



northern
beaches
council

MINUTES

NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL MEETING

held in the Council Chambers, Civic Centre, Dee Why on

WEDNESDAY 14 FEBRUARY 2018

Minutes of a Meeting of the Northern Beaches Independent Assessment Panel

held on Wednesday 14 February 2018

at Council Chambers, Civic Centre, Dee Why

Commencing at 1.00PM

ATTENDANCE:

Panel Members

Paul Vergotis	Chair
Steve Kennedy	Urban Design Expert
Lloyd Graham	Town Planner
Phil Jacombs	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL HELD 13 DECEMBER 2017

RECOMMENDATION

That the Minutes of the Northern Beaches Independent Assessment Panel held 13 December 2017, were adopted by the Chairperson and have been posted on the Council's website.

3.0 NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL REPORTS

3.1 N0317/16 – 62 AND 85 HILLSIDE ROAD, NEWPORT – SUBDIVISION OF 62 HILLSIDE ROAD INTO 4 RESIDENTIAL LOTS PLUS CIVIL AND LANDSCAPING WORKS TO 62 AND 85 HILLSIDE ROAD TO FACILITATE THE SUBDIVISION

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the panel was addressed by four residents and a representative for the applicant.

DECISION

The Panel approves Application No. N0317/16 for Subdivision of 62 Hillside Road into 4 residential lots plus civil and landscaping works to 62 and 85 Hillside Road to facilitate the subdivision at Lot 1, DP 408800 and Lot 2, DP 1036400, 62 and 85 Hillside Road, Newport for the reasons outlined in the Assessment Report, subject to the following:

1. The addition of Condition AA as follows:

Approved Plans:

- Coversheet, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-A000, Project No. P1203617, Rev. C, dated 7 July 2016
- General Notes, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-A010, Project No. P1203617, Rev. B, dated 3 June 2016
- Sediment and Erosion Control Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-B300, Project No. P1203617, Rev. C, dated 7 July 2016
- Sediment and Erosion Control Details, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-B310, Project No. P1203617, Rev. B, dated 3 June 2016
- Demolition Plan, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-B500, Project No. P1203617, Rev. C, dated 7 July 2016
- Earthworks Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-C100, Project No. P1203617, Rev. C, dated 7 July 2016
- Earthworks Cut & Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-C600, Project No. P1203617, Rev. C, dated 7 July 2016
- Driveway Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D100, Project No. P1203617, Rev. C, dated 7 July 2016
- MC01 Longitudinal Section, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D200, Project No. P1203617, Rev. B, dated 3 June 2016
- MC01 Typical Sections, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D201, Project No. P1203617, Rev. B, dated 3 June 2016
- Driveway Cross Sections Sheet 1, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D600, Project No. P1203617, Rev. B, dated 3 June 2016
- Driveway Cross Sections Sheet 2, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-D601, Project No. P1203617, Rev. B, dated 3 June 2016
- Swept Path Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-DZ00, Project No. P1203617, Rev. C, dated 7 July 2016
- Tree Plan (Layout 02), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-F300, Project No. P1203617, Rev. C, dated 7 July 2016
- Sewer and Water Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-H200, Project No. P1203617, Rev. C, dated 7 July 2016
- Subdivision Plan, prepared by Martens & Associates Pty Ltd, Drawing No. PS03-A400, Project No. P1203617, Rev. B, dated 23 November 2016

- Drainage Plan, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E200, Project No. P1203617, Rev. D, dated 23 November 2016
- Energy Dissipator/Rip Rap Typical Details, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E400, Project No. P1203617, Rev. A, dated 23 November 2016
- On-Site Detention Plan (Layout 01), prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E500, Project No. P1203617, Rev. D, dated 23 November 2016
- OSD Catchment Plan Drains Model and Result, prepared by Martens & Associates Pty Ltd, Drawing No. PS02-E501, Project No. P1203617, Rev. A, dated 23 November 2016
- Details and Levels over Lot 1 in D.P. 408800 & Lot 2 in D.P. 1036400, prepared by Paul Keen & Company, Ref. 9499P, dated 30 October 2015

Approved Documents:

