



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via teleconference on

WEDNESDAY 15 DECEMBER 2021

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 15 December 2021

The public meeting commenced at 12.00pm and concluded at 2.49pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 5.00pm.

ATTENDANCE:

Panel Members

Annelise Tuor	Chair
Lisa Bella Esposito	Town Planner
Graham Brown	Town Planner
Peter Cotton	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**3.0 CATEGORY 3 APPLICATIONS****3.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 1
DECEMBER 2021****RECOMMENDATION**

That the minutes of the Northern Beaches Local Planning Panel held 1 December 2021, were adopted by the Chairperson and have been posted on the Council's website

4.0 PUBLIC MEETING ITEMS

4.1 DA2021/1620 - 29-31 MOORE ROAD, FRESHWATER - ALTERATIONS AND ADDITIONS TO AN EXISTING PUB (HARBORD HOTEL)

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to the existing hotel (pub) to accommodate bar/function and ancillary recording studio space at the first floor and attic levels.

At the public meeting the Panel was addressed by eight neighbours and two representatives of the applicant.

DECISION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** Application No. DA2021/1620 for alterations and additions to an existing pub (Harbord Hotel) at Lot 1, 2, 3, 4, 5 & 13 2 Sec 1 DP 7022, 29-31 Moore Road, Freshwater for the applicant to provide the following information:

1. Details of the assumption that the baseline patronage figure for the hotel is 820 patrons, including dimensioned plans showing the number of people per area measured.
2. Undertake at least four surveys in the month of January 2022 which document patronage that typifies peak and non-peak patronage of the hotel and the uses that are occurring e.g. live music, functions etc.
3. Undertake at least one traffic and parking survey on an evening where there is an event or function being held. The survey shall include the travel modes of the patrons attending.
4. An amended acoustic report that addresses all noise generation sources from the operations of the hotel, including the existing use of the ground floor and all outdoor areas. The measurement of noise generated by existing use is to be undertaken on the same night as point number three.
5. An amended Plan of Management that addresses the operational requirements of the hotel given the updated specialist reports, particularly the amended noise assessment report and the introduction of live music. The Plan of Management shall include but is not limited to:
 - the matters in condition 26 of the assessment report (page 50 of the agenda)
 - hours of operation for particular areas
 - specific security arrangements e.g. number of bouncers
 - details of live music, functions and entertainment, including outdoor areas and the use of PA systems
 - management of patron travel, including a dedicated pick up and drop off point.
6. Detail how the use of the "recording studio" is ancillary to the pub use.
7. Amended plans which clearly indicate and dimension the proposed new work, including additional car parking.

The information is to be submitted to Council by 14 February 2022. The application will then be determined electronically by the Panel (as constituted on 15 December 2021), unless otherwise decided by the Chair. If the information is not submitted by the 14 February 2022, the matter will be determined on the basis of the current information before the Panel.

REASONS FOR DEFERRAL:

The Panel required further information to make a proper environmental assessment of the

proposed development.

Vote: 4/0

4.2 DA2020/1756 - 351-353 BARRENJOEY ROAD, NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT (SHOP TOP HOUSING)

PROCEEDINGS IN BRIEF

The proposal is for demolition of the existing structures on the land and construction of a three (3) storey shop top housing development containing 8 retail shops and 13 Residential units.

At the public meeting the Panel was addressed by five neighbours and two representatives of the applicant.

DECISION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** Application No. DA2020/1756 for demolition works and construction of a mixed use development (Shop Top Housing) at Lot 65 Sec 5 DP 6248 & Lot 64 DP 1090224 & Lot 66 Sec 5 DP 6248, 351-353 Barrenjoey Road, Newport for the applicant to provide an acid sulphate management plan to comply with Clause 7.1 of Pittwater Local Environmental Plan 2014.

