

## Memo

Planning Place & Community

**To:** Councillors

**From:** Kylie Walshe  
Acting General Manager Planning Place & Community

**Date:** 21 June 2018

**Subject:** Item 11.5 – Additional attachment – Northern Beaches Local  
Planning Panel Minutes

**Record Number** 2018/373382

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Council will consider a report on the Planning Proposal – Response to Low Rise Medium Density Code (Item 11.5) at the 26 June Council Meeting. The report seeks approval to submit a Planning Proposal to the Department of Planning and Environment to enable deferral from the Low Rise Medium Density Housing Code.

The report was presented to the Northern Beaches Local Planning Panel on 20 June 2018 and these minutes are attached for Councils consideration of the Item.

Should you require any further information raised in this memo please contact my office 9942 2652.



Kylie Walshe  
Acting General Manager Planning Place & Community



northern  
beaches  
council

# MINUTES

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

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

**WEDNESDAY 20 JUNE 2018**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 20 June 2018  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1.00PM**

**ATTENDANCE:**

**Panel Members**

Lesley Finn	Chair
Steve Kennedy	Urban Design Expert
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 6 JUNE 2018**

The Minutes of the Northern Beaches Local Planning Panel held 6 June 2018, were adopted by the Chairperson and have been posted on Council's website

### 3.0 NORTHERN BEACHES LOCAL PLANNING PANEL REPORTS

#### 3.1 MOD2018/0121 - 22 TRAMORE PLACE, KILLARNEY HEIGHTS - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0645 GRANTED FOR CONSTRUCTION OF A CHILD CARE CENTRE WITH BASEMENT CARPARK AND SIGNAGE

##### PROCEEDINGS IN BRIEF

The modifications to the approved childcare centre include:

- Substituting the masonry driveway wall with a palisade fence on the northern portion of the eastern boundary facing the public reserve
- Adding a window drencher shut off valve on the Tralee Ave boundary
- Substituting the blockwork fence facing Tralee Avenue and the Public Reserve with a palisade fence with acoustic Perspex and timber sleepers
- Adding a Colorbond fence along the western residential boundary
- Adding two windows above the driveway entry on the northern elevation
- Confirming the type of finish used to clad the fire egress stairs on the first floor balcony (James Hardie weatherboard)
- Deletion of the basement carpark ventilation duct and louvres
- The addition of a roof cowl
- The relocation of several stormwater pits within the basement
- The relocation of the disabled car space within the basement
- Minor internal alterations to the lobby, stairs, bike store and bin store within the basement
- Minor internal alterations to the ground floor layout

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 DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2018/0121 for modification of development consent DA2016/0645 granted for Construction of a child care centre with basement carpark and signage at Lot 2 DP 1216924, 22 Tramore Place, Killarney Heights subject to the conditions and for the reasons set out in the Assessment Report.

##### Vote for approval: 4/0

Reason: The Panel agreed with the Council officers report that the modifications were of a minor nature and achieved a better planning and environmental outcome.

### 3.2 DA2018/0395 - 42-46 GOVERNMENT ROAD, BEACON HILL - UPGRADE AND EXTENSIONS TO AN EXISTING TELECOMMUNICATIONS FACILITY (MOBILE PHONE BASE STATION)

#### PROCEEDINGS IN BRIEF

The proposal is for a upgrade and extension to an existing mobile phone base station.

Works consist of the following:

- The extension in the height of the existing monopole structure by 6.4m;
- The installation of a Headframe on the proposed extension bringing the total height of the structure from 35m to 41.40m;
- The installation of three (3) panel antennas on the proposed headframe;
- The installation of ten (10) Remote Radio Units (RRUs) on the proposed headframe;
- The installation of ancillary equipment including feeder cables, the aforementioned RUs, and an GPS antenna.

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 EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not 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 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 not 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, **refuses** Application No. DA2018/0395 for upgrade and extensions to an existing telecommunications facility (mobile phone base station) at Lease Plan Lot 3 DP 851446 and Part Lot 54 DP 1175875, 42-46 Government Road, Beacon Hill subject to the conditions and for the reasons set out in the Assessment Report.

#### Vote for refusal: 4/0

Reason:

1. The Panel refuses the application for the reasons for refusal given in the Council report.
2. The Panel was not satisfied that all options for alternative locations had been fully investigated by the applicant.
3. The Panel was of the view that the visual impact of the additional height and antennae was unacceptable and not in the public interest.
4. The colocation argument put forward by the applicant was not compelling.
5. The Panel was of the view that the clause 4.6 application was not well founded.

### 3.3 MOD2018/0180 - 77 BOWER STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA269/2015 GRANTED FOR CONSTRUCTION OF A DWELLING HOUSE.

