria. As there is no certainty at this stage to their success, the trial period will enable final assessment of this issue.

## **5.0 PLANNING PROPOSALS**

Nil

## **6.0 CATEGORY 3 APPLICATIONS**

Nil

## **7.0 RETURN OF DISCLOSURE OF PECUNIARY INTEREST**

Disclosure of pecuniary interest and other matters were submitted in accordance with the Code of Conduct for the following panel members:

- Lesley Finn (Chair)
- Brian Kirk
- Robert Hussey
- John Simmonds
- Peter Biscoe (Chair)

*The meeting concluded at 5.50pm*

This is the final page of the Minutes comprising 11 pages  
numbered 1 to 11 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 21 March 2018.