The information is to be submitted to Council by the 14 January 2022. The application will then be determined electronically by the Panel (as constituted on 15 December 2021), unless otherwise decided by the Chair. If the information is not submitted by the 14 January 2022, the matter will be determined on the basis of the current information before the Panel.

REASONS FOR DEFERRAL:

The submission of an acid sulphate management plan is required to comply with Clause 7.1 of Pittwater Local Environmental Plan 2014.

Vote: 4/0

4.3 DA2021/1164 - 521 BARRENJOEY ROAD, BILGOLA BEACH - CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The proposal is for excavation and the construction of a seven (7) level dwelling accessed via Barrenjoey Road via a horizontal tunnel and vertical lift shafts / stairs excavated into the slope.

At the public meeting the Panel was not addressed by any speakers.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not 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 standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2021/1164 for construction of a dwelling house at Lot 129 DP 16902, 521 Barrenjoey Road, Bilgola Beach for the reasons for refusal set out below:

REASONS FOR REFUSAL:

1. Pursuant to Section 4.47 (4) of the Environmental Planning and Assessment Act 1979 Transport for NSW have not granted concurrence.
2. The proposed development does not comply with the Clause 4.3 of the Pittwater LEP 2014 and a request to vary the height of buildings development standard was not submitted pursuant to clause 4.6 of the Pittwater LEP.
3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the State Environmental Planning Policy (Coastal Management) 2018. In particular:
 - a) Clause 11 - 'Development on land in proximity to coastal wetlands or littoral rainforest, and
 - b) Clause 13 - 'Development on land within the coastal environment area'.
4. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Pittwater Local Environmental Plan 2014. In particular, Clause 1.2 - 'Aims of the Plan'.
5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Pittwater Local Environmental Plan 2014. In particular, Clause 2.3(2) - 'Zone objectives and land use

table’.

6. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Pittwater Local Environmental Plan 2014. In particular, Clause 2.5 and Schedule 1(24) - ‘Use of certain land in Zone SP2 Infrastructure intended to be acquired for public purposes’.
7. Pursuant to Section 4.15(1)(a)(i) the proposed development is inconsistent with the provisions of the Pittwater Local Environmental Plan 2014. In particular:
 - a) Clause 4.3 – ‘Height of Buildings’;
 - b) Clause 5.10 - ‘Heritage Conservation’;
 - c) Clause 7.2 – ‘Earthworks’;
 - d) Clause 7.6 - ‘Biodiversity Protection’
 - e) Clause 7.7 - ‘Geotechnical Hazards’; and
 - f) Clause 7.10 - ‘Essential Services’.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Pittwater 21 Development Control Plan. In particular:
 - a) Clause A4.3 - ‘Bilgola Locality’;
 - b) Clause B1.2 - ‘Heritage Conservation’;
 - c) Clause B4.4 - ‘Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor’;
 - d) Clause B4.22 - ‘Preservation of Trees and Bushland Vegetation’;
 - e) Clause B6.1 - ‘Access Driveways and Works on the Public Road Reserve’;
 - f) Clause B6.2 - ‘Internal Driveways’;
 - g) Clause B6.5 - ‘Access Driveways and Works on Road Reserves on or Adjacent to a
 - h) Clause B6.7 - ‘Transport and Traffic Management’;
 - i) Clause B8.1 - ‘Construction and Demolition: Excavation and Landfill’;
 - j) Clause B8.5 - ‘Construction and Demolition: Works in the Public Domain’;
 - k) Clause B8.6 - ‘Construction and Demolition: Construction Traffic Management Plan’;
 - l) Clause C1.1 - ‘Landscaping’;
 - m) Clause C1.3 – ‘View Sharing’;
 - n) Clause C1.5 – ‘Visual Privacy’;
 - o) Clause D3.1 - ‘Character as Viewed from a Public Place’;
 - p) Clause D3.6 - ‘Front Building Line’;
 - q) Clause D3.9 - ‘Building Envelope’;
 - r) Clause D3.11 - ‘Landscape Area - Environmental Sensitive Land’;
 - s) Clause D3.13 - ‘Fences - Flora and Fauna Conservation Areas’;
 - t) Clause D3.14 - ‘Construction, Retaining Walls, Terracing and Undercroft Area’; and
 - u) Clause D3.15 – ‘Scenic Protection Category One Areas’.
9. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted to enable the assessment of the application.
10. Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not in the public interest. In particular:
 - a) The development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within

