



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held on

WEDNESDAY 1 SEPTEMBER 2021

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 1 September 2021

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Brian Kirk	Town Planner
Phil Young	Community Representative

The Panel have visited all sites personally, or electronically (due to COVID restrictions), and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 18 AUGUST 2021

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 18 August 2021, were adopted by the Chairperson and have been posted on the Council's website

3.0 PUBLIC MEETING ITEMS

Nil

4.0 NON PUBLIC MEETING ITEMS

4.1 DA2021/0532 - 42 NORTH STEYNE, MANLY - SUBDIVISION OF LAND TO CONSOLIDATE TWO LOTS INTO ONE LOT

PROCEEDINGS IN BRIEF

The proposal is for the consolidation of two (2) parcels of land into one (1) at 42 North Steyne, Manly.

DECISION

Having regard to the definition of 'development' in section 1.5 of the Environmental Planning and Assessment Act 1979, the Panel considers that development consent is not required for this proposed consolidation. Although the definition of 'development' includes subdivision of land, the Panel notes that consolidation does not come within the definition of 'subdivision of land' in section 6.2 of the Act. Accordingly, the Panel declines to consider the development application.

Vote: 4/0

4.2 MOD2021/0314 - MANLY WHARF RETAIL WHARVES AND JETTIES, MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2020/0962 GRANTED FOR ALTERATIONS AND ADDITIONS TO MANLY WHARF IN ASSOCIATION WITH HUGOS RESTAURANT

PROCEEDINGS IN BRIEF

The proposal is seeking consent to modify DA2020/0962 to provide for an extension to an outdoor deck and additional outdoor seating in association with Hugos Restaurant at Manly Wharf.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0314 for Modification of Development Consent DA2020/0962 granted for alterations and additions to Manly Wharf in association with Hugos restaurant at Lot 1 DP 1170245, Manly Wharf Retail Wharves And Jetties, Manly subject to the conditions set out in the assessment report, subject to the following:

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

1A - Modification of Consent - Approved Plans and supporting Documentation

The development must be carried out in accordance with the plans and documents listed in Condition 1, except as amended by any other condition of consent and the following:

- a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 100, Floor Plan - Proposed, issue P13	31 March 2021	Squillace
DA 201, Proposed West Elevation, issue C	31 March 2021	Squillace
DA 301, Proposed South Elevation / Section AA, issue C	31 March 2021	Squillace

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Preliminary (Stage 1) Site Investigation, reference E33925rpt	6 April 2021	JK Environments
Biodiversity Assessment, reference 0148219	27 May 2021	Environmental Resources Management Australia Pty Ltd
Plan of Management	16 April 2021	Planning Lab

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

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

10. Construction Environment Management Plan

A Construction Environment Management Plan (CEMP) must be prepared with respect to the approved development. The CEMP is to be prepared by a suitably qualified person and must address:

- a) all measures for the protection of native flora and fauna during construction,
- b) the requirements and general terms of approval of DPI Fisheries,
- c) a risk assessment of all environmental aspects and impacts to the site and surrounding properties or waterbodies associated with:
 - i. hazardous substances
 - ii. water
 - iii. air
 - iv. noise
 - v. vibration
 - vi. waste and litter
 - vii. environmental protection objectives and control strategies
 - viii. environmental conditions using measurable indicators and standards
 - ix. emergency response plan
 - x. environmental monitoring and reporting plan
- d) Any other matters specifically highlighted in conditions of this consent.
- e) Use of construction methods that minimise disturbance of the sediments (e.g. driven piles).
- f) Use of a floating boom with a silt curtain around the work area.
- g) Mooring to the existing wharf during construction and eliminating (where possible) the use of anchors that disturb the seabed.
- h) Development of procedures for handling waste, including construction waste any residual sediment that may come to the surface on construction equipment or during demolition/removal of existing piles.
- i) Completion of works during favourable weather conditions for tide, wind and waves.
- j) The project ecologist is to provide fortnightly reports during the course of construction to Council and the applicant certifying that the CEMP is being complied with or, to the extent it may not be, prescribing rectification measures and the applicant must comply with any such measures expeditiously.

An induction plan for site personnel must be prepared that addresses the CEMP.

The CEMP and site induction plan must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure the appropriate operation and management of the site and to protect native vegetation, wildlife, habitats and receiving waterways.

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

28. Plan of Management

The approved use of the outdoor areas associated with Hugos Restaurant is to be in accordance with the terms of the Plan of Management prepared by Planning Lab dated 16 April 2021 as amended as follows:

- a) A maximum of 80 patrons are allowed within the western outdoor dining area at any given time.
- b) A maximum of 36 patrons are allowed within the southern outdoor dining area at any given time.

- c) All patrons within the western outdoor dining area and the southern outdoor dining area are to be seated.
 - d) No amplified music or live entertainment is permitted at either the western or southern outdoor dining area.
 - e) The outdoor areas are not to be used between the hours of 12am midnight to 11am.
 - f) Management is to ensure that patrons departing the premises do so in an orderly manner to minimise noise impacts (especially after 10pm)
 - g) Garbage and bottle disposal should be undertaken prior to 10pm and not before 7am.
 - h) A register of any complaints and any actions made in response to such complaints is to be maintained on site and produced upon request from Council.
 - i) Tables must be cleared in a timely manner so items are not blown into the waterway.
 - j) Disposable items such as plastic or polystyrene cups, containers and straws are not to be used in outdoor dining areas.
 - k) With the exception of candles (including LED battery candles), no external lighting is permitted.
 - l) Hours of operation for the outdoor dining areas are limited to 11:00am to 11:30pm on all days, with all restaurant services to cease and all customers to vacate within 30 minutes.
 - m) A 1m wide service area is to be outlined on the ground immediately adjacent to the southern outdoor dining area, with staff servicing the southern outdoor dining area to be generally limited to this area.
- The Plan of Management is to be submitted to the Principal Certifying Authority prior to the issuance of the occupation certificate.

Reason: To ensure appropriate management of outdoor areas to minimise impacts upon the surrounding environment.

REASONS FOR DETERMINATION:

Subject to the above, the Panel agrees generally with the assessment report.

Vote: 4/0

4.3 DA2021/0965 - 11-13 BELLEVUE STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO EXISTING SEMI-DETACHED DWELLINGS

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to two existing semi-detached dwellings located at 11 and 13 Bellevue Street, Fairlight.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/0965 for alterations and additions to existing semi-detached dwellings at Lot X & Lot Y DP 106688, 11-13 Bellevue Street, Fairlight subject to the conditions set out in the assessment report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.4 DA2021/0985 - LOT 100/ MEATWORKS AVENUE, OXFORD FALLS - SUBDIVISION OF AN INDUSTRIAL/WAREHOUSE DEVELOPMENT (STRATA SUBDIVISION)

PROCEEDINGS IN BRIEF

The proposal is for the staged strata subdivision of an approved industrial warehouse development at Lot 100, Meatworks Avenue, Oxford Falls (the Meatworks site).

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/0985 for subdivision of an industrial/warehouse development (strata subdivision) at Lot 100 DP 1023183 & Lot 1053, Lot 1047 & Lot 1046 DP 752038, Lot 100/ Meatworks Avenue, Oxford Falls subject to the conditions set out in the assessment report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

The Panel makes the certification required by section 75(2) of the Strata Schemes Development Act 2015, a copy of which is attached to these minutes.

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 meeting
held on Wednesday 1 September 2021.

Approved Form 8	Strata Development Contract	Sheet 1 of 27 sheets
Registered:	Office Use Only	Office Use Only

Description of Development

The development scheme as provided for in this Strata Development Contract will be completed over several stages. Stage 1 of the development:

- is illustrated in the accompanying strata plan;
- will be completed upon registration of the plan;
- contains lots 1 to 21;
- upon registration of Stage 1 it is intended to create development lot(s) 22,23 & 24 (being Stages 2, 3 and 4)

Stage 2 - Lot 22

Stage 3 - Lot 23

Stage 4 - Lot 24

The development scheme as provided for in this Strata Development Contract will conclude 10 years after the day on which this contract is registered.

It is intended that each stage will contain warranted development, which the developer may be compelled to carry out, or authorised proposals, which the developer may not be compelled to carry out, as described in this Strata Development Contract.

The developer has the right to occupy the common property in each of the Stages, any access roads and any areas identified as subject to Rights of Carriageway in order to carry out the proposed development.

The provisions of this Strata Development Contract incorporate and are subject to the covenants implied by section 81(1) and Schedule 3 *Strata Schemes Development Act 2015*.

Approved Form 8	Strata Development Contract	Sheet 2 of 27 sheets
Registered:	Office Use Only	Office Use Only

Warranted Development -proposed development subject to a warranty

Warranted development is development that the developer is permitted to carry out and may be compelled to carry out.

There is no warranted development.

Approved Form 8	Strata Development Contract	Sheet 3 of 27 sheets
Registered:	Office Use Only	Office Use Only

1. **Authorised Proposals – proposed development not subject to a warranty**

An Authorised Proposal is development that the developer is permitted to carry out, but not compelled to carry out.

Each stage is numbered consecutively beginning with Stage 2 (Stage 1 is the original plan).

