



northern  
beaches  
council

# MINUTES

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

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

**WEDNESDAY 3 JULY 2019**

**Minutes of a Meeting of the Northern Beaches Local Planning Panel  
held on Wednesday 3 July 2019  
at Council Chambers, Civic Centre, Dee Why  
Commencing at 1.00pm**

**ATTENDANCE:**

**Panel Members**

Peter Biscoe	Chair
Steve Kennedy	Urban Design Expert
Graham Brown	Town Planner
Peter Cotton	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 26 JUNE 2019**

The Minutes of the Northern Beaches Local Planning Panel held 26 June 2019, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 DEVELOPMENT APPLICATIONS

#### 3.1 DA2019/0114 - 267 CONDAMINE STREET, MANLY VALE - DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT, COMPRISING 27 DWELLINGS, 4 RETAIL TENANCIES AND CARPARKING

##### PROCEEDINGS IN BRIEF

The application seeks consent for the demolition of all existing structures and the construction of a four storey shop top housing development over two levels of basement car parking.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two representatives 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 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 standards 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. DA2019/0114 for demolition of the existing building and construction of a shop top housing development, comprising 27 dwellings, 4 retail tenancies and carparking at Lot A & Lot B DP 39108, 267 Condamine Street, Manly Vale subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

### **3.2 MOD2018/0683 - 559-563 SYDNEY ROAD & 42 ETHEL STREET, SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT 139/2015 GRANTED FOR DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MIXED USE DEVELOPMENT**

#### **PROCEEDINGS IN BRIEF**

The modification application has been lodged seeking to modify Condition ANS18 of Development Consent No. 139/2015 on 19 November 2015 as modified on 16 March 2017.

The applicant has requested that the condition be amended as per the recommended condition to amend an error with the storage size, so as to reference cubic metres rather than square metres.

The modification application also proposes the following works:

#### Second Floor

- Bedroom 2 and bedroom 3 and the ensuite in the master bedroom of Unit 11 are to be extended to abut the boundary at the rear of 42 Ethel Street. This will result in increasing the gross floor area by 8.45sqm.
- The planter boxes between bedroom 2 and bedroom 3 and the master bedroom and living room of unit 11 are to be extended to abut the boundary at the rear of 42 Ethel Street.
- The wall on the eastern boundary between Unit 6 and Unit 9 is to be removed.

#### Third Floor

- The balcony in Unit 12 is to be contained into the master bedroom, increasing the gross floor area by a total of 3.94sqm.
- The roof over unit 4, unit 5 and unit 6 on the second floor is to be utilised as balconies for unit 12 and unit 13 on the third floor with glass balustrades.
- A wall is proposed to provide separation between the proposed balconies associated with Unit 12 and Unit 13.
- The storeroom, bedroom 1 and the ensuite of the master bedroom and the living room in Unit 18 as to be extended to abut the boundary at the rear of 42 Ethel Street, increasing the GFA by a total of 11.84sqm.
- The wall on the eastern boundary between Unit 13 and Unit 16 is to be removed.

#### Fourth Floor

- The planter box between the master bedroom and the living room in Unit 21 to be extended to abut the service laneway at the rear of 42 Ethel Street.
- The wall on the eastern boundary between Unit 19 and Unit 20 is to be removed.

#### Finishes

- Finishes approved as terra cotta tiling are to be replaced by aluminium composite panel cladding in light grey.

#### FSR

- Increase the gross floor area by 24.23sqm resulting in a total gross floor area of 2917.67m<sup>2</sup> (excluding arcade) and an FSR of 2.61:1.

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. MOD2018/0683 for Modification of Development Consent 139/2015 granted for Demolition of existing structures and construction of a mixed use development at Lot D DP 390953 & Lot 101 DP 738317 & Lot 11 DP 597990, 559-563 Sydney Road & 42 Ethel Street, Seaforth subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

### 3.3 DA2018/1755 - 15 WINSOME AVENUE, NORTH BALGOWLAH - SUBDIVISION OF ONE LOT INTO TWO LOTS AND CONSTRUCT NEW DRIVE

#### PROCEEDINGS IN BRIEF

The proposal involves the subdivision of the existing lot into two new lots, in a battle axe type arrangement. The proposal will retain the existing house situated at the northern end of Lot 240, and construct a driveway on the western side of the site to access the new rear lot.

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 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 4.1 Minimum Subdivision Lot Size 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 standards and the objectives for development within the zone in which the development is proposed to be carried out.

#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/1755 for subdivision of one lot into two lots and construct new driveway at Lot 24 DP 6723, 15 Winsome Avenue, North Balgowlah for the following reasons:

1. The requirements of clause 4.6 of the Warringah Local Environmental Plan 2011 are not satisfied.
2. The proposed development does not meet the prescribed minimum lot size.
3. The access driveway is inadequate in width.
4. The amount of fill required for the driveway to be constructed is excessive and unacceptably requires the alteration of the natural landform.
5. The proposed driveway requires unacceptable alterations to the existing dwelling to enable emergency access to be provided.
6. The access driveway requires the removal or covering of natural rock outcrops.
7. The proposed subdivision will create an inconsistent subdivision pattern with other lots on the southern side of Winsome Avenue.
8. The potential impact on the amenity of the property adjoining the proposed access driveway is unacceptable due to the close proximity to the dwelling on that property.

