



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

WEDNESDAY 18 SEPTEMBER 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 18 September 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Robert Hussey	Town Planner
Graham Brown	Town Planner
John Simmonds	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Robert Hussey declared a conflict in relation to item 4.1 due to being on the panel of the determination of the development application under review. Mr Hussey was not involved in the site inspection, public meeting or deliberation for this item.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 4 SEPTEMBER 2019

The Minutes of the Northern Beaches Local Planning Panel held 4 September 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 MOD2019/0312 - 0 SANDY BAY ROAD, CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA91/2015 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING CAFE

PROCEEDINGS IN BRIEF

The proposal is for the modifications:

- Extend awning along the north eastern elevation to provide shading to the kiosk and restaurant areas (82m² of roof area);
- Hardstand area along the north eastern side of the building to the entry and kiosk areas for all weather access and integrated with existing paved pathway from the car park area;
- New verandah concrete slab (650mm width extension);
- Verandah seating area increased by re-positioning the external walls of the restaurant;
- Modified entrance lobby on the northern side of the building;
- New "annex" on the southern side of the building (46m²) to be used as a children's play area and kitchen scullery;
- Provision of new 1.8m high screened bin and storage area to the rear (south eastern elevation) of the building and deletion of the approved covered bin and storage areas; and
- Revised provision of landscaping to reflect amended building layout.

The application also proposes the following changes to the conditions of consent within DA0091/2015:

Modify conditions:

- DA1 - to reflect the revised architectural plans;
- ANS06 - to reflect the revised landscape plan; and
- 43 (6BS01) - to reflect the extension of the hours of operation to commence trading from 6am.

Delete conditions:

- ANS08 - requirement for gross pollutant trap;
- ANS09 - requirement for a positive covenant and restriction on the use of land relating to the gross pollutant trap;
- ANS10 - prior to the issue of an Occupational Certificate requirements relevant to gross pollutant trap;
- ANS11 - requirement to amend landscape drawings;
- 8 (2DS07) - the proposal seeks to retain the existing rainwater tank and does not propose a new rainwater tank;
- 11 (2NL03) - the proposal seeks to retain the existing mechanical exhaust system and does not propose a new mechanical exhaust system;
- 12 (2NL05) - the proposal seeks to retain the existing mechanical exhaust system. The supporting Mechanical Plant Noise Assessment Report concludes that when the existing mechanical plant and equipment are operating together that it was not audible at the nearest residential premises;
- 14 (2WM03) - the proposal seeks a screened bin enclosure and storage area that is to be ventilated

The Panel viewed the site and its surrounds. At the public meeting which followed there were no speakers.

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2019/0312 for Modification of Development Consent DA91/2015 granted for alterations and additions to an existing café at Lot 7118 DP 1059397, 0 Sandy Bay Road, Clontarf subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.2 MOD2019/0373 - 53 ALEXANDER STREET, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0275 GRANTED FOR DEMOLITION WORKS, SUBDIVISION OF 1 LOT INTO 2 LOTS AND CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS

PROCEEDINGS IN BRIEF

The proposal involves the following:

- Deletion of the approved Bedroom No. 3, deletion of the approved garage and a new Bedroom No. 3 is to be provided in the location of approved garage of each dwelling
- A new hardstand carparking space in the approved driveway area in the front setback of the dwellings
- Alteration to the front entry porch and associated steps in each dwelling
- Minor internal layout alterations to each dwelling
- A window to be provided to Bedroom No. 3 and laundry/WC in each dwelling

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one representative 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. Mod2019/0373 for Modification of Development Consent DA2019/0275 granted for demolition works, subdivision of 1 lot into 2 lots and construction of two semi-detached dwellings at Lot 17 Sec 1 DP 4603, 53 Alexander Street, Manly subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

4.0 REVIEW OF DETERMINATIONS

4.1 REV2018/0034 - 70 MCCARRS CREEK ROAD, CHURCH POINT - REVIEW OF DETERMINATION OF APPLICATION N0538/17 FOR CONSTRUCTION OF A NEW DWELLING

PROCEEDINGS IN BRIEF

Robert Hussey declared a conflict due to being on the panel of the determination of the development application under review. Mr Hussey was not involved in the site inspection, public meeting or deliberations for this item.