2. **Stage 2 (Lot 22)- Authorised Proposals – proposed development not subject to a warranty**

(a) **Description of Development**

Stage 2 will comprise the construction of industrial units with mezzanine offices in accordance with the Concept Plans.

(b) **Common Property Amenities**

Landscaped garden areas, car parking, driveways and access ways.

(c) **Schedule of Commencement and Completion**

The developer does not warrant commencement and completion dates for Stage 2.

(d) **Schedule of Lots**

The maximum number of lots proposed to be created in this stage is up to 3 lots.

(e) **Working Hours**

Construction will be carried out within the working hours permitted by the development consent for the Stage 2 Development.

(f) **Arrangements for Entry, Exit, Movement and Parking of Vehicles to, from and on the parcel during development and Permitted Uses of Common Property and Development Lots during development**

The developer will have unlimited access to the development lot and the common property during the development for the purposes of carrying out the authorised proposals including:

- (i) The right to park vehicles at any time;
- (ii) The right to create alternative accessways to and from the development lot;
- (iii) The right to enter and exit the parcel; and
- (iv) The right to store materials and construction equipment and facilities

and to authorise other people to do these things.

(g) **Landscaping**

As per approved landscaping plan in the development consent.

Approved Form 8	Strata Development Contract	Sheet 4 of 27 sheets
Registered:	Office Use Only	Office Use Only

(h) **Schedule of Materials and Finishes**

The materials and finishes to be used are to be comparable to the materials and finishes used in Stage 1. That is, concrete floors, concrete walls with paint finish, aluminium frame windows and metal framed and clad roof.

(i) **Vertical Staging**

There is no vertical staging.

(j) **Contribution to Common Property Expenses**

The developer's liability for common property expenses relating to the use or maintenance of common property in the scheme will be nil in respect of the development lots 22 - 25 (Stages 2 - 5) and any subsequent development lots until the conclusion of the development scheme

(k) **Proposed By-Laws, Management Agreements, Covenants, Easements or Dedications**

- (i) The by-laws applicable to the development the subject of this Stage are the same as those draft by-laws associated with the draft strata plan.
- (ii) The developer may create additional common property right by-laws in favour of any one or more particular lots created in this Stage.
- (iii) The developer may create Easements, Positive Covenants, Restrictions on the Use of Land and may dedicate land as part of this Stage of the development.

Approved Form 8	Strata Development Contract	Sheet 5 of 27 sheets
Registered:	Office Use Only	Office Use Only

3. **Stage 3 (Lot 23)- Authorised Proposals – proposed development not subject to a warranty**

(a) **Description of Development**

Stage 3 will comprise the construction of industrial units in accordance with the Concept Plans..

(b) **Common Property Amenities**

Landscaped garden areas, car parking spaces, loading bays, driveways.

(c) **Schedule of Commencement and Completion**

The developer does not warrant commencement and completion dates for Stage 3.

(d) **Schedule of Lots**

The maximum number of lots proposed to be created in this stage is up to 20 lots.

(e) **Working Hours**

Construction will be carried out within the working hours permitted by the development consent for the Stage 3 Development.

(f) **Arrangements for Entry, Exit, Movement and Parking of Vehicles to, from and on the parcel during development and Permitted Uses of Common Property and Development Lots during development**

The developer will have unlimited access to the development lot and the common property during the development for the purposes of carrying out the authorised proposals including:

- (i) The right to park vehicles at any time;
- (ii) The right to create alternative accessways to and from the development lot;
- (iii) The right to enter and exit the parcel; and
- (iv) The right to store materials and construction equipment and facilities

and to authorise other people to do these things.

(g) **Landscaping**

As per approved landscaping plan in the development consent (if any).

(h) **Schedule of Materials and Finishes**

The materials and finishes to be used are to be comparable to the materials and finishes used in Stage 1 and 2. That is, concrete floors, concrete walls with paint finish, aluminium frame windows and metal framed and clad roof.

(i) **Vertical Staging**

There is no vertical staging.

Approved Form 8	Strata Development Contract	Sheet 6 of 27 sheets
Registered:	Office Use Only	Office Use Only

(j) **Contribution to Common Property Expenses**

The developer's liability for common property expenses relating to the use or maintenance of common property in the scheme will be nil in respect of the development lots 22 - 25 and any subsequent development lots until the conclusion of the development scheme.

(k) **Proposed By-Laws, Management Agreements, Covenants, Easements or Dedications**

- (i) The by-laws applicable to the development the subject of this Stage are the same as those by-laws registered with the strata plan for Stage 1.
- (ii) The developer may create common property right by-laws in favour of any one or more particular lots created in this Stage.
- (iii) The developer may create Easements, Positive Covenants, Restrictions on the Use of Land and may dedicate land as part of this Stage of the development.

Approved Form 8	Strata Development Contract	Sheet 7 of 27 sheets
Registered:	Office Use Only	Office Use Only

4. **Stage 4 (Lot 24)- Authorised Proposals – proposed development not subject to a warranty**

(a) **Description of Development**

Stage 4 will comprise the construction of industrial units in accordance with the Concept Plans..

Building will commence from lower limit RL 80AHD to upper limit RL130AHD.

(b) **Common Property Amenities**

Landscaped garden areas, car parking spaces, loading bays, driveways.

(c) **Schedule of Commencement and Completion**

The developer does not warrant commencement and completion dates for Stage 4.

(d) **Schedule of Lots**

The maximum number of lots proposed to be created in this stage is up to 20 lots.

(e) **Working Hours**

Construction will be carried out within the working hours permitted by the development consent for the Stage 4 Development.

(f) **Arrangements for Entry, Exit, Movement and Parking of Vehicles to, from and on the parcel during development and Permitted Uses of Common Property and Development Lots during development**

The developer will have unlimited access to the development lot and the common property during the development for the purposes of carrying out the authorised proposals including:

- (i) The right to park vehicles at any time;
- (ii) The right to create alternative accessways to and from the development lot;
- (iii) The right to enter and exit the parcel; and
- (iv) The right to store materials and construction equipment and facilities

and to authorise other people to do these things.

(g) **Landscaping**

As per approved landscaping plan in the development consent.

(h) **Schedule of Materials and Finishes**

The materials and finishes to be used are to be comparable to the materials and finishes used in Stage 1. That is, concrete floors, concrete walls with paint finish, aluminium frame windows and metal framed and clad roof.

Approved Form 8	Strata Development Contract	Sheet 8 of 27 sheets
Registered:	Office Use Only	Office Use Only

(i) **Vertical Staging**

There is no vertical staging.

(j) **Contribution to Common Property Expenses**

The developer's liability for common property expenses relating to the use or maintenance of common property in the scheme will be nil in respect of the development lots 22 - 25 and any subsequent development lots until the conclusion of the development scheme.

(k) **Proposed By-Laws, Management Agreements, Covenants, Easements or Dedications**

- (i) The by-laws applicable to the development the subject of this Stage are the same as those by-laws registered with the Strata Plan for Stage 1.
- (ii) The developer may create common property right by-laws in favour of any one or more particular lots created in this Stage.
- (iii) The developer may create Easements, Positive Covenants, Restrictions on the Use of Land and may dedicate land as part of this Stage of the development.

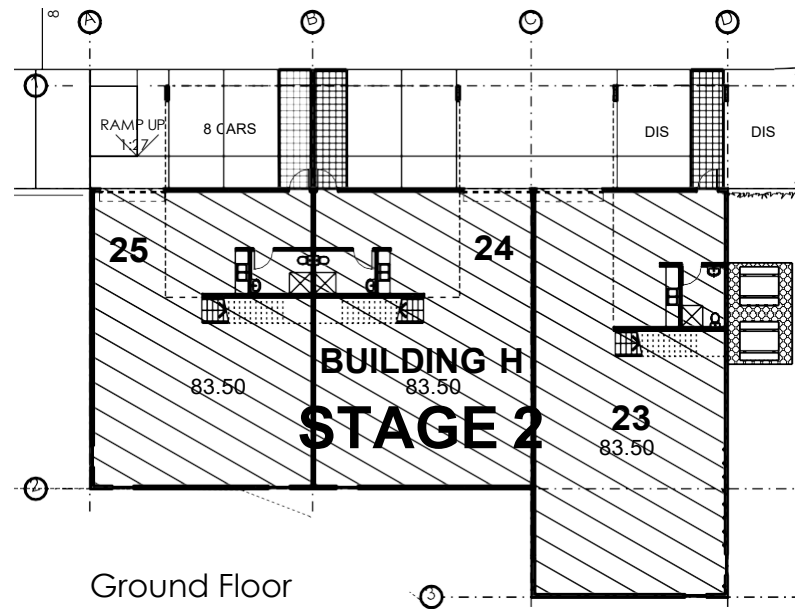
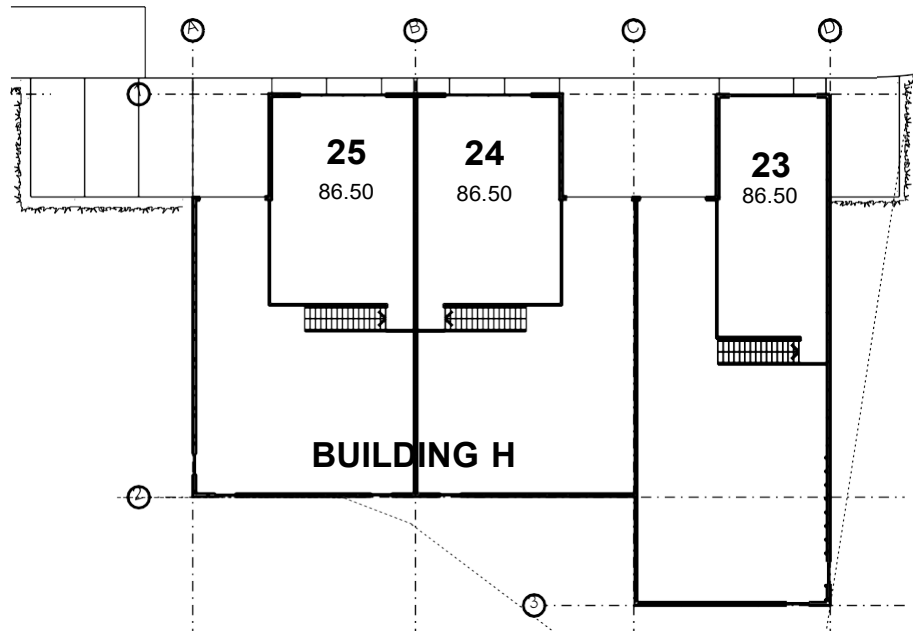
Approved Form 8	Strata Development Contract	Sheet 9 of 27 sheets
Registered:	Office Use Only	Office Use Only