- b) the respective zoning.
Having regard to the public submissions and the adverse impacts of the proposed development.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report and the reasons above.

Vote: 4/0

4.4 DA2021/0669 - 1191-1193 BARRENJOEY ROAD, PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A NEW RESTAURANT, CARPARKING AND ASSOCIATED USES

PROCEEDINGS IN BRIEF

The proposal is for the demolition and reconstruction of the existing premises known as The Boathouse Palm Beach (the Boathouse) as well as external works on adjoining public land.

At the public meeting the Panel was addressed by two representatives of the applicant.

The Panel notes that a supplementary memo dated 13 December 2021 was received, which addressed the deletion of the VPA and proposed amended conditions.

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 standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority **approves** Application No. DA2021/0669 for demolition works and construction of a new restaurant/cafe, business premises (for seaplane and boating operators), carparking and associated uses, at Lot 298 DP 721522 & Lot 7002 DP 1117592 & Lot 7005 DP 1117451, 1191-1193 Barrenjoey Road, Palm Beach subject to the conditions set out in the Assessment Report, the supplementary memo and subject to the following:

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

Installation of Signage

At the expense of the applicant and using Council's appointed signage contractor, the applicant is to arrange for the installation of a sign that advises public access is available to the landscaped area and picnic tables to the east of the boat house building. The wording, design and location of the sign is to be in consultation with Council's Parks and Reserves Team. The signage shall utilise Council's standard font, design and formatting.

The sign is to be installed in a clearly visible location to the east of the landscaped area and picnic tables. The signage shall be installed prior to the issue of any occupation certificate.

Reason: To clearly advise the public that the landscaped area to the east of the boathouse is available for public use.

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

Dangerous Goods Storage

Details shall be provided with the construction certificate demonstrating that the recommendations of the report titled 'Assessment Report – DG Advice, Ref 20225, Revision 1, dated 4/08/2020' with regard to the storage of Boat Fuel and LPG have been incorporated into the construction certificate plans and documentation.

The Plan of Management for the site is to be updated to include the recommendations of the above referenced report with regards to the handling of dangerous goods.

Details demonstrating compliance are to be provided to the Principle Certifying Authority prior to the issue of a construction certificate.

Reason: To ensure the safe handling and storage of dangerous goods.

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

Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the uses identified in Schedule 1 'Additional Permitted Uses' of the Pittwater Local Environmental Plan 2014, being:

'Business Premises (but only those associated with use of the waterway), charter and tourism boating facilities, kiosks or restaurants or cafes'

*A **Restaurant or Cafe** being "a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided."*

As indicated on the approved plans the use of the first floor is restricted to offices, staff amenities and storage. The first floor is not to be used for a restaurant, including ancillary functions.

The premises are not to be used for functions unless ancillary to the approved restaurant use.

Reason: To ensure compliance with the terms of this consent.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report, supplementary memo and the above.

Vote: 4/0

4.5 DA2021/0735 - 137A SEAFORTH CRESCENT, SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The proposal is for the construction of an upper floor within the existing dwelling house on the subject site.

At the public meeting the Panel was addressed by one representative of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/0735 for alterations and additions to a dwelling house at Lot 102 DP 882515, 137A Seaforth Crescent, Seaforth subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.6 DA2021/1166 - 142 OCEAN STREET, NARRABEEN - DEMOLITION WORKS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The proposal is for demolition works, excavation and the construction of a part-two / part- three storey residential flat building comprising of four x three bedroom units, a roof terrace, a swimming pool and associated landscape works.

