



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 6 APRIL 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 6 April 2022

The public meeting commenced at 12.00pm and concluded at 12.48pm.

The deliberations and determinations commenced at 1.15pm following the public meeting and concluded at 3.45pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Brian Kirk	Town Planner
Robert Hussey	Town Planner
John Simmonds	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 16 MARCH 2022

That the minutes of the Northern Beaches Local Planning Panel held 16 March 2022, were adopted by the Chairperson and have been posted on the Council's website.

3.0 CATEGORY 3 APPLICATIONS

Nil

4.0 PUBLIC MEETING ITEMS

4.1 DA2021/2138 - 235 POWDERWORKS ROAD, INGLESIDE - USE OF PREMISES AS AN ANIMAL BOARDING AND TRAINING ESTABLISHMENT

PROCEEDINGS IN BRIEF

The proposal is for use of premises as an animal boarding and training establishment.

At the public meeting the Panel was addressed by three neighbours and three 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. DA2021/2138 for use of premises as an animal boarding and training establishment at Lot 63 DP 30255, 235 Powderworks Road, INGLESIDE, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

Reason: To protect the amenity of the locality.

2. The amendment of Condition 1 by changing the reference to "Operations Manual" to "Hounds on Heels Doggie Daycare Operations Manual"
3. The amendment of Condition 4 to read as follows:

4. Animal Capacity

At any one time, the capacity of the premises is limited to the following;

- 25 dogs for animal boarding (Monday-Friday),
- 8 dogs for animal training (Saturday - Sunday).

Reason: To maintain neighbourhood amenity

4. The amendment of Condition 5 to read as follows:

5. Comply with 'HOUNDS ON HEELS DOGGIE DAYCARE Operations Manual'

The operations manual is to be amended to include the following provision;

- Complaints management - A dedicated phone number for complaints must be provided, which must be separate to any other number for bookings, inquiries etc. The phone must be operational/answered for at least 2 hours following closing times. A register must be kept of all complaints and how the complaint was resolved, and proposed changes to the Hounds on Heels Doggie Daycare Operations Manual as a result, and must be available to Council upon request.

The operations manual may be amended at any time with the approval of Council.

At all times, operations must comply with the document titled "HOUNDS ON HEELS DOGGIE DAYCARE Operations Manual" that forms part of this development determination. Reason: to prevent offensive noise according to the Noise Policy for Industry 2017 and Protection of Environment Operations Act 1997. (DACHPBOC6)

5. The deletion of Condition 31

REASONS FOR DETERMINATION:

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

Vote: 4/0

4.2 DA2021/1901 - 21-23 MONA STREET & 120 BASSETT STREET, MONA VALE - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a Seniors Housing development.

At the public meeting the Panel was addressed by one neighbour 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. DA2021/1901 for demolition works and construction of a Seniors Housing development on land at Lot 8 DP 701367, 23 Mona Street, MONA VALE, Lot 9 DP 701367, 21 Mona Street, MONA VALE, Lot 10 DP 701367, 120 Bassett Street, MONA VALE, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of Deferred Commencement Conditions to read as follows:
 - A. The applicant is to obtain consent under Section 138 of the Roads Act 1993 for the proposed footpaths, pram ramps, pedestrian refuges and bus stops, generally in accordance with the Concept Plans (Pedestrian Refuge Plans Drawing Set D1-7 Revision C, dated 16 February 2022, prepared by NY Civil Engineering).

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.

Reason: The Section 138 Consent should be obtained before the development consent commences in order to satisfy the access requirements for this seniors development.

Note

The following recommendations of Council's transport engineer are noted:

- a) Pedestrian refuges to be located in Bassett Street, on the approach to the intersection with Mona Street; and in Pittwater Road, about 50m south of the Pittwater Road/Mona Street roundabout.
- b) Pedestrian refuge islands are to be 2m wide and 3m spacing in accordance with Council standard drawings.
- c) Kerb extensions 1.5m width or kerb side blister islands (Type SM kerb) are required to reduce the road width at the crossing points.
- d) New pram ramps are to be constructed at all road crossing points with footpath connections provided in accordance with Council standard drawings.
- e) Relocate Bus Stop ID: 210327 (western side) immediately south of the driveway of No.1819-1823, and Bus Stop ID: 210331 (eastern side) immediately north of the

driveway of No.1662-1664 Pittwater Road.

f) New bus stop locations are to be in accordance with Council standard drawings and upgraded to comply with the Disability Standards for Accessible Transport.

g) A swept path analysis is required to check the turning paths for a 12.5m bus at the intersection of Bassett Street and Mona Street, and ensure bus stop accessibility to the relocated bus stops in Pittwater Road.

h) Relocate existing signage and make adjustments to line marking to accommodate the required changes.

- B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

2. The addition of Condition 15A to read as follows:

15A Flood Gate

Prior to the issue of the Construction Certificate engineering details of the design, construction and maintenance of the flood gate are to be submitted to the Principal Certifier for approval and shall include installation details, the calibration of the structure and the ongoing maintenance regime, together with periodic compliance reports from an appropriate engineer.

Reason: To reduce the impact of flooding and flood liability on owners of flood prone property and reduce public and private losses in accordance with Council's and NSW Government Policy.

3. The amendment of Condition 24(b) to read as follows:

(b) Roof garden - The roof garden above apartment 05 shall not be accessible to residents, except for essential access for maintenance. A sign to this effect is to be kept on the outside of the door leading to the roof garden.

4. The amendment of Condition 64 to read as follows:

64. Positive Covenant for self-actuating flood gate

The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) to be created on the final plans and accompanying 88B instrument, requiring the proprietor of the land to maintain the self-actuating flood gate structures in accordance with the maintenance regime approved by the Principal Certifier pursuant to Condition 15A to ensure ongoing flood protection.

The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood prone property and reduce public and private losses in accordance with Council and NSW Government policy.

5. The deletion of Condition 22.

6. The amendment of Condition 71 to read as follows:

71. Section 138 Roads Act 1993 Works

All works the subject of consent under Section 138 of the Roads Act 1993, shall be constructed to Council's satisfaction. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To provide safe pedestrian access to and from the property.

REASONS FOR DETERMINATION:

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

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2022/0068 - 18-22 DALE STREET, BROOKVALE - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing building.

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 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0068 for alterations and additions to an existing building at Lot CP SP 70852, 18 - 22 Dale Street, BROOKVALE, subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

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 6 April 2022.