5. **Stage 5 (Lot 25)- Residual Land – Ownership will be retained by Shimworth Pty Ltd (ACN 003 355 306) and The Crest at Oxford Falls Pty Ltd (ACN 629 402 071)**

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Registered:	Office Use Only	Office Use Only

Concept Plan for Stage 2

	Strata Development Contract	Sheet 11 of 27 sheets
Registered:	Office Use Only	Office Use Only



Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

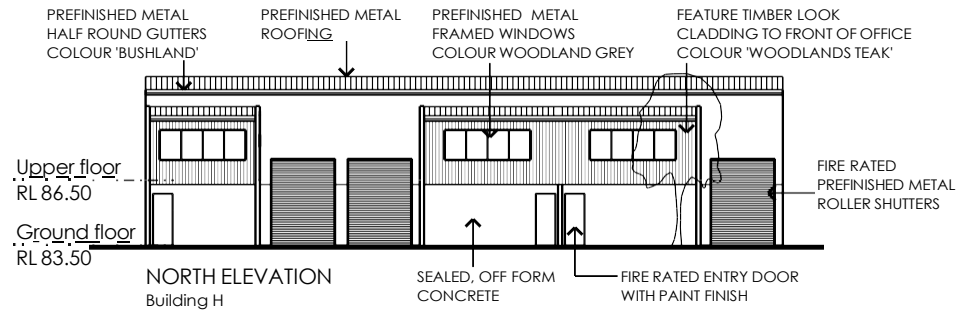
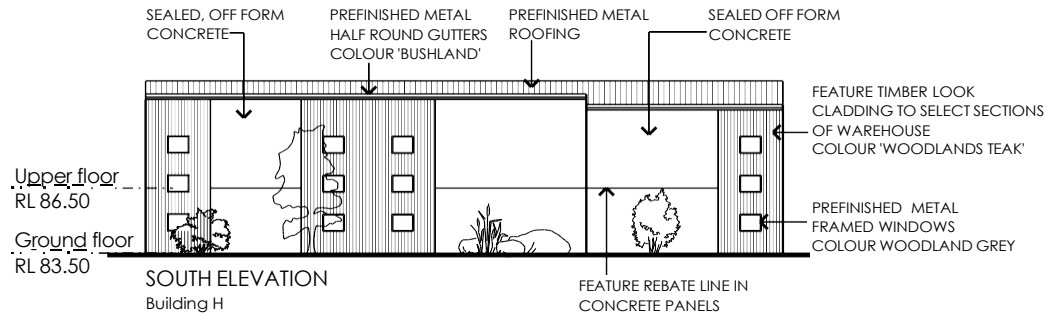
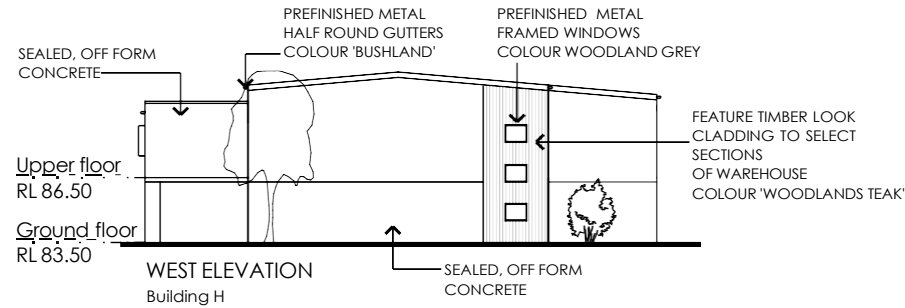
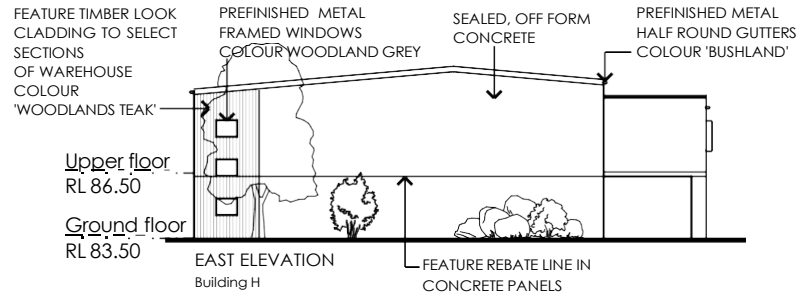
Stage 2
Building H

50 Meatworks Ave
Oxford Falls

Office Use Only

Office Use Only

Registered:



Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

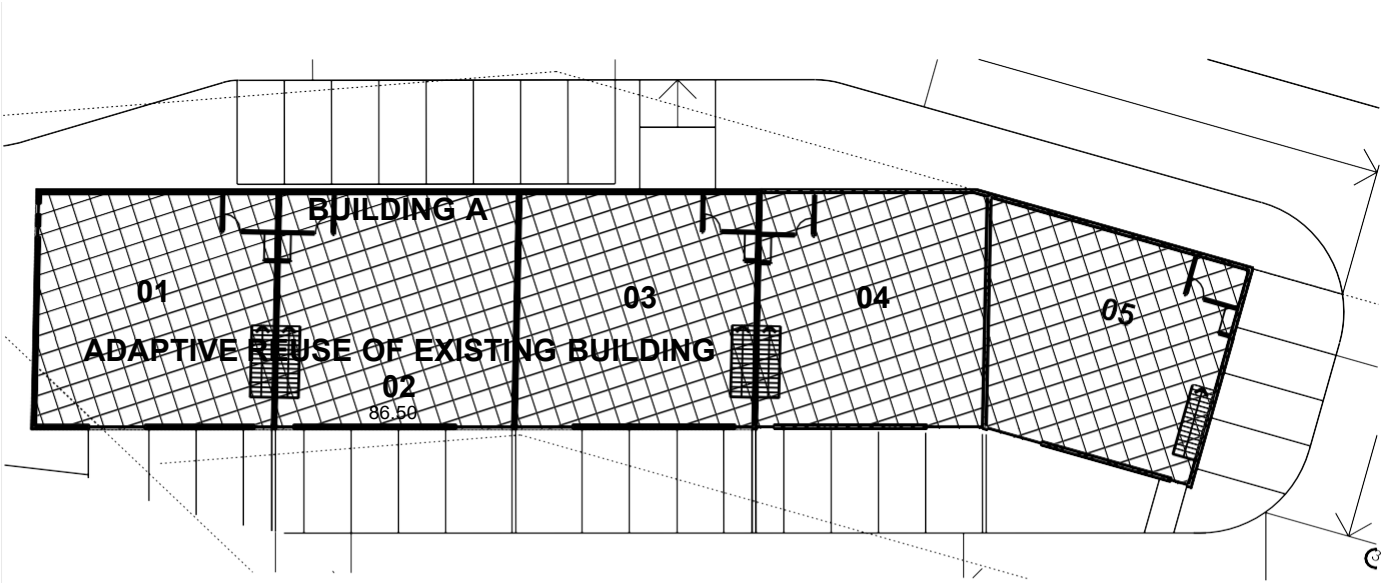
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Building H

