

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 20 MARCH 2024

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 20 March 2024

The public meeting commenced at 12.00pm and concluded at 12.42pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 4.21pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Kara Krason	Town Planner
David Epstein	Urban Design/Architect
Frank Bush	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

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members have signed a declaration of interest in relation to each item on the agenda. No conflicts of interest were disclosed.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 6 MARCH 2024

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 6 March 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 DA2023/1432 - 10 PITT STREET, MANLY VALE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND TORRENS TITLE SUBDIVISION TO CREATE TWO LOTS.

PROCEEDINGS IN BRIEF

The Proposal is for alterations and additions to a dwelling house and Torrens Title subdivision to create two lots.

At the public meeting which followed the Panel was addressed by 1 speaker in support of the application and the applicant.

The Panel received a late submission dated 18 March 2024.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

1. The Panel is not satisfied that:

- a) the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of clause 4.1 Minimum Subdivision Lot Size development standard has adequately addressed and demonstrated that:
 - i) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - ii) there are sufficient environmental planning grounds to justify the contraventions.
- b) 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.

DETERMINATION DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2023/1432 for the alterations and additions to a dwelling house and Torrens Title subdivision to create two lots on land at Lot 18 DP 577672, 10 Pitt Street, Manly Vale for the reasons for refusal set out in the Assessment Report, for the following reasons:

1. **Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.6 Exceptions to Development Standards and Clause 4.1 Minimum subdivision lot size of the Warringah Local Environmental Plan 2011.**

Particulars:

- The proposed development would result in the creation of two (2) lots from one (1), with the proposed lots presenting a variation to the minimum lot size development standard established by WLEP 2011 Clause 4.1 Minimum subdivision lot size of 39.9% and 12.4%.
- Council is not satisfied that the Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of Clause 4.1 Minimum Subdivision Lot Size 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.
- Council is not satisfied that the proposed development will be in the public interest because it is not consistent with the:
 - objectives of the Clause 4.1 Minimum subdivision size development standard and

- objectives for development within the zone in which the development is proposed to be carried out.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1 Minimum subdivision lot size of the Warringah Local Environmental Plan 2013.

Particulars:

- The proposed development would result in the creation of two (2) lots from one (1), with the proposed lots presenting a variation to the minimum lot size development standard established by WLEP 2011 Clause 4.1 Minimum subdivision lot size of 39.9% and 12.4%.
- Council is not satisfied that the objectives under clause 4.1 have been achieved.

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause Zone R2 Low Density Residential of the Warringah Local Environmental Plan 2011.

Particulars:

- The proposed development will not ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause A.5 Objectives, Clause B7 Front Boundary Setbacks, Clause B9 Rear Boundary Setbacks, Clause C1 Subdivision, Clause C4 Stormwater and Clause D1 Landscaped Open Space and Bushland Setting of the Warringah Development Control Plan.

Particulars:

- The proposed development is inconsistent with the objectives of the WDCP established by Clause A.5 Objectives, in that the proposal development does not respond to the characteristics of the site and the qualities of the surrounding neighbourhood. It also does not ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome.
- The proposed development is non-compliant with built form controls established by the WDCP, including front boundary setback, rear boundary setback and landscaped open space, established by Clause B7 Front Boundary Setbacks, Clause B9 Rear Boundary Setbacks and Clause D1 Landscaped Open Space and Bushland Setting of the WDCP respectively. Furthermore, the proposed development is inconsistent with the objectives of these Clauses and therefore the proposed variations to these controls are not supported on merit.
- The proposal is not supported by Council's Development Engineer, due to inadequate proposed stormwater management. As such, the proposal is inconsistent with Clause C1 Subdivision and Clause C4 Stormwater of the WDCP.

5. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of The Plan of the Warringah Local Environmental Plan 2011.

Particulars:

- The proposed development does not:
 - protect and enhance the residential use and amenity of existing residential environments,
 - promote development that is compatible with surrounding streetscape in terms of proportion and appearance, in relation to the proposed alterations to the existing

dwelling.

- achieve development outcomes of quality urban design, and ensure that development does not have an adverse effect on streetscapes, vistas and public places.
- Inconsistencies with the aims of the Warringah Local Environmental Plan 2011 arise from inconsistency with the predominate pattern, size and configuration of existing lots in the locality.
- Furthermore, inconsistencies with the aims of the Warringah Local Environmental Plan 2011 arise from non-compliance with the minimum lot size development standard established by the WLEP 2011, which will have a cumulative adverse impact on the ability to protect those values / aims within the R2 zone.

6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Particulars:

- Assessment of the proposed development has found the proposal to be contrary to the relevant planning controls and will result in a design resolution which will create an undesirable precedent such that:
 - it would undermine the desired future character of the area and
 - be contrary to the expectations of the community.
- In this regard, the development, as proposed, is not considered to be in the public interest.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and has particular concerns with the outcomes resulting from the proposed design resolution relating to the existing dwelling.

Vote: 4/0

4.2 DA2023/1518 - 34 CASTLE CIRCUIT, SEAFORTH - SUBDIVISION OF ONE LOT INTO TWO LOTS.

PROCEEDINGS IN BRIEF

The proposal is for subdivision of one lot into two lots.

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

The Panel received a late submission dated 18 March 2024 and a supplementary memo from Council dated 19 March 2024.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

1. The Panel is not satisfied that:

- a) the applicant's written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.1 Minimum Subdivision Lot Size development standard has adequately addressed and demonstrated that:
 - i) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
 - ii) there are sufficient environmental planning grounds to justify the contraventions.
- b) 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.