- Aborigicultural Impact Assessment, prepared by Footprint Green Pty Ltd, dated 22 June 2016
- Vegetation Management Plan, prepared by Cumberland Ecology, Report Ref. 15023RP2, Rev. 2 dated 22 June 2016
- Vegetation Management Plan Advice, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1a Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1b Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1c Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
 - Lot 1d Vegetation Management Plan Sub-plan, prepared by Cumberland Ecology, dated 25 November 2016
- Species Impact Assessment, prepared by Cumberland Ecology, Report Ref. 15023RP3, Rev. 3 dated 23 June 2016
- Bushfire Protection Assessment, prepared by Travers Bushfire & Ecology, File No. A15164, dated 18 May 2016
- Geotechnical Assessment, prepared by Martens & Associates Pty Ltd, Ref. No. P1203617JR04V01, Rev. 1, dated 9 June 2016
- Preliminary Site Investigation, prepared by Martens & Associates Pty Ltd, Ref. No. P1203617JR02V01, Rev. 1, dated 7 June 2016
- Aboriginal Survey for Aboriginal Sites, prepared by Jo McDonald Cultural Heritage Management Pty Ltd, dated 30 May 2002

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

2. The amendment of Condition D.22 to read as follows:

22. If/where the volume(s) of excavated materials to be transported from the site or the importation of fill material to the site, a satisfactory construction traffic management plan (CTMP) shall be prepared by a suitably qualified traffic consultant and submitted to the Principal Certifying Authority prior to the commencement of any site works. The plan is to detail:
- A. Quantity of material to be transported
 - B. Proposed truck movements per day

- C. Proposed hours of operation
- D. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within the former Pittwater Council Local Government Area
- E. Location of on/off site parking for construction workers during the construction period.

3. The amendment of Condition B.6 to read as follows:

- 6. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Biosecurity Act 2015. Environmental weeds are to be removed and controlled. Refer to Council website <https://www.northernbeaches.nsw.gov.au/environment/weed-management> for noxious/environmental weed lists.

4. The amendment of Condition B.7 to read as follows:

- 7. No environmental weeds are to be planted on the site. Refer to Council website <https://www.northernbeaches.nsw.gov.au/environment/weed-management> for environmental weed lists.

5. The amendment of Condition F.6 to read as follows:

- 6. Prior to the issue of a Subdivision Certificate a draft Positive Covenant consistent with the terms set out in the letter from Cumberland Ecology (November 2016) on the restriction on the use of land shall be submitted to the Council.

3.2 DA0190/2012 – 53-57 PITTWATER ROAD, MANLY – SECTION 96 TO MODIFY APPROVED CHANGE OF USE TO A CAFÉ INCLUDING COURTYARD SEATING AND INTERIOR SIGNAGE – PART 2

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the panel was addressed by a representative for the applicant.

DECISION

The Panel approves Application No. DA190/2012 for Section 96 to modify approved change of use to a Café including courtyard seating and interior signage – Part 2 at Lot 14 SP 91855, 53-57 Pittwater Road Manly for the reasons outlined in the Assessment Report, subject to the following:

1. The amendment of Condition ANS03 as follows:

ANS03

An acoustic report prepared by a suitably qualified and practicing acoustic engineer shall be submitted to Council 3 months after the commencement of the modified hours of operation for the premises. This report shall certify that the noise generated by the use of the premises does not exceed 5dBA above ambient background noise levels as measured from the boundaries of the subject site and that the use complies with all conditions of the modified development consent and all relevant acoustical standards so as not to cause an offensive noise as defined by the *Protection of the Environment Operations Act 1997* (NSW).

Reason: To protect the acoustic amenity of the neighbourhood.

3.3 DA0240/2017 – 13A UPPER GILBERT STREET MANLY – ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL FLAT BUILDING

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the panel was addressed by four residents and a representative for the applicant.

After hearing the submissions made by numerous objectors the Panel formed the view that the refurbishment of the existing residential flat building having regard to its design and scale was an acceptable outcome, however the additional bulk and scale and associated view loss concerns related to the car stacker structure was unacceptable.

DECISION

The Panel **refuses** Application No. DA0240/2017 for Alterations and additions to an existing Residential Flat Building at SP9475, 13A Upper Gilbert Street, Manly on the following grounds::

1. The proposed development is considered contrary to Section 79C(1)(a)(i)(ii),(b),(c),(d) and (e) having regard to the unacceptable visual bulk and scale of the ancillary car stacker structure and the impacts caused by the siting of this structure to the immediate adjoining properties to the south.

