

MINUTES

NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL MEETING

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

WEDNESDAY 13 DECEMBER 2017

**Minutes of a Meeting of the Northern Beaches Independent Assessment
Panel****held on Wednesday 13 December 2017****at Council Chambers, Civic Centre, Dee Why****Commencing at 1.00PM****ATTENDANCE:****Panel Members**

Peter Biscoe	Chair
Sue Hobley	Environmental Expert
Annelise Tuor	Planner
Ray Mathieson	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING**2.1 MINUTES OF NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL HELD 8 NOVEMBER 2017**

The Panel noted that the Minutes of the Northern Beaches Independent Assessment Panel held 8 November 2017, were adopted by the Chairperson and have been posted on the Council's website

3.0 NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL REPORTS

3.1 DA0167/2017 - 4-10 SYDNEY ROAD, MANLY - CHANGE OF USE TO A CHILD CARE CENTRE INCLUDING ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING.

PROCEEDINGS IN BRIEF

The proposal seeks consent for the following works:

- Internal alterations at existing ground, second and third floors;
- Change of use to a 110-place child care centre
 - 23 staff;
 - 110-children;
 - Hours of operation: 7.30am-6pm Monday to Friday; and
- Changes to the roof including introduction of a skylight and void, and creation of an outdoor play area with shade roof and acoustic screening.

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

The Panel was satisfied as to the matters required by Clause 4.6(4)(a) of the Manly LEP 2013 and that the development standard with respect to the Height of Buildings under Clause 4.3 can be varied.

DECISION

The Panel approves Application No. DA0167/2017 for Change of use to a Child Care Centre including alterations and additions to the existing building at Lot 1 DP 628937, 4-10 Sydney Road, Manly for the reasons outlined in the Council Assessment Report, subject to the following:

1. The amendment of Condition ANS04 to read as follows:

ANS04

An interpretation plan is to be prepared and submitted to Council's Heritage Advisor for approval, including interpretation of site history for display on the site within the entrance area and accessible to the general public.

Reason: To reveal the cultural significant aspects of the place as a historical record.

2. The amendment of Condition 5 (2FR02) to read as follows:

5 (2FR02)

An Accredited Certifier, Building Grade 1 or 2 (NSW or equivalent) is to carry out a Building Code of Australia audit that is based upon inspections of the building in terms of the deemed-to-satisfy fire safety provisions.

The audit must specifically cover all clauses within Section C, D and E of the Building Code of Australia (as per the most recent amendments) nominating 'compliance', 'non-compliance' or 'not applicable' as appropriate. The audit (checklist) is to accompany the report. The results of the audit are to be incorporated into a report and strategy to overcome the noncompliant provisions either by performance solution or adherence to deemed-to-satisfy provisions by satisfying the fire safety objectives of Sections C, D and E of the Building Code of Australia. The standard of satisfying the fire safety objectives of Sections C, D and E as contained within the Building Code of Australia is the specified standard for the purposes of Section 121P(1)(a) of the Act.

A schedule of existing (if applicable) and the proposed Essential Fire Safety Measures, including their standard of performance must be included in this strategy. The report and strategy must be submitted to Council for written approval prior to issue of any Construction Certificate.

Reason: To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants.

2. The addition of Condition 12A to read as follows:

The Plan of Management referred to in Condition 1 is to be amended and submitted to Council for approval to include wording to the following effect:

- A term is to be included in all contracts between the operator of the child care centre and their clients requiring the clients not to use Henrietta Lane or the rear arcade access for drop off or pick up of children.*

Reason: To ensure residential amenity and safety of children.

3. The addition of Condition 37 to read as follows:

Plan of Management

This development must comply with the Plan of Management amended and approved as required by Condition 12A.

Reason: To ensure residential amenity and safety of children.

3.2 MOD2017/0223 - 43 BOORALIE ROAD, TERREY HILLS - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0523 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A SERVICE STATION AND SIGNAGE

PROCEEDINGS IN BRIEF

This modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 seeks to amend Condition No.36 *Hours of Operation*.

