

DATE OF DETERMINATION	17 August 2020
PANEL MEMBERS	Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 August 2020.

MATTER DETERMINED

PPSSNH-51 – Northern Beaches - DA2019/1346 at Lot 1 DP 1220196, 4 - 10 Inman Road, Cromer for demolition works and alterations and additions to an existing industrial facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Warringah Local Environmental Plan 2011 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Height of Building) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant’s written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Building) of the LEP and the objectives for development in the IN1 General Industrial Zone; and
- c) the concurrence of the Secretary has been assumed.

Heritage management document

The Panel determined to approve the heritage management document pursuant to clause 5.10(10)(b) of the LEP. The heritage management document comprises:

- Conservation Management Plan Issue 7, dated 17/05/2019, prepared by Heritage 21;
- Statement of Heritage Impact Issue 4, dated 11/11/2019, prepared by Heritage 21: and
- Schedule of Conservation Works, dated July 2020, prepared by Heritage 21.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height; approve the heritage management document; and approve the application for the reasons outlined in the council assessment report and council supplementary report.

In particular, the Panel has included conditions which require that all necessary conservation work identified in the ‘Schedule of Conservation Works’ prepared by Heritage 21 (Job No. 8851), dated July 2020” are carried out as part of the proposed development. Subject to this, the Panel is satisfied that the matters in Clause 5.10(10) of the LEP are met and that it may grant consent to use the heritage item for a purpose that would otherwise not be allowed under the LEP,

CONDITIONS

The development application was approved subject to the conditions in the council amended conditions received 11 August 2020, with the following amendments:



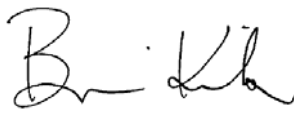
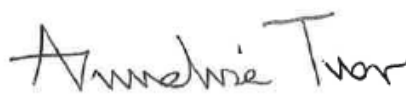

- Condition 1 amended to include ‘Schedule of Conservation Works’ prepared by Heritage 21 (Job No. 8851), dated July 2020”.
- New Condition to read as follows:
“The applicant shall undertake the works outlined within the ‘Schedule of Conservation Works’ prepared by Heritage 21 (Job No. 8851), dated July 2020. The works shall be included in amended plans/schedule and submitted to Council for approval prior to the issue of the Construction Certificate.”

Reason: to ensure the conservation of the heritage item

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one written submission made during public exhibition which raised issues relating to traffic impacts from construction activities.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Julie Savet Ward
 Brian Kirk	 Annelise Tuor
 Steve Kennedy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-51 – Northern Beaches – DA2019/1346
2	PROPOSED DEVELOPMENT	Demolition works and alterations and additions to an existing industrial facility, including new warehouse, and self-storage, office premises and ancillary café.
3	STREET ADDRESS	Lot 1 DP 1220196, No. 4 - 10 Inman Road, Cromer
4	APPLICANT/OWNER	Applicant – EG Owner - Perpetual Corporate Trust Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 – Remediation of Land (and draft) ○ Warringah Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Warringah Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil ○ Coastal zone management plan: State Environmental Planning Policy (Coastal Management) 2018 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 10 June 2020 • Clause 4.6 Variation (Height): 10 June 2020 • Council supplementary report: 7 August 2020 • Amended conditions: 11 August 2020 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting 25 June 2020: <ul style="list-style-type: none"> ○ Council assessment officer – Lashta Haidari ○ On behalf of the applicant – Andrew Cowan, Paul Rapport,
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 26 February 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy ○ <u>Council assessment staff</u>: Lashta Haidari, Steve Findlay • Final briefing to discuss council’s recommendation, 25 June 2020 at 12pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Julie Savet Ward, Brian Kirk, Annelise Tuor, Steve Kennedy ○ <u>Council assessment staff</u>: Lashta Haidari, Steve Findlay
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report