



Pre-lodgement Meeting Notes

Application No:	PLM2020/0274
Meeting Date:	1 December 2020
Property Address:	Freshwater Reserve, Oceanview Road FRESHWATER
Proposal:	Deck and seating on reserve adjoining Pilu café / kiosk; additions to existing cafe; garbage storage area; bicycle parking
Attendees for Council:	Nic England (Planner); Max Duncan (Planner); Steve Findlay (Development Assessment Manager); Brendan Gavin (Principal Planner – Heritage)

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant

Building on Council Land

In principle, Council supports the proposed structure/s on Council land. The structure will assist in activating an area that currently acts as a transitory space for people accessing the café and the beach and other surrounding open space areas. It will also offset the current degradation of the turfed area adjoining the Pilu Kiosk.

However, the formalised seating area (as originally proposed) will dominate the deck, by occupying the majority of the structure. The remaining area of the deck is occupied by stairs that offer little opportunity for public use, beyond access to the formalised seating area. This will in effect privatise that part of this public space and this aspect of the development is not supported.

Formalised seating on the deck should be kept to a minimum and only located adjacent the kiosk building. Seating should not exceed 50% of the total deck area and the remaining informal public access part of the deck should be designed in a manner that makes the deck an inviting area for the public to congregate.

A total number of formal seats will be required to be shown for the DA, for the purposes of determining the traffic impact of the proposal. However, as Council's Parks Reserves and Foreshores unit has separate statutory obligations for the private lease of public land, the actual number of seats will be subject to lease negotiations between the commercial operator and Council. A condition would apply to any consent that specifies a maximum number of seats, however that number would be subject to ongoing lease agreement.

Revised Scheme

The revised plans provided by the applicant on 22 December 2020, demonstrates a much smaller area that excludes formalised seating. In principle, this is a proposal that can be supported.

The location of the bicycle parking and hedge planting needs to be revised to accommodate the future path shown on the plan of management. The garbage storage area should be provided on the premises of the restaurant, not on the public open space.

General

All other relevant matters are discussed in these notes.

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

A discussion on the relevant provisions of WLEP 2011 is provided below:

WLEP 2011 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>



Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. WLEP 2011 Dictionary)	Restaurants or cafes (works ancillary to)
Zone:	RE1 Public Recreation
Permitted with Consent or Prohibited:	Permissible*

* As the works are located on Council land, the written consent of Council's Property Services will be required with the application. In addition, the application will be independently assessed and determined by the Northern Beaches Local Planning Panel.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

A discussion on the relevant provisions of WDCP 2011 is provided below:

WDCP 2011 can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

Parts C3 Parking Facilities; D18 Accessibility and Adaptability; E4 Wildlife Corridors;		
Control	Permitted	Proposed
C3 Parking Facilities	1 space per 3 seats.	24 seats
<p><u>Comment:</u> Based on the number of seats proposed, the proposal will generate the demand for 8 extra car spaces. As the site has no on-site parking, it will need to rely on nearby public spaces. A traffic and parking report will be required with the application, to determine if there is sufficient capacity in the adjoining road network to accommodate the additional demand.</p>		
D18 Accessibility and Adaptability		
<p><u>Comment:</u> Adequate disabled access will need to be provided to the proposed seating area. The proposal extends the existing restaurant / café and as such, the revised premises will need to demonstrate adequate compliance with the access provisions of the Building Code of Australia / National Construction Code. A compliance report from a suitably qualified professional is advised.</p>		
E4 Wildlife Corridors		
<p><u>Comment:</u> The subject land is located within a wildlife corridor. Council's Biodiversity Officer recommends no specific information or report is required in this instance, as no disturbance of significant habitat is proposed.</p>		
D14 Site Facilities		
<p><u>Comment:</u> Requirement 1 of this control is that garbage enclosures are to have minimal visual impact from public places. The location of the garbage storage area on the public open space is not supported and these facilities should be contained completely on the site of the existing restaurant / café.</p>		



Parts C3 Parking Facilities; D18 Accessibility and Adaptability; E4 Wildlife Corridors;

Revised Scheme - The amended plans appear to re-locate the garbage back within the premises, addressing this issue.

STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The subject land is located within the area governed by this plan. The extent of the proposed works will not trigger the requirement for concurrence of another government agency and is generally consistent with the objectives and requirements of this policy.

FRESHWATER BEACH RESERVES LANDSCAPE MASTERPLAN

This plan applies to the subject land, having taken effect in 2018, and acts as the detailed plan of management that applies to the land.

The design of the deck should demonstrate consistency with the objectives and design shown on the masterplan for this part of the reserve. This would require: deletion or re-orientation of the bicycle parking area to be consistent with the path design shown; removal of the screen planting on the western side of the deck; re-design to fit with the plantings shown; and deletion of the garbage storage area (it is noted that in the amended plans the garbage storage area appears to be back within the premises, which addresses this issue).

Compliance with this plan of management will be critical in determining the success of the proposal.

