

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 7 SEPTEMBER 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 7 September 2022

The public meeting commenced at 12.00pm and concluded at 1.12pm.

The deliberations and determinations commenced at 1.30pm following the public meeting and concluded at 3.19pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Marcus Sainsbury	Environmental Expert
Robert Hussey	Town Planner
Phillip Young	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 3 AUGUST 2022

RECOMMENDATION

The Panel noted minutes of the Northern Beaches Local Planning Panel held 3 August 2022, were adopted by the Chairperson of that meeting and have been posted on the Council's website

2.2 MINUTES OF EXTRAORDINARY NORTHERN BEACHES LOCAL PLANNING PANEL HELD 31 AUGUST 2022

RECOMMENDATION

The Panel noted minutes of the Extraordinary Northern Beaches Local Planning Panel held 31 August 2022, were adopted by the Chairperson of that meeting and have been posted on the Council's website

3.0 CATEGORY 3 APPLICATIONS

4.0 PUBLIC MEETING ITEMS

4.1 DA2021/1039 - 16 WYATT AVENUE, BELROSE - DEMOLITION WORKS AND THE CONSTRUCTION OF A BOARDING HOUSE DEVELOPMENT

PROCEEDINGS IN BRIEF

The proposal is for demolition works and the construction of a boarding house development.

At the public meeting which followed the Panel was addressed by 2 neighbours and 1 representative of the applicant.

The Panel received a late submission dated 2 September 2022 and a supplementary memo.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **refuses** Application No. DA2021/1039 for demolition works and the construction of a boarding house development at Lot 2566 DP 752038, 16 Wyatt Avenue, BELROSE, 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 Desired Future Character of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000. In particular the scale and mass of the proposed development is excessive and inconsistent with the desired future of the character of the area. In addition, the cumulative impact of the proposed development and the approved development at number 14 Wyatt Avenue compounds the foregoing.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with the 50% bushland setting control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000.
3. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not considered to be suitable for the proposed development.
4. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest.
5. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with Clause 70 (Site Facilities) of the Warringah Local Environmental Plan 2000. The location of the proposed waste bin storage rooms within the front and rear setbacks of the site are not considered adequate. The bin storage room along Wyatt Avenue will have an adverse impact on the streetscape and the location of the bin storage room within the rear setback is not considered to be adequate.
6. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with Clause 56 (Retaining distinctive environmental features on the site) of the Warringah Local Environmental Plan 2000. The extent of earthworks required across the site, particularly to facilitate the proposed aboveground on-site detention basin significantly alters the existing landform of the site. There is an existing rock outcrop in proximity to the proposed basin and insufficient information has been provided to determine the likely impacts of the construction and use of the on-site detention basin on this feature. The location of the basin and proposed bin storage room within the rear portion of the site also limits the ability to plant vegetation in these areas, which diminishes the transition of the built form with the adjoining bushland to the north.

7. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with the maximum ceiling height built form control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000.
8. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with the front setback control of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000. The bin storage room along the site's Wyatt Avenue frontage is located 3 metres from the front property boundary.
9. 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 52 (Development near parks, bushland reserves and other public open spaces) of the Warringah Local Environmental Plan 2000 as the site directly adjoins bushland to the north. The proximity of the lower building and the bin storage room within the rear portion of the site does not provide an adequate landscape transition to the bushland.
10. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is non-compliant with Clause 63A (Rear building setback) of the Warringah Local Environmental Plan 2000. The bin storage room encroaches into the required 10 metre rear building setback.
11. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development application has failed to acknowledge and address the lower building's exceedance of the maximum 8.5 metre building height development standard of the C8 Belrose North Locality of the Warringah Local Environmental Plan 2000. The provisions of Clause 20 of the Warringah Local Environmental Plan 2000 have not been addressed.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.2 MOD2021/0996 - 14 WYATT AVENUE, BELROSE - MODIFICATION OF DEVELOPMENT CONSENT DA2018/0401 GRANTED FOR THE ERECTION OF A PART TWO AND PART THREE STOREY BOARDING HOUSE.

