



northern  
beaches  
council

# MEMORANDUM

**DATE:** 10 April 2024

**TO:** Northern Beaches Local Planning Panel (NBLPP)

**CC:** Peter Robinson, Executive Manager Development Assessment  
Steven Findlay, Manager Development Assessment

**FROM:** Jordan Howard, Planner

**SUBJECT:** Item No. 5.2 LPP Meeting 20 March 2024 - DA2023/1643 - 93 Princes Lane NEWPORT

**TRIM REFERENCE:** 2024/258598

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## **Background**

The purpose of this memorandum is to advise the Panel that additional / amended information has been received from the applicant to address the reasons for deferral outlined in the minutes of the Northern Beaches Local Planning Panel Meeting of 20 March 2024.

At this meeting, the Panel resolved to defer further consideration of the application, 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.*

The applicant has submitted amended Master Plans and Landscape Plans. These amended plans contain the following changes:

- Notation included on the Landscape Plans and revised Colour Schedule to stipulate that existing brick walls & new rear garden retaining walls to be rendered & painted in 'monument'.

- Additional landscape area and landscaping detailed within the front area of the subject site, between the street and dwelling. This is achieved by the removal a northern portion of the existing permeable driveway and removal of hard surface in the front garden bed.

## **Changes to the Assessment Report**

### **D10.13 Landscaped Area - Environmentally Sensitive Land**

The amendments have resulted in an 8.4sqm increased the proposed landscape area from 38.5% (391.3sqm) to 39.3% (399.7sqm) of site area. This increase has been created within the front area of the subject site, between the street and dwelling. The Assessment Report of DA2023/1643 identified that the proposal was non-compliant with the landscape area requirement established by the P21DCP. However, the report found that this was supported on merit. These amended have slightly reduced this variation from 25.8% to 24.5% (factoring in the additional 6% of site area allowed by P21DCP Clause D10.13 Landscaped Area - Environmentally Sensitive Land).

As this is an increase in landscaped area from that already supported within the Assessment Report, the recommendation that the landscaped area variation be supported remains unchanged.

## **Addressing the Reasons for Deferral**

### **Finish of Retaining Walls**

The amended plans have detailed the finish of retaining walls, including the northern wall of the swimming pool, as requested within Reason A. P21DCP Clause D10.16 Construction, Retaining walls, terracing and undercroft areas stipulates that “where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials”. However, P21DCP Clause D10.4 Building colours and materials preferences external colours and materials to be dark and earthy tones, of which the proposed ‘monument’ finish is in accordance with.

With sandstone finishes specifically referenced within the P21DCP for retaining walls visible from public places, and the proposed retaining walls facing the public Pittwater Waterway, it is considered appropriate to recommend a condition of consent which requires the retaining walls to have a sandstone or sandstone like finish. Subject to the recommended condition, the proposed finish is considered to be acceptable and to adequately address the reasons for deferral.

### **Landscaping with the Front Setback and Unauthorised Works**

The amended plans have created 8.4sqm of additional landscaped area within the front setback. Furthermore, the plans detail increased landscaping within this area to soften the built form, including hedging and a canopy tree. These amendments are considered to soften the appearance of the site from the street, as requested within Reason A. The amendments also achieve this increase in landscaping through the reduction of unapproved driveway / hardstand areas, in accordance with the guidance provided in Reason B.

Given this, the additional landscaped area and landscaping is considered to adequately address the reasons for deferral.

## **Conclusion**

It is considered that the amendments submitted by the applicant have addressed the reasons for deferral. Therefore, it is recommended that the Panel approved the application, subject to conditions.

Changes to the conditions provided in the Assessment Report are required so that Condition 1 stipulates the correct approved plans and documentation, updated to reflect the amended plans, and a sandstone finish to retaining walls is specified.

## **Recommendation**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, grant Development Consent to 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, subject to the conditions provided within the Assessment Report, altered as follows:

Amend Condition 1 to read as follows:

### **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
DA-01F	F	Site Plan	Jo Willmore Designs	April 2024
DA-02F	F	Basement Plan (Secondary Dwelling)	Jo Willmore Designs	April 2024
DA-03F	F	Ground Floor Plan	Jo Willmore Designs	April 2024
DA-04F	F	First Floor Plan	Jo Willmore Designs	April 2024
DA-05F	F	Elevations	Jo Willmore Designs	April 2024
DA-06F	F	Elevations	Jo Willmore Designs	April 2024
DA-07F	F	Sections	Jo Willmore Designs	April 2024
DA-08F	F	Sections	Jo Willmore Designs	April 2024

<b>Approved Reports and Documentation</b>			
<b>Document Title</b>	<b>Version Number</b>	<b>Prepared By</b>	<b>Date of Document</b>
BASIX Certificate	A496380	Jo Willmore Designs	22 September 2023
BASIX Certificate	1391680S	Jo Willmore Designs	22 September 2023
Waste Management Plan - 93 Princes Lane, Newport	-	-	-
Stormwater Management Plan Drawing No. SW00, SW01, SW02, SW03, SW04	Rev. 01	Universal Consulting Engineers	23 June 2023
Landscape Plans, Drawing No. L - 01, L - 02	Rev. F	Ecodesign	9 April 2024

Colour Schedule -	Jo Willmore Designs	9 April 2024
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In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Add the following condition to be satisfied prior to the issue of a construction certificate:

**Retaining Wall Colours and Materials**

Retaining walls, including the northern wall of the swimming pool, which face the Pittwater Waterway within the rear yard are to be finished with a sandstone or sandstone like material.

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

Reason: To ensure that the development presents to the public waterway in a visually appealing way and in accordance with the requirements of the Pittwater 21 Development Control Plan.