

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 5 DECEMBER 2018

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 5 December 2018
at Council Chambers, Civic Centre, Dee Why
Commencing at 1:00pm**

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Brian Kirk	Town Planner
Annelise Tuor	Town Planner
Nick Lawther	Community Representative

1.0 DECLARATIONS OF INTEREST

Mr Nick Lawther has declared a perceived conflict of interest in relation to item 3.5 concerning 22 Redman Road, Dee Why and took no part in the site inspection, the public meeting and deliberations of this matter.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 4 DECEMBER 2018

The Minutes of the Northern Beaches Local Planning Panel held 4 December 2018, have not yet been adopted by the Chairperson and posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2018/1113 - 1753 PITTWATER ROAD, MONA VALE - CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The application seeks consent for the construction of a shoptop development at the subject site. Specifically, the application proposes:

- the retention of the existing commercial building fronting Pittwater Road, with a gross floor area of 1014m²
- the demolition of the existing at-grade parking area
- the construction of a four storey shoptop housing development over two levels of basement carparking fronting Bungan Lane, comprised of:
 - a new ground floor commercial tenancy with a gross floor area of 49.7m²,
 - 24 x retail parking spaces, inclusive of 1 space for people with disabilities
 - 16 x residential spaces
 - 2 x residential visitor spaces
 - 4 x 1 bedroom apartments
 - 4 x 2 bedroom apartments
 - 2 x 3 bedroom apartments

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 ON EXCEPTION TO DEVELOPMENT STANDARD

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify a contravention of clause 4.3 height of buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/1113 for construction of a Shop Top Housing development and strata subdivision at Lot 1 DP 715158, 1753 Pittwater Road, Mona Vale subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

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

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

- a. The open grill gate at the eastern end of the ground floor lobby is to be removed.
- b. The lift overrun is not to extend above RL 22.15m AHD.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issuance of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

2. The amendment of condition 53 to read as follows:

The following parking and access arrangements/requirements are to be maintained for the life of the development:

- a. Residential parking spaces and basement storage areas are to be allocated/subdivided in accordance with the allocation shown on the Approved Plans referenced in this consent,
- b. All 24 x commercial/retail parking spaces (inclusive of the 12 x spaces on the ground floor and 12 x spaces within the basement floor) are to be accessible to the public during business hours of any/all commercial/retail premises at the subject site,
- c. Accessible public access is to be maintained through the ground floor and to/from all 24 x commercial/retail parking spaces during business hours of any/all commercial/retail premises at the subject site.

Reason: To ensure consistency with the development consent and maintain appropriate public access to the commercial/retail components of the subject site.

3. The amendment of condition 28 to read as follows:

Landscape completion certification

Prior to the issue of any occupation certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the detailed landscape plan required by condition 17.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

4. The amendment of condition 29 to read as follows:

Landscape Maintenance

Evidence of an agreement for the maintenance of all plants, in the detailed landscape plan required by condition 17, for a period of twelve (12) months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the final Occupation Certificate.

Reason: To ensure landscaping will be appropriately maintained.

5. The amendment of condition 31 to read as follows:

Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of a positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land.

Vote: 4/0

3.2 MOD2018/0534 - 209-211 OCEAN STREET, NARRABEEN - MODIFICATION OF DA2017/1136 GRANTED FOR ALTS AND ADS TO A SHOP TOP HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

This modification application to Development Consent DA2017/1136 is lodged pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 and seeks to modify the approved plans of the building. Specifically, the application seeks consent for the following items:

- Internal reconfiguration of approved Unit 8 of the development (unbuilt, and approved under DA2017/1136)
- Upgrade lift shaft to provide access to the roof terrace level from the lift, equating to a change in height from RL20.850 to RL21.510
- Construction of a small glazed lobby at roof level to provide weather coverage from the lift
- Enclosure of existing stairwell that provides access to the roof terrace
- Addition of two skylights
- Relocation of air conditioning units and associated screening in accordance with Condition 2 of DA2017/1136

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 ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2018/0534 for modification of development consent DA2017/1136 granted for alterations and additions to a shop top housing development at SP 89359, 209-211 Ocean Street, Narrabeen subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.3 MOD2018/0494 - 69 PITTWATER ROAD, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA181/2012 GRANTED FOR DEMOLITION OF THE EXISTING BUILDINGS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal seeks consent for the following modifications to Development Consent No. 181/2012:

- Construction of basement storage areas (two general and one to house archival records relating to the heritage of the site);
- Modification of courtyard privacy screening for units 103B and 104B;
- Minor internal reconfiguration to units 205A and 305A;
- Removal of service meter enclosures (service meters being screen previously relocated to basement);
- Changes to balustrades in the lobbies of Building B Level 2, 3, and 4;
- Relocation of laundries for units 301B and 401B;
- Modification of kitchens for units 202B and 402B;
- Removal of screened plant enclosure on the roof of Building B (air conditioning units being screened previously relocated to individual unit balconies);
- Reduction in external northern screening to Building B;
- Modification to northern windows at Levels 1 and 2 to units 102B and 103B;
- Relocation of privacy blades on eastern balconies of Building B;
- Increased sill height of northern facade of balconies for units 205A and 305A; and
- Obscure glazing added to the bedrooms at Level 2 of units 102B and 103B.

