



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

Electronically determined on

FRIDAY 22 JULY 2022

Minutes of the Northern Beaches Local Planning Panel

Electronically determined on Friday 22 July 2022

ATTENDANCE:

Panel Members

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Lisa Bella Esposito	Town Planner
Lloyd Graham	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Nil

4.0 PUBLIC MEETING ITEMS

4.4 DA2021/1502 - 1622 PITTWATER ROAD, MONA VALE - DEMOLITION WORKS AND THE CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and the construction of a residential flat building.

The Panel received a late submission and supplementary memo dated 7 July 2022

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environment Plan 2014 seeking to justify a contravention of clause 4.5A Density Controls for Certain Residential Accommodation 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.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** of Application No. DA2021/1502 for demolition works and the construction of a residential flat building on land at Lot CP SP 44234, 1622 Pittwater Road, MONA VALE, subject to the conditions set out in the Assessment Report and supplementary memo dated 7 July 2022, subject to the following:

1. The amendment of condition 30 to read as follows:

30. Tree and Vegetation Protection

- a) Existing trees and vegetation shall be retained and protected, including:
 - i) all trees and vegetation within the site not approved for removal, excluding exempt trees and vegetation under the relevant planning instruments of legislation,
 - ii) all trees and vegetation located on adjoining properties,
 - iii) all road reserve trees and vegetation.
- b) Tree protection shall be undertaken as follows:
 - i) tree protection shall be in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
 - ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist with minimum AQF Level 5 in arboriculture,
 - iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist with minimum AQF Level 5 in arboriculture,

- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of Australian Standard 4970-2009 Protection of Trees on Development Sites,
- ix) the activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees,
- xi) the tree protection measures specified in this clause must: i) be in place before work commences on the site, and ii) be maintained in good condition during the construction period, and iii) remain in place for the duration of the construction works.

c) Tree protection shall specifically be undertaken in accordance with the recommendations in the Arboricultural Impact Assessment report dated 22 May 2021 and the Arboricultural Impact Assessment Addendum Report dated 15 June 2022, including in the following sections of the former:

- i) section 2.2 Recommended tree management & protection principles
- ii) section 2.3 General tree protection requirements

The Certifying Authority must ensure that:

- d) The arboricultural works listed in c) are undertaken and certified by an Arborist as compliant to the recommendations of the Arboricultural Impact Assessment.
- e) The activities listed in section 4.2 of Australian Standard 4970-2009 Protection of Trees on Development Sites, do not occur within the tree protection zone of any tree, and any temporary access to, or location of scaffolding within the tree protection zone of a protected tree, or any other tree to be retained on the site during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.

Note: All street trees within the road verge and trees within private property are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited.

Reason: Tree and vegetation protection.

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

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Demolition Plan - 0568-DA101 Rev. 02	08 December 2021	PopovBass
Site Plan - 0568-DA103 Rev. 02	08 December 2021	PopovBass
Basement Plan - 0568-DA105 Rev. 03	13 April 2022	PopovBass
Ground Floor Plan - 0568-DA106 Rev. 04	05 July 2022	PopovBass
Level 01 Plan - 0568-DA107 Rev. 03	13 April 2022	PopovBass
Roof Plan - 0568-DA108 Rev. 02	08 December 2021	PopovBass
Elevation North / South - 0568-DA109 Rev. 04	05 July 2022	PopovBass
Elevation West / East - 0568-DA110 Rev. 04	05 July 2022	PopovBass
Section AA / BB - 0568-DA111 Rev. 02	08 December 2021	PopovBass
Section CC / DD / EE - 0568-DA112 Rev. 04	05 July 2022	PopovBass
Finishes Schedule - 0568-DA117 Rev. 02	08 December 2021	PopovBass
Sections Driveway FF / GG - 0568-DA118 Rev. 02	08 December 2021	PopovBass

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Accessibility Review Report (ref:20171_ADR_DA_v1.1)	13 May 2021	ABE Consulting
Preliminary Traffic Noise Assessment (ref:20210906.2/1208A/R0/AS)	12 August 2021	Acoustic Logic
Arboricultural Impact Assessment Report (ref:7621)	22 May 2021	Rain Tree Consulting
Arboricultural Impact Assessment - Addendum Report (ref: 7522)	15 June 2022	Rain Tree Consulting

BASIX Certificate no. 1115355M_03	10 December 2021	Sustainable Thermal Solutions
Building Code of Australia Compliance Statement (ref:P210160)	09 June 2021	Anthony Protas Consulting
Flood Impact Study (SW20054)	15 February 2022	Capital Engineering Consultants
Heritage Impact Statement	May 2021	John Oultram Heritage & Design
Geotechnical Investigation (Ref:2020-114)	05 July 2021	Crozier Geotechnical Consultants
Traffic Impact Assessment (20180)	07 April 2021	The Transport Planning Partnership
Traffic - Response to Council RFI	20 April 2022	The Transport Planning Partnership

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Ground Floor Landscape Plan and Plant Schedule - DAL01 Rev. F	09 December 2021	Jane Britt Design
Ground Floor Tree Plan - DAL02 Rev. F	09 December 2021	Jane Britt Design
First Floor Landscape Plan and Plant Schedule - DAL03 Rev. C	09 December 2021	Jane Britt Design
Specifications and Details - DAL04 Rev. C	09 December 2021	Jane Britt Design

Waste Management Plan		
Report Title	Dated	Prepared By
Waste Management Plan	31 May 2021	Trio Industries Pty Ltd

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report and supplementary memo.

Vote: 4/0

This is the final page of the Minutes comprising 8 pages
numbered 1 to 8 of the Northern Beaches Local Planning Panel meeting
held on Friday 22 July 2022.