



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 20 FEBRUARY 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 20 February 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1:00pm**

ATTENDANCE:

Panel Members

Paul Vergotis	Chair
Marcus Sainsbury	Environmental Expert
Graham Brown	Town Planner
Ray Mathieson	Community Representative

1.0 DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING**2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 6 FEBRUARY 2019****RECOMMENDATION**

That the Minutes of the Northern Beaches Local Planning Panel held 6 February 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2018/1442 - 28 LEWIS STREET, DEE WHY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL

PROCEEDINGS IN BRIEF

The Development Application seeks consent for alterations and additions to the existing dwelling including a second storey and a roof top pool and deck. The development proposes the use of fibrous cement cladding in light grey and white for walls with a windspray colorbond roof.

The ground floor will be altered to:

- Demolish the existing entry stairs and replace with a new path, steps and deck
- Replacement new ground floor windows
- Remodel of existing laundry and bathroom
- Install new kitchen
- Installation of central stairs accessing new first floor
- New and revised internal doors
- Outdoor rainwater tank (rear yard)
- Rooms will include kitchen, dining, living, lobby, 3 x bedrooms, bathroom and laundry.

A new first floor is proposed with the same footprint as the ground floor. It includes:

- Bedroom 1 with ensuite
- Bedroom 2
- Bathroom
- Entertaining room
- Media room
- Balcony (at the front of dwelling)
- Stair access to ground floor and roof top terrace

The roof top is proposed to be utilised with the rear including:

- Deck
- Pool
- Glass roof over stairwell

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 was handed additional information by 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. DA2018/1442 for Alterations and additions to a dwelling house including swimming pool at Lot 1 DP 861565, 28 Lewis Street, Dee Why subject to the conditions and for the reasons set out in the Assessment Report.

Statement of reasons: Having heard the submissions by the applicant and the applicants representatives, the Panel has formed the view that alterations and additions to the current dwelling house may be possible. However, the current level of proposed alterations and additions are excessive given the site area of 361.7m² and the relevant matters contained within the development controls. The Panel was of the view that amendments were not possible through conditions of consent to address the concerns raised in the assessment report. Consideration could be given to a further application which is of a lower scale to better suit the context of the

subject site area.

Vote: 4/0

3.2 MOD2018/0472 – LOT 2 MONA VALE ROAD, TERREY HILLS– MODIFICATION OF DEVELOPMENT CONSENT NO. DA 96/371 GRANTED FOR KIMBRIKI RECYCLING AND WASTE CENTRE TO PERMIT ADDITIONAL EXCAVATION AND LANDFILLING

PROCEEDINGS IN BRIEF

The proposal is to modify Development Consent 96/371. The application is made under section 96AA of the EPA Act 1979, being an application to a consent authority to modify a consent issued by the Court.

The modification seeks to modify condition 60 to read “Quarrying shall be limited to the areas identified as 2, 3, 4a and 4b in the Environmental Impact Statement”. The relevant part of the condition is Area 4a which is not currently approved for quarrying and subsequent use for waste landfill. A minor modification is proposed to the boundary of Area 4a.

The addition of Area 4a to the waste landfill area will extend the capacity of the overall site by at least 18 years at current filling rates according to the Statement of Support accompanying the proposal.

It is also proposed to delete condition 61 which reads “An independent assessment of the conservation value of the Forest She-Oaks in Area 4a shall be undertaken prior to consideration of quarrying in this area, as set out in the Environmental Impact Statement. Quarrying shall only occur in Area 4a with the approval of Council”.

It is proposed to offset the impacts associated with the removal of 1.32 hectares of vegetation in accordance with the Biodiversity Offsets Scheme under the *Biodiversity Conservation Act 2016*.

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

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2018/0472 for modification of Development Consent No. DA 96/371 granted for Kimbriki Recycling and Waste Centre to permit additional excavation and landfilling at Lot 4 DP 255466, Lot 2 Mona Vale Road, Terrey Hills subject to the conditions and for the reasons set out in the Assessment Report, subject to following:

1. The amendment of Condition No. 1A to include the following:

For Area 4a the development must be carried out in compliance with the Kimbriki Resource Recovery Centre landfill Cell in Area 4a – Statement of Support for Section 4.56 Modification Application prepared by SJB Planning dated August 2018 and attachments 1-18 (inclusive). Where there is any conflict between any conditions of consent, Condition Nos 79-103 shall prevail to the extent of any inconsistency.

