



northern  
beaches  
council

# MINUTES

## **NORTHERN BEACHES LOCAL PLANNING PANEL**

held via teleconference on

**WEDNESDAY 4 NOVEMBER 2020**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 4 November 2020**

The public meeting commenced at 2.10pm and concluded at 2.15pm.

The deliberations and determinations commenced at 3.30pm and concluded at 5.20pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe	Chair
Steve Kennedy	Urban Design Expert
Graham Brown	Town Planner
Ray Mathieson	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 21 OCTOBER 2020**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 21 October 2020, were adopted by the Chairperson and have been posted on the Council's website

### 3.0 PUBLIC MEETING ITEMS

#### 3.1 DA2019/1478 - 1 NARRABEEN PARK PARADE, NORTH NARRABEEN - ALTERATIONS AND ADDITIONS TO AN EXISTING RESTAURANT

##### PROCEEDINGS IN BRIEF

The proposal seeks development consent for alterations and additions to an existing food and drink premises, extending the premises' hours of operation and increasing the seating capacity within the premises.

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

The Panel notes the degree of concern and opposition to the proposal expressed by some members of the public and respects their position.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2019/1478 for alterations and additions to an existing restaurant at Lot 1 DP 1005148, 1 Narrabeen Park Parade, North Narrabeen subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 10 to read as follows and move under the heading **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**:

##### **Tree Root Investigation**

A non-destructive root investigation shall be conducted complying with clause 3.3.4 (TPZ encroachment considerations) of AS 4970-2009 Protection of Trees on Development Sites within the tree protection zone of existing tree T3 (Norfolk Island Pine) as recommended in the Arboricultural Impact Assessment by RainTree Consulting dated 5 May 2020, to determine the location of pier footings for the proposed pergola.

The root investigation shall locate existing tree roots to be protected during excavation works for the proposed pier footings, and assist with structural engineering and construction design. Council's Arborist shall be in attendance during tree root investigation and provide written authorisation to proceed.

Reason: to investigate the location of existing tree roots as a basis for pier footing location, and protect the existing tree identified for retention.

2. The amendment of condition 11 to read as follows and move under the heading **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**:

##### **Root Mapping Plan and Pier Footing Plan**

The findings of the tree root investigation shall be documented in a Root Mapping Plan that documents 'no-go' areas that can't be excavated without supervision and guidance of a AQF Level 5 Arborist, and shall be the basis for determining the location of all pier footings for the proposed pergola.

The Root Mapping Plan shall be issued to the Certifying Authority and to the Structural Engineer as the basis for preparation of structural design. The Root Mapping Plan shall provide pier footing layout recommendations.

The Arborist shall provide certification to the Certifying Authority that the Root Mapping Plan

and clear distances recommended will ensure the long term survival of the existing tree T3 Norfolk Island Pine. The Certifying Authority and Council's Arborist shall approve design that satisfies the recommendations of the Root Mapping Plan.

A Pier Footing Plan shall be developed in co-ordination with a AQF minimum Level 5 Arborist and a qualified Structural Engineer, and shall be issued to the Certifying Authority identifying suitable locations for all pier footing locations for the proposed pergola.

The Pier Footing Plan shall be issued to the Certifying Authority identifying a suitable locations for each pier footing. The Certifying Authority shall approve design that satisfies the recommendations of the Pier Footing Plan.

Reason: to ensure protection of the existing trees identified for management and retention.

3. The deletion of condition 13
4. The amendment of condition 17 to read as follows and move under the heading **CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK:**

#### **Tree Protection Measures**

A Project Arborist with AQF minimum Level 5 qualification in arboriculture/horticulture is to be appointed to supervise and certify tree protection measures for existing trees to be retained and protected, requiring site attendance during excavation and construction works, in accordance with AS4970- 2009 Protection of Trees on Development Sites, with particular reference to Section 4, and the recommendations of the Arboricultural Impact Assessment prepared by RainTree Consulting dated 5 May 2020, including the following:

