

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 19 SEPTEMBER 2018

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 19 September 2018
at Council Chambers, Civic Centre, Dee Why
Commencing at 1:00pm**

ATTENDANCE:

Panel Members

| | |
|------------------|--------------------------|
| Paul Vergotis | Chair |
| Marcus Sainsbury | Environmental Expert |
| Annelise Tuor | Town Planner |
| John Simmonds | Community Representative |

1.0 DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 5 SEPTEMBER 2018

That the Minutes of the Northern Beaches Local Planning Panel held 5 September 2018, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 MOD2018/0342 - 120 PITTWATER ROAD, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA0065/2012 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE

PROCEEDINGS IN BRIEF

The proposal includes the deletion or amendment to the condition ANS04(a) which currently reads as follows:

"ANS04(a): The premises shall be used as a boarding house as defined in Section 516(1A) of the Local Government Act 1993, being a building wholly or partly let as lodging in which each letting provides the tariff-paying occupant with a principal place of residence."

The proposed amendment to the condition is to remove any reference to imposing tariffs or rent capping on the subject site.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one neighbour and 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. MOD2018/0342 for Modification of Development Consent DA0065/2012 granted for demolition works and construction of a boarding house at Lot 8 Sec H DP 75738, 120 Pittwater Road, Manly subject to the conditions set out in the Assessment Report.

Reasons: The Panel agrees with the reasons for approval as set out in the Assessment Report.

Vote: 4/0

3.2 DA2017/1217 - 25 PITTWATER ROAD, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING HERITAGE ITEM AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The development application seeks consent for alterations and additions to an existing heritage item and construction of a residential flat building.

The proposal relies upon the provisions of Cl. 5.10 (10) of Manly Local Environmental Plan 2013 to propose a land use (residential flat building) that is an otherwise prohibited land use within the B2 Local Centre.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two 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, **defers** Application No. DA2017/1217 for alterations and additions to an existing heritage item and construction of a residential flat building at Lot 2 DP 226667, 25 Pittwater Road, Manly for the following reasons:

The proposed residential flat building is not a permissible use in the B2 zone under Manly LEP 2013 and the statement of heritage impact submitted with the application does not satisfy the requirements of clause 5.10 (10) of the Manly LEP 2013 having regard to paragraphs (a), (b) and (c). In particular, the statement fails to address to following matters:

- a) does not identify the levels of significance of the existing building fabric
- b) does not clearly identify demolition or conservation works to be undertaken to adequately conserve the significance of the item
- c) does not include a heritage management regime for the ongoing conservation works
- d) does not include the timing and responsibility of points b) and c) above

The Statement of Heritage Impact must be amended and submitted to the Council by 22 October 2018 otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 19 September 2018) will determine the application electronically, unless the Chair determines that a further public meeting is required.

Vote: 4/0

3.3 DA2017/1229 - 27 PITTWATER ROAD, MANLY - CONSTRUCTION OF A MIXED USE DEVELOPMENT INCLUDING ALTERATIONS AND ADDITIONS TO AND USE OF THE EXISTING HERITAGE BUILDING AS A SERVICED APARTMENT AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal seeks consent for the Construction of a mixed use development including alterations and additions to and use of the existing heritage building as a serviced apartment and construction of a residential flat building.

The proposal relies upon the provisions of Cl. 5.10 (10) of Manly Local Environmental Plan 2013 to propose a land use (residential flat building) that is an otherwise prohibited land use within the B2 Local Centre.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one neighbour 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, **defers** Application No. DA2017/1229 for construction of a mixed use development including alterations and additions to and use of the existing heritage building as a serviced apartment and construction of a residential flat building at Lot 1 DP 515950, 27 Pittwater Road, Manly for the following reasons:

The proposed residential flat building is not a permissible use in the B2 zone under Manly LEP 2013 and the statement of heritage impact submitted with the application does not satisfy the requirements of clause 5.10 (10) of the Manly LEP 2013 having regard to paragraphs (a), (b) and (c). In particular, the statement fails to address to following matters:

- a) does not identify the levels of significance of the existing building fabric
- b) does not clearly identify demolition or conservation works to be undertaken to adequately conserve the significance of the item
- c) does not include a heritage management regime for the ongoing conservation works
- d) does not include the timing and responsibility of points b) and c) above

The Statement of Heritage Impact must be amended and submitted to the Council by 22 October 2018 otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 19 September 2018) will determine the application electronically, unless the Chair determines that a further public meeting is required.

