

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via teleconference on

WEDNESDAY 29 JULY 2020

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 29 July 2020
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Paul Vergotis	Chair
Marcus Sainsbury	Environmental Expert
Robert Hussey	Town Planner
Nick Lawther	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 1 JULY 2020

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 1 July 2020, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2020/0509 - 10 WIRRINGULLA AVENUE, ELVINA BAY - CONSTRUCTION OF A BOAT SHED, SKID RAMP AND ASSOCIATED WORKS

PROCEEDINGS IN BRIEF

The proposal seeks consent for the construction of a boatshed with associated timber decking, skid ramp, and the relocation of existing stone stairs.

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

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 standards 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 DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0509 for construction of a boat shed, skid ramp and associated works at Lot 3 DP 1023404, 10 Wurringulla Avenue, Elvina Bay subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

3.2 DA2020/0530 - WELLINGS RESERVE GOURLAY AVENUE, BALGOWLAH - ALTERATIONS AND ADDITIONS TO AN EXISTING SAILING CLUB

PROCEEDINGS IN BRIEF

The North Harbour Sailing Club is seeking development consent as follows:

- To continue to use of the already constructed boat ramp, which was extended beyond the current lease boundary
- Replace and extend the existing decking to the eastern side
- Erect a chainwire fence 1.8m high between the new deck and Sea Scout Clubhouse
- Install entry doors to the eastern clubhouse wall

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

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0530 for alterations and additions to an existing sailing club at Lot 7347 DP 1148450, Wellings Reserve Gourlay Avenue, Balgowlah subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 11 to include the following words:
 - viii) An induction program to ensure that contractors are able to identify the invasive marine alga, *Caulerpa taxifolia* as per condition 16.

Vote: 4/0

3.3 DA2020/0347 - 49 FOREST WAY, FRENCHS FOREST - DEMOLITION WORKS AND CONSTRUCTION OF 4 SENIORS HOUSING UNITS, WITH BASEMENT PARKING AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal is to demolish the existing dwelling house and construct a building containing four dwellings as housing for seniors or people with a disability. The building comprises 2 storeys over basement car parking. Each dwelling has 2 bedrooms plus “study / flex space”. A lift connects all three levels of the building.

Basement carparking is provided for 6 cars. Access to the basement car parking area is from Adams Street. Pedestrian access to the site is from Forest Way. The area around the building is to be landscaped.

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

The Panel notes that there is a probability that the Adams Street frontage adjacent to the development site will be the subject of a potential future road widening. As such, the Panel notes that the width of the public footway will be narrowed to a width of 3 metres, which is acceptable to engineering standards.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0347 for demolition works and construction of 4 Seniors Housing Units, with basement parking and strata subdivision at Lot 1A, DP 382200, 49 Forest Way, Frenchs Forest subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

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

5. Construction, Excavation and Associated Works Security Bond (Footpath works Forest Way)

The applicant is to lodge a bond with Council of \$15000 as security against any damage or failure to complete the upgrade to the footpath on Forest Way as required by this consent.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

2. The amendment of condition 12 to read as follows:

12. Submission of Engineering Plans

The submission is to include four (4) copies of Civil Engineering plans for the design of:

- Footpath construction (1.5m wide with 600mm grass verge either side) along Forest Way frontage and provision of the footpath connection to the nearest bus stop for both northbound and southbound travel.
- Upgrade of the designated bus stops to be DDA compliant.

These are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or

Council's Minor Works Policy. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

Reason: To ensure compliance with Council's specification for engineering works.

3. The deletion of condition 38
4. The amendment of condition 65 to read as follows:

65. Footpath construction

Prior to first occupation, the developer/applicant shall construct a footpath to the satisfaction of Council in accordance with condition 12.

Reason: To provide satisfactory pedestrian facilities.

5. The addition of the following condition:

Tree Protection

Prior to the excavation to the driveway at the south east corner of the site, root mapping shall be undertaken by a suitably qualified arborist to identify the structural root zone of tree #16 (*Corymbia citriodora*). In the event that the root mapping identifies likely impacts to the structural root zone of tree #16, appropriate measures shall be implemented in accordance with the recommendations made by the suitably qualified arborist to ensure any excavation does not compromise the integrity of the tree.

Reason: To ensure protection of important tree.

Vote: 4/0

3.4 MOD2020/0175 - 80-82 MONA VALE ROAD, MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0123 GRANTED FOR USE OF PART OF THE CARPARKING AREA ASSOCIATED WITH THE PITTWATER RSL CLUB FOR THE PURPOSES OF AN ORGANIC FOOD MARKET

PROCEEDINGS IN BRIEF

The proposal seeks to modify Development Consent DA2019/0123 to:

- amend the trial period of 18 months and extend to five years; and
- amend hours of operation of the approved market events as follows:

Approved:

Sundays:

- Set Up: 7:00am-8:30am
- Trading: 8:30am to 12:30pm
- Pack Down: 12:30pm-2:00pm

Proposed:

Sundays:

- Set Up: 7:00am-8:00am
- Trading: 8:00am to 12:30pm
- Pack Down: 12:30pm-2:00pm

Therefore, the proposal involves extending the hours to commence trading half an hour earlier.