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Oxford Falls

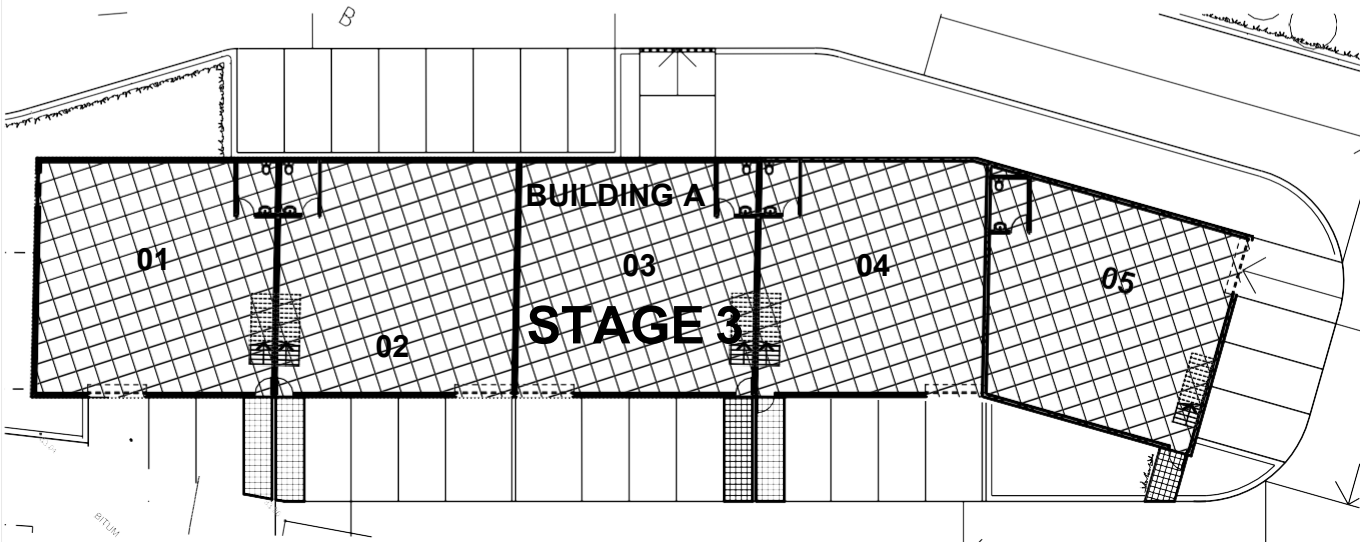
	Strata Development Contract	Sheet 13 of 27 sheets
Registered:	Office Use Only	Office Use Only

Concept Plan for Stage 3

Sheet 14 of 27 sheets	Office Use Only
Strata Development Contract	Office Use Only
Registered:	



First Floor



Ground Floor

Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

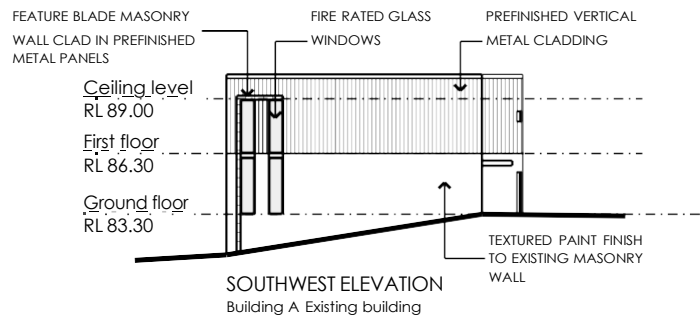
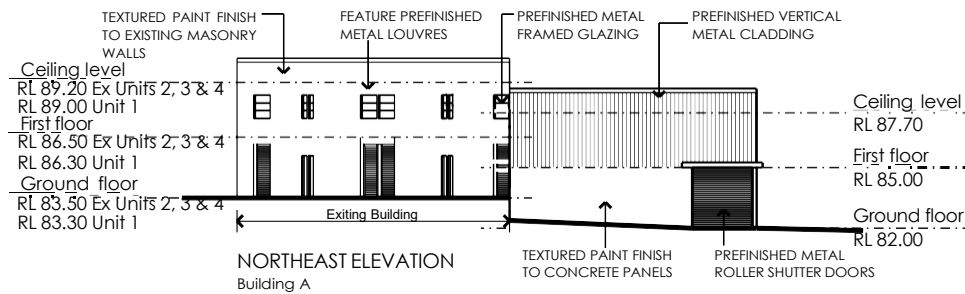
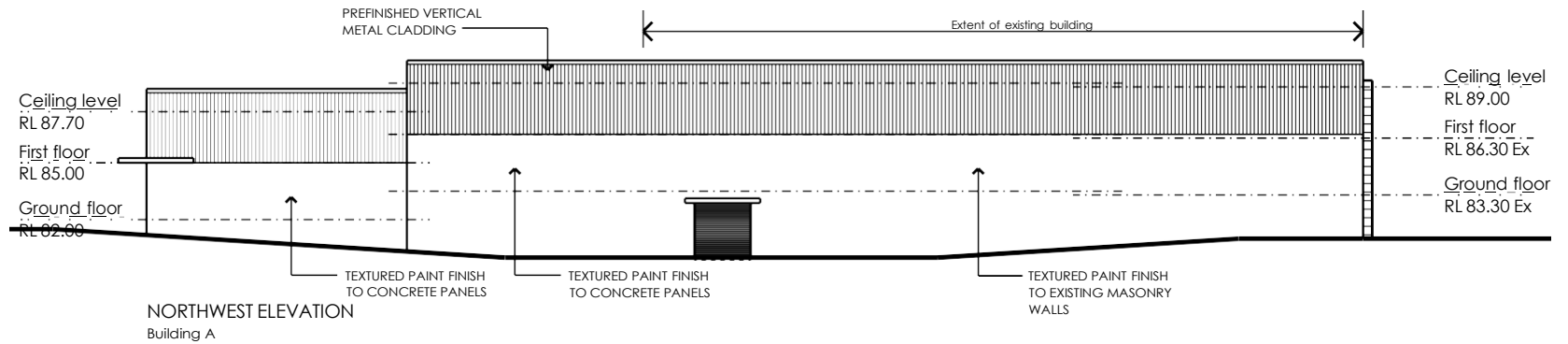
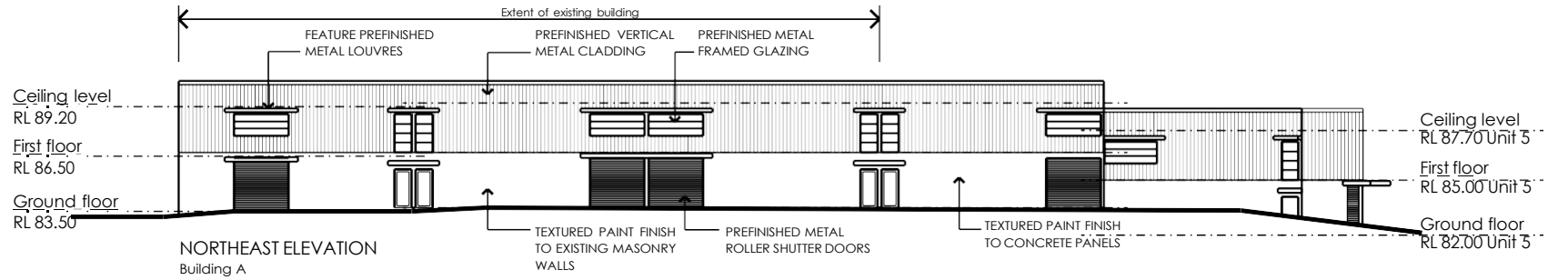
Stage 3
Building A

50 Meatworks Ave
Oxford Falls

Office Use Only

Office Use Only

Registered:



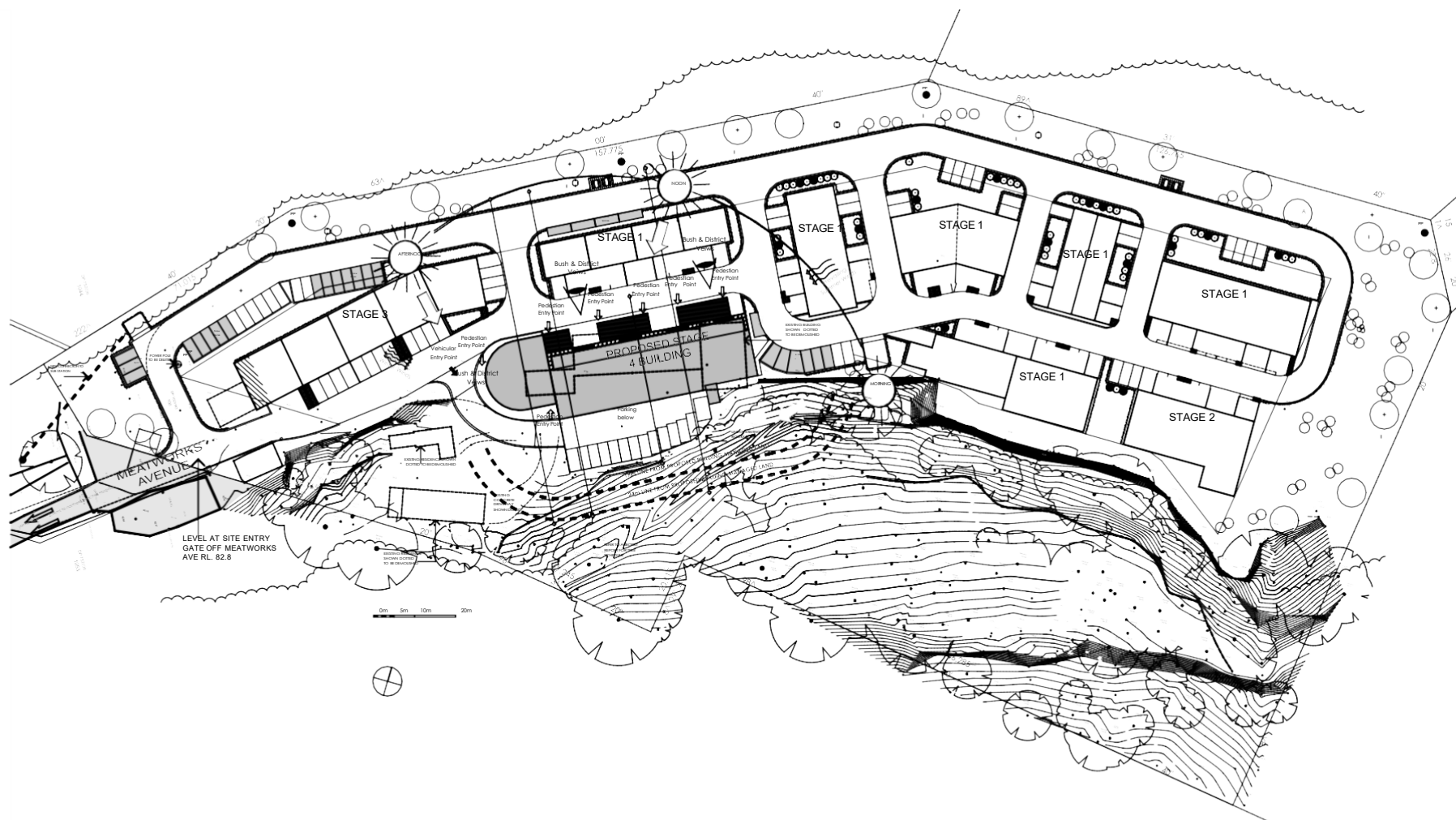
Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 3
Building A

