

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 17 JULY 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 17 July 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Lesley Finn	Chair
Brian Kirk	Town Planner
Annelise Tuor	Town Planner
John Simmonds	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 3 JULY 2019

That the Minutes of the Northern Beaches Local Planning Panel held 3 July 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2019/0146 - 57 WARRIEWOOD ROAD, WARRIEWOOD - CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The proposal seeks approval for the construction of a new two storey dwelling and attached garage.

The Panel viewed the site and its surrounds. At the public meeting which followed there were no registered speakers.

DECISION ON DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/0146 for Construction of a dwelling house at Lot 1 DP 1206507, 57 Warriewood Road, Warriewood subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.2 MOD2019/0051 - 23 LAUDERDALE AVENUE, FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA2017/1304 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF 4 ATTACHED DWELLINGS AND 4 LOT TORRENS TITLE SUBDIVISION

PROCEEDINGS IN BRIEF

The proposed modification involves change in levels, increased height of the dwellings and reconfiguration of vehicular access to Unit 1.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 2 representatives of the applicant.

DECISION ON MODIFICATION ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. MOD2019/0051 for Modification of Development Consent DA2017/1304 granted for demolition works and construction of 4 attached dwellings and 4 lot Torrens Title subdivision at Lot 1 DP 168846 & Lot 1 DP 1087552, 23 Lauderdale Avenue, Fairlight subject to the following reasons for refusal:

1. The original development approval resulted in view loss to 42 Lauderdale Avenue, however this was reasonable given that the proposal complied with the height control under clause 4.3 of Manly Local Environmental Plan 2013. The proposed amendments will further increase the view loss to this property from what would become a non-compliant development.
2. There is no justification to demonstrate that a non-compliant development is reasonable given the increased impact.

Vote: 4/0

3.3 DA2018/1886 - 10 COURTLEY ROAD, BEACON HILL - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The application consists of the demolition of an existing dwelling house and the erection of a new two storey dwelling house.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 1 neighbour.

The Panel note that the balcony, which was the subject of the objectors concern, is being reduced and that the proposal would achieve acceptable privacy and solar access to the adjoining property, no 14 Courtley Road, Beacon Hill.

DECISION ON DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/1886 for Demolition works and construction of a dwelling house at Lot 7 DP 238331, 10 Courtley Road, Beacon Hill subject to the conditions and for the reasons set out in the Assessment Report, subject to the following as advised in the supplementary memo to the Panel dated 16 July 2019:

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

Amendments to the Approved Plans

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

The balcony off "Bed1" is to be reduced in size, by reducing the length of the balcony by 2.2m. This is to be achieved by increasing the setback of the balcony from the eastern boundary adjoining No.14 Courtley Road and to ensure the balcony is in line with the setback of the south-east elevation of the 1st floor, as referred to in the plans in condition 1.

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.

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

Policy Controls

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$9,659.49 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$965,949.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

3. The deletion of condition 9.

Vote: 4/0

3.4 DA2018/1761 - 24 AITKEN AVENUE, QUEENSCLIFF - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING, AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposed development includes demolition of the existing residential flat building and construction of a new residential flat building and strata subdivision.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by 3 neighbours and 3 representatives of the applicant.

DECISION ON DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/1761 for demolition works and construction of a residential flat building, and strata subdivision at Lot CP SP 30021, 24 Aitken Avenue, Queenscliff for the following reasons.

1. The proposed development does not satisfactorily respond to the principles outlined in *Fodor Investments v Hornsby Shire Council* relating to existing use rights. The proposed development is inconsistent with the prevailing bulk, scale, density and height of development in Aitken Avenue. In particular, the proposed development results in a depth of excavation and a building mass and scale uncharacteristic of the existing and future desired character of Aitken Avenue and will result in unacceptable visual impacts upon the public domain.
2. The level of excavation proposed does not result in good planning and design in relation to amenity for future occupants of the proposed development. In particular, The excavation would provide poor amenity to the bedrooms in the proposed development which are up to 9 metres below adjoining ground level.
3. The information provided by the geotechnical report is not adequate because insufficient investigations have been carried out to fully assess the impacts relating to required support structures for adjacent structures. In addition, the extent of excavation required for the proposal will result in an inappropriate level of impact upon neighbouring dwellings.
4. The design of bedroom 3 to each unit represents poor design and poor amenity for the future occupants because of the likely incidence of noise transfer from the adjoining unit to each bedroom 3.

Vote: 4/0

The meeting concluded at 3.24pm

This is the final page of the Minutes comprising 8 pages
numbered 1 to 8 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 17 July 2019.