The proposal as revised, is for construction of a dwelling house comprising the following:

Parking Structure - RL23.925

- Parking for two (2) vehicles and a turning bay and driveway extending across the road verge
- Bin storage
- Stair access to second floor level
- Second Floor Level - RL21.015
- Entry deck
- Lift access to dwelling

First Floor Level - RL17.440

- Kitchen
- Living and Dining
- Terrace off living and dining (36m²)
- Entry with deck
- Powder room

Ground Floor Level - RL14.465

- Bedroom 1 with ensuite and walk-in-robe, south-west facing deck off bedroom (2.9m²)
- Bedroom 2 and Games room
- Bathroom

Lower Level - RL11.605

- Deck with rainwater tank, sewer pump and tank and hot water system
- Landscaping

Boat Shed - RL1.9

- New sea wall (RL1.75 to top of wall)

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

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 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 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 REVIEW APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. REV2018/0034 for Review of Determination of Application N0538/17 for construction of a new dwelling at Lot 1 DP 1121456, 70 McCarrs Creek Road, Church Point subject to the conditions and for the reasons set out in the Assessment Report, except that in so far as the report may suggest that the applicable maximum building height is 10 metres the Panel is not satisfied that the applicable maximum building height is more than 8.5 metres (see clause 4.3(2D)(a) of the Pittwater LEP 2014), and subject to the following:

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

1. Structural Certification, Deed of road lease and s138 Approval for Elevated Driveway Access

This is a “deferred commencement consent” issued under section 4.16(3) of the Environmental Planning and Assessment Act 1979. The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operative Development Consent.

PART A

Utilities Services

Prior to the activation of the consent, written concurrence from all underground utilities service providers to the proposed works is to be submitted to Council for approval. All requirements of these providers must be satisfied and documented on the engineering design / construction plan.

PART B

Positive Covenant

The applicant is required to meet Council's requirements in establishing a Positive Covenant on the property, including:

1. A detailed survey plan is to be provided to Council for approval indicating the extent of the position of the driveway, stabilising measures, and associated structures by reference to the road reserve.
2. The applicant is to pay any associated fees and charges for the establishment of a Positive Covenant including all legal fees and associated costs.
3. A draft Positive Covenant of the proposed structures must be provided to Council for approval. The property owner benefiting from the driveway, stabilising measures, and associated structures is to enter into the Positive Covenant. The Positive Covenant must detail the obligations of the registered proprietors in relation to the annual inspection, maintenance, repair and insurance of the proposed structures. The Positive Covenant shall also include provision for future access by Council (for maintenance of the road embankment/formation and/or other structures) or adjoining property owners for access to adjoining property/s and in that eventuality, the manner in which costs are to be shared amongst property owners using the driveway. Written agreement to the Positive Covenant from Council must be obtained prior to the activation of the Consent.

PART C

- A Section 139 Consent for Works on the Public Road Reserve issued by the Council under the provisions of S138 of the Roads Act 1993 for the design and construction of any works located on the road reserve.
- Information detailing the turning circles, sight lines and access arrangements to the satisfaction of the Roads and Maritime Services must be provided with the application; and
- The issue of a Road Opening Permit required under the provisions of Section 138 of the Roads Act 1993 issued by the Council for utility services installation activities (gas, electricity, sewer, water, communications etc) not covered by a Section 139 Consent for Works on the Public Road Reserve.

Reason: To ensure the structural integrity and right of access of the elevated driveway for the life of the structures.

2. The amendment of condition 39 to read as follows:

39. Environmental Management Checklist Inductions

All workers, including site inspectors and sub-contractors, are to be briefed on measures specified in the Environmental Management Checklist through a site induction presented by the Project Ecologist prior to workers commencing their works.

Evidence of the site induction is to be documented and provided to the Principal Certifying Authority prior to issue any commencement.

Reason: To protect native vegetation, wildlife and habitats in accordance with relevant Natural Environment LEP/DCP controls.

Vote: 3/0

The meeting concluded at 2.08pm

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 18 September 2019.