PROCEEDINGS IN BRIEF

The proposal is for Modification of Development Consent DA2018/0401 granted for the erection of a part two and part three storey boarding house.

At the public meeting which followed the Panel was addressed by 3 neighbours and 1 representative of the applicant.

The Panel received a late submission dated 31 August 2022 and a supplementary memo.

DETERMINATION OF MODIFICATION ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. MOD2021/0996 for Modification of Development Consent DA2018/0401 granted for the erection of a part two and part three storey boarding house at Lot 2597 DP 752038, 14 Wyatt Avenue, BELROSE, subject to the conditions set out in the Assessment Report and Supplementary Memo, subject to the following:

1. The amendment of reason 1 for approval to read as follows:
 1. Pursuant to Section 4.56 (1) (a) of the Environmental Planning and Assessment Act 1979, the proposed modification application results in substantially the same development as DA2018/0401 granted consent by the Court

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

4.3 DA2021/2039 - 70A WILLANDRA ROAD, NARRAWEENA - CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL WITH ANCILLARY SITE WORKS.

PROCEEDINGS IN BRIEF

The proposal is for construction of a dwelling house including a swimming pool with ancillary site works.

At the public meeting which followed the Panel was addressed by 4 neighbours and no 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, **refuses** Application No. DA2021/2039 for construction of a dwelling house with a swimming pool with ancillary site works at Lot 808 DP 752038, No.70A Willandra Road, NARRAWEENA, 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 application has insufficient information to address the WLEP 2000 with respect to being part of an “existing parcel” and the likely impact and consequences of granting approval to the subject Lot 808 whereby the single dwelling entitlement is shared with other adjacent and adjoining lots. Given the natural characteristics of the site and housing density limitations the proposal has not comprehensively addressed the housing density and development implications on the whole of the “existing parcel”.
2. Pursuant to Section 4.15(1) (a) (i) and (b) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Clause 12 of the *Warringah Local Environmental Plan 2000* in that the proposal is inconsistent with the Desired Future Character (DFC) Statement of the B2 Oxford Falls Valley Locality. In particular, the proposal does not satisfy DFC requirements for a “Category 2” development to conform with:
 - i. *Low impact characteristics;*
 - ii. *Protecting and enhancing natural landforms;*
 - iii. *Protecting and enhancing the natural vegetation;*
 - iv. *Fencing that does not detract from landscape vistas; and*
 - v. *Ensuring ecological values of natural watercourse are maintained.*
3. Pursuant to Section 4.15(1) (a) (i) and (b) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of the *Warringah Local Environmental Plan 2000* in that the proposal is inconsistent with the ‘General Principles of Development Control’. In particular, the proposal does not satisfy the requirements by sufficient information to comply with:
 - i. *Clause 42 Construction sites.*
 - ii. *Clause 51 Front fences and walls*
 - iii. *Clause 56 Retaining unique environmental features on sites.*
 - iv. *Clause 57 Development on sloping land.*
 - v. *Clause 58 Protection of existing flora.*

- vi. *Clause 60 Watercourses and aquatic habitat.*
 - vii. *Clause 61 Views.*
 - viii. *Clause 63 Landscaped open space.*
 - ix. *Clause 66 Building Bulk (with particular reference to visual impact)*
 - x. *Clause 76 Management of stormwater.*
 - xi. *Clause 77 Landfill.*
 - xii. *Clause 78 Erosion and sedimentation*
4. Pursuant to the Biodiversity Conservation Act there is insufficient information to determine the biodiversity impacts of the entire development, particularly with respect to works ancillary to the development, and with respect to the known and potential presence of threatened species and communities.
5. Pursuant to Section 4.15 (1) (e) of the *Environmental Planning and Assessment Act 1979* the proposed development is not in the public interest.

REASONS FOR DETERMINATION:

The Panel agrees generally with the assessment report.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

Nil

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 7 September 2022.