



northern  
beaches  
council

# MINUTES

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

Electronic determination

**FRIDAY 11 FEBRUARY 2022**

## Minutes of the Northern Beaches Local Planning Panel held on Friday 11 February 2022

### ATTENDANCE:

#### Panel Members

Annelise Tuor	Chair
Lisa Bella Esposito	Town Planner
Graham Brown	Town Planner
Peter Cotton	Community Representative

The Panel have visited the site personally, or electronically (due to COVID restrictions), and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining the application.

## **1.0 APOLOGIES AND DECLARATIONS OF INTEREST**

Nil

## 4.0 PUBLIC MEETING ITEMS

### 4.2 DA2020/1756 - 351-353 BARRENJOEY ROAD, NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A MIXED USE DEVELOPMENT (SHOP TOP HOUSING)

#### PROCEEDINGS IN BRIEF

The proposal is for demolition of the existing structures on the land and construction of a three (3) storey shop top housing development containing 8 retail shops and 13 Residential units. At the meeting of the Panel on 15 December 2021, it resolved to defer the item for the applicant to provide an acid sulphate management plan (PoM) to comply with Clause 7.1 of Pittwater Local Environmental Plan 2014. On 3 February 2022, Council received the following Documents:

1. *Acid Sulphate Soils Assessment, dated 28 January 2022 prepared by Alliance Geotechnical Pty Ltd.*
2. *Acid Sulphate Soils Management Plan, dated 2 February 2022 prepared by Alliance Geotechnical Pty Ltd.*

Council has reviewed each of the documents and provided a Memo to the Panel dated 3 February 2022, which advised that the information provided addresses the requirements of Clause 7.1 Pittwater LEP 2014.

Further submissions have been received following the Public Meeting, which have been addressed in a Memo to the Panel dated 8 February 2022, which In summary, stated that “the additional submissions do not change Council’s recommendation of the proposed development or cause any additional recommended conditions to address the issues raised”.

#### 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 Environmental Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
  - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contraventions.
- 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2020/1756 for demolition works and construction of a mixed use development (Shop Top Housing) at Lot 65 Sec 5 DP 6248 & Lot 64 DP 1090224 & Lot 66 Sec 5 DP 6248, 351-353 Barrenjoey Road, Newport subject to the conditions set out in the Assessment Report, the supplementary memos and subject to the following:

1. The amendment of the following condition 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
A011, Issue 07	21/06/2021	Crawford Architects
A101, Issue 24	21/11/2021	Crawford Architects
A102, Issue 34	21/11/2021	Crawford Architects
A103, Issue 33	21/11/2021	Crawford Architects
A104, Issue 32	21/11/2021	Crawford Architects
A105, Issue 28	21/11/2021	Crawford Architects
A300, Issue 23	21/11/2021	Crawford Architects
A301, Issue 19	21/11/2021	Crawford Architects
A302, Issue 18	21/11/2021	Crawford Architects
A310, Issue 16	21/11/2021	Crawford Architects
A311, Issue 16	21/11/2021	Crawford Architects
A312, Issue 09	21/11/2021	Crawford Architects
A320, Issue 08	21/06/2021	Crawford Architects

<b>Engineering Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
SW05 P3, SW00 P4, SW03 P4, SW01 P6, SW04 P6, SW02 P7	14 and 15 September 2021	Demlakian

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
<b>Acid Sulphate Soils Management Plan</b>	<b>2 February 2022</b>	<b>Alliance Geotechnical Pty Ltd</b>
Geotechnical Report, 5622-G1, Rev 2	22 September 2021	Assettgeoenviro
Water Mangement Report, Ref 219120rpt20210914	14 September 2021	Demlakian
Statement of Compliance - BCA Access Report, Rev B	16 June 2021	ABS
BCA Report, Ref 19/0405	15 June 2021	Dix Gardner
Flood Management Report	6 March 2020	Demlakian

- b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.
- c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- d) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Dw 000, Issue E	17/06/2021	Site Image LandscapeArchitects
Dw 101, Issue E	17/06/2021	Site Image LandscapeArchitects
Dw 102, Issue F	21/06/2021	Site Image LandscapeArchitects
Dw 103, Issue F	21/06/2021	Site Image LandscapeArchitects
Dw 104, Issue A	21/06/2021	Site Image LandscapeArchitects
Dw 501, Issue D	06/12/2020	Site Image LandscapeArchitects

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Plan	December 2020	Crawford Architects

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.

2. The amendment of the following condition to read as follows:

**55 Acid Sulphate Soils**

All excavation, construction and associated works must be conducted in accordance with the Acid Sulphate Soils Management Plan, dated 2 February 2022 prepared by Alliance Geotechnical Pty Ltd.

Reason: To ensure the management of potential sulphate soils.

3. The addition of the following condition to read as follows:

**Construction Environmental Management Plan**

Prior to the commencement of any works on the Site, a **Construction Environmental Management Plan** (CEMP) prepared by an appropriately experienced and qualified person

shall be submitted to the Certifying Authority.

Reason: Mitigate the effects on the environment and surrounding area.

4. The deletion of Condition 25 - Acid Sulphate Soils Management Plan (ASSMP).

REASONS FOR DETERMINATION:

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

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 11 February 2022.