50 Meatworks Ave
Oxford Falls

	Strata Development Contract	Sheet 16 of 27 sheets
Registered:	Office Use Only	Office Use Only

Concept Plan for Stage 4

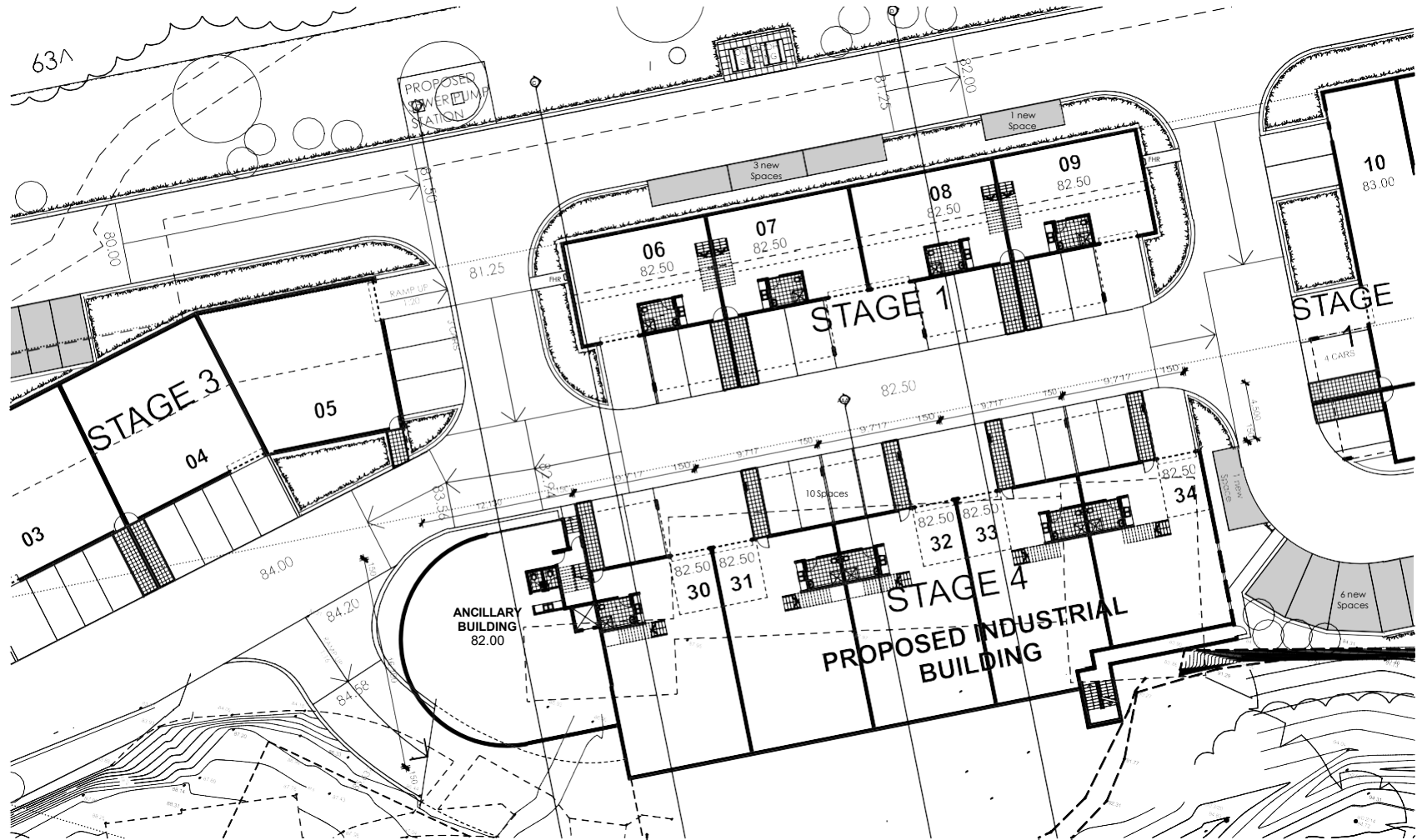


Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 4

Site Analysis Plan

50 Meatworks Ave
Oxford Falls



STAGE 4 AREAS

ANCILLARY BUILDING

Ground Level	219.51sqm
Carpark Level	222.03sqm
Level 1	222.03sqm
TOTAL	663.57sqm

UNITS 30-42

Unit 30	326.84sqm
Unit 31	325.92sqm
Unit 32	325.92sqm
Unit 33	316.19sqm
Unit 34	286.95sqm
Unit 35	243.63sqm
Unit 36	241.56sqm
Unit 37	241.56sqm
Unit 38	238.08sqm
Unit 39	287.77sqm
TOTAL	2834.42sqm

