



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 27 NOVEMBER 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 27 November 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Lesley Finn	Chair
Brian Kirk	Town Planner
Robert Hussey	Town Planner
Nick Lawther	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 20 NOVEMBER 2019

That the Minutes of the Northern Beaches Local Planning Panel held 20 November 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 MOD2019/0454 - 1 SURFVIEW ROAD, MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2018/1771 GRANTED FOR THE DEMOLITION OF THE EXISTING SURF CLUB BUILDING AND CONSTRUCTION OF A NEW SURF CLUB BUILDING INCLUDING A CAFE, RESTAURANT AND FUNCTION SPACE

PROCEEDINGS IN BRIEF

The proposal seeks to modify Development Consent No. DA2018/1771 with amendments to the internal layout, access, sanitary facilities and access. The applicant relies on the installation of alternate public toilet facilities in two separate locations to allow for the deletion of the ground floor public bathrooms, as follows:

- Newly proposed facilities in Apex Park to the west, which are currently on public exhibition and subject to a separate Part 5 assessment process, and
- Existing facilities to the north, the redevelopment of which is on public exhibition and subject to a separate Part 5 assessment process.

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 DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2019/0454 for Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building including a cafe, restaurant and function space at Lot 104 DP 1066371, 1 Surfview Road, Mona Vale subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.2 DA2019/0663 - 515 PITTWATER ROAD, BROOKVALE - DEMOLITION OF ALL EXISTING STRUCTURES AND THE CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT COMPRISING 19 DWELLINGS, GROUND FLOOR BUSINESS PREMISES AND CAR PARKING

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a mixed used development consisting of retail and residential units with associated car parking and landscaping. Specifically, the development comprises 19 residential units, 175m² of business premises and 2 levels of basement carparking.

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

The Panel noted that the applicant handed up at the public meeting a revised clause 4.6 variation request together with a bundle of amended plans to address the issues raised in the Assessment Report. Council officers had no opportunity to assess the additional information prior to the meeting.

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 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. DA2019/0663 for Demolition of all existing structures and the construction of a Shop Top Housing Development comprising 19 dwellings, ground floor business premises and car parking at Lot D DP 410277, 515 Pittwater Road, Brookvale for the reasons set out in the Assessment Report.

Vote: 4/0

3.3 DA2019/0795 - 22 WATTLE AVENUE, FAIRLIGHT - DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY (ATTACHED) AND SWIMMING POOLS

PROCEEDINGS IN BRIEF

The proposal is for development is for the construction of an attached dual occupancy each consisting of:

- Single width garage with car stacker (two spaces);
- Ground floor consisting of four (4) bedrooms, bathroom and en-suite;
- Lower ground floor consisting of rumpus, kitchen, dining room, living room, courtyard and terrace;
- In-ground swimming pool;
- Associated site works to facilitate the development and landscaping.

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 DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2019/0795 for Demolition works and construction of a dual occupancy (attached) and swimming pools at Lot 26 DP 11828, 22 Wattle Avenue, Fairlight for the following reasons:

1. Pursuant to Section 4.15(1)(e) the proposal has a number of non-compliances with the current development controls, the cumulative effect of which results in the proposal being an over development of the site and therefore not suitable in the current context of the locality and is not in the public interest.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.1.1 Streetscape (Residential areas) of the Manly Development Control Plan. The proposal is not considered to complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.10 Safety and Security of the Manly Development Control Plan. The proposal fails to provide an adequate level of passive surveillance upon the street.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan. Specifically, the front setback of the garages are not consistent with the prevailing building lines and landscape setting of the immediate vicinity.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.5 Open Space and Landscaping of the Manly Development Control Plan.

Vote: 4/0

3.4 DA2019/0342 - 79A LAUDERDALE AVENUE, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL BUILDING, USE AS A DUAL OCCUPANCY AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing building and use as a dual occupancy (attached) with strata subdivision and a front fence.

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, **refuses** Application No. DA2019/0342 for Alterations and additions to an existing residential building, use as a dual occupancy and strata subdivision at Lot 11 DP 867302, 79A Lauderdale Avenue, Fairlight for the following reason:

1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to enable the assessment of the application due to inconsistencies between the plans and information provided between DA0326/2016 and the current application.

Vote: 4/0

3.5 DA2019/0730 - 71 QUEENSCLIFF ROAD, QUEENSCLIFF - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal is for the demolition of the existing buildings, excavation for two levels of basement car parking and the construction of a four storey residential flat building containing 15 units.

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 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 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. DA2019/0730 for demolition works and construction of a Residential Flat Building at Lot 41 DP 300057 & Lot 4 DP 345419, 71 Queenscliff Road, Queenscliff for the reasons set out in the Assessment Report, subject to the following:

The amendment of reason 3 to read as follows:

3. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of Clause Zone R3 Medium Density Residential of the Warringah Local Environmental Plan 2011.

The addition of the following reasons:

15. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and the associated Apartment Design Guide.
16. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B9 Rear Boundary Setbacks of the Warringah Development Control Plan.
17. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the numerous noncompliances and inconsistencies with relevant legislation and policies will result in a development that is not suitable for the site.

Vote: 4/0

The meeting concluded at 4.07pm

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 27 November 2019.