

# **MINUTES**

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

held via Teleconference on

**WEDNESDAY 21 FEBRUARY 2024**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 21 February 2024**

The public meeting commenced at 12.00pm and concluded at 12.14pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 2.54pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe KC	Chair
Brian Kirk	Town Planner
Oliver Klein	Town Planner
John Simmonds	Community Representative

The Panel have visited all sites personally, or electronically, and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

## **1.0 APOLOGIES AND DECLARATIONS OF INTEREST**

No apologies

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 14 FEBRUARY 2024**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 14 February 2024, were adopted by the Chairperson and have been posted on the Council's website.

## **3.0 CATEGORY 3 APPLICATIONS**

Nil

## 4.0 PUBLIC MEETING ITEMS

### 4.1 DA2023/0368 - 1/9-15 CENTRAL AVENUE, MANLY - FIT OUT AND USE OF THE COURTYARD FOR THE SEATING OF 100 PATRONS, OPERATING FROM 8.00AM TO 10.00PM.

#### PROCEEDINGS IN BRIEF

The proposal is for the fitout and use of the courtyard for the seating of 100 patrons, operating from 8.00am to 10.00pm.

At the public meeting which followed the Panel was addressed by one representative of the applicant and the applicant.

The Panel received two supplementary memos from Council dated 14 and 20 February 2024.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0368 for the fitout and use of the courtyard for the seating of 100 patrons, operating from 8.00am to 10.00pm on land at Lot CP SP 61679, 9 - 15 Central Avenue Manly, NSW 2095 and Lot 1 SP 61679, 1 / 9 - 15 Central Avenue Manly, subject to the conditions set out in the supplementary memos, subject to the following:

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

##### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents stamped by Council and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A02	p3	Demolition Plan	SARM Architects	Aug 2021
A03	p6	Proposed Plan	SARM Architects	Aug 2021
A05	p2	Roof Plan	SARM Architects	Aug 2021
A06	p2	Sections	SARM Architects	Aug 2021
-	-	Proposed Insitu Capacity (seating layout is only indicative) as amended by Council	Applicant and amended by Council	21 February 2024
-	-	Toilet Usage	-	-

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Letter of Support - Adequate Sanitary Facilities	190195	PCA Services	23 January 2024

Acoustic Impact Assessment	PS131027-101	WSP	24 March 2023
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In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. The amendment of condition 22 to read as follows:

**22. Maximum number of patrons**

The maximum number of patrons subject to this consent is to not exceed 200, as specified below and by the plan "Proposed Insitu Capacity (Seating Layout is only indicative) as amended by Council 21 February 2024", referenced in Condition No.1 and affixed with Council's approval stamp.

The number of patrons is to not exceed a maximum of:

- a) 100 for the courtyard located on land Lot CP SP 61679.
- b) 100 for the restaurant / bar located on land Lot 1 SP 61679.

This condition does not approve or apply to any lease/licence under the Roads Act for outdoor dining.

Reason: To ensure operations are within the parameters of the consent and ensure the adequate ongoing management of amenity impacts on the surrounding area.

3. The addition of the following condition:

**27. Courtyard Door Access**

The courtyard access door on the northern boundary of the site which accesses the adjoining common property on Strata Plan No.61139 is not to be used for ingress nor, except for emergency purposes, egress, and must be in compliance with any relevant requirements of the Building Code of Australia.

Reason: To ensure adequate amenity for adjoining residences.

4. The amendment of condition 8 to read as follows:

**8. Amendments to the approved plans**

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

- a) Construction of awning roof / extension as conceptually detailed in Part 5.2 Option 2 – Awning extension in the Acoustic Impact Assessment No. PS131027-101 WSP 24 March 2023, referenced on Condition No.1 of this consent.
- b) the maximum height of the awning extension is to be no higher than 4.2m above the existing ground level of the courtyard on Lot CP SP 61679.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

5. The amendment of condition 21 to read as follows:

**21. Noise Management**

The rear external doors from the restaurant to the courtyard must be closed at 8.00pm when live music or DJ is playing inside the restaurant.

No access for patrons to the outdoor courtyard area after 10:00pm every night.

Reason: To ensure acoustic compliance in an operational situation.

6. The amendment of condition 24 to read as follows:

**24. Hours of Operation**

The hours of operation for the outdoor courtyard are to be restricted to:

- Monday to Friday – 8.00am to 10.00pm
- Saturday – 8.00am to 10.00pm
- Sunday and Public Holidays – 8.00am to 10.00pm

Upon expiration of the permitted hours, all service and entertainment in the courtyard shall immediately cease, no patrons shall be permitted entry to the courtyard and all patrons shall be required to leave the courtyard within the following 30 minutes.

Reason: To ensure that amenity of the surrounding locality is maintained.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the supplementary memos, subject to the above.

Vote: 4/0

**4.2 DA2023/0386 - 207-217 PITTWATER ROAD, MANLY - ALTERATIONS AND ADDITIONS TO THE SERVICE STATION INCLUDING AN AUTOMATIC CAR WASH FACILITY, EXTENSION OF THE SALES AREA, A LAUNDROMAT AND SIGNAGE.**

**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to the service station including an automatic car wash facility, extension of the sales area, a laundromat and signage.

At the public meeting which followed the Panel was addressed by one neighbour.

The Panel received four late submissions dated 16 or 19 February 2024 and a supplementary memo from Council dated 20 February 2024.

**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2023/0386 for the alterations and additions to the service station including an automatic car wash facility, extension of the sales area, a laundromat and signage on land at Lot 1 DP 829523, 207 - 217 Pittwater Road, Manly for the reasons for refusal set out in the Assessment Report and supplementary memo, subject to what is stated under reasons for determination below:

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report and supplementary memo. However, the proposed reasons for the refusal in the Council assessment report are only relevant to the proposed automatic car wash and associated boundary walls. They are not relevant to the other three parts of the proposal that comprise the extension of the sales area to workshop bay no. 2, the laundromat and signage. The Panel would have been minded to approve those three parts of the proposal had the Panel been provided with additional plans limited to those three parts. In the absence of such additional plans, the Panel considers that it is imprudent to grant development consent limited to those three parts. That is because of the difficulties and possible unforeseen consequences of doing so by reference to the more comprehensive plans provided by the applicant.

Vote: 4/0

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 MOD2023/0539 - 96-97 NORTH STEYNE, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA272/2017 FOR ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL FLAT BUILDING

#### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA272/2017 for alterations and additions to an existing Residential Flat Building.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approve** Modification Application No. Mod2023/0539 for Modification of Development Consent DA272/2017 for alterations and additions to an existing Residential Flat Building on land at Lot 101 DP 1110110,96 - 97 North Steyne, Manly subject to the conditions set out in the Assessment Report.

#### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0



**5.2 MOD2023/0611 - 1 GRIFFITHS STREET, FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA2023/0192 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL.**

**PROCEEDINGS IN BRIEF**

The proposal is for Modification of Development Consent DA2023/0192 granted for alterations and additions to a dwelling house including a swimming pool.

**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Modification Application No. Mod2023/0611 for Modification of Development Consent DA2023/0192 granted for alterations and additions to a dwelling house including a swimming pool on land at Lot 12 DP 978699,1 Griffiths Street, Fairlight, Lot 13 DP 978699,1 Griffiths Street, Fairlight subject to the conditions set out in the Assessment Report.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report.

Vote: 4/0

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 21 February 2024.