#### PROCEEDINGS IN BRIEF

The proposed modifications that are identified in red on the plans and have been completed on-site include:

##### Level 00 Entry

- Swimming pool adjusted to remove the full surround coping. The pool alignment with masonry entry wall 3790mm from the western boundary (adjusted from 4690mm)
- Internal stair adjusted to accommodate the adjusted floor level rl 25.5 to rl 26
- Service area reconfigured to allow for a light well void
- Gym reconfigured
- Minor adjustments to internal bathroom

##### Level 01 Living Plan

- Powder room relocated
- Bathroom relocated
- Floor level adjusted from RL 25.5 TO RL 26.0
- Laundry/cellar reconfigure
- Adjustment to stair shape and provision of an entry platform

##### Level 02 Bedrooms Plan

- Main bed ensuite reconfigured

##### Roof

- Roof overhang deleted - parapet to street front
- Delete lift overrun

The proposed modifications that are identified in red on the plans and have not been completed on-site include:

- The removal of the tree adjacent to the western boundary and deletion to consent condition ANS04 which is as follows:

*"The existing tree near the western boundary, adjacent to the proposed terrace to Level 01, is to be retained and protected during all stages of construction. Plans are to be suitably amended, prior to issue of any Construction Certificate.*

*Reason: To preserve privacy between No.77 and No.81 Bower st."*

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

#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2018/0180 for modification of development consent DA269/2015 granted for construction of a dwelling house at Lot 74 DP 8075, 77 Bower Street, Manly subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. Condition C (ANS03) being retained as per the original approval.

**Vote for approval: 4/0**

Reason: The Panel adopts the reasons set out in the Council officers report, subject to condition C (ANS03) being retained as per the original approval.

Condition ANS03 does not relate to the modifications sought in the section 4.55 modification.  
*1643 Pittwater Road Pty Ltd v Pittwater Council [2004] NSWLEC 685.*

Note: The Panel noted the submissions from adjoining property owners in relation to the cabana structure and issues related to the impact of any use of the cabana on their residences. The Panel also noted the advice of the applicant's architect that the width of the structure connecting the house to the cabana was approximately 1.6 metres in width.



### **3.4 DA2017/1063 - 876 PITTWATER ROAD, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT**

#### **PROCEEDINGS IN BRIEF**

The development application seeks consent for demolition works and the construction of a shop top housing development.

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

#### **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 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. DA2017/1063 for demolition works and construction of a shop top housing development at Lots 2-4 DP 9900, 876 Pittwater Road, Dee Why subject to the conditions and for the reasons set out in the Assessment Report.

#### **Vote for Deferral: 2**

Reason: To allow for a 6 week deferral to allow for the applicant to provide the adjoining land owner a copy of the valuation report prepared by M3 Property dated 14 April 2018 used as the basis for the offer to purchase 874 Pittwater Road, Dee Why, consistent with Council's controls encouraging site amalgamation.

#### **Vote for Approval: 2**

Reason: The Chair was satisfied that the applicant had made an offer to purchase 874 Pittwater Road, Dee Why on the basis of the recent valuation report prepared by M3 Property dated 14 April 2018.

#### **Chair casting vote: Approval**

### 3.5 DA2017/1294 - 9-15 LAWRENCE STREET, FRESHWATER - DEMOLITION WORKS AND THE CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

#### PROCEEDINGS IN BRIEF

This development application seeks consent for demolition works and the construction of a three storey shop top housing development across two allotments. Specifically consent is sought for:

- Demolition of existing one and two storey retail and shop top housing buildings and associated outbuildings;
- Construction of a three-storey shop top housing development, comprising;
  - 23 residential units;
  - 185m<sup>2</sup> of ground level retail floorspace;
  - 410m<sup>2</sup> of communal open space on the first floor podium;
  - 46 car parking spaces (35 residential, 11 retail) and a loading dock on the ground floor;
- Removal of five trees (with eight trees to be retained and protected);
- Associated landscaping works.

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

#### 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 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. DA2017/1294 for demolition works and the construction of a shop top housing development at Lot A DP 356986 and Lot CP SP 1172, 9-15 Lawrence Street, Freshwater subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

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

The portions of wall annotated as "subject to future detail to the satisfaction of Council" on Drawing No. 10524 DA-101 (Issue D dated 21 June 2018 by Nettleton Tribe) are to be faced with timber cladding or panelling or other natural materials, such as stone facing, for the full height of the wall for the portions specified.

The eastern facing portion of the boundary wall is to be recessed no less than 200mm to accommodate the proposed panelling.

Reason: To address the visual impact of blank walls in these locations.

**Vote for approval: 4/0**

Reason: The Panel was satisfied that the development warranted approval subject to conditions and for the reasons set out in the Council officers report, subject to the deferred commencement condition in relation to the cladding.

## **4.0 REVIEW OF DETERMINATIONS**

Nil

## **5.0 PLANNING PROPOSALS**

### **5.1 RESPONSE TO LOW RISE MEDIUM DENSITY CODE**

#### **PROCEEDINGS IN BRIEF**

A Planning Proposal has been prepared which prohibits:

- manor houses and multi-dwelling housing (including terraces) in zone R2 Low Density Residential zone under the Manly LEP 2011;
- dual occupancy in zone R2 Low Density Residential zone under the Manly LEP 2011 and Pittwater LEP 2014; and
- multi-dwelling housing and dual occupancies in the R3 Zone in the Warriewood Valley under Pittwater LEP 2014.

At the public meeting the Panel was addressed by the Executive Manager Strategic Planning who outlined the rationale behind the recommendation.

#### **RECOMMENDATION**

That the Northern Beaches Local Planning Panel supports the recommendation as detailed in the planning report by the Principal Planner as follows:

- A. Council submit a Planning Proposal to the Department of Planning and Environment to ensure local planning controls continue to both meet the strategic intent of Council's low density residential zones and to defer the commencement of the Low Rise Medium Density Code.
- B. Council write to the Minister for Planning to seek exemption from the Low Rise Medium Density Housing Code.

## 6.0 CATEGORY 3 APPLICATIONS

Nil

*The meeting concluded at 5.42pm*

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 20 June 2018.