At the public meeting the Panel was addressed by three neighbours and two 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 Warringah Local Environmental Plan 2011 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contraventions.
- 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1166 for demolition works and construction of a Residential Flat Building at Lot 12 Sec 47 DP 111254, 142 Ocean Street, Narrabeen subject to the conditions set out in the Assessment Report, subject to the following:

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

Amendments to the Approved Plans

The following amendments are to be made to the approved plans:

- The external staircase from Apartment 3 to the roof terrace shall be reorientated to incline from west to east (as opposed to the current east to west arrangement).
- The western balustrade of the roof terrace is to be moved eastwards by 8 metres including paving/flooring and the planter boxes.
- The acoustic screen is to be deleted.
- The non-trafficable green roof shall be extended to cover the area of the reduced area of the roof terrace in a manner consistent with the approved Landscape Plans.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development minimises unreasonable impacts on surrounding land.

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

56. Landscape maintenance

- a) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.
- b) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.
- c) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.
- d) All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.
- e) Planting on the roof of the development shall not exceed a mature height greater than RL 18.30 (that is, 1.6m above the roof slab).

Reason: To maintain local environmental amenity.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report. The Panel has amended the conditions to require a reduction in the size of Apartment 3 roof terrace and that the screen landscaping is maintained at 1.6m. The Panel considers that amended terrace is of sufficient size to meet the reasonable needs of the future occupants of Apartment 3 while maintaining reasonable amenity to the adjoining residents.

Vote: 4/0

4.7 DA2021/1032 - 8 DELECTA AVENUE, CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The proposal is for demolition and, alterations and additions to the existing dwelling with a new module extended to the front of the site.

At the public meeting the Panel was addressed by four neighbours and one representative of the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1032 for alterations and additions to a dwelling house at Lot 20 DP 13291, 8 Delecta Avenue, Clareville subject to the conditions set out in the Assessment Report, subject to the following:

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

19. Deletion of Powder room, boat store and laundry

The powder room, water craft storage, and laundry (off the hallway) and the storage (off the garage) are to be deleted from the plans and replaced with landscaped area with planting to screen the hallway.

These areas may be incorporated in to the remaining floor space of the proposed dwelling.

Details are to be provided prior to the issue of a Construction Certificate.

Reason: To increase Landscaped area, screen the length and bulk of the dwelling from adjoining property and remove built form from near Tree 5.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report. The applicant's representative requested an amendment to Condition 19 and provided an amended plan to illustrate changes to the condition that would increase landscape area, without requiring the deletion of the powder room and laundry. The Panel noted that these changes would achieve the same numerical increase in landscape area but not the qualitative outcome sought by the control. The Panel has amended Condition 19 to also require the deletion of the store off the garage and to provide landscape screening adjoining the hallway. With these changes the Panel is satisfied that the concerns of the objectors have been addressed.

Vote: 4/0

4.8 DA2021/0960 - 27 OLIVER STREET, FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE

PROCEEDINGS IN BRIEF

The proposal is for demolition and construction of a boarding house pursuant to SEPP ARH.

At the public meeting the Panel was addressed by two representatives of the applicant.

DETERMINATION OF 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. DA2021/0960 for demolition works and construction of a Boarding House at Lot A DP 443739, 27 Oliver Street, Freshwater 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:

53. Geotechnical Report Certification

A suitably qualified Geotechnical Engineer to provide confirmation that the as-built development was constructed in accordance with the recommendations of the Approved Geotechnical Report referenced in Condition 2 of this consent, as amended in accordance with the Detailed Investigation required by this consent.