- i) Prior to works commencement, the trunk of trees are to be protected with timber beam trunk protection as detailed within Item 3 of Appendix-C. Timber beams should be no less than 2m in height and installed without causing injury to the tree,
- ii) There is to be no excavation within SRZ radius' without prior root mapping or investigation works to determine impact on critical underlying tree roots, refer SRZ & TPZ distance column Appendix-C. The SRZ should be considered a development exclusion zone with no works occurring within the SRZ without prior arborist advice and certification,
- iii) All root investigation works are to be conducted by a minimum suitably qualified AQF Level 4 certified arborist with root mapping plan and/or certification report provided prior to obtaining a Construction Certificate (CC),
- iv) In specific detailed root mapping or exploratory root investigations should occur for pergola pier footing locations adjacent T3,
- v) Stone cage wall proposal: construction methodology for the stone cage wall proposal should be more clearly detailed within construction drawings. In specific there should be no excavation or compaction to accommodate the wall proposal within the SRZ. Where the wall is proposed on natural ground level within the SRZ root mapping should occur to provide more information on the location, distribution and effect of works on critical underlying tree roots. Tree sensitive design such as placing the wall directly on top of or spanning the wall above ground level over the SRZ may be achievable pending the results of exploratory root investigations,
- vi) All tree roots at or >25mm(Ø) are to be retained. Should such roots require pruning all works are to be conducted by the site arborist, clean cutting and/or protecting encountered roots in accordance with AS4970-2009 – section 4.5.4 Root protection during works within the TPZ. Should there be any uncertainty with root management requirements a minimum AQF Level 5 project arborist is to be consulted,
- vii) There is to be no compaction or additional excavation i.e. SW / hydraulics or electrical service trenching within the TPZ radius without prior arborist advice,
- viii) Arborist certification: final certification is to consist of photographic evidence of

excavation activities, root management (pruned & covered / protected roots from contamination), time of works and summary of activities conducted to manage tree roots within the tree protection zone.

The Project Arborist shall submit certification that the works and activities described in the above sections, including written approval of the works from Council's Arborist, have been correctly installed and adhered to during the construction period. The tree protection measures specified in this clause must: viii) be in place before work commences on the site, and ix) be maintained in good condition during the construction period, and x) remain in place for the duration of the construction works.

The Certifying Authority or the Project Arborist AQF Level 5 must ensure that: xi) the activities listed in section 4.2 of AS4970- 2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and xii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

A separate permit or development consent may be required if the branches or roots of a protected tree on the site or on an adjoining site are required to be pruned or removed.

Reason: to retain and protect significant planting on development and adjoining sites.

5. The amendment of condition 26 to read as follows:

**26. Plan of management review**

Prior to the issuing of any interim / final occupation certificate, a completed plan of management is to be submitted to Northern Beaches Council's Environmental Health Department for review.

Northern Beaches Council's Environmental Health Department are to provide approval or approval with amendment in writing to the applicant once the plan of management has been reviewed. The updated plan of management is to be consistent in all respects with these conditions of consent, including the following:

- Operational hours limited as per these conditions
- The prohibition of any live or amplified music hours limited as per these conditions
- The capacity of the premises is limited to 100 customers, including the Crown Land areas shown on the approved plans as 'Exist. Tiled Area, New Sleepers on Ground, New Landscaped Area and New Pergola'. Note that this capacity is subject to approval being granted for an outdoor dining licence in accordance with these conditions of consent.
- No approval is given for up to 180 customers or stand up cocktail functions on the crown land, and this element must be removed from the plan of management.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

6. The amendment of condition 29 to read as follows:

**29. Plan of management**

The requirements of the One Narrabeen Park Parade North Narrabeen Plan of Management (as amended as required by this consent) is to be fully implemented in perpetuity from the issue of any interim / final occupation certificate.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.

7. The amendment of condition 31 to read as follows:

**31. Hours of operation**

- (a) Subject to 31(b), the permissible hours of operation are as follows.