3.4 N0380/17 – 2B ALLEN AVENUE, BILGOLA BEACH – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A NEW TWO STOREY DWELLING WITH ASSOCIATED LANDSCAPING WORKS, DRIVEWAY AND FRONT FENCE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the panel was addressed by three residents and two representatives for the applicant.

DECISION

The Panel approves Application No. N0380/17 for Demolition of existing dwelling and construction of a new two storey dwelling with associated landscaping works, driveway and front fence at Lot B DP 410216, 2B Allen Avenue, Bilgola Beach for the reasons outlined in the Assessment Report, subject to the following:

1. The addition of Condition AA as follows:

Approved Plans:

- Drawing Register, prepared by Cadence and Co Design, Sheet No. A00, dated 8 January 2018
- Site Analysis Plan, prepared by Cadence and Co Design, Sheet No. A01, dated 8 January 2018
- Site and Area Calculations, prepared by Cadence and Co Design, Sheet No. A02, dated 8 January 2018
- Ground Floor Plan, prepared by Cadence and Co Design, Sheet No. A03, Rev. A, dated 8 January 2018
- First Floor Plan, prepared by Cadence and Co Design, Sheet No. A04, Rev. A, dated 8 January 2018
- Roof Plan, prepared by Cadence and Co Design, Sheet No. A05, Rev. A, dated 8 January 2018
- North & East Elevations, prepared by Cadence and Co Design, Sheet No. A06, Rev. A, dated 8 January 2018
- South & West Elevations, prepared by Cadence and Co Design, Sheet No. A07, Rev. A, dated 8 January 2018
- Sections, prepared by Cadence and Co Design, Sheet No. A08, Rev. A, dated 8 January 2018
- Driveway Plan and Sections, prepared by Cadence and Co Design, Sheet No. A09, Rev. A, dated 8 January 2018
- Window & Door Schedules/External Finishes, prepared by Cadence and Co Design, Sheet No. A14, Rev. A, dated 8 January 2018
- BASIX Requirements, prepared by Cadence and Co Design, Sheet No. A15, Rev. A, dated 8 January 2018
- Landscape Concept Plan, prepared by the Gardenmakers, Drawing No. COD03:LCPFF01, dated 14 August 2017
- Landscape Levels Plan, prepared by the Gardenmakers, Drawing No. COD03:LLPFF01, dated 14 August 2017
- Landscape Concept Plan - GF, prepared by the Gardenmakers, Drawing No. COD03:LCPFF01, dated 20 December 2017
- Landscape Levels Plan, prepared by the Gardenmakers, Drawing No. COD03:LLPgF01, dated 14 August 2017
- Stormwater Management Plan, prepared by NB Consulting Engineers, Drawing D01, Issue A, dated 1 August 2017

- Stormwater Management Plan, prepared by NB Consulting Engineers, Drawing D02, Issue A, dated 1 August 2017
- Roof Drainage Plan, prepared by NB Consulting Engineers, Drawing D03, Issue A, dated 1 August 2017
- Drainage Details, prepared by NB Consulting Engineers, Drawing D04, Issue A, dated 1 August 2017
- Survey Plan, prepared by Bee & Lethbridge, Ref. 16-122, Sheet 1 of 1, dated 23 November 2016

Approved Documents:

- BASIX Certificate No. 850196S, prepared by Efficient Living, dated 21 August 2017
- Aboricultural report, prepared by Raintree Consulting, Report Ref. RTC-10317
- Bushfire Hazard Assessment Report, prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, Ref. 170774 dated 31 July 2017
- Flood Risk Management Report, prepared by Cameron Haack, Job Ref. 161245, dated 4 August 2017
- Geotechnical Investigation, prepared by White Geotechnical Group, Ref. No. J1370, dated 8 August 2017

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

2. The addition of Condition C.15 as follows:

15. Prior to the issue of the Construction Certificate the person entitled to act on this development consent is to amend to proposal as follows:
 - A. The First Floor covered balcony adjacent to the Laundry is to be reduced in size through the deletion of the south west corner of the balcony nearest Bilgola Avenue for a length of not less than 2.5 metres.
 - B. The First Floor covered terrace adjacent to the Master Bedroom is to be reduced in size through the deletion of the north east portion of the terrace, planter and awning nearest No.2 Allen Avenue for a length of not less than 1.75 metres.