DETERMINATION DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2023/1518 for the subdivision of one lot into two lots on land at Lot 1 DP 503699, 34 Castle Circuit, Seaforth for the reasons for refusal set out in the Assessment Report and supplementary memo, for the following reasons:

1. **Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.6 Exceptions to Development Standards of the Manly Local Environmental Plan 2013.**

Particulars:

- i. Council is not satisfied that the applicant's written requests under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of the Clause 4.1 Minimum subdivision lot size of MLEP 2013 development standard has adequately addressed and demonstrated that:
 - a. compliance with the development standard is unreasonable or unnecessary in the circumstances; and
 - b. there are sufficient environmental planning grounds to justify the contravention of the development standard.
- ii. Council is not satisfied that the proposed development will be in the public interest because it is inconsistent with the objectives of the standard.

2. **Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1 Minimum subdivision lot size of the Manly Local Environmental Plan 2013.**

Particulars:

- i. Council is not satisfied that the objectives under clause 4.1 have been achieved,

specifically as follows:

- a. It has not been demonstrated that the undersized proposed Lot 1 is sufficient to provide useable area for a building of high level amenity as a result of the constraints from the existing trees, and rock outcrop, and location of the existing dwelling.
- b. The proposal is not consistent with the character of the streetscape, and deviates from the prevailing subdivision pattern on the western side of Castle Circuit.
- c. The proposed lot 1 insufficiently recognises the impact of the subdivision on the existing dwelling and has not demonstrated it is a sufficiently sized lot where existing vegetation, and natural features of the land including the rock outcrop can be retained as part of future development on the lot.

3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.1.1 Residential Density and Dwelling Size of the Manly Development Control Plan.

Particulars:

- i. Council is not satisfied that proposed Lot 1 that is below the minimum residential density (within the meaning of Clause 4.1.1.1) will present an acceptable residential environment.
- ii. Council is not satisfied that the indicative building envelope on proposed Lot 1 will result in an acceptable impact to the existing trees, and existing rock outcrop.
- iii. Councils is not satisfied that it has been demonstrated that any future development will provide for an acceptable level of internal and external amenity of proposed Lots 1 and 2 due to the indicative building envelope which is constrained by the existing trees, existing rock outcrop, and proposed location of the right of carriageway.

4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.4.8 Subdivision of the Manly Development Control Plan.

Particulars:

- i. Council is not satisfied that the provision of the right of carriageway will not result in adverse amenity impacts to proposed Lot 1, and to the adjacent property due to the lack of a setback from the property boundary to allow for a landscape buffer.
- ii. Council is not satisfied that the proposed subdivision will not cause adverse impacts to existing vegetation, and natural features including the rock outcrop on proposed Lot 1.
- iii. Council is not satisfied that a development of high level amenity is achievable on proposed Lot 1 and Lot 2 in the absence of comprehensive plans, and the close proximity of the boundary of Lot 1 and the existing dwelling.

5. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the proposed site is unsuitable for the proposed development.

Particulars:

- i. The site is unsuitable for the proposed subdivision, given the proposed undersized minimum subdivision lot size of proposed Lot 1, and existing environmental features of the site including the trees, and rock outcrop.
- ii. It has not been demonstrated that the site is suitable for subdivision as proposed Lot 1 will result in low amenity impacts to the existing dwelling and any future development due to the constrained indicative building envelope and the location of the boundary between Lots 1 and 2.

REASONS FOR DETERMINATION

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

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2023/0901 - 7 FLORENCE TERRACE, SCOTLAND ISLAND - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL.

PROCEEDINGS IN BRIEF

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

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 7.8 Limited Development on Foreshore Area 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 DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0901 for demolition works and construction of a dwelling house including swimming pool on land at Lot 110 DP 12749, 7 Florence Terrace, Scotland Island, Lot LIC 404399, 7 Florence Terrace, Scotland Island subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

5.2 DA2023/1643 - 93 PRINCES LANE, NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SECONDARY DWELLING AND SWIMMING POOL.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dwelling house including secondary dwelling and swimming pool.

DEFERRAL FOR FURTHER CONSIDERATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. DA2023/1643 for alterations and additions to a dwelling house including secondary dwelling and swimming pool on land at Lot 2 DP 377716, 93 Princes Lane, Newport, Lot LIC 561338, 93 Princes Lane, Newport, to give the applicant the opportunity to submit to Council by Thursday 11 April 2024 the following:

- a) Updated landscape plans detailing finishes of the retaining walls including the northern wall of the swimming pool, and additional landscaped area within the front setback to soften the appearance of the site from the street, particularly the driveway area and parking.
- b) Amended plans to resolve the proposed development at the front of the dwelling in context with the unapproved works in the driveway area including an increase in the landscape area to provide additional screening from the street and a visual softening of the hard spaces.

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

REASONS FOR DEFERRAL: The Panel's preliminary view is that the proposal has merit and that the 4.6 variation is satisfactory however the Panel has deferred determination pending the provision of additional information to resolve a number of issues within the front setback and landscaping detail. The matter will need to come back to the Panel for determination following the provision of this information.

Vote: 4/0

5.3 DA2023/1494 - 168 MCCARRS CREEK ROAD, CHURCH POINT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL, DEMOLITION WORKS AND CONSTRUCTION OF AN INCLINATOR AND BOAT SHED.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dwelling house including a swimming pool, demolition works and construction of an inclinator and boat shed.

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 7.8 Limited Development on Foreshore Area 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 DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/1494 for alterations and additions to a dwelling house including a swimming pool, demolition works and construction of an inclinator and boat shed on land at Lot LIC 187281, 168 McCarrs Creek Road, Church Point, Lot 1 DP 1153230, 168 McCarrs Creek Road, Church Point 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 12 pages numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting held on Wednesday 20 March 2024.