



northern  
beaches  
council

# MINUTES

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

held via Teleconference on

**WEDNESDAY 20 APRIL 2022**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 20 April 2022**

The public meeting commenced at 12.00pm and concluded at 1.11pm.

The deliberations and determinations commenced immediately following the public meeting and concluded at 3.43pm.

### **ATTENDANCE:**

#### **Panel Members**

Annelise Tuor	Chair
Marcus Sainsbury	Environmental Expert
Graham Brown	Town Planner
Peter Cotton	Community Representative

The Panel have visited all sites 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 all applications.

**1.0 APOLOGIES AND DECLARATIONS OF INTEREST**

Nil

**2.0 MINUTES OF PREVIOUS MEETING****2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 6 APRIL 2022****RESOLUTION**

That the Panel notes that the minutes of the Northern Beaches Local Planning Panel held on 6 April 2022, 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 DA2021/1801 - 55 WOOLGOOLGA STREET, NORTH BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE, INCLUDING A SWIMMING POOL AND DRIVEWAY

#### PROCEEDINGS IN BRIEF

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

At the public meeting which followed the Panel was addressed by 5 neighbours and 4 representatives of the applicant.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that subject to Condition 12(h):

- 1) the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 2011 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. DA2021/1801 for Demolition works and construction of a dwelling house, including a swimming pool and driveway on land at Lot 23 DP 23447, 55 Woolgoolga Street, North Balgowlah, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of Condition 4 as follows:

##### **4. No Approval for Secondary Dwelling**

No approval is granted under this Development Consent for the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed at the second floor level of the dwelling house.

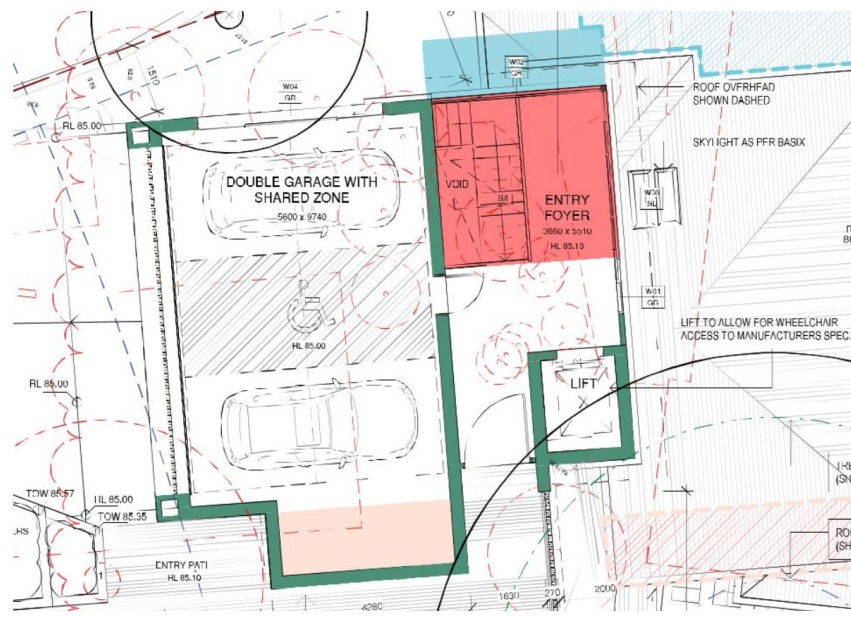
Reason: To ensure compliance with the terms of this consent.

2. The amendment of Condition 12 to read as follows:

##### **12. Amendments to the approved plans**

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

- a) The door and partition wall on the western side of the stairwell on the second floor plan is not approved and must be deleted from the proposal.
- b) Proposed works to the brick boundary wall on the eastern boundary (as detailed on Dwg No. A302) is not approved and must be deleted from the proposal. All reference or details of the works to the boundary wall on the eastern boundary is to be removed. No owners consent from the adjoining property has been provided and the wall extends onto the adjoining property.
- c) Windows W02, W19 and W22 must utilise obscured glazing.
- d) Windows W07, W08, W17, W20 and W21 are to be treated with either obscure glazing to a minimum height of 1.5m above the finished floor level or have a sill height to a minimum height of 1.5m above the finished floor level or fitted with external louvres.
- e) The depth of the second floor rear deck is to be reduced by at least 1.0m.
- f) The kitchenette on the second floor is to be reduced in size to remove the return bench (containing the sink) and all built in cooking facilities.
- g) The approved landscape plan shall be amended to include:
  - i) Two (2) locally endemic canopy trees with a minimum height of 8 metres, taken from Council's native plant species guide for the Manly ward. The trees are to be located in the rear garden to minimise the visual bulk of the dwelling and overshadowing of adjoining properties.
  - ii) The proposed *Acmena Smithii* 'Hot Flush' along the eastern and southern boundaries is to be changed to different species of Lilly Pilli that is capable of reaching a height of at least 5m.
- h) The entry foyer behind the garage is to be reduced in size, by deleting the stairs and adjoining area to the south of the stairs, removing all structures from this area on this level, as indicated in red in the diagram below. The stairs may be internally relocated within the revised garage / entry foyer.



