

MINUTES

APPLICATION DETERMINATION PANEL

held in the Office of Deputy General Manager, Environment,
Civic Centre, Dee Why on

15 OCTOBER 2015

**Minutes of a Meeting of the Application Determination Panel
held on Thursday 15 October 2015
at Office of Deputy General Manager, Environment, Civic Centre,
Dee Why
Commencing at 10.30 am**

ATTENDANCE:

Panel Member

Malcolm Ryan, Chairperson, Deputy General Manager, Environment

David Kerr, Group Manager Development and Compliance Services

Peter Robinson, Group Manager Strategic Planning

Advisors

Luke Perry, Development Planner

Minute Secretary

Teresa Fazzolari, Acting Technical Planning Coordinator

Application Determination Panel

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1. CONFIRMATION OF MINUTES

DECISION OF APPLICATION DETERMINATION PANEL

That the Minutes of the Application Determination Panel Meeting held on 24 September, 2015 are true and accurate record of that meeting and have been signed off by all Panel members.

2. DECLARATION OF PECUNIARY INTEREST

Nil

3. DEVELOPMENT APPLICATIONS

3.1	DA2015/0579 – 80 Evans Street, Freshwater – Alterations and Additions to existing Registered Club (Harbord Diggers) to facilitate temporary accommodation with associated signage and mobile van cafe
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Proceedings in Brief

The Panel have reviewed the application, submissions made, the Assessment Report and are generally in support of the Recommendation of the Assessment Officer.

However the Panel is of the opinion that the Mobile van cafe cannot be considered as an 'ancillary use' to the 'dominant use' of the land being a registered club. In this regard the Panel considers the mobile van cafe to be a separate, independent, retail use which is a prohibited land use within the R2 Low Density Residential zone. Therefore a condition deleting the mobile van cafe is to be imposed.

The proposal includes the addition of three illuminated business identification signs. The panel notes Condition No. 17 requires illumination to cease between the hours of midnight and 7.00 am daily. The panel is of the opinion that in order to preserve the amenity of neighbouring residential properties a more appropriate restriction would be to cease illumination between the hours of 10.00pm and 7.00am daily. A condition to this effect is to be imposed.

In addition to the above, a condition is to be imposed that places a restriction on the delivery hours to protect the residential amenity of the area.

The Panel also considered applicants submission for a condition relating to the surrender of any consent granted upon the issue of the Final Occupation Certificate for Development Consent No. 2014/0875 (redevelopment of the Harbord Diggers Club).

The Panel resolved that a 3 year timeframe would be more appropriate in this instance with the ability for the applicant to modify the consent in the event that the buildings works for the redevelopment are delayed beyond a 3 year period.

DECISION OF APPLICATION DETERMINATION PANEL

That the recommendation of the Assessment Officer for approval be adopted subject to the modification of the following conditions:

4. Temporary Club facility

Development consent is granted for the Alterations and Additions to the existing Registered Club (Harbord Diggers) to facilitate a Temporary Club facility with associated signage for a maximum temporary period of three (3) years from the date of this consent after which time the use is to cease and buildings are to be demolished.

An application pursuant to Section 96 of the Act may be submitted to Council for the continuation of the use of the buildings for the purposes of a temporary club facility prior to the expiration of the three (3) year period.

Reason: To prevent inconsistencies between development consents applying to the site.

16. Hours of Operation

The hours of operation are to be restricted as follows:

Registered Club

Sunday – Thursday: 5.30am – 2.00am; and
Friday – Saturday: 5.30am – 4.00am.

First level deck

7am to 10pm any day of the week.

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.(DACPLG08)

17. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 10.00pm midnight and 7.00 am daily.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)

20. Operation of Loading Dock and Delivery Hours

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Traffic Control measures (i.e. traffic controllers) are to be used at all times when vehicles are using the loading dock to maintain pedestrian and road user's safety.

Reason: To protect ensure the acoustic amenity of surrounding properties and ensure public safety. (DACTRGOG1)

The following condition is to be included:

11A. Mobile van cafe

No approval is granted for the mobile van cafe. All reference to the mobile van cafe is to be deleted from the approved plans

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

Reason: To ensure compliance with the Warringah Local Environmental Plan 2011.

The following condition is to be deleted:

Condition No. 8 – Temporary Food Van

3.2	DA2015/0664 – Demolition works and Construction of a Library Building
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Proceedings in Brief

The Panel have reviewed the application and note that the application involves the construction of a new Council Library building on land owned by Council.

The Panel unanimously resolved that it is appropriate in this instance for the application to be determined by an Independent Panel.

In this regard, the Panel Chair elected to use their discretion to refer the application to the Warringah Development Assessment Panel (WDAP) for determination.

DECISION OF APPLICATION DETERMINATION PANEL

That the application be referred to the Warringah Development Assessment Panel (WDAP) for consideration and determination.

Meeting Concluded 11.10 a.m.



Malcolm Ryan
**Deputy General Manager, Environment
Chairperson**



David Kerr
Group Manager, Compliance and Development Services



Peter Robinson
Group Manager, Strategic Planning