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 ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2018/0494 for Modification of Development Consent DA181/2012 granted for demolition of the existing buildings and construction of a mixed use development at Lots A and B DP 307310 and Lot 1 DP 638360, 69 Pittwater Road, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.4 MOD2018/0193 - 18-19 THE STRAND, DEE WHY - MODIFICATION OF DEVELOPMENT CONSENT DA2005/1227 GRANTED FOR SHOP TOP HOUSING, RESTAURANT, CAFE, RETAIL SHOP AND BASEMENT PARKING

PROCEEDINGS IN BRIEF

The modification of consent is described by the applicant as follows:

- Basement B2 - Provide additional basement parking level. (20 Parking spaces (including 2 visitor spaces: 1 standard & 1 DDA space).
- Basement B1 - Modify parking layout including ramp to B2 level, restaurant auxiliary (back-of house) space, staff change room and bathroom, lift access, storage, relocate fire access and relocate customer toilets.
- Ground Level GL - Relocate fire egress, relocate bathroom to B1, Reconfigure (enlarge) restaurant / retail areas, fire hydrant, ATM facility, lift access, waste storage rooms, general storage & DDA access changes.
- Apartment Level L1 - Modify internal unit layouts, including bedroom mix, improve internal accessibility and internal ceiling height increase.
- Apartment Level L2 - Modify internal unit layouts, including bedroom mix, improve internal accessibility and internal ceiling height increase.
- Apartment Level L3 - Modify internal unit layouts to increase number of smaller units (2 large Units into 4 smaller Units), improve internal accessibility. Internal ceiling height increase.
- Roof Level RLvl - Add solar panels, increase roof deck area around pool, restrict access from within Unit 9 only. Locate air conditioner motors from L1 to L3 light well to the central roof top area.
- Elevations - Modify ground floor façade and street façade to L2 & L3. Selected window changes and minor changes to suit internal layout modifications.

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

The Panel also considered a late written submission from Jennifer Truman.

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2018/0193 for modification of development consent DA2005/1227 granted for shop top housing, restaurant, cafe, retail shop and basement parking at Lot 10 Sec 8 DP 6953, 18-19 The Strand, Dee Why subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of a condition as follows:

The awning over the balcony of unit 12 is to extend no further north than the northern edge of that balcony.

Reason: To minimise encroachment of the established view line.

Vote: 4/0

3.5 DA2018/0304 - 22 REDMAN ROAD, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE DEVELOPMENT

PROCEEDINGS IN BRIEF

The applicant seeks consent for demolition works and the construction of a boarding house with basement car parking.

The development is commonly referred to as a '*new generation boarding house*' which essentially means that each room is self-contained.

The application was originally lodged under the provisions of SEPP ARH. The WLEP 2011 also permits Boarding Houses with consent in the R2 Low Density Residential zone.

During the assessment, it was confirmed that the proposal does not meet the location requirements of the SEPP. The applicant subsequently requested that the application be assessed under the WLEP 2011.

The development includes the following works:

- Demolition of all existing structures on site
- Site preparation works, including excavation for the basement carpark
- The construction of a two storey, 15 room boarding house (rooms of between 13sqm and 23.2sqm in area) including 1 managers unit with a basement car park
- The construction of a new driveway, pedestrian pathways, paving and bin enclosure
- Site landscaping

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

The Panel notes that the development application assessment report identifies the responsible officer as Daniel Milliken whereas in fact it is Steve Findlay, manager development assessment.

Nick Lawther declared a perceived conflict of interest and took no part in the site inspection, the public meeting and the deliberations of this matter.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/0304 for demolition works and construction of a boarding house development at Lot K DP 402030, 22 Redman Road, Dee Why for the following reasons:

1. The Warringah LEP 2011 clause 6.4 (3)(c) prescribes that development consent must not be granted to development on the subject land unless the consent authority is satisfied that the development will not impact on or affect the existing subsurface flow conditions. Pursuant to Warringah DCP 2011 clause E10, a preliminary assessment of site conditions determined that a geotechnical report was required. That report was prepared by a suitable qualified geotechnical engineer. Under clause E10 a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/hydrological engineer, was required to be submitted. No such hydrological assessment has been submitted. In the circumstances the Panel is not satisfied that the development will not impact on or effect the existing subsurface flow conditions.
2. The Warringah LEP 2011 states that the objectives of the relevant zone (R2 Low Density Residential) include "*to provide for the housing needs of the community within a low density*

residential environment.” The proposed boarding house, by reason of its scale, number of occupants and intensity of use is inconsistent with the low density residential environment of that objective.

3. The cumulative impact of the bulk, scale, basement car parking, driveway, building density change in level between properties, the orientation of the boarding house rooms to adjoining properties, the need for extensive privacy screening and acoustic wall result in a development that does not meet the objective of the Warringah DCP 2011 *“to ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.”*
4. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* the subject site is not suitable for the proposed development. In this regard, the proposed means of pedestrian access to and from the nearest public transport and services is unsatisfactory. The necessity for pedestrians to negotiate a series of 71 steps over a distance of 70 metres in order to access the town centre and bus stops does not meet the objective of the Warringah DCP 2011 *“to provide a high level of access to... the development.”*
5. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, for the above reasons the proposed development is not in the public interest.

Vote: 3/0

The meeting concluded at 5:30pm

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 5 December 2018.