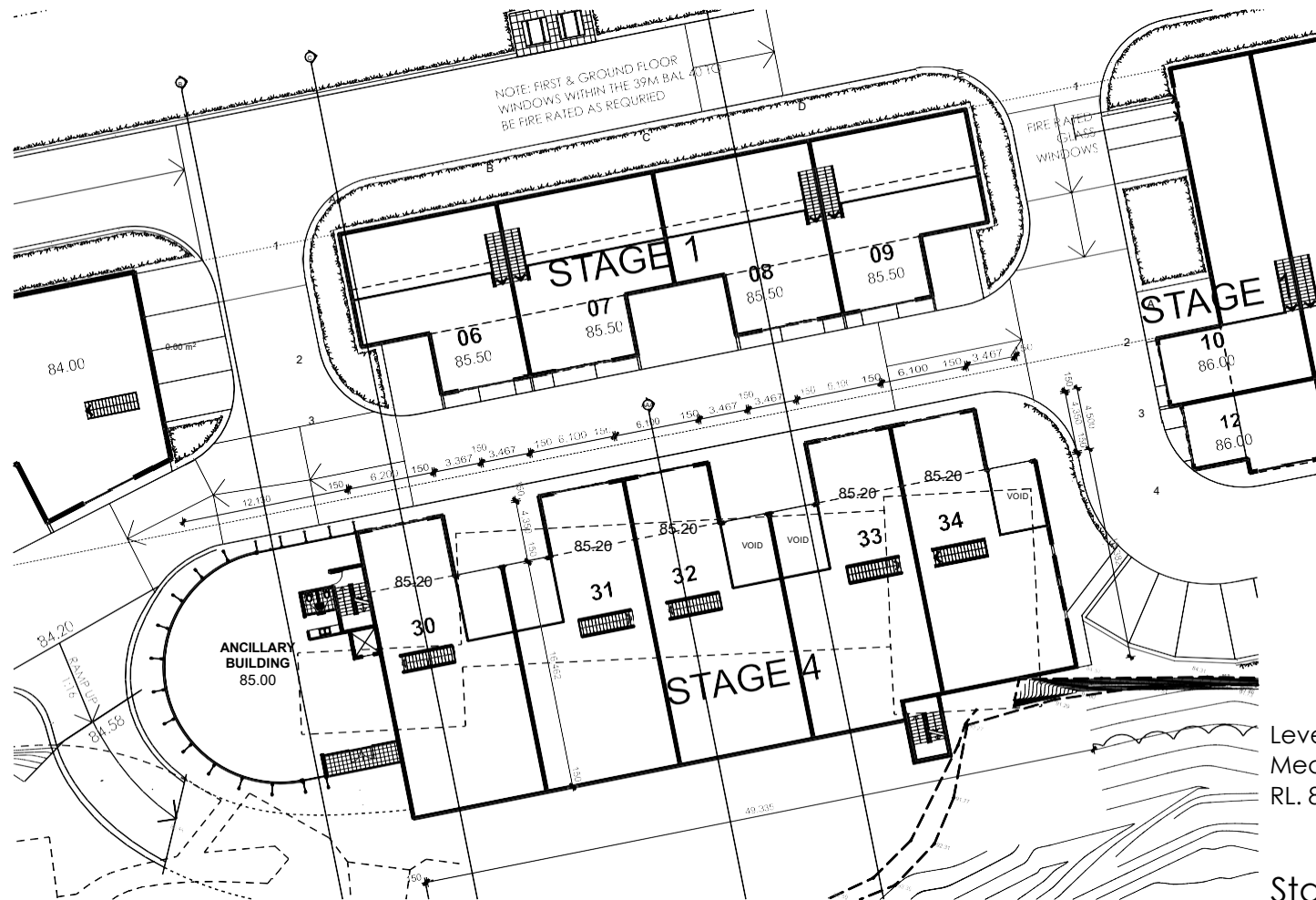
OVERALL TOTAL STAGE 4

3497.99sqm

Level at Site Entry Gate off
Meatworks Ave
RL. 82.8

Stage 4
Ground Floor Plan

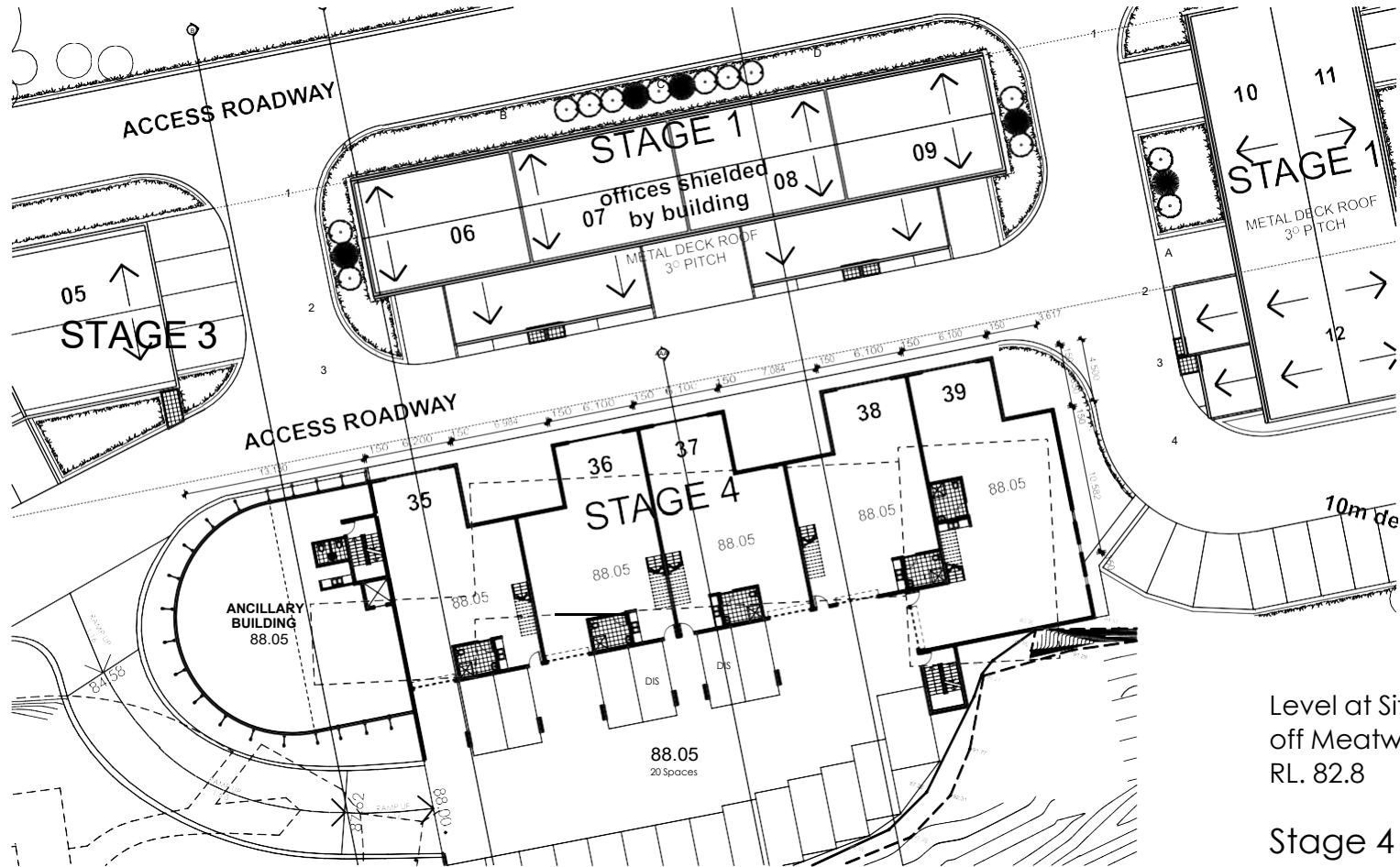
50 Meatworks Ave
Oxford Falls



Level at Site Entry Gate off
Meatworks Ave
= RL. 82.8

Stage 4
Ground Floor
Mezzanine Plan

50 Meatworks Ave
Oxford Falls

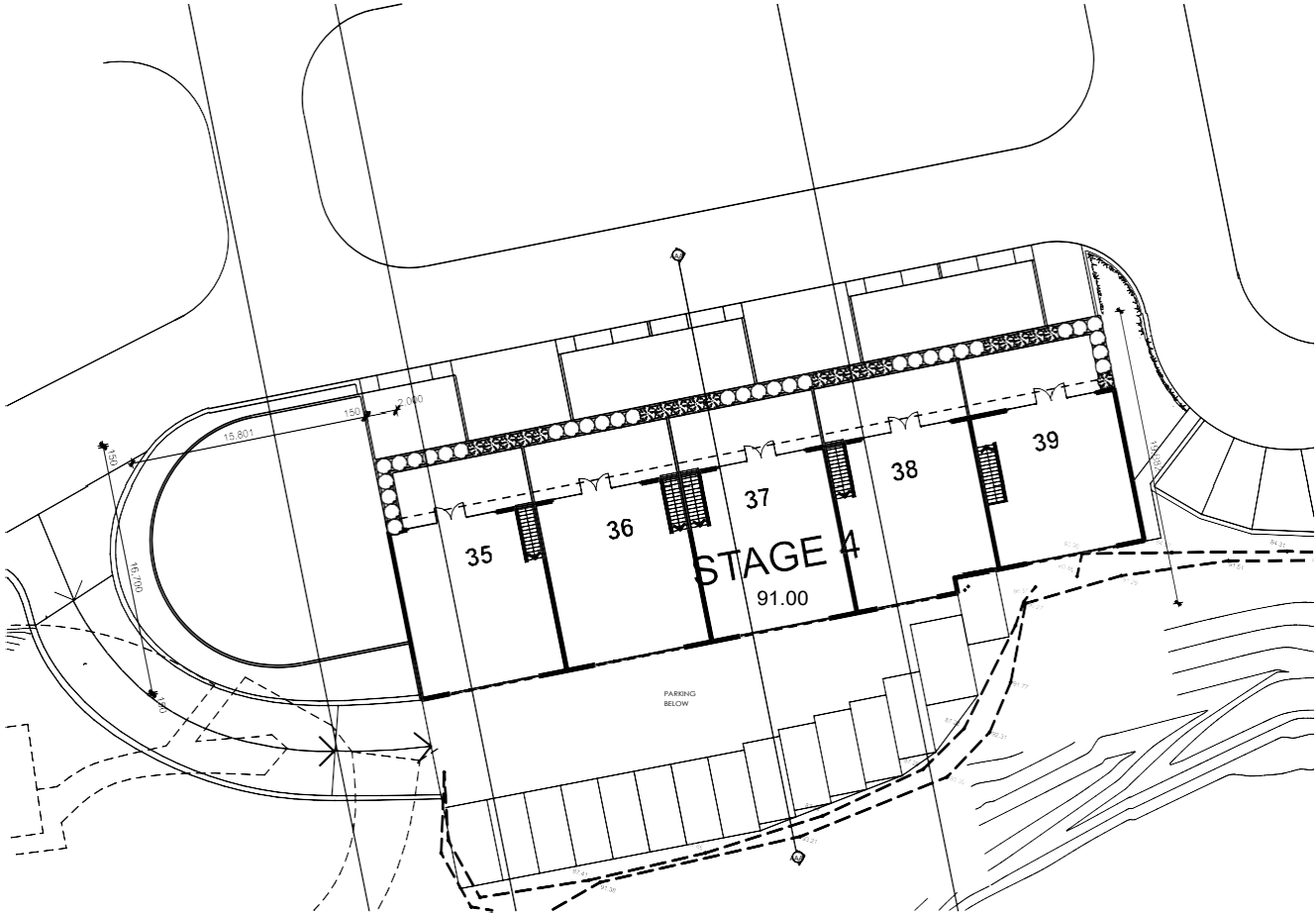


Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 4
Level 1 Mezzanine
Plan

50 Meatworks Ave
