

# MINUTES

## **NORTHERN BEACHES LOCAL PLANNING PANEL MEETING**

held via teleconference on

**WEDNESDAY 16 SEPTEMBER 2020**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 16 September 2020**

The public meeting commenced at 1.00pm and concluded at 1.57pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 3.15pm

### **ATTENDANCE:**

#### **Panel Members**

Lesley Finn	Chair
Marcus Sainsbury	Environmental Expert
Brian Kirk	Town Planner
Lloyd Graham	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 2 SEPTEMBER 2020**

The Panel notes that the Minutes of the Northern Beaches Local Planning Panel held 2 September 2020, were adopted by the Chairperson and have been posted on the Council's website.

### 3.0 PUBLIC MEETING ITEMS

#### 3.1 DA2020/0389 - 17 ANZAC AVENUE, COLLAROY - DEMOLITION WORKS AND CONSTRUCTION OF SHOP TOP HOUSING COMPRISING 7 RESIDENTIAL APARTMENTS AND 2 RETAIL TENANCIES

##### PROCEEDINGS IN BRIEF

The proposal seeks consent to demolish the existing warehouse and concrete forecourt and construct a three storey shop top housing development with ground floor parking and landscaping.

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.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0389 for demolition works and construction of Shop Top Housing comprising 7 residential apartments and 2 retail tenancies at Lot 51 DP 703721, 17 Anzac Avenue, Collaroy subject to the conditions and for the reasons set out in the Assessment Report and Supplementary Report, subject to the following:

1. The addition of condition 2A to read as follows:

##### **2A. Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of Shop Top Housing.

**Shop Top Housing** is defined as one or more dwellings located above ground floor retail premises or business premises.

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition (including the use of the approved retail premises as Food and Drink Premises) will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

Vote: 4/0

### **3.2 DA2019/1522 - 41-43 BEACH ROAD, COLLAROY - CONSOLIDATION OF TWO LOTS INTO ONE, DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL**

#### **PROCEEDINGS IN BRIEF**

The proposal seeks consent for the demolition of the existing single storey dwelling at 41 Beach Road and the and two storey dwelling 43 beach Road and construction of a part two/ three storey dwelling spanning both blocks with a basement car park and storage area and an in ground swimming pool. The dwelling design comprises two pavilions with a linking connecting pavilion.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two neighbours along with their architect and one representative 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 standards 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.

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#### **DECISION ON DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, approves Application No. DA2019/1522 for consolidation of two lots into one, demolition works and construction of a dwelling house including a swimming pool at Lot 1 DP 300846 & Lot 2 Sec 7 DP 7391, 41-43 Beach Road, Collaroy subject to the conditions and for the reasons set out in the Assessment Report and Supplementary report, subject to the following:

1. The amendment of condition 17 to read as follows:

##### **17. Amended Plans -Tree protection**

- a) Plans are to be amended to clearly indicate that ground levels beneath the existing structures on site that occur within the Tree Protection Zone of Tree 13, as identified in the Construction Impact Assessment and Management Plan dated May 2019 prepared by Botanics Tree Wise People, are to be unaltered during demolition and construction.
- b) Plans are to be amended to indicate that alteration of ground levels to accommodate stormwater flows and to marry-in to new building levels are to occur outside of the Tree Protection Zone of Tree 13. Alteration may only occur with the authorisation and under the supervision of the Project Arborist on site.
- c) Amended plans addressing a) and b) above are to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate

Reason: Protection of significant public trees.

2. The amendment of condition 22 to read as follows:

**22. Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of those properties listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

29 Beach Road, Collaroy  
35 Beach Road, Collaroy  
39 Beach Road, Collaroy  
45 Beach Road, Collaroy

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage arising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

Vote: 4/0

## 4.0 NON PUBLIC MEETING ITEMS

### 4.1 DA2020/0415 - 1068 PITTWATER ROAD COLLAROY - ALTERATIONS AND ADDITIONS TO AN EXISTING CAFE

#### PROCEEDINGS IN BRIEF

The proposal seeks consent for alterations and additions to an existing structure, specifically the following works:

- demolition of the existing step and part of the low wall on the north-eastern elevation;
- demolition of the existing internal wall and awning shutters between the dining area and the serving area;
- removal of the existing external door to the serving area on the south-western elevation;
- installation of new awning windows to all of the existing openings above the low walls on the north-eastern, north-western and south-western elevations;
- construction of a new low wall and the installation of new flooring and awning windows in the location of the demolished step and low wall on the north-eastern elevation;
- construction of a new wall with an awning window to replace the external door on the southwestern elevation;
- construction of new internal wall lining to the southern wall of the serving area; and
- installation of a new external roller security shutter on the southern elevation.

The Panel viewed the site and its surrounds.

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#### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0415 for alterations and additions to an existing cafe at Lot 51 DP 1050178, 1068 Pittwater Road, Collaroy subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0

#### 4.2 DA2020/0712 - 1 GOLF AVENUE, MONA VALE - CONSTRUCTION OF A REPLACEMENT WORKSHOP SHED

##### PROCEEDINGS IN BRIEF

The proposal seeks development consent for the demolition of an existing storage shed and construction of a new storage shed at the Mona Vale Golf Club site.

The Panel viewed the site and its surrounds.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0712 for construction of a replacement workshop shed at Lot 7092 DP 1051073, 1 Golf Avenue, Mona Vale subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 4/0



#### 4.3 DA2020/0433 - 4 CROSS STREET, BROOKVALE - CONSTRUCTION OF BUILDING FOR USE AS A STORAGE PREMISES

##### PROCEEDINGS IN BRIEF

The proposal consists of the erection of a building for the purposes of a "storage premises", specifically self-storage units ("Rent-A-Space").

The Panel viewed the site and its surrounds.

##### 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 standards 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.

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##### DECISION ON DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/0433 for construction of building for use as a storage premises at Lot 2 DP 543012, 4 Cross Street, Brookvale subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

##### **Construction Environmental Management Plan**

The Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:

Details of:

- (i) hours of work;
- (ii) 24-hour contact details of site manager;
- (iii) How the environmental performance of the construction works will be monitored and what actions will be taken to minimise environmental impacts including, but not limited to, noise, vibration, dust, erosion and sediment control, water runoff and any complaints received from the local community.

Reason: To ensure protection of the local environment.

2. The addition of the following condition:

**Unexpected Finds Contamination Procedure**

Prior to the commencement of earthworks, the Applicant must prepare an unexpected finds contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must ensure any material identified as contaminated must be legally disposed off-site, with the disposal location and results of testing submitted to Council, prior to its removal from the site. The procedure is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate management of potential contamination and ensure public safety.

Vote: 4/0

This is the final page of the Minutes comprising 10 pages  
numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 16 September 2020.