This current application seeks to amend these hours as follows:

- Monday to Friday - 5am to 11pm (inclusive)
- Saturday - 6am to 11pm (inclusive)
- Sunday and Public Holidays 7am to 10pm (inclusive)

The Panel viewed the site and its surrounds. At the public meeting which followed the panel was addressed by two residents.

DECISION

The Panel approves Application No. Mod2017/0223 for Modification of Development Consent DA2016/0523 granted for Demolition works and construction of a service station and signage at Lot 1 DP 545812, 43 Booralie Road, Terrey Hills for the reasons outlined in the Council Assessment Report, subject to the following:

1. The addition of Condition 36D to read as follows:

Noise Management Plan

This development must comply with the Operational Noise Management Plan no 160175R1 dated 9 August 2017 prepared by Rodney Stevens Acoustics (except as amended by any other condition of consent).

Reason: To ensure residential amenity.

2. The amendment of Condition 36 to read as follows:

The hours of operation of:

- Monday to Friday - 6:00am to 11:00pm
- Saturday - 6:00am to 11:00pm
- Sunday and Public Holidays - 7:00am to 10:00pm

are approved subject to a 12 month trial period from the date of commencement of use following the issue of an Occupation Certificate.

At the end of the 12 month trial period if the applicant wishes to make the hours of operation permanent, the applicant must lodge a Section 96 Modification Application together with supporting documentation (including details of the reports referred to below) to the Northern Beaches Council on or before 2 months prior to the end of this 12 month period.

During the 12 month trial period the applicant is to provide to the Northern Beaches Council every 3 months an acoustic report which details:

- A daily log of the number of vehicles entering and leaving the property between the hours of 10pm and 11pm;
- Compliance with the noise criteria in the NSW EPA Industrial Noise Policy;
- All complaints received from the date of operation to present, details of the complaint and details of what action has been taken;

- *Certification from an acoustic consultant that the recommendations and requirements of the two reports referenced above in Condition No. 1A have been satisfied.*

Upon cessation of the 12 month trial period, the hours of operation are to revert to the following:

- *Monday to Friday - 6:00am to 10:00pm*
- *Saturday, Sunday and Public Holidays - 7:00am to 9:00pm*

In accordance with the approved development consent DA2016/0523.

Reason: To protect the amenity of residential properties.

3.3 DA0276/2015 - 36-38 SOUTH STEYNE, MANLY - SECTION 96(2) APPLICATION TO MODIFY ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING AND CHANGE OF USE TO A RESTAURANT – PART 3

PROCEEDINGS IN BRIEF

The application has been submitted under Section 96(2) of the Act as a modification to the existing consent for DA276/2015 (Part 3) and involves the following:

- Widening of entry step at ground level entry
- Addition of window at north/western corner
- Removal of approved roof access ladder and addition of roof hatch in staff area.
- Infill of ventilation louvre to the rear of building at second floor level
- Modification of mechanical equipment on the roof including acoustic barriers. The proposed RL for the acoustic screen is 17.45. As such, the proposed RL for the top most part of the acoustic barrier (and all works on the roof) is RL.17.925. The approved RL to the top of the Mechanical equipment is RL18.200.

The Panel viewed the site and its surrounds. At the public meeting which followed the panel was addressed by one resident and one representative for the applicant.

Additional information was presented to the panel by Mr Peter Berents.

At Mr Berents' request, the Panel read and noted the letter dated 25 October 2017 from Mr and Mrs Berents to the Council raising matters additional to those attributed to Mr and Mrs Berents at page 74 of the Agenda.

DECISION

The Panel approves Application No. DA0276/2015 for Section 96(2) application to modify alterations and additions to the existing building and change of use to a restaurant – Part 3 at Lot 5 DP 39426, 36-38 South Steyne, Manly for the reasons outlined in the Council Assessment Report.