Amended plans to be submitted and approved by Executive Manager, Development Assessment, Northern Beaches Council prior to the issue of Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

3. The amendment of condition 15 to read as follows:

**15. On-site Stormwater Disposal Details**

The Applicant is to provide a detailed drainage design and certification detailing the provision of an on-site stormwater detention (OSD) system in accordance with Clause 9.3.2 of Northern Beaches Council's Water Management for Development Policy.

The detailed plan must demonstrate the proposed OSD system is discharged to the downstream Council street kerb via an easement through a downstream private property, including evidence of the creation of the easement.

Detailed drainage plans, including engineering certification and registration of the easement, are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

4. The amendment of Condition 36 to read as follows:

**36. Landscape Completion**

Tree, shrub and groundcover planting is to be implemented in accordance with the approved amended Landscape Plan required by Condition 12(g).

Prior to the issue of any Occupation Certificate details (from a qualified horticulturalist, landscape architect or landscape designer) shall be submitted to the Principal Certifying Authority certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

5. The amendment of Condition 47 to read as follows:

**47. Landscape Maintenance**

If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. The Lilly Pilly screen planting along the eastern and southern boundaries is to be maintained at a height of at least 5 metres.

If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan and any conditions of consent.

All weeds are to be removed and controlled in accordance with the NSW Biosecurity Act 2015.

Reason: To maintain local environmental amenity.

The Panel agrees generally with the assessment report. The Panel did not accept that sufficient justification has been provided to show that the creation of a stormwater drainage easement is not feasible or practical, in accordance with Water Management for Development Policy a stormwater drainage easement should be provided.

For this particular site, which is steep and has a number of adjoining properties, an easement would achieve best practice stormwater outcomes. Consequently, the Panel has amended Condition 15 to require the stormwater drainage easement, which provides certainty for the applicant to negotiate the easement with adjoining property owner(s).

The Panel considers the increased overshadowing of 6 Dorrigo Avenue to be unreasonable given that it results largely from a non-compliance with the height standard and that a more skillful design can reduce this impact. The Panel has imposed Condition 12(h) to require amendments to the entry foyer and access stairs. This would reduce the extent of non-compliance with the height standard, building envelope and wall height controls and result in a consequent reduction of overshadowing and visual bulk.

The Panel has also included the requirement for two (2) canopy trees to be provided in the rear yard to reduce the visual bulk of the development when viewed from adjoining properties.

Vote: 4/0

#### 4.2 DA2021/2446 - 60 STARKEY STREET, FORESTVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dwelling house.

At the public meeting which followed the Panel was not addressed by any neighbours or 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. to DA2022/2446 for alterations and additions to a dwelling house on land at Lot 17 DP 220075, 60 Starkey Street, Forestville, subject to the conditions set out in the Assessment Report and Supplementary Memo, subject to the following:

1. To amend Condition 7 to read as follows:

##### 7. Amendments to the approved plans

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

- A 1.8m high privacy screen is to be erected along the western edge of the first floor balcony.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

##### REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report. The Panel has amended Condition 7 to delete the requirement for privacy measures to the roof windows as the design sufficiently manages any unreasonable privacy impacts to adjoining properties to the south.

Vote: 4/0



## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2021/2409 - 9 EUSTACE STREET, MANLY - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING

#### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a residential flat building.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Manly Local Environmental Plan 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio development standard 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.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard 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. DA2021/2409 for Alterations and additions to a residential flat building on land at Lot 1 SP 31425, 1 / 9 Eustace Street, Manly, Lot 5 SP 31425, 5 / 9 Eustace Street, Manly, Lot CP SP 31425, 9 Eustace Street, 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

## 5.2 DA2021/2588 - 69 EVANS STREET, FRESHWATER - ALTERATIONS AND ADDITIONS TO A RESIDENTIAL FLAT BUILDING

### PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a residential flat building.

### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of clause 4.3 Height of Buildings development standard 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.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standard 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. DA2021/2588 for Alterations and additions to a residential flat building on land at Lot CP SP 5290, 69 Evans Street, Freshwater 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 11 pages  
numbered 1 to 11 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 20 April 2022.