Written certification is to be provided to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure the development has been constructed safely and in accordance with relevant requirements.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report and the above.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2021/1329 - 89 STUART STREET, MANLY - DEMOLITION WORKS INCLUDING THE RETENTION OF A PORTION OF THE EXISTING BUILDING AND THE CONSTRUCTION OF A NEW DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The proposal is for demolition works including the retention of a portion of the existing building and the construction of a dwelling house with tandem car garage, swimming pool, construction of a driveway and landscaping works.

The Panel was addressed by the owner.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1329 for demolition works including the retention of a portion of the existing building and the construction of a new dwelling house including a swimming pool at Lot 1 DP 72989, 89 Stuart Street, Manly subject to the conditions set out in the Assessment Report, subject to the following:

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

Heritage Consultation

The applicant at their cost is to commission an architect with heritage experience to work with the construction team throughout construction stages of the project.

The heritage architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition.

The heritage architect is to be provided with full access to the site, including during the demolition phase of the development, and must respond directly to Northern Beaches Council where Council requires information or clarification regarding the resolution of heritage issues throughout the project.

Written details of the engagement of the experienced heritage architect must be submitted to Council prior to issuing any Construction Certificate works on the site.

Reason: To ensure that all matters relating to significant fabric and spaces are resolved using best practice for heritage conservation.

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

Structural Methodology

The construction methodology and structural engineering recommendations of the Structural Report (Prepared by Max Irvine, dated July 2021) are to be incorporated into the construction plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the conservation of the retained part of the existing dwelling.

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

Structural Requirements During Construction

The development is to be undertaken in accordance with the recommendations of the Structural report (Prepared by Max Irvine, dated July 2021).

Reason: To ensure the conservation of the retained part of the existing dwelling and minimise nuisance to neighbours.

4. The addition of the following condition to read as follows:

Structural Report Certification - Prior to Occupation

A suitably qualified structural Engineer is to provide confirmation that the as-built development was constructed in accordance with the recommendations of the Structural report (Prepared by Max Irvine, dated July 2021).

Written certification is to be provided to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure the development has been constructed safely and that the retained part of the existing dwelling has been conserved.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report and the above.

Vote: 4/0

5.2 MOD2021/0747 - 1 SURFVIEW ROAD, MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2018/1771 GRANTED FOR THE DEMOLITION OF THE EXISTING SURF CLUB BUILDING AND CONSTRUCTION OF A NEW SURF CLUB BUILDING INCLUDING A CAFE, RESTAURANT AND FUNCTION SPACE

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building including a cafe, restaurant and function space.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2021/0747 for Modification of Development Consent DA2018/1771 granted for the demolition of the existing surf club building and construction of a new surf club building including a cafe, restaurant and function space at Lot 104 DP 1066371, 1 Surfview Road, Mona Vale subject to the conditions set out in the Assessment Report, subject to the following:

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

Condition 44 (a). Hours of Operation (Reviewable Condition)

This condition is imposed under s4.17(10B) of the Environmental Planning and Assessment Act 1979 to enable Council to review the performance of the approved development with respect to extended hours of operation. This review will take place with 14 days' notice within the first 12 months of operations, or with 14 days' notice at any time following the first 12 months of operations, where Council is in receipt of complaints related to hours of operation and amenity impacts.

Members Lounge/ Restaurant and Function Room hours of operation:

- 7am to 10pm (Sunday – Thursday)
- 7am to Midnight (Friday and Saturday)
- 7am to 1am (New Year's Eve)

Should upon a review of this condition and following a proper investigation Council finds that limiting the hours of operation is the most efficient and effective means of reducing amenity impacts then the hours of operation will be required, at the expiration of 14 days written notice, to revert back to the following:

Members Lounge/ Restaurant and Function Room hours of operation:

- 7am to 10pm (seven days a week)
- 7am to 1am (New Year's Eve)

Reason: To ensure the ongoing noise impacts of the development can be managed

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report and the above.

Vote: 4/0

This is the final page of the Minutes comprising 20 pages
numbered 1 to 20 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 15 December 2021.