3.4 DA0154/2016 - 82-88 THE CORSO, MANLY - S96(1A) MODIFICATION TO MODIFY APPROVED CHANGE OF USE TO A CAFÉ AND TREE REMOVAL – PART 3

PROCEEDINGS IN BRIEF

The proposed modification includes:

- the removal of the tree located in the rear courtyard and deletion of the following condition:

ANS01

The Norfolk Island Pine located in the rear courtyard is to be retained. Plans demonstrating compliance with this condition shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To preserve the existing significant vegetation on the subject site.

- minor changes to plan configuration
- modifying courtyard block wall detail
- adding retractable awning over courtyard
- large door to Rialto Lane changes from sliding door back to roller shutter
- details of signage on outside wall facing Rialto Lane

The Panel viewed the site and its surrounds. At the public meeting which followed the panel was addressed by two residents and one representative for the applicant.

Additional documentation was presented to the Panel by Dr Janet West.

DECISION

The Panel approves Application No. DA0154/2016 for S96(1A) modification to modify approved change of use to a café and tree removal – Part 3 at Lot 1 DP 34016, 82-88 The Corso Manly for the reasons outlined in the Council Assessment Report.

The approval was by a 3-1 majority, the Community Representative voted against.

3.5 N0319/17 – 1A OCEAN PLACE, 54-56 FLORIDA ROAD & 27-28 OCEAN ROAD, PALM BEACH - DEMOLITION OF AN EXISTING DWELLING, CONSTRUCTION OF A NEW COMMUNITY FACILITY BUILDING, 30 SPACE CARPARK, AND CONSOLIDATION OF LAND

PROCEEDINGS IN BRIEF

The application seeks consent for the following development to the site;

- Consolidation of 1a Ocean Place, 54 and 56 Florida Road, to form one lot with an area of 3112.7m²,
- Tree removal,
- Demolition of the existing dwelling at 56 Florida Road,
- Provision of an at-grade 30 space car park, generally within the existing boundaries of 56 Florida Road,
- Construction of a 2 storey building, referred to as “the Conroy Building”, generally within the existing boundaries of 1a Ocean Place, comprising:
 - Training room at ground level,
 - 3 bunk rooms over 2 levels, providing beds for 43 for female staff,
 - Bathrooms on both levels, and
 - Storage,
- Removal of 23 of the 71 beds from within the existing Palm Beach SLSC building, resulting in a total of 91 beds across the total site, and
- Landscaping.

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

The Panel noted that there was an error in the Council report in the quoted definition of ‘Registered Club’ as defined by the Pittwater LEP 2014. The correct wording should read as follows:

‘Registered Club means a club that holds a club licence under the Liquor Act 2007’

The Panel considered the presentations with regards to permissibility of the use and considered that the proposal is permissible as a community facility as defined by Pittwater LEP 2014. The Panel further considered the submissions in relation to noise and amended Condition B27 based on the acoustic information before the panel to ensure reasonable residential amenity.

DECISION

The Panel approves Application No. N0319/17 for Demolition of an existing dwelling, construction of a new Community Facility building, 30 space carpark, and consolidation of land at Lots A, B & C DP 384885 and Lots 76 & 77 DP 6746, 1a Ocean Place, 54-56 Florida Road & 27-28 Ocean Road, Palm Beach for the reasons outlined in the Council Assessment Report, subject to the following:

1. The amendment of proposed Condition B27 to read as follows:

B27. The use of the training room and adjacent BBQ area is to be in accordance with the following:

- a. *When the training room is in use between 6:00pm and 10:00pm, all but one of the doors on the eastern elevation of the training room must be shut.*
- b. *When the training room is in use between 10:00pm and 8:00am, all windows and doors of the training room must be shut.*

- c. No amplified or live music is to be played within the training room or in the adjacent BBQ area.*
- d. The BBQ area adjacent to the training room is not to be used between 10:00pm and 7:00am.*
- e. The service of alcohol within the training room is not authorised by this consent.*

4.0 REVIEW OF DETERMINATIONS

Nil

5.0 PLANNING PROPOSALS

Nil

The meeting concluded at 6.15pm**Signed by the Chair**

This is the final page of the Minutes comprising 13 pages
numbered 1 to 13 of the Northern Beaches Independent Assessment Panel meeting
held on Wednesday 13 December 2017.