



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 1 JUNE 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 1 June 2022

The public meeting commenced at 12.00pm and concluded at 1.43pm.

The deliberations and determinations commenced at 2.30pm following the public meeting and concluded at 5.50pm.

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Lisa Bella Esposito	Town Planner
Lloyd Graham	Community Representative

The Panel have visited all sites personally, or electronically, 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 23 MAY 2022

RESOLUTION

That the minutes of the Northern Beaches Local Planning Panel held 18 May 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 DA2021/1508 - 882A PITTWATER ROAD, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A MIXED-USE DEVELOPMENT, INCLUDING A BOARDING HOUSE DEVELOPMENT, FOOD AND DRINK PREMISES AND OFFICE PREMISES

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a mixed-use development, including a boarding house development, food and drink premises and office premises.

At the public meeting which followed the Panel was addressed by no neighbours and 2 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 SEPP ARH Clause 30(1) (h) 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 ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/1508 for Demolition works and construction of a mixed-use development, including a boarding house development, food and drink premises and office premises on land at Lot B DP 389449, 882 A Pittwater Road, DEE WHY, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 43 to read as follows:

43. Boarding House Plan of Management

A Boarding House Plan of Management (BHPM) is to be prepared detailing the operation of the development. The BHPM shall include, but not be limited to the following:

- Complaints management.
- Noise management.
- Contact details.
- Occupancy requirements/limitations.
- Responsibilities of on-site manager.
- Common area hours of access.
- Waste management and cleaning.

The BHPM shall be provided to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate, and shall be provided to Council for record keeping purposes.

Reason: To maintain neighbourhood amenity.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.2 DA2021/2054 - 243 PITTWATER ROAD, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING INCLUDING USE AS A SHOP, TAKE AWAY FOOD AND DRINK PREMISES (HARRIS FARM), CARPARK, SIGNAGE, LANDSCAPING AND CHANGED HOURS OF OPERATION.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing building including use as a shop (Harris Farm), signage and landscaping and changed hours of operation.

At the public meeting which followed the Panel was addressed by no neighbours and 5 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 Manly Local Environmental Plan 2013 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 ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/2054 for alterations and additions to an existing building including use as a shop (Harris Farm), signage and landscaping on land at Lot 1 DP 923368, 243 Pittwater Road, MANLY, Lot 1 DP 924434, 243 Pittwater Road, MANLY, Lot 1 DP 923887, 243 Pittwater Road, MANLY, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 14 to read as follows:

14. Traffic and Pedestrian Safety

- a) A central median with pedestrian fencing is to extend from the proposed pedestrian refuge across Pittwater Road to the roundabout at Balgowlah Road in accordance with relevant Austroads and Australian Standards, at no cost to Transport for NSW (TfNSW).

Detailed design plans of the proposed median with fencing are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

The applicant is to submit all documentation at least six (6) weeks prior to the

commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to develop.sydney@transport.nsw.gov.au.

- b) The impacts of the median on the road network are to be modelled, with the electronic file submitted to TfNSW for review and verification.
- c) A swept path analysis of the longest vehicle entering and exiting the subject site shall be in accordance with AUSTROADS and a plan is to be submitted to TfNSW's satisfaction.
- d) A construction zone will not be permitted on Pittwater Road or Balgowlah Road. All construction vehicles are to be contained wholly within the site and vehicles must enter and exit in a forward direction."
- e) The above requirements may be changed with the written consent of TfNSW, a copy of such consent to be provided promptly by the applicant to Council.
- f) The two easternmost driveways are to be reconstructed as standard layback crossings rather than at grade kerb returns. Plans to be inclusive of details of any required footpath adjustments.

Civil Engineering plans for the above requirements (or the above requirements as changed with the written consent of TfNSW) are to be submitted to TfNSW and Council for approval.

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

If TfNSW does not approve a central median with pedestrian fencing, then the applicant will provide a pedestrian fence on the kerb outside the premises, subject to Council's approval and subject to Council approving plans and specifications to be submitted by the applicant to the Council.

Reason: To improve traffic and pedestrian safety and ensure compliance with TfNSW and Council specifications for engineering works.

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

2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral	10 December 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.3 DA2021/2065 - MARKET LANE, MANLY - USE OF PREMISES (PART ROAD RESERVE AND LOT 2849) AS A FOOD AND DRINK PREMISES (FOR A 'SMALL BAR').

PROCEEDINGS IN BRIEF

The proposal is for use of premises (part Road Reserve and Lot 2849) as a Food and Drink Premises (for a 'Small Bar').

At the public meeting which followed the Panel was addressed by 2 neighbours and 3 representatives of the applicant.