Oxford Falls

	Strata Development Contract	Sheet 21 of 27 sheets
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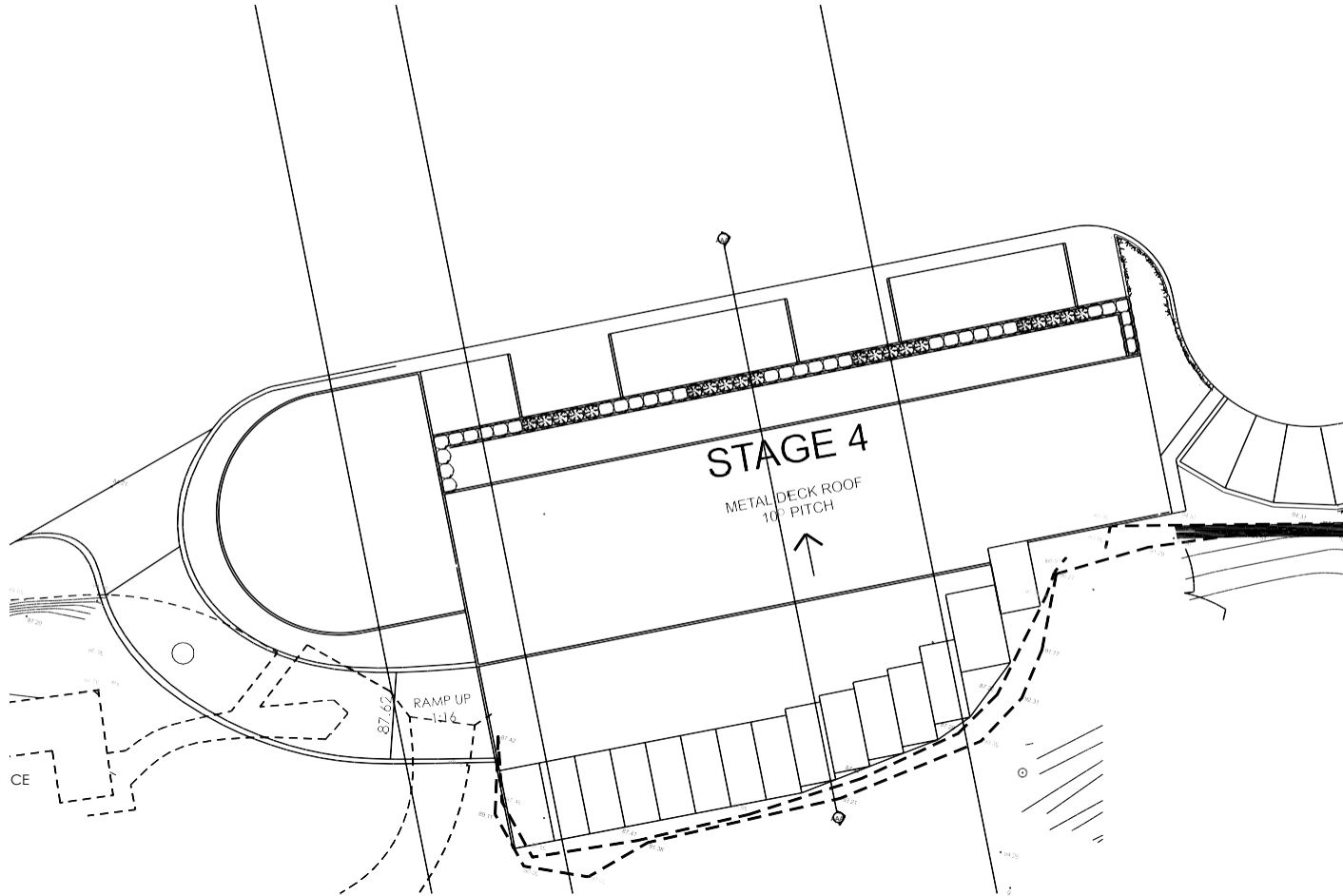


Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 4
Upper Ground
Mezzanine Plan

50 Meatworks Ave
Oxford Falls

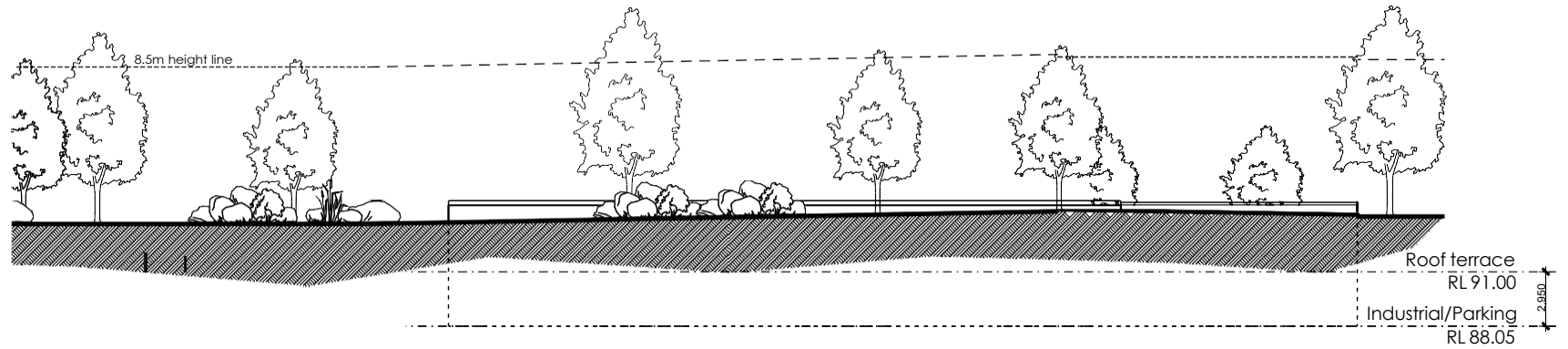
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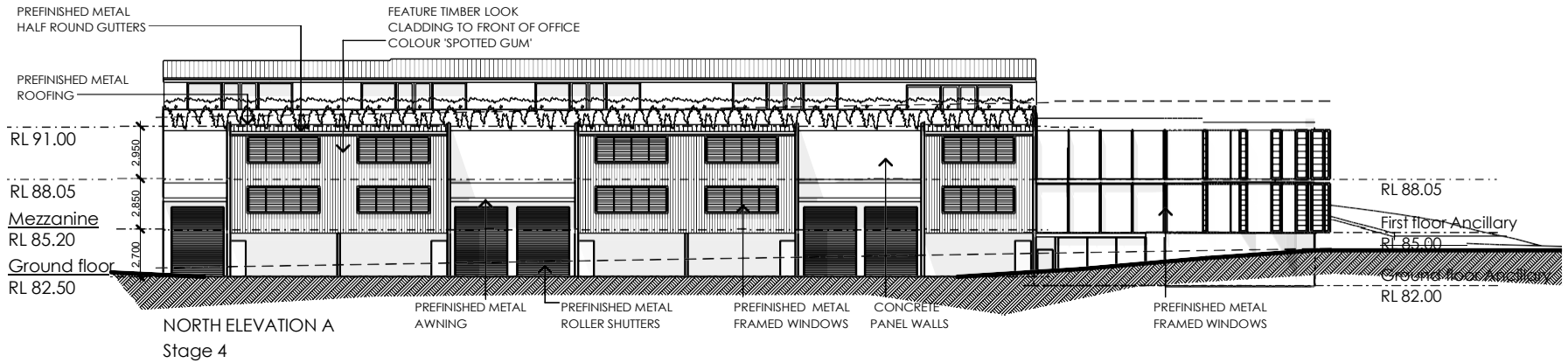
Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 4
Roof Plan

