

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

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

THURSDAY 29 AUGUST 2019

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Thursday 29 August 2019
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00pm**

ATTENDANCE:

Panel Members

Paul Vergotis	Chair
Brian Kirk	Town Planner
Graham Brown	Town Planner
John Simmonds	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING**2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 21 AUGUST 2019**

The Minutes of the Northern Beaches Local Planning Panel held 21 August 2019, were adopted by the Chairperson and have been posted on the Council's website

3.0 DEVELOPMENT APPLICATIONS

3.1 DA2018/1800 - 91-93 MCINTOSH ROAD, NARRAWEENA - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SHOP TOP HOUSING DEVELOPMENT, INCLUDING GROUND FLOOR COMMERCIAL/RETAIL AND NINE APARTMENTS, WITH BASEMENT PARKING AND STRATA SUBDIVISION

PROCEEDINGS IN BRIEF

The proposal seeks consent for a three storey shop top housing development with basement parking, and strata subdivision. The proposed development contains four retail tenancies, one commercial tenancy and nine apartments.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two 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 clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard 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.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/1800 for Demolition of existing structures and construction of a shop top housing development, including ground floor commercial/retail and nine apartments, with basement parking and strata subdivision at Lot 101 & 102 DP 868560, 91-93 McIntosh Road, Narrabeena subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 12 to read as follows:

Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for Infrastructure works on Councils roadway. Engineering plans for the new development works within the road reserve within this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The application is to include four (4) copies of Civil Engineering plans for the design of civil works which shall be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer.

The design must include the following information:

1. Relocation of Council's stormwater pipeline and associated works. Proposed relocation works shall be supported by a detailed hydrologic and hydraulic assessment.
2. Provision of layback and vehicular crossing 6m wide.
3. Removal of two on-street parking bays and relocation of kerb.
4. Provision of any streetscape works in accordance with Council's Warringah Public Space Design Guidelines, including any bike racks, wheels stops, infill paving etc.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges. An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

2. The deletion of conditions 13 and 39
3. The amendment of condition 47 to read as follows:

47. Screen Planting

The species within the planter box on the eastern side of the terrace must grow and be maintained to a minimum height of 1.65m above the finished floor level of the terrace.

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

Reason: To protect the privacy of the adjoining property.

4. The addition of the following condition:

Façade treatment

All walls on levels 1 and 2 currently treated with the material "RNP 1" on the Eastern and Southern Elevations (as marked on plans A-203 and A-204) are to be treated with the material "FBK 2". This change is to be shown on the plans.

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

Reason: To lift the presentation of the proposal when viewed from public and private spaces.

5. The addition of the following condition under 'Conditions to be complied with during demolition and building works':

Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

6. The addition of the following condition under 'On-going conditions that must be complied with at all times':

Plant on Roof

No air conditioning units or plant is to be located on roof tops.

Reason: To ensure the amenity of the neighbouring residents.

Vote: 4/0

3.2 DA2019/0135 - 4 VILLIERS PLACE, CROMER - CONSTRUCTION OF ADDITIONAL WAREHOUSE UNITS TO AN APPROVED INDUSTRIAL WAREHOUSE DEVELOPMENT (DA2018/1300)

PROCEEDINGS IN BRIEF

The proposal includes:

- The construction of six (6) new industrial warehouse units with mezzanine levels at the upper ground floor level;
- The addition of mezzanine levels in nine (9) of the approved industrial warehouse units at the upper ground floor;
- A change to the building identification sign above the Villiers Street entry to reduce the height of the signage.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by three neighbours and three representatives of the applicant.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not 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 clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - a) compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - b) there are sufficient environmental planning grounds to justify the contravention.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2019/0135 for Construction of additional warehouse units to an approved Industrial Warehouse Development (DA2018/1300) at Lot 3 DP 397714, Lot 6 & Lot 7 DP 201553, 18 Inman Road, Lot 27 DP 28882, 69 Middleton Road and Lot 8, Lot 9 & Lot 10 DP 201553, 4, 6 & 7 Villiers Place, Cromer for the reasons set out in the Assessment Report.

Vote: 4/0

3.3 DA2019/0167 - 1/13 & 2/13 GONDOLA ROAD, NORTH NARRABEEN - USE OF PREMISES ASSOCIATED WITH AN INDOOR RECREATION FACILITY

PROCEEDINGS IN BRIEF

The proposal seeks approval for the continued occupation of Unit 2 as a recreation facility (indoor) and the partial use of Lot 1 at the southern portion of the site for the purposes of car parking for 8 cars.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by one neighbour and two representatives of the applicant.

DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **grants deferred commencement consent** to Application No. DA2019/0167 for Use of premises associated with an indoor recreation facility at Lot 1 & Lot 2 S/P 46516, 1/13 & 2/13 Gondola Road, North Narrabeen subject to the conditions and for the reasons set out in the Assessment Report.

1. The addition of the following deferred commencement condition:

Plan of Management

A Plan of Management shall be submitted to and approved in writing by Council within 12 months from the date of this consent setting out operational details of the use to mitigate all amenity impacts to the surrounding residential premises.

Reason: To ensure that the premises operate at all times in accordance with the approved Plan of Management.

2. The amendment of condition 12 to read as follows:

12. Hours of Operation and Maximum Occupancy

The hours of operation are to be restricted to:

- Monday to Friday – 6.00 a.m. – 7.00 a.m. maximum number of 15 patrons
- Monday to Friday 7.00 a.m. – 9.00 p.m. maximum number of 30 patrons
- Saturday 6.00 a.m. – 7.00 a.m. maximum number of 15 patrons
- Saturday 7.00 a.m. – 7.00 p.m. maximum number of 30 patrons
- Sunday and Public Holidays – 8.00 a.m. – 5.00 p.m. maximum number of 30 patrons

The premises and driveway gates are not to be opened to patrons prior to 6.00 a.m.

Upon expiration of the permitted hours, no patrons shall be permitted entry and all patrons 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.

3. The deletion of recommended condition 14 and new condition 14 to read as follows:

Parking spaces

15 parking spaces are to be provided onsite for use by the recreation facility (indoor).

Reason: To ensure appropriate onsite carparking is provided.

4. The addition of new condition 15 to read as follows:

No outdoor activities

No activities associated with the operation of the recreation facility (indoor) shall be conducted outside of the building.

Reason: To protect the amenity of surrounding residential property.

5. The addition of new condition 16 to read as follows:

Plan of Management

The recreation facility (indoor) shall operate in accordance with the approved Plan of Management. The approved Plan of Management may be reviewed from time to time and any changes are to be approved in writing by Council before coming into operation.

Reason: To ensure that the premises operate at all times in accordance with the approved Plan of Management.

Vote: 4/0

The meeting concluded at 3.24pm

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Northern Beaches Local Planning Panel meeting
held on Thursday 29 August 2019.