DETERMINATION OF DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/2065 for Use of premises (part Road Reserve and Lot 2849) as a Food and Drink Premises (for a 'Small Bar') on land at Lot 2849 DP 822227, 0 Market Lane, MANLY, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 22 to read as follows:

22. Noise Ongoing

The Premises shall comply with the following:

- Capacity of venue limited to 120 patrons.
- Amplified music to be limited from one speaker.
- Amplified background music on Mondays to Fridays is to be limited to 5.00 pm onwards only (except when trading on a public holiday that falls on a weekday, then 12 midday to 10pm).
- Live music (including sound check) to be limited to the following times:
 - Monday – Thursday: 6pm – 9pm
 - Friday: 5pm – 10.00 pm
- Saturdays & Sundays: 3pm – 10:00 pm
- Speaker to be fitted with an electronic limiter that limits the output to the noise spectrum within Table 3.1 of the Acoustic Report by WSP Australia Pty Ltd dated 16 May 2022.

2. The amendment of condition 23 to read as follows:

23. Compliance with Plan of Management

The requirements of the Plan of Management are to be adhered to for all day-to-day operations (including matters that are managed outside trading hours).

Reason: To protect the amenity of the surrounding area.

3. The deletion of condition 30.

4. The amendment of proposed condition 32 and to be renumbered as 31 to read as follows:

31. Set up hours

The set-up of tables and chairs or miscellaneous items shall not commence until 2 hours prior to commencement of the hours of operation on any day, as stipulated in condition 24.

Reason: To ensure access and egress for delivery / routine Council vehicles to paved pedestrian mall / laneway areas is not prevented.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.4 DA2021/1502 - 1622 PITTWATER ROAD, MONA VALE - DEMOLITION WORKS AND THE CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and the construction of a residential flat building.

At the public meeting which followed the Panel was addressed by 2 neighbours and 1 representative of the applicant.

DEFERRAL OF FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. DA2021/1502 for Demolition works and the construction of a residential flat building on land at Lot CP SP 44234, 1622 Pittwater Road, MONA VALE, to give the applicant the opportunity to submit to Council by 16 June 2022 an updated arborist report which takes into account the information in the Flood Impact Study dated 15 February 2022 by Capital Engineering Consultants, including any potential impact of the proposed development on trees 1 and 22 (shown in the arborist's existing report, prepared by Rain Tree Consulting) located on the adjoining property at 1620 Pittwater Road, Mona Vale.

If the updated arborist report is not received by 16 June 2022 the Panel may proceed to determine the application on the material before it.

Vote: 4/0

4.5 DA2021/1426 - 51 KALANG ROAD, ELANORA HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a shop top housing development.

At the public meeting which followed the Panel was not addressed by any neighbours or representative 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 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 ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant a **Deferred Commencement Approval** detailed within Section 95 of the EP&A Regulation 2000 to DA2021/1426 for Demolition works and construction of a shop top housing development on land at Lot 2 DP 528120, 51 Kalang Road, ELANORA HEIGHTS, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 16 to read as follows:

16. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of
- each construction phase
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period

- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments
- such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane
- Minimisation of heavy vehicle movements during designated pre-school drop off and pick up times, being 8:00am – 9:00am and 3:00pm – 4:00pm

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report, subject to the above amendment to condition 16.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2021/2435 - 40 HILLCREST AVENUE, MONA VALE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SPA.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dwelling house including a spa.

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 7.8 – Limited Development on Foreshore Area 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 ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2021/2435 for Alterations and additions to a dwelling house including a spa on land at Lot 18 DP 6195, 40 Hillcrest Avenue, MONA VALE, subject to the conditions set out in the Assessment Report and Supplementary Memo.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

5.2 MOD2021/0771 - 68 A QUEENSCLIFF ROAD, QUEENSCLIFF - MODIFICATION OF DEVELOPMENT CONSENT DA2015/1079 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING SHOP TOP HOUSING DEVELOPMENT AND STRATA SUBDIVISION OF LOW RENTAL DWELLINGS UNDER SEPP (AFFORDABLE RENTAL HOUSING) 2009.

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2015/1079 granted for alterations and additions to an existing Shop Top Housing Development and Strata Subdivision of low rental dwellings under SEPP (Affordable Rental Housing) 2009.

DETERMINATION OF MODIFICATION ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Modification Application No. Mod2021/0771 for Modification of Development Consent DA2015/1079 granted for alterations and additions to an existing Shop Top Housing Development and Strata Subdivision of low rental dwellings under SEPP (Affordable Rental Housing) 2009 on land at Lot A DP 961049, 68 A Queenscliff Road, QUEENSCLIFF, 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 16 pages numbered 1 to 16 of the Northern Beaches Local Planning Panel meeting held on Wednesday 1 June 2022.