Vote: 4/0

3.4 DA2018/0439 - 80 THE CORSO, MANLY - DEMOLITION WORKS, ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING AND USE THE BUILDING AS A COMMERCIAL PREMISES

PROCEEDINGS IN BRIEF

The proposal seeks consent for demolition works, alterations and additions to the existing building and use the building as a commercial premises.

Specifically the works involve:

Ground Floor:

- Retail tenancy (162m² GFA);
- Amenities;
- Lobby; and
- Fire stairs and lift

First Floor:

- Two office tenancies(160m² GFA);
- Amenities; and
- Fire stairs and lift

Second Floor:

- Two office tenancies (125m²);
- Balcony and terrace (north facing);
- Amenities; and
- Fire stairs and lift

Mezzanine Floor:

- Additional floor area for 'Office 3' below (65m²); and
- Stairs

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one neighbour and one 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, **defers** Application No. DA2018/0439 for demolition works, alterations and additions to the existing building and use the building as a commercial premises at Lot 5 DP 550048, 80 The Corso, Manly for the following reasons:

- a) The Clause 4.6 written exception as submitted fails to meet the requirements as set out in the decision of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 to enable the Panel to determine the application.
- b) The applicant is invited to submit an amended Clause 4.6 written exception that addresses the requirements set out in a) above.

The Clause 4.6 written exception must be amended and submitted to the Council by 3 October 2018 otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 19 September 2018) will determine the application electronically, unless the Chair determines that a further public meeting is required.

Vote: 4/0

3.5 DA2017/1287 - 21 LAWRENCE STREET, FRESHWATER - DEMOLITION WORKS AND THE CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

The development application seeks consent for demolition works and the construction of a three storey building to be used for the purpose of shop top housing.

The building provides two retail premises at ground floor level facing Lawrence Street with areas of 25m² and 40m². The remainder of the ground floor is the car parking for the development including 4 retail spaces, 2 visitor spaces and 15 resident spaces and the servicing areas including driveway access, loading dock, garbage storage and resident storage areas. This ground level of the building acts as a podium, and levels 1 and 2 of the building are in the form of three detached buildings atop of the podium.

Level 1 of the building accommodates 1 x 3 bedroom apartment, 3 x 2 bedroom apartments and 2 x 1 bedroom apartments with associated terrace areas. A landscaped buffer (12m wide) is proposed between the three buildings.

Level 2 of the building accommodates 4 x 2 bedroom apartments and 2 x 1 bedroom apartments.

In total, the building has 12 apartments and 21 car parking spaces.

Groundworks and a reconfiguration of the driveway crossover and associated footpath along Lawrence Street is required to facilitate the works.

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 EXCEPTION TO DEVELOPMENT STANDARD

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 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. DA2017/1287 for demolition works and the construction of a shop top housing development at Lot 2 DP 581226, 21 Lawrence Street, Freshwater subject to the conditions.

Reasons: The Panel agrees with the reasons for approval as set out in the Assessment Report.

Vote: 4/0

5.0 PLANNING PROPOSALS

5.1 PEX2018/0006 - FRESHWATER VILLAGE - RECLASSIFICATION AND REZONING OF THE OLIVER STREET AND LAWRENCE STREET CARPARKS

PROCEEDINGS IN BRIEF

The reclassification of the carparks from “Community” to “Operational” land would:

- permit owners of shops fronting Lawrence Street to obtain legal access to their land from Council’s carparks for unloading and parking etc.
- enable the gradual removal of driveway crossings on Lawrence Street as the shops are redeveloped with vehicular access from the carparks, improving pedestrian safety and amenity on Lawrence Street.

The carparks are currently zoned for RE1 - Public Recreation. The carparks have no current recreational or open space value. Re-zoning to B2 – Local Centre would better reflect the current use and purpose for which the space is used and match the adjacent land zonings surrounding the carparks.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by four community members and the Acting Executive Manager, Strategic Planning, Northern Beaches Council.

RECOMMENDATION

The Northern Beaches Local Planning Panel advise the Council that it supports the planning proposal as detailed in attachment 2 of the planning report.

Vote: 4/0

The meeting concluded at 5:03pm

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 19 September 2018.