Vote: 4/0

### 3.4 DA2018/1930 - 118 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO THE BUILDING AND CHANGE OF USE TO AN ATTACHED DUAL OCCUPANCY

#### PROCEEDINGS IN BRIEF

The application seeks consent for alterations and additions to the existing building, to facilitate a dual occupancy at the subject site.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by a representative for two neighbours and three representatives 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 Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio 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 standards and the objectives for development within the zone in which the development is proposed to be carried out.

#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2018/1930 for alterations and additions to the building and change of use to an attached dual occupancy at Lot 29 DP 3806, 118 Bower Street, Manly for the reasons set out in the Assessment Report.

Vote: 4/0

### 3.5 MOD2019/0024 - 43 BOORALIE ROAD, TERREY HILLS - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0523 GRANTED FOR DEMOLITION WORKS, CONSTRUCTION OF A SERVICE STATION AND SIGNAGE

#### PROCEEDINGS IN BRIEF

The proposal seeks retrospective approval for an increase in the height of the service station canopy from 5.5m to 6.0m.

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

#### DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2019/0024 for Modification of Development Consent DA2016/0523 granted for demolition works, construction of a service station and signage at Lot 1 DP 545812, 43 Booralie Road, Terrey Hills subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

##### **Amendment to the approved plans**

The installation of a new screen to shield visibility of the soffit and lights of the existing service station canopy from the south east.

The new screen is to:

- extend for the entire length of the portion of the canopy facing 37 Booralie Road, Terrey Hills
- be located immediately below the existing fascia
- have a finished dimension of not less than 0.5 m below the underside of the existing soffit and fascia
- match the existing fascia in material and colour
- be constructed in a manner that will ensure its long term durability and stability
- be constructed in a manner that will ensure no light can penetrate between it and the existing fascia.

The screen shall be installed by 30 September 2019.

Details of the proposed screen are to be provided to Council for approval by the Manager Development Assessment or Executive Manager Development Assessment no later than 31 August 2019.

Reason: To reduce the effect of the canopy lighting on the adjoining public land and 37 Booralie Road, Terrey Hills to that which would have applied under the pre-existing approval.

2. The modification of proposed condition "Internal and External Lighting" to read as follows:

##### **Canopy Lighting**

The canopy lighting shall comply with AS4282 "Control Of The Obtrusive Effects Of Outdoor Lighting"

A suitably qualified person shall certify compliance with above requirement and submit that certification to Council within 30 days from the date of compliance with condition 1.

Reason: To ensure compliance with the relevant Australian standard.

3. The addition of the following condition:

**Hours of Operation of Canopy Lighting**

The canopy lighting is to be turned off at all times outside the following hours:

- Monday to Friday: 6am – 11pm
- Saturday: 6am – 11pm
- Sunday and Public Holidays: 7am – 10pm

Reason: To make the canopy lighting consistent with the hours of operation of the service station.

Vote: 4/0

### **3.6 MOD2019/0029 - 46 VICTORIA PARADE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA367/2010 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING**

#### **PROCEEDINGS IN BRIEF**

This section 4.56 of the EP&A Act modification application seeks to modify development consent DA367/2010 in a number of respects.

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

At the public hearing the Applicant advised that it wished to amend its modification application by making the following deletions and changes to the drawings submitted for approval:

- a) Deletion of the proposed change to the location of the driveway roller door and the proposed roof over the driveway
- b) Deletion of the proposed louvres to the rear balconies on levels 1 and 2
- c) Deletion of the planter box on level 4
- d) Deletion of the planter box in the south western corner of the ground floor level
- e) Amendment of the carpark driveway boundary wall to reduce the proposed height of RL 8.55 to RL 7.45

The above deletions and amendment do not affect the modification application insofar as it seeks the amendment of condition 101 to read as follows:

#### **101**

The extent of the proposed west elevation (including new services at Level 4) is to be limited such that there will be no shadowing of the east facing living room windows and balconies to the existing residential flat building at No.42-44 Victoria Parade additional to that cast by the modified shadow diagrams prepared by Urbaine Architecture Pty Ltd attached to their letter dated 24 May 2019.

Reason: To reduce impacts on the amenity of adjoining residential properties.

#### **DEFERRAL OF DECISION ON MODIFICATION APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, defers its decision on Application No. MOD 2019/0029 for modification of development consent DA 367/2010 granted for demolition works and construction of a residential flat building at Lot CP SP 10040, 46 Victoria Parade, Manly to give the applicant the opportunity to amend the drawings for which it seeks approval so that they reflect the above mentioned deletions and changes. The applicant must submit such amended drawings to Council by 31 July 2019. After that date the Panel will proceed to determine the modification application, without further notice, whether or not such amended drawings have been submitted to Council.

Vote: 4/0

*The meeting concluded at 3.36pm*

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 3 July 2019.