3.5 DA0337/2016 – 9 NORTH HARBOUR STREET, BALGOWLAH – SECTION 96(1A) APPLICATION TO MODIFY APPROVED ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING HOUSE – PART 3

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds today and previously. At the public meeting which followed the panel was addressed by one resident and two representatives for the applicant.

DECISION

The Panel **refuses** Application No. DA0337/2016 for Section 96(1A) application to modify approved alterations and additions to the existing dwelling house - Part 3 at Lot 1 DP 723910, 9 North Harbour Street, Balgowlah on the following grounds:

1. The proposed modifications to the approved ground floor balcony cannot be supported due to there being no justification for the increased depth having regard to Section 79C(1)(a)(i)(ii),(b) and (d).
2. The proposed modifications as sought would have the likely effect of impacting on the privacy and amenity of the adjoining property to the south having regard to Section 79C(1)(a)(i)(ii),(b) and (d).

**3.6 DA0294/2016 – 1-3 AMIENS ROAD, CLONTARF – SECTION 96(2) TO MODIFY
ALTERATIONS AND ADDITIONS AN EXISTING DWELLING HOUSE – PART 2**

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds.

DECISION

The Panel approves Application No. DA0294/2016 for Section 96(2) to modify alterations and additions to an existing dwelling house – Part 2 at Lots 2, 3 and 4 DP 859611, 1-3 Amiens Road, Clontarf for the reasons outlined in the Assessment Report, subject to the following:

1. Amending ANS18 to ANS19
2. The addition of Condition 36A to read as follows:

36A

The basketball court shall not be illuminated or have any lighting structures erected on the land without prior consent of the Council.

Reason: To protect neighborhood amenity.

4.0 REVIEW OF DETERMINATIONS

Nil

5.0 PLANNING PROPOSALS

Nil

6.0 CATEGORY 3 APPLICATIONS

6.1 DA2017/0087 – 198 FOREST WAY, BELROSE – DEMOLITION, BOUNDARY ADJUSTMENT, CONSTRUCTION OF CHILD CARE CENTRE AND A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by a representative for the applicant.

DESIRED FUTURE CHARACTER

In relation to the assessment under the Desired Future Character of the area the Panel agrees with the assessment of the development application set out in the Council Assessment Report that the proposal will be consistent with the Desired Future Character of the C8 Belrose North Locality under the Warringah Local Environment Plan 2000.

The Panel finds that the manner in which the development application is now presented will result in a development that is low intensity and low impact use.

DECISION

The Panel supports Application No. DA2017/0087 for Demolition, Boundary Adjustment, Construction of Child Care Centre and a Dwelling house at Lot 2069 DP 752038 & Lot 2 DP 1205253, 198 Forest Way, Belrose for the reasons outlined in the Assessment Report, subject to the following:

1. The amendment of Condition 1d) to substitute the following plans in Table 1 with the plans set out in Table 2:

Table 1

Landscape Plans*		
Drawing No.	Dated	Prepared By
LCP-01 Site Plan	December 2016	Fiona Robbe
LCP-02 DA Landscape Plan	December 2016	Fiona Robbe
LCP-04 Carpark Landscape Plan	December 2016	Fiona Robbe
LCP-05 CCC and Carpark Planting Plan	December 2016	Fiona Robbe
LCP-06-B Residence Landscape Plan	December 2016	Fiona Robbe
LCP-07 Fencing Details	December 2016	Fiona Robbe

Table 2

Landscape Plans*		
Drawing No.	Dated	Prepared By
LCP-01-B DA Site Plan	December 2016	Fiona Robbe
LCP-02-B DA Landscape Plan	December 2016	Fiona Robbe
LCP-04-B DA Concept Plan	December 2016	Fiona Robbe
LCP-05-B Carpark Landscape Plan	December 2016	Fiona Robbe
LCP-06-B Residence Landscape Plan	December 2016	Fiona Robbe
LCP-07-B Fencing Details	December 2016	Fiona Robbe

The meeting concluded at 6.15pm

Paul Vergotis

Chairperson

This is the final page of the Minutes comprising 16 pages
numbered 1 to 16 of the Northern Beaches Independent Assessment Panel meeting
held on Wednesday 14 February 2018.