

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held on

WEDNESDAY 24 JUNE 2020

Minutes of a Meeting of the Development Determination Panel held on Wednesday 24 June 2020

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Phil Jemison	Manager, Strategic & Place Planning	
Matthew Edmonds	Manager, Development Assessment	Item 3.1 & 3.2
Rod Piggott	Manager, Development Assessment	Item 3.3 & 3.4

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 10 JUNE 2020

The Minutes of the Development Determination Panel held 10 June 2020, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2020/0302 - 41 UPPER CLIFFORD AVENUE, FAIRLIGHT - DEMOLITION WORKS AND CONSTRUCTION OF MULTI DWELLING HOUSING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by objectors, the applicant and representatives of the applicant.

The Panel required further time to investigate additional information to consider the proposed development.

DECISION

THAT Council as the consent authority **defer** Development Consent to DA2020/0302 for demolition works and construction of multi dwelling housing on land at Lot 6 Sec H DP 3742, 41 Upper Clifford Avenue, Fairlight.

3.2 DA2020/0341 - 87 BLACKBUTTS ROAD, FRENCHS FOREST - DEMOLITION WORKS AND CONSTRUCTION OF SENIORS HOUSING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant and representative of the applicant.

The proposal sought a variation to the rear setback control. The panel accepts the justification contained in the assessment report with the condition that the roof be lowered in height to reduce the bulk of the building with the setback.

The applicant requested that condition 14 be amended to require the Roads Act to be obtained prior to works within the road reserve rather than prior to the Construction Certificate

The Panel concurred with the Officer's assessment report and recommendation.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is 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 the development standard under Clause 40(2) Site Size under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 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

THAT Council as the consent authority **approve** Development Consent to DA2020/0341 for demolition works and construction of seniors housing on land at Lot 2413 DP 752038, 87 Blackbutts Road, Frenchs Forest, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following condition:

Height of Building

The ground floor roof to be reduced in height with the ceiling height measured on the

southern wall of the kitchen to be a maximum 2.4 metres.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: Protect amenity of surrounding properties.

2. The amendment of the following condition to read as follows:

14. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application to Council for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of the driveway crossing, footpath, kerb and gutter, bus stop slab and pram ramp reconstruction which are to be generally in accordance with the Council's specification for engineering works – AUSSPEC #1. The plan shall be prepared by a qualified Civil Engineer. The design must include the following information:

1. 5 metre wide driveway crossing in accordance with Council drawing A4/3330/1 N.
2. 150mm kerb and gutter for the entire frontage of the site in accordance with Council drawing A4/2276/A.
3. 1500mm wide concrete footpath for the entire frontage of the site in accordance with Council drawing A4/10536.
4. 2000mm wide concrete slab 100mm thick between the existing footpath and the kerb adjacent to the existing bus stop in front of 95 Blackbutts Road.
5. Removal and reinstatement of the pram ramps and associated footpath on either side of the existing refuge island in front of 97 Blackbutts Road in accordance with Council drawing A4/7284.
6. 1.8 metre lintel with 900mm grated kerb inlet pit in front of the site with a 375mm RCP extension at 1% minimum grade to the existing Council drainage pit in front of 91 Blackbutts Road in accordance with Council drawing A2/5476/A.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fees and Charges.

An application is to be submitted to the Certifying Authority prior to any of the above works within the road reserve.

All the above works must be completed to Council's satisfaction prior to any occupation of the dwellings.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

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3.3 DA2020/0330 - 4 NORTH HARBOUR STREET, BALGOWLAH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were not addressed by any speakers.

The panel notes that the additional floor space involves the conversion of an existing area of storage/garage, into habitable floor space, and this contributes only an additional 9% to the habitable floor space of the dwelling.

Panel concurred with the Officer's assessment report and recommendation.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

COMMUNITY CONSULTATION

There were no submissions received for this application.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio 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

THAT Council as the consent authority **approve** Development Consent to DA2020/0330 for alterations and additions to a dwelling house including swimming pool on land at Lot 1 DP 543563, 4 North Harbour Street, Balgowlah, subject to the conditions outlined in the Assessment Report.

Voting 3/0 - 24 June 2020

3.4 DA2020/0468 - 29 MOORE ROAD, FRESHWATER - ALTERATIONS AND ADDITIONS TO A HOTEL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector, the applicant and representative of the applicant.

A supplementary memo was provided to the panel with conditions regarding restrictions on use of outdoor areas and acoustic control. The panel required that outdoor entertainment cease by 7pm from Sunday to Wednesday and 10pm Thursday to Saturday, noting there are also restrictions on level apply.

Panel received a second supplementary memo address an acoustic report by the applicant seeking a change to condition 17 regarding the openable windows on the northern and western elevations and that noise levels during entertainment would be directly controlled by switches on the windows.

The Panel heard that the new western door to Charles St would provide direct disabled access for the building and that the door would have security personnel as required by the Liquor Licences. The Panel required that this door be restricted after 10pm from general patron use, and only used by persons with mobility issues.

Additional conditions would address mechanical plant operating hours, and screening of the mechanical plan, that the consent does not change the Licenced patron numbers or gaming machine numbers and that the Plan of Management be amended to reflect changes contained in the conditions of consent.

