

MINUTES

NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL MEETING

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

WEDNESDAY 8 NOVEMBER 2017

**Minutes of a Meeting of the Northern Beaches Independent Assessment
Panel****held on Wednesday 8 November 2017****at Council Chambers, Civic Centre, Dee Why****Commencing at 1.30 PM****ATTENDANCE:****Panel Members**Lesley Finn
Marcus Sainsbury
Christopher GeeChair (Environmental Law)
Environmental Expert
Urban Design Expert

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

Paula Morel

Community Representative

2.0 MINUTES OF PREVIOUS MEETING

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

RECOMMENDATION

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

3.0 NORTHERN BEACHES INDEPENDENT ASSESMENT PANEL REPORTS

3.1 N0116/06/S96/7 - 20 JUBILEE AVENUE, WARRIEWOOD - SECTION 96(1A) MODIFICATION TO CONSENT N0116/06 WHICH APPROVED THE CONSTRUCTION OF AN ADMINISTRATION AND PACKAGING FACILITY FOR BLACKMORES LIMITED

PROCEEDINGS IN BRIEF

A Section 96(1A) modification application has been lodged to modify Development Consent N0116/06, which approved the construction of an administration and packaging facility for Blackmores Limited.

The applicant made a late submission after the Agenda was uploaded on Council's website proposing changes to Condition B43 and B47.

Council's Assessing Officer reviewed the amendments and drafted a Supplementary Memorandum to the Panel recommending adopting these changes.

The Panel viewed the site and its surrounds. At the public meeting which followed four residents addressed the panel. The Panel was also addressed by 3 representatives of the applicant.

The Panel reviewed the Supplementary Memorandum and were satisfied with the amendments.

DECISION

The Panel approves Application No. N0116/06/S96/7 for Section 96(1A) Modification to Consent N0116/06 which approved the construction of an administration and packaging facility for Blackmores Limited on land at Lot 20 DP 1141261, 20 Jubilee Avenue, Warriewood, as recommended in the Council Planning Report subject to the following changes:

1. The amendment to Condition B43 to read as follows:

Details and recommendations made by the consultant in the acoustic report titled Acoustic Assessment Hard Standing Loading & Unloading Activities Blackmores Warriewood Campus, NSW dated 4 August 2017 document No. 3726R005.RH.170731 must be implemented in order to achieve compliance including but not limited to:

- *Hardstand area shall be used in accordance with the times outlined in acoustic report*
- *Broadband reversing alarms to be used on forklifts after 5pm*
- *Use of western driveway by staff between 10pm -7am to reduce traffic noise*
- *Trucks shall cease the use of horn (only in the case of emergency /hazard)*
- *Entry and exit of trucks shall be to the west of the property (away from Foley Street/Warriewood road)*
- *Signage shall be provided at the entry and exit of the hard standing area and well as for staff to ensure noise reduction actives are maintained*
- *Contact shall be made to companies to ensure requirements are kept*
- *CCTV shall also be implemented to ensure this is maintained*
- *Create a Noise Management Plan to ensure offensive noise as defined under the Protection of the Environment Operations Act 1997 is not created.*

2. The amendment to Condition B47 to read as follows:

Site operations are to incorporate the following measures:

- *No access to site for vehicles not under the control of Blackmore's commercial agreement with independent transport contractors after 6.00pm. Additionally waste collection shall only operate as outlined in condition B40 of the summary of recommendation approval to modify consent.*
- *The reversing alarms on the trucks and frequency of deliveries must meet the recommended evening scenario as detailed in the above mentioned report. Where the frequency of truck movements has increased and or reversing alarms do not meet the acoustic criteria assessed, Council may request additional assessment and implement measures necessary to prevent the occurrence of offensive noise.*
- *Reverse alarms are only necessary on vehicles relevant to traffic regulations and not on all vehicles that enter the site after 6pm.*

3. The addition of Condition 42A to read as follows:

The use of the hardstand/loading dock area is subject to a 12 month trial period from the date of this determination.

At the end of the 12 month trial period if the applicant wishes to make the hours of operation of the hardstand/loading dock area permanent, the applicant must lodge a Section 96 Modification Application together with supporting documentation (including details of the reports referred to below) on or before 2 months prior to the end of this 12 month trial period.

During the 12 month trial period the applicant is to provide to the Council every 3 months an acoustic report which details:

- a. *A daily log of the number of vehicles entering and leaving the property between the hours of 6pm and 10pm*
- b. *The acoustic report is to show compliance with the noise criteria in the NSW EPA Industrial Noise Policy*
- c. *Acoustic readings must be undertaken at the most, or potentially the most, noise sensitive locations being the nearest residential property boundary from the hardstand/loading dock area*
- d. *The details that must be included in the report are:*
 1. *The background noise level must be measured as an LAeq 15 minute and LA90 15 minute*
 2. *Acoustic readings of the truck, forklift and any other operations within the hardstand/loading dock area*
 3. *The above readings are to be done over a period of 7 consecutive days during approved operating hours*
- e. *Acoustic details showing that the noise generated from any operation from the hardstand/loading dock area shall not exceed more than 5dB(A) above the background level when measured from the most affected noise sensitive location*