2. The addition of condition 87A as follows:

Landfill 4a cell construction

Prior to commencement of any works/use of Area 4a under this modification, approval must be obtained from the Environment Protection Authority to ensure the requirements in the EPA letter dated 20 February 2019 (ref no. DOC19/87976-11) are met.

Reason: Compliance with EPA requirements

3. The amendment of Condition no. 76A (a) as follows:

- (a) Subject to Condition 76B and to (b) and (c) below noise from the Premises must not exceed an L A10(15 minute) noise emission criterion of 45dB(A). Noise from the Premises is to be measured at any point within one metre of the nearest affected residence or other noise sensitive areas to determine compliance. 5dB(A) must be added if the noise is tonal or impulsive in character.

Reason: To ensure reasonable amenity.

4. The amendment of Condition No. 82 as follows:

Biodiversity Management Plan (BMP)

The BMP must form part of a Construction Environmental Management Plan and any other Environmental Management Plan that applies to the operations of the site.

The BMP must identify the development site as per the BDAR and approved plans.

The BMP must identify areas of land that are to be retained as outlined in the BDAR.

Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.

The BMP must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity, including performance measures for each commitment.

Prior to the issue of Construction Certificate, the BMP must be amended to the satisfaction of the consent authority and include the following omissions:

- Nest box plan regarding the numbers and types to be installed, the protocols for installation, monitoring, and maintenance; and
- Map / figure that clearly delineates and details the construction footprint.
- Clear delineation of the works area in accordance with Condition No. 85.

Reason: To ameliorate impact and protect biodiversity.

5. The amendment of Condition No. 83 as follows:

Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all bushland protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide certification that conditions relating to the approved Biodiversity Management Plan are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity management of the site are fully implemented.

The Project Ecologist must have one of the following memberships/accreditation,

- Practising member of the NSW Ecological Consultants Association OR
- Accredited Ecological Consultant by the NSW Ecological Consultants Association OR
- Certified Environmental Practitioner of the Environment Institute of Australia and New

Zealand.

Reason: To ensure bushland management.

6. The amendment of Condition No. 88 as follows:

Implementation of Biodiversity Management Plan

Except where prescribed otherwise in the conditions of consent, all requirements in the approved Biodiversity Management Plan are to be implemented prior, during and post construction.

Details demonstrating compliance shall be certified by the Project Ecologist and submitted to the consent authority prior to the commencement of any works within Area 4a and at 6 monthly intervals for the duration of the works.

Reason: Biodiversity/Vegetation Conservation and Management.

7. The addition of Condition No. 102 as follows:

Rehabilitation

The Environmental Management Plan requiring rehab in Condition No. 41 is to be amended to include Area 4a.

Reason: To ensure ongoing rehabilitation of the site.

8. The addition of Condition No. 103 as follows:

Stormwater Management

Prior to issue of a Construction Certificate, detailed stormwater management plans shall be approved by Council and the Environment Protection Authority which relate to the construction of the diversion drain to be operational by 2024.

Reason: To ensure compliance with Council and EPA requirements for stormwater management.

Statement of reasons: The Panel after considering the assessment report, on-site briefing and the oral submissions made by the proponent and its representatives formed the view that the modifications sought were reasonable and with appropriate conditions being imposed to ensure adequate protection of the environment and surrounding residential properties the modification application was worthy of approval.

Vote: 4/0

3.3 DA2018/1727 – MARKET LANE, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING COMMUNITY FACILITY (MANLY LIBRARY)

PROCEEDINGS IN BRIEF

The application proposes a mural to the existing southern wall of Manly Library within Market Lane, Manly.

The proposed mural extends east approximately 13.5m from the south western corner of the library.

The mural is proposed from existing ground level to the top southern wall, 12.7m above ground level.

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. DA2018/1727 for alterations and Additions to an existing Community Facility (Manly Library) at Lot 2849 DP 8444427, Market Lane, Manly subject to the conditions and for the reasons set out in the Assessment Report subject to the following:

1. The addition of Condition No. 2A as follows:

Anti-graffiti finishes

The mural/artwork shall be coated with an anti-graffiti coating/sealant.

Reason: To enable adequate protection of the mural.

Statement of reasons: The Panel agrees with the reasons set out in the assessment report.

Vote: 4/0

The meeting concluded at 3:35pm

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 20 February 2019.