The markets commenced operation on 1 September 2019, temporarily ceased operation from 29 March 2020 in response to the current COVID-19 pandemic, and recommenced operation on 3 May 2020.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two objectors and a representative of the applicant.

The Panel is aware that there is a complaint mechanism of the applicants website and to date there have been no complaints received through that channel in regards to noise or acoustic impacts.

DECISION ON MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2020/0175 for Modification of Development Consent DA2019/0123 granted for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market at Lot 27 DP 5055, Lot 51 DP 1237461 and Lot 52 DP 1237461, 22 Jubilee Avenue, Warriewood, 80-82 Mona Vale Road, Mona Vale and 84 Mona Vale Road, Mona Vale subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

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

4. Amendment to Plan of Management

The submitted Operational Management Plan is to be amended to include:

- Hours of Operation, being:
 - ☐ Access for stall traders: 7:30am-2:30pm; and
 - ☐ Trading hours: 8:30am-1:00pm.

- Methods for restricting access to the site prior to 7.30am and in relation to trading hours;
- Complaints Register: A complaints register is to be kept up to date at all times, logging complaints received, and action taken;
- Complaints Contact: A contact person is to be nominated in the Operational Management Plan along with a phone number;
- Stall Numbers: Market events are not to exceed 100 stalls at any time; and
- Market events must not exceed 42 days in 12 months.

Reason: To ensure appropriate amenity, complaints resolution and consistency with the consent.

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

6. Noise Minimisation

1. External sound amplification equipment or loud speakers must not be used for the announcement, broadcast, playing of music (including live music) or similar purposes if audible from the boundary of any residential premises.
2. Set up of stalls is not to commence before 7:30am.
3. Refrigeration motors/generators and the like not being audible from the boundary of any residential premises.

Reason: To protect the acoustic amenity of neighbouring properties.

3. The amendment of condition 7 to read as follows:

7. Hours of Operation

The hours of operation are to be restricted to:

- Sundays:
 - ☐ Set Up: 7:30am-8:30am
 - ☐ Trading: 8:30am to 1:00pm
 - ☐ Pack Down: 1:00pm-2:30pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises for the purpose of the markets shall be required to leave. Stallholders and site managers may commence set up from 7:30am and must vacate the site by 2:30pm. No access to the site for the purpose of market stall set up is permitted before 7:30am.

Reason: Information to ensure that amenity of the surrounding locality is maintained. At the public meeting, the applicant indicated that approval was only being sought to operate the market on Sundays.

4. The addition of the following condition:

Traffic Warden(s)

A suitably qualified traffic warden(s), under the requirements of SafeWork NSW, must be appointed to monitor and control traffic movements and car parking along Warriewood Road, Vineyard Street, Jubilee Avenue and Foley Street, Warriewood. Such warden(s) shall commence duties no later than 7.15am through to 2.45pm.

Reason: To ensure safe and orderly traffic movements and parking and to manage amenity impacts to local residents.

Vote: 4/0

3.5 DA2020/0211 - 82-84 BOWER STREET, MANLY - DEVELOPMENT APPLICATION SEEKING CONSENT FOR THE RECONSTRUCTION OF WALLS/STRUCTURES THAT WERE TO BE RETAINED AND HAVE BEEN DEMOLISHED, AND FOR THE USE OF WALLS/STRUCTURES THAT WERE TO BE RETAINED, BUT HAVE BEEN DEMOLISHED AND REBUILT

PROCEEDINGS IN BRIEF

The site contained an existing dual occupancy development, with alterations and additions approved under DA0168/2017.

Following the commencement of works associated with this consent (and subsequent consents DA2019/0125 and DA2019/0126) a number of wall and floor structures that were proposed/approved to be retained were demolished and partially rebuilt.

This development applications seeks consent for the reconstruction of the walls/structures that have been demolished, and for the use of walls/structures that have been demolished and since been rebuilt without consent.

There is a concurrent Building Information Certificate (BC2020/0048) under assessment by Council in relation to the unauthorized reconstruction of those walls/structures that have since been rebuilt.

The extent of the demolition works to the existing dwellings and the extent of the structures remaining is such that the development as executed is now fundamentally considered to be for the construction of a new dual occupancy.

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

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** Application No. DA2020/0211 for Development Application seeking consent for the reconstruction of walls/structures that were to be retained and have been demolished, and for the use of walls/structures that were to be retained, but have been demolished and rebuilt at Lot 5 DP 8075, 82-84 Bower Street, Manly to enable the Panel to communicate with the applicant in relation to the submission of an amended plan and an amended development application to address amenity impacts on the immediate adjoining property 86 Bower Street, Manly.

The meeting concluded at 5.55pm

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 29 July 2020.

Minutes amended 31 July 2020 to include amendment of condition 6 of item 3.4.