The Panel concurred with the Officer's assessment report, first supplementary memo and recommendation.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2020/0468 for alterations and additions to a Hotel on land at Lot 13, 5, 4, 3, 2, Sec 1, DP 7022, 29 Moore Road, Freshwater, subject to the conditions outlined in the Assessment Report and 2 Supplementary Memos, subject to the following:

1. The amendment of the following conditions to read as follows:

4. Plan of Management

The operations of the premises is to comply with the '*Plan of Management for Operations of Harbord Beach Hotel*' dated April 2020 (version containing Point 36 requiring entry door airlocks to be activated during entertainment) with the following changes:

- Plan to be updated to include requirements of conditions 21 and 23.

A final copy of the Plan of Management to be submitted to Council prior to operations commencing.

Reason: To ensure continued appropriate operation of the hotel premises and to reduce amenity impact to neighbouring properties.

8. Screening of roof mounted mechanical plant

Any roof mounted plant is to be located within, and be no higher than, the existing screening of the mechanical plant area.

Reason: To ensure that the visual impact of the mechanical plant on the heritage item is minimised.

10. Noise fixtures, fittings and equipment prior to Construction Certificate

Details of the fixtures being used for the windows, internal ceilings, mechanical plant and external doors are to be provided to the PCA for approval prior to the issuing of any Construction certificate. Fixtures are to meet the following minimum requirements as specified in the acoustic report by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC;

- Windows on Western and Northern façade to be fixed/inoperable double glazing of 10.5mm Viridian VLam Hush or the like, with a 40mm air gap and 8.5mm VLam Hush or the like.
- Acoustic ceiling in the gaming room(s) and Charles Street access way, capable of a Noise Reduction Coefficient of 0.85.
- External doors to be installed with self-closing mechanisms and fitted with perimeter acoustically rated seals.
- Acoustic screening for mechanical plant that achieves sound contributions less than 37 dB(A) at sound assessment locations 1&3, and 38dB(A) at location 2.
- A central noise limiter calibrated to limit amplified entertainment sound in the ground floor internal areas and outdoor beer garden.

Reason: To protect surrounding residence from any noise generated by the operation of the development.

17. Certification of minimum acoustic standards

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations in the report by The Acoustic Group Pty Ltd on 26 April 2020, reference number 50.4539.R2:MSC, including but not limited to:

- Windows on Western and Northern façade to be double glazing of 10.5mm Viridian VLam Hush or the like, with a 40mm air gap and 8.5mm VLam Hush or the like. The windows are to be closed during live entertainment and after 9pm. The provision of windows being operable prior to 9pm and when live entertainment is not occurring, can only occur if those operable windows are fitted with reed switches and the noise limiter is calibrated to comply with liquor license requirements with windows open and windows closed.
- Acoustic ceiling in the gaming room(s) and Charles Street access way achieves a Noise Reduction Coefficient of 0.85.
- External doors have self-closing mechanisms and are fitted with perimeter acoustically rated seals.
- The mechanical plant which is to be located on existing plant room decks is acoustically screened to ensure the sound contribution of any plant does not exceed 37dB(A) at sound assessment locations 1&3, and 38dB(A) at location 2.
- Entertainment sound from in-house sound systems and external amplification in the

- ground floor internal areas and outdoor beer garden to be controlled by noise limiter(s) that have been calibrated by a qualified person.
- The internal noise set to a maximum of nominal 92dB(A) measured 5m in front of point source speakers.
 - Actual noise limits for limiter(s) from ground floor internal areas and outdoor beer garden (dB(A), dB(C), dB(ext filter) or dB(Lin)) are to be determined by compliance testing to satisfy condition 220 in liquor license LIQH400102917 for LA10 sound, issued by Liquor & Gaming NSW. The limiter is to be installed in a tamper proof enclosure (or in the case of a DSP based limiter) with no access to the limiter controls by staff or management of the hotel.

The updated acoustic assessment is to be submitted to the satisfaction of Council's Environmental Health Team before providing to the PCA for certification

Reason: To ensure the premises will satisfy conditions under liquor license LIQH400102917 protect surrounding residence from any noise generated by the operation of the development.

21. Outdoor music

In addition to compliance with noise conditions under liquor license LIQH400102917, a restriction is placed on outdoor entertainment to be for solo artists only.

Furthermore, Solo artist entertainment is to cease at the following times:

- Sunday to Wednesday at 7pm
- Thursday to Saturday at 10pm

Reason: To limit low frequency sound emission and protect surrounding residence from any noise generated by the operation of the development.

22. Gaming Machines

This consent does not provide an approval to increase the current number of gaming machines.

Reason: To provide clarity on proposed internal works

23. Mechanical Plant operation

Mechanical plant is to operate at a level that is lower than EPA's background +5dB(A).
Mechanical plant is to cease operation at 10pm.

Reason: To minimise acoustic impact to neighbouring properties and ensure compliance with acoustic report.

24. Restricted use of External Door Charles Street

The use of the external door on Charles Street is only to be used after 10pm for persons with mobility issues or in the case of emergencies.

Reason: To ensure the amenity to surrounding properties.

Voting 3/0 - 24 June 2020

The meeting concluded at 1.45pm

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 24 June 2020.