50 Meatworks Ave
Oxford Falls



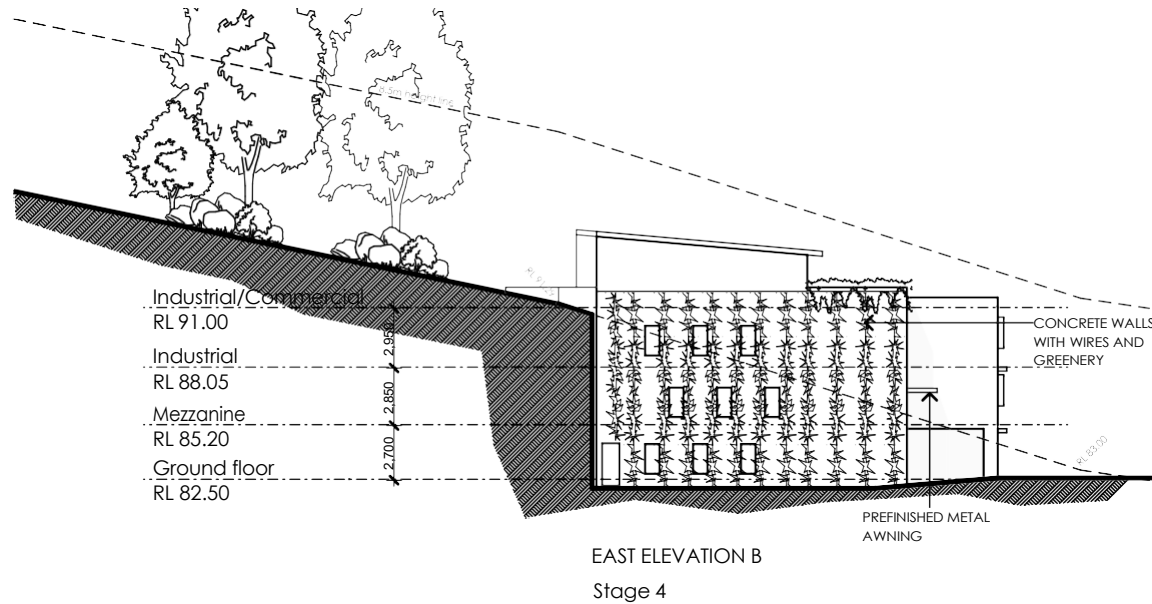
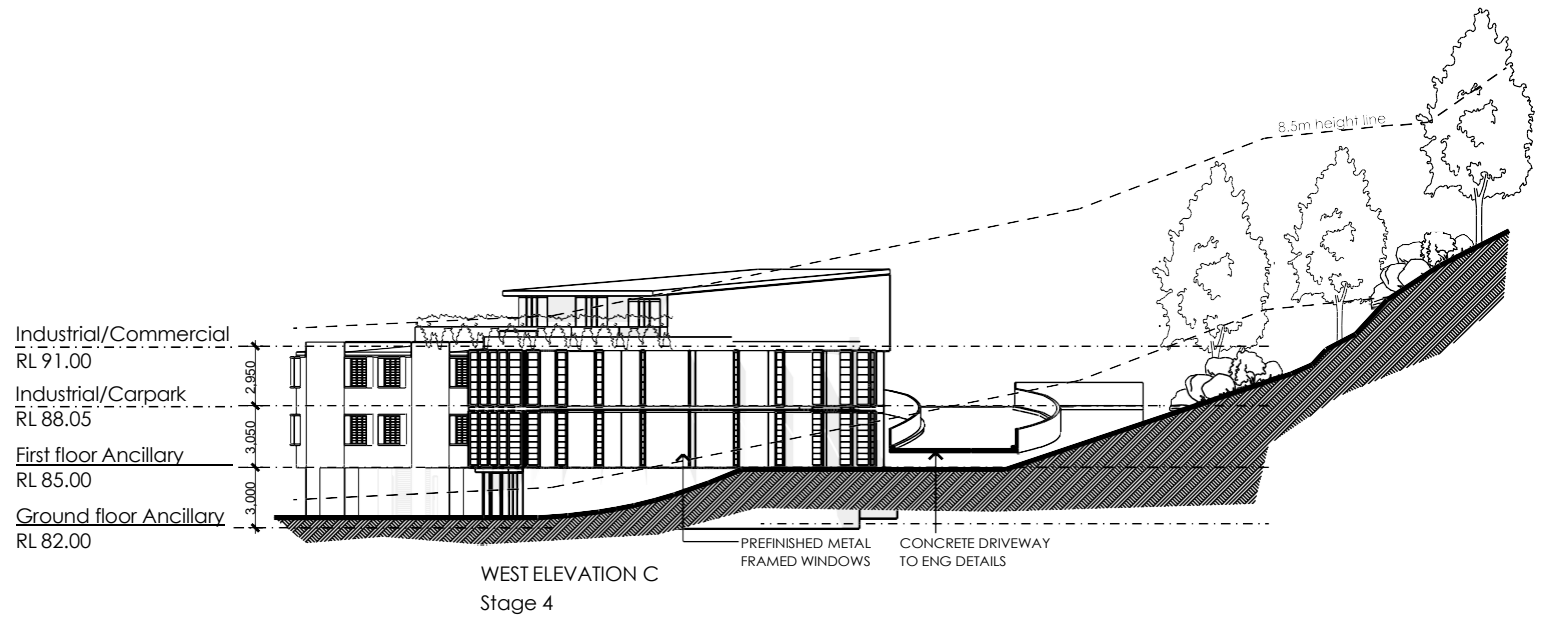
SOUTH ELEVATION D
Stage 4



Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 4
Elevations 1

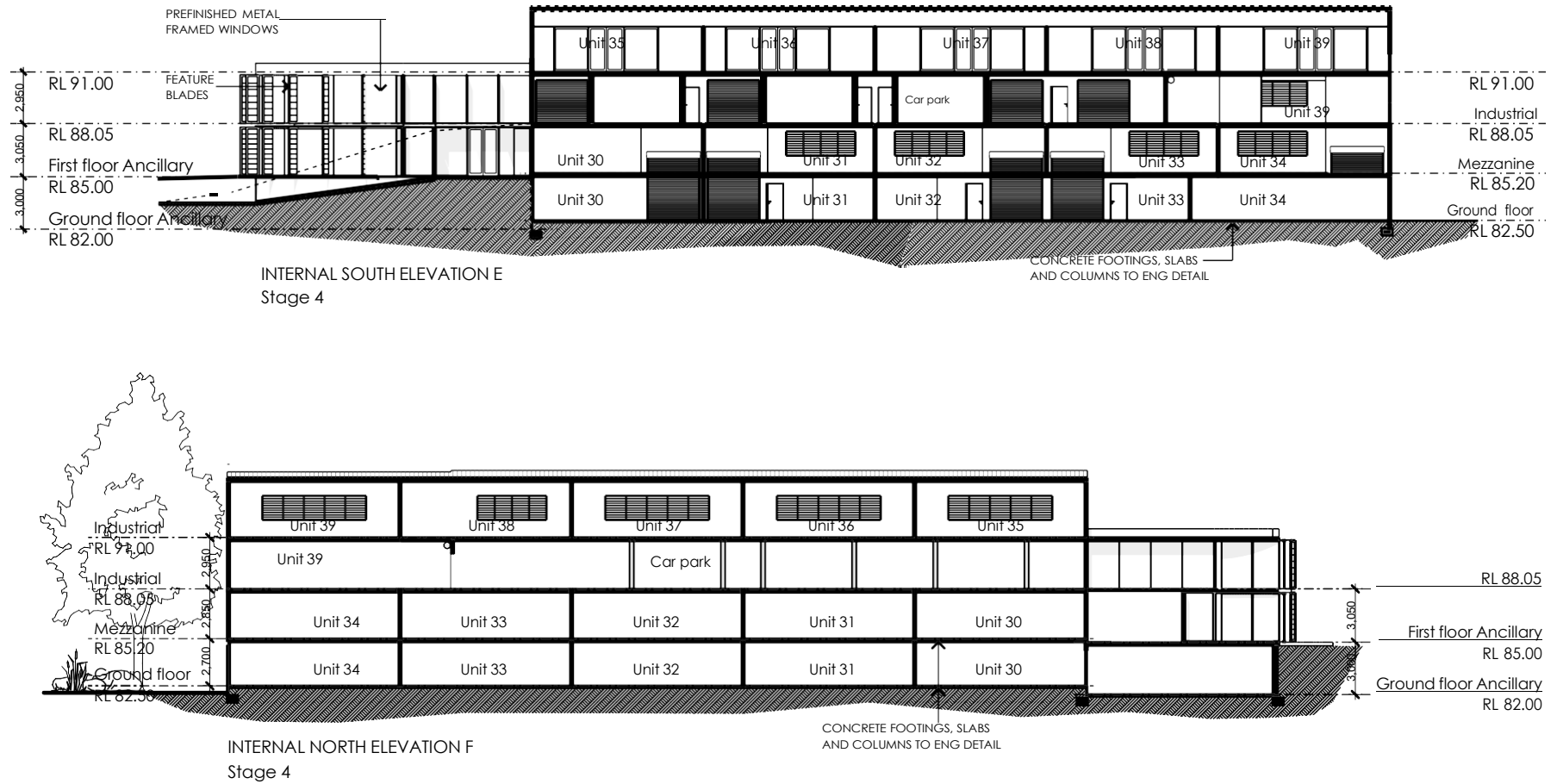
50 Meatworks Ave
Oxford Falls



Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 4
Elevations 2

50 Meatworks Ave
Oxford Falls



Level at Site Entry Gate
off Meatworks Ave
RL. 82.8

Stage 4
Sections

50 Meatworks Ave
Oxford Falls

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Registered:	Office Use Only	Office Use Only

	Strata Development Contract	Sheet 27 of 27 sheets
Registered:	Office Use Only	Office Use Only

Certificate of Planning Authority

*The Planning Authority Northern Beaches Local Planning Panel on behalf of Northern Beaches Council
(insert name)

* ~~The Accredited~~ Certifier ~~Accreditation No:~~ _____
(insert name)

certifies that the carrying out of the permitted development described as 'warranted development' and 'authorised proposals' in this Strata Development Contract would not contravene:

- (i) The conditions of any relevant approval issued by a planning authority in respect of the strata parcel;
or
- (ii) The provisions of any environmental planning instrument that was in force when the approval was granted except to the following extent (*indicate exception if applicable*)

Date: 1 September 2021

Certificate Reference: _____

Signed by: Peter Biscoe – Chair Northern Beaches Local Planning Panel
* Authorised Person / * ~~General Manager~~ / * ~~Accredited Certifier~~

Signature  _____

This is the certificate referred to in Section 75(2) Strata Schemes Development Act 2015

* *Strike through inapplicable parts*

Signatures, Consents, Approvals

Provided signatures/seals as required by section 79 Strata Schemes Development Act 2016