Restaurant trading hours including take away meals service:

- Wednesday to Sunday midday - 3.00pm
- Wednesdays, Thursdays and Sundays 6.30pm-10pm
- Fridays and Saturdays 6.30pm-11.30pm

All customers are to vacate the premises by those closing times, and staff by 30 minutes thereafter.

Playing of live or amplified music:

No live or amplified music is permitted

- (b) It is a reviewable condition that the specified permissible hours of operation in 31(a) are extended as follows:

Restaurant trading hours including take away meals service:

- Fridays and Saturdays 6.30am-11.30pm
- Sunday to Thursday 6.30am-10.30pm
- New Year's Eve until 12.30am

All customers are to vacate the restaurant premises by the abovementioned closing times, and staff by 30 minutes thereafter.

Playing of live or amplified music:

No live or amplified music is permitted

- (c) Council may review the reviewable condition in 31(b) on 14 days notice at any time following the first three months of operation, where Council is in receipt of a complaint or complaints relating to hours of operation and amenity impacts. If upon such a review Council finds that changing the hours of operation is the most efficient and effective means of reducing amenity impacts, then it may change the hours of operation on 14 days notice provided that it does not change the hours to less than those specified in 31(a). Any such change to hours exceeding those specified in 31(a) shall become a reviewable condition which may be reviewed in the same way as the reviewable condition in 31(b).

Reason: Management of noise and protection of amenity.

8. The deletion of condition 34.

**REASONS FOR DETERMINATION:**

The Panel agrees generally with the assessment report except that it considers that the noise impacts from live and amplified music would be unacceptable having regard to the proximity to residential development and the residential zoning of the subject site; and considers that the other amendments set out above are appropriate in the circumstances.

Vote: 4/0

**3.2 DA2020/0431 - 1129 PITTWATER ROAD, COLLAROY - DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING COMMERCIAL UNITS AND A BOARDING HOUSE**

This application was withdrawn from the agenda prior to the meeting.



## 4.0 NON PUBLIC MEETING ITEMS

### 4.1 DA2020/0911 - 32 FULLER STREET, COLLAROY PLATEAU - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SECONDARY DWELLING

#### PROCEEDINGS IN BRIEF

The proposal is for the alterations and additions to a two storey dwelling house, including the incorporation of a new secondary dwelling within the footprint of the first floor.

The Panel viewed the site and its surrounds.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0911 for alterations and additions to a dwelling house including a secondary dwelling at Lot 29 DP 435232, 32 Fuller Street, Collaroy Plateau subject to the conditions set out in the Assessment Report.

#### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

#### 4.2 DA2020/0539 - 69 WALLUMATTA ROAD, NEWPORT - CONSTRUCTION OF A DETACHED SECONDARY DWELLING, INTERNAL DRIVEWAY AND HARDSTAND AREA

##### PROCEEDINGS IN BRIEF

The proposal seeks approval for the construction of a new detached secondary dwelling, internal driveway and hardstand area.

The Panel viewed the site and its surrounds.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, grants **deferred commencement approval** to Application No. DA2020/0539 for construction of a detached secondary dwelling, internal driveway and hardstand area at Lot 17 DP 25023, 69 Wallumatta Road, Newport subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following **Deferred Commencement Condition**:

##### **Revised Easement for Access**

The existing Right of Carriageway over Lot 10 and Lot 11 in DP 23378 is to be revised to facilitate access to the proposed driveway and hardstand area noted on drawing 02 issue B (Site Plan/Site Analysis) and is to include appropriate turning areas to allow vehicles to enter and exit in a forward direction.

Proof of registration of the revised easement with NSW Land Registry Services is to be submitted to Council.

Reason: To ensure legal access is facilitated to the proposed parking area.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

2. The deletion of condition 7

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report except that the panel considers that the easement for access should be revised as set out above to allow for the provision of a car parking space on the proposed driveway for the secondary dwelling.

Vote: 4/0

This is the final page of the Minutes comprising 10 pages  
numbered 1 to 10 of the Northern Beaches Local Planning Panel

held on Wednesday 4 November 2020.