



northern  
beaches  
council

# **MINUTES**

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

held via Teleconference on

**WEDNESDAY 14 FEBRUARY 2024**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 14 February 2024**

The public meeting commenced at 12.00pm and concluded at 12.29pm.

The deliberations and determinations commenced at 1.00pm following the public meeting and concluded at 1.54pm.

### **ATTENDANCE:**

#### **Panel Members**

Annelise Tuor	Chair
Kara Krason	Town Planner
Marcia Doheny	Law
Nick Lawther	Community Representative

The Panel have visited all sites personally, or electronically, and have had regard to the assessment report, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

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

No apologies

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 7 FEBRUARY 2024**

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 7 February 2024, were adopted by the Chairperson and have been posted on the Council's website.

## **3.0 CATEGORY 3 APPLICATIONS**

Nil

## 4.0 PUBLIC MEETING ITEMS

- 4.1 **MOD2023/0476 - 22 JUBILEE AVENUE, WARRIEWOOD & 80-82 + 84 MONA VALE ROAD, MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0123 GRANTED FOR USE OF PART OF THE CARPARKING AREA ASSOCIATED WITH THE PITTWATER RSL CLUB FOR THE PURPOSES OF AN ORGANIC FOOD MARKET.**

### PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2019/0123 granted for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market.

At the public meeting which followed the Panel was not addressed by any neighbours or representatives of the applicant.

The Panel received three late submissions dated 7, 8 and 11 February 2024 and a supplementary memo from Council dated 13 February 2024.

### DETERMINATION OF MODIFICATION APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. Mod2023/0476 for Modification of Development Consent DA2019/0123 granted for temporary use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market on land at Lot 52 DP 1237461,80 - 82 Mona Vale Road, Mona Vale, Lot 51 DP 1237461,84 Mona Vale Road, Mona Vale, Lot 27 DP 5055,22 Jubilee Avenue, Warriewood subject to the conditions set out in the Assessment Report and supplementary memo.

### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and supplementary memo.

Vote: 4/0

**4.2 DA2023/1426 - 1 HAREWOOD PLACE, WARRIEWOOD - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING AN INGROUND SWIMMING POOL**

**PROCEEDINGS IN BRIEF**

The proposal is for demolition works and construction of a dwelling house including an inground swimming pool.

At the public meeting which followed the Panel was addressed by one neighbour and one representative of the applicant.

**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approve** Application No. DA2023/1426 for demolition works and construction of a dwelling house including an inground swimming pool on land at Lot 40 DP 26441, 1 Harewood Place, Warriewood, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 21 to read as follows:

**21. Trees and Vegetation Protection**

- a) existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans. Trees 4, 5, and 11 are exempt and may be removed without consent. The portion of group G1 forward of the building (4 x lemon myrtle and 2 x lilly pilly trees) are to be retained.
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

- b) tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project 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/Project 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/Project 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/Project 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/Project 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/Project Arborist to the Principal Certifier,
- 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 AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 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 AS 4373-2007 Pruning of amenity trees,
  - xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) the Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

2. The amendment of condition 14 to read as follows:

**14. Northern Window Glazing**

Windows W103, W103a, W105, W106, W107, W108, and W109 on the northern elevation are to be treated with fixed obscure glazing to a height of 1.7 metres above finished floor level.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: In order to maintain privacy to the adjoining / nearby property.

**REASONS FOR DETERMINATION**

The Panel agrees generally with the Assessment Report, subject to amendments to conditions. Condition 21 has been amended to clarify that the trees along the northern boundary are to be retained and that other trees that are approved for removal are exempt. Condition 14 has been amended to address privacy to neighbouring properties while permitting northern light and ventilation to the applicable rooms.

Vote: 4/0

**4.3 DA2023/1399 - 2/34 CAMPBELL AVENUE, CROMER - ALTERATIONS AND ADDITIONS TO A SEX SERVICES PREMISES**

**PROCEEDINGS IN BRIEF**

The proposal is for alterations and additions to a Sex Services Premises.

At the public meeting which followed the Panel was addressed by two representatives of the applicant.

**DETERMINATION OF DEVELOPMENT APPLICATION**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1399 for alterations and additions to a Sex Services Premises on land at Lot 2 SP 81726, 2 / 34 Campbell Avenue, Cromer subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 6 to read as follows:

**6. Original Development Consent**

This consent shall be read in conjunction with the original development consent for the sex services premises under DA2009/1445, dated 24 March 2010.

The conditions of consent under DA2009/1445 remain relevant to the current approved premises, with the exception of the expanded operations, hours of operation and staffing/patronage numbers and parking approved under this consent.

For certainty, where there is an inconsistency between the conditions of DA2009/1445 and DA 2023/1399, the conditions of this consent prevail to the extent of any inconsistency.

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

2. The amendment of condition 8 to read as follows:

**8. Off Street Parking Design**

The Applicant shall submit a design for the parking facility in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities – Offstreet car parking, in particular Section 2.4.5 Physical Controls and Section 2.6 Design of Domestic Driveways.

One car space shall also comply with the dimensional and location requirements of AS2890.1 - parking spaces for people with disabilities.

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

Reason: Compliance with this consent.

3. The addition of the following condition:

**Plan of Management**

The operational of the brothel shall be in accordance with the Plan of Management which is referenced to be updated under Condition (\*).

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

4. The addition of the following condition:

**Prior to Construction Certificate Condition  
Plan of Management\***

The Plan of Management listed in Condition 1 shall be amended to be consistent with the requirements and recommendations of the NSW Police referenced in Condition 2 of this

consent. These requirements should include but are not limited to:

- The provision of effective surveillance processes including CCTV and recording equipment
- Adequate lighting and access control
- Adequate territorial re-enforcement including clear and unobstructed signage
- Space/Activity Management including repairs and maintenance
- Security procedures relating to alarms and cash handling

Details demonstrating compliance are to be submitted to and approved by Council's Manager Development Assessments prior to the issue of any Construction Certificate.

Reason: To ensure effective operation and amenity of the surrounding locality is maintained.

5. The addition of the following condition:

**Prior to Construction Certificate Condition  
Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- An accessible toilet, shower and hand basin are to be included in service room number 5.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

6. The addition of the following condition:

**Hours of Operation**

The hours of operation are permitted to extend to 24 hours, 7 days per week.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report, subject to changed/additional conditions to clarify the operation of the premises.

Vote: 4/0



## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2023/1476 - 64 THE CORSO, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING BUSINESS PREMISES

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to an existing Business Premises.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1476 for alterations and additions to an existing Business Premises on land at Lot A DP 304309, 64 The Corso, Manly subject to the conditions set out in the Assessment Report.

#### REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

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 Wednesday 14 February 2024.