4. The approved hours of operation of the hardstand/loading dock area can remain in place until the Section 96 application has been finally determined subject to:
- a. A Class 1 appeal to the Land and Environment Court being commenced against any actual refusal of the S96 application by Council within 14 days from the date of that refusal or

- b. If the Council does not determine the S96 application within 40 days of the lodgement of that application, a Class 1 appeal being commenced against the Councils deemed refusal of the application within 60 days of the date of the lodgement of the S96 application or
- c. In the event that the S96 is not lodged in accordance with the above, Council may commence a Class 4 application against a breach of these conditions

3.2 DA2017/0388 - 8 NARABANG WAY, BELROSE - CONSTRUCTION OF A MIXED USE DEVELOPMENT INCLUDING INDUSTRIAL UNITS, WAREHOUSE UNITS AND STORAGE UNITS WITH ASSOCIATED OFFICES, CARETAKERS RESIDENCE, CAR PARKING AND LANDSCAPING

PROCEEDINGS IN BRIEF

The proposal seeks consent for the construction of a mixed use building comprising self storage units, industrial/warehouse units and ancillary office spaces, a caretakers residence, landscaping works and car parking.

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

The Panel considered the applicants request to extend construction working hours but for reasons of preserving the amenity of the community the Panel decline to make any changes to the construction work hours.

DECISION

That the Panel approves Application No. DA2017/0388 for Construction of a mixed use development including industrial units, warehouse units and storage units with associated offices, caretakers residence, car parking and landscaping on land at Lot 907 DP 867091, 8 Narabang Way, Belrose, as recommended in the Council Planning Report subject to the following changes:

1. The deletion of Condition 48
2. The modification of Condition 53 to read as *medium rigid vehicle (MRV)* instead of *small rigid vehicle (SRV)*
3. The modification of Condition 58 to allocate *1 car space to the caretakers residence and 58 spaces to the warehouse units*
4. The deletion of Condition 59
5. The modification of Condition 63 to read as follows:

The caretakers residence is to be occupied only by person(s) engaged as a caretaker of the premises and their immediate family.

3.3 DA2017/0318 - 18 HOWARD AVENUE, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT**PROCEEDINGS IN BRIEF**

The application seeks consent for demolition works and the construction of a shop top housing development comprising a ground floor retail tenancy and 26 apartments.

The Panel viewed the site and surrounds. At the public meeting which followed the panel were addressed by a representative of the applicant.

DECISION

That the Panel approve Application No. DA2017/0318 for Demolition works and construction of a shop top housing development on land at Lot 12 DP 1229780, 18 Howard Avenue, Dee Why, as recommended in the Council Planning Report and subject to the conditions therein.

3.4 DA0181/2012 - 69 PITTWATER ROAD, MANLY - SECTION 96(2) TO MODIFY APPROVED DEMOLITION OF THE EXISTING BUILDINGS, CONSTRUCTION OF A MIXED USE DEVELOPMENT - PART 4**PROCEEDINGS IN BRIEF**

The current Section 96 application (Part 4) seeks consent for the following modifications:

- Removal of fire stair (resulting in additional 9.95sqm commercial floor space);
- Deletion of skylights;
- Changes to awnings;
- Amendments to balcony balustrades;
- Enclosure of balconies to Units 201A-205A (resulting in additional 51sqm of residential floor space);
- Deletion of solar panels and air conditioning condenser units.

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

DECISION

That the Panel approve Application No. DA0181/2012 pursuant to Section 96(2) to modify approved Demolition of the existing buildings, construction of a mixed use development – Part 4 on land at Lots A and B DP 307310 and Lot 1 DP 368360, 69 Pittwater Road, Manly, as recommended in the Council Planning Report and subject to the conditions therein.

3.5 DA0017/2017 - 21 ILUKA AVENUE, MANLY - SECTION 96 TO MODIFY APPROVED CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS AND TORRENS TITLE LAND SUBDIVISION – PART 3

PROCEEDINGS IN BRIEF

The modification application seeks the following amendments:

- Deletion of *Murraya paniculata* along the eastern side boundary and replacement with *Pandorea Pandorana* and *Bambusa textilis 'Gracilis'*; and
- Deletion of Condition No. ANS05A, which reads as follows:

"ANS05A

The living room, dining room and kitchen on the ground floor of proposed Lot 10 shall be set back a further 500mm.

Reason: To protect the amenity of neighbours."

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

DECISION

That the Panel approve Application No. DA0017/2017 pursuant to Section 96 to modify approved Construction of two semi-detached dwellings and Torrens Title land subdivision – Part 3 on land at Lot 2 DP 1217919, 21 Iluka Avenue, Manly, as recommended in the Council Planning Report and subject to the conditions therein.

4.0 REVIEW OF DETERMINATIONS

Nil

5.0 PLANNING PROPOSALS

Nil



Lesley Finn
Environmental Law Expert
Chairperson

The meeting concluded at 3.49pm

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Northern Beaches Independent Assessment Panel meeting
held on Wednesday 8 November 2017.