REFERRAL BODIES

The following agencies of Council were consulted on this proposal and their comments are provided below:

Parks Reserves Foreshores	<p>The Manager, Park Assets - Planning Design & Delivery has provided the following comments:</p> <p>Development approval was granted for the deck further west in the Reserve which sets a precedent. Per the Landscape Assessment Officer's comments, our position would be development approval could be granted with, but not limited to the following conditions:</p> <ul style="list-style-type: none">• The applicant enters into a commercial lease for the space;• The applicant bears all liability for the structure, construction costs and maintenance costs; and• Exclusive use would need to be limited to an area for outdoor dining agreed to through the lease negotiation. The steps would be non-exclusive use.
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<p>Landscape Assessment Officer</p>	<p>My Parks Referral view is that the plan as presented does not on the one hand benefit the community as public open space is lost for commercial activity, but on the other hand there is social and community gain in the provision of a dining/café offering within the reserve much sought by the public.</p> <p>To support such a proposal I would request that a portion (50/50) of any proposed decking/stairs area that is usable for sitting/meeting etc, should be made available to the public to utilise without fear of being moved on, and that the costs associated with construction and ongoing maintenance are imposed upon the applicant.</p>
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Heritage	<p>Council's Heritage Advisor has provided following comments:</p> <p>"80 Undercliff Road, Freshwater also known as Lot B DP 429073, contains a local heritage item listed under the Warringah Local Environmental Plan 2011 as I79 – 'Freshwater Restaurant'. The restaurant known as 'Pilu at Freshwater' currently operates from the site.</p> <p>An extract from the heritage inventory for the site is included below:</p> <p>Statement of significance:</p> <p>A building with great social & historical significance as an early meeting place & recreation venue for the first settlers in Freshwater. Representative of the federation style, with high integrity. Prominent local landmark located above Freshwater Beach.</p> <p>Physical description:</p> <p>Two storey building of residential form. Timber weatherboard walls and tiled multi-gabled roof. Gables contain a variety of detail from timber shingles & timber battened trim to a variety of window types. Wide segmented verandah, infilled with glazing.</p> <p>The Proposal</p> <p>The proposal seeks consent for alterations and additions to an existing kiosk at the subject property. This includes a new roof over an existing dining area and the creation of a bin storage area behind the western end of the kiosk. The proposal also seeks to create a raised decked dining area for the restaurant on the adjoining reserve area with seating and umbrellas. Some additional landscaping, pathways and bicycle parking are proposed as well as new turf. The reserve area is owned and managed by Northern Beaches Council as part of the Freshwater Reserve. The specific land parcels in the reserve subject to the proposal are Lots 20, 21 and 22 in DP 7022.</p> <p>Heritage is unable to support the proposed new roof over the existing dining area. The new roof will interrupt views of the heritage item from the reserve, especially the glazed eastern verandah and its northern gable end. These are some of the most significant elements of the item and they must remain visible from the reserve. Interruption of this view will also impact upon the legibility of some of the finer details that give the building its Federation Queen Anne character such as the gable end shingles and valances on the verandah.</p> <p>The new roof would also read as an extension of the existing kiosk. This increase in appearance would change this kiosk from a smaller sympathetic building into one that interrupts views and is detracting from the heritage item and its significance. Heritage would recommend that the current arrangement with a cloth umbrella be retained. Heritage raises no objections to the proposed bin storage area.</p> <p>Heritage also raises no concerns with the proposed new decked and terraced seating area with umbrellas subject to</p>
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	<p>the retention of the existing wooden picket style boundary fence. However it notes this area is council land and is part of the Freshwater Reserve. Commentary would need to be sought from other Council units regarding the relevant plan of management, landscaping and likely lease arrangements.</p> <p>Requirements</p> <p>If the proponent wishes to include the new roof, a Heritage Impact Statement prepared by a suitably qualified and experienced expert will need to be included with the application. If the roof is removed, the works are within the reserve which is not a heritage item, and the matter could be addressed within the Statement of Environmental Effects.”</p> <p>Revised Scheme - The amended plans appear to have deleted the proposed roof, addressing this issue.</p>
<p>Biodiversity</p>	<p>Council’s Biodiversity Officer has advised that the preliminary landscape plan is to be amended to use only locally native species, rather than the two species proposed which are both emerging environmental weeds in some regions.</p> <p>Replacement species can be selected from any ward species list in Council’s Native Plants Guide: https://www.northernbeaches.nsw.gov.au/environment/native-plants/native-plant-species-guide</p>
<p>Urban Design</p>	<p>Council’s Urban Designer has commented on the revised proposal, that was provided to Council on 22 December 2020, as below:</p> <p>Revised Scheme</p> <p>“I refer to the latest set of amended drawing dated 22/12/2020. Generally, I am in support of the proposal. I was concerned about the previous proposal with the amount of steps proposed around a raised dining deck that is open on all sides, in terms of public safety and BCA requirements. The current proposal will improve the presentation and public access to the kiosk however I note that the ramp gradient (1:13.6 proposed) does not comply with the 1 in 14 gradient required.”</p>

<p>Relevant Council Policies</p>
<p>You are advised of the following (but not limited to all) Council’s policies available at Council’s website:</p> <ul style="list-style-type: none"> • Community Participation Plan • Stormwater drainage for low level properties PDS-POL 135 • Vehicle access to all roadside development: LAP-PL 315



Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Owners consent documentation from Northern Beaches Council
- Statement of Environmental Effects (including addressing the Plan of Management and Landscape Masterplan or the Reserve)
- Traffic Report
- BCA / NCC Compliance Report
- Scaled and dimensioned plans:
 - Site Plan
 - Floor Plans
 - Elevations
 - Sections
- Cost of works estimate/ Quote, if exceeding \$100,000 in value.
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Landscape Plan
- Photomontage
- Waste Management Plan (Construction & Demolition)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist

Please refer to Development Application Lodgement Requirements for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 1 December 2020 to discuss a new deck and seating on the Public Reserve adjoining Pulu café/kiosk; additions to existing cafe; garbage storage area; bicycle parking at No.80 Undercliff Road Freshwater and on Freshwater Beach Reserve. The notes reference the plans prepared by McIntosh & Phelps dated 7 November 2020 and further amended plans received by Council on 22 December 2020.

In its original form, the proposal was not supported, based on:

- Impact on the existing heritage building; and
- The manner in which the proposed deck will privatise existing public open space.

However, the amended proposal responds to these primary concerns, is a scaled back proposal and in principle the revised scheme is supported.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.