

# MINUTES

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

held via Teleconference on

**WEDNESDAY 21 SEPTEMBER 2022**

## **Minutes of the Northern Beaches Local Planning Panel held on Wednesday 21 September 2022**

The public meeting commenced at 12.00pm and concluded at 1.27pm.

The deliberations and determinations commenced at 1.50pm following the public meeting and concluded at 3.43pm.

### **ATTENDANCE:**

#### **Panel Members**

Peter Biscoe	Chair
Marcus Sainsbury	Environmental Expert
Brian Kirk	Town Planner
Andrew Doherty	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 7 SEPTEMBER 2022**

The Panel noted the minutes of the Northern Beaches Local Planning Panel held 7 September 2022, were adopted by the Chairperson of that meeting and have been posted on the Council's website

## **3.0 CATEGORY 3 APPLICATIONS**

Nil

## 4.0 PUBLIC MEETING ITEMS

### 4.1 DA2022/0329 - 85 FLORIDA ROAD, PALM BEACH - CONSTRUCTION OF A GARAGE AND SECONDARY DWELLING.

#### PROCEEDINGS IN BRIEF

The proposal is for construction of a garage and secondary dwelling.

At the public meeting which followed the Panel was addressed by 4 neighbours and 1 representative of the applicant.

The Panel received a late submission dated 19 September 2022 and a Council supplementary memo.

#### 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 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.

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#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0329 for Construction of a garage and secondary dwelling on land at Lot A DP 323050, 85 Florida Road, PALM BEACH, subject to the conditions set out in the Assessment Report and Supplementary Memo, subject to the following:

1. The amendment of condition 6 to read as follows:

##### **6. On Slab Landscape Works and Planters**

Details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided.

Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, services connections, and maintenance activity schedule. A permanent automatic irrigation system is mandatory.

Soil depth and planter width shall comply with drawing DA3.23G revision number 3 and DA5.21G revision number 4. Design certification shall be submitted to the Certifying Authority by a qualified Structural Engineer, that the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and secure waterproofing and drainage is installed.

2. The addition of the following condition:

**6A. Amended Landscape Plan**

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate to include the following details:

- i) the proposed *Ceratopetalum gummifera* within the deep soil area mid slope shall be replaced with *Banksia integrifolia*,
- ii) native small trees/tall shrubs shall be planted within the deep soil planter over the bedroom of the secondary dwelling, consisting of three (3) *Ceratopetalum gummifera* or similar alternative as selected, installed at a minimum 45 litre container size,
- iii) all trees shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established, and shall be located as shown on the Landscape Plans and at a pot size as shown, either within garden bed or within a prepared bed within lawn,
- iv) the proposed *Westringia fruticosa* shrub within the front planter over the garage shall be replaced with a longer-life hardy shrub species such as *Murraya*, *Viburnum*, *Metrosideros*, or as otherwise selected,
- v) mass planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity.

3. The amendment of condition 30 to read as follows:

**30. Landscape Completion**

Landscaping is to be implemented in accordance with the approved Landscape Plans, and any changes required by the conditions of this consent.

Prior to the issue of an Occupation Certificate, details (from a landscape architect or landscape designer) shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved Landscape Plans and any changes required by the conditions of this consent.

Reason: Environmental amenity.

## REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report, subject to the above amendments.

The approval of a secondary dwelling on top of the garage is considered to warrant approval in the highly exceptional circumstances of the development proposal including (but not limited to) the substantial planter bed arrangement, including deep planting, which contributes favourably to the streetscape. In addition, the extraordinary narrowness of the frontage combined with the secondary

dwelling being located behind the front building line limits the visibility of the built form from the street.

VOTE: 4/0

#### 4.2 DA2022/0498 - 109 NARRABEEN PARK PARADE, MONA VALE - RETENTION OF A PORTION OF THE EXISTING DWELLING, DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL AND CABANA.

##### PROCEEDINGS IN BRIEF

The proposal is for retention of a portion of the existing dwelling, demolition works and construction of a dwelling house including a swimming pool and cabana.

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

The Panel received a late submission dated 15 September 2022 and a Council supplementary memo.

##### 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 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.

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##### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0498 for Retention of a portion of the existing dwelling, demolition works and construction of a dwelling house including a swimming pool and cabana on land at Lot 5 DP 16692, 109 Narrabeen Park Parade, MONA VALE, subject to the conditions set out in the Assessment Report and Supplementary Memo, subject to the following:

4. The amendment of condition 14 to read as follows:

##### 14. Amendment of Landscape Plans

The submitted Landscape Plan is to be amended in accordance with the following:

- Deletion of Eucalyptus pauciflora (Snow Gum).
- At least 80% of new landscaping (by number of plants) identified in the Landscape Plan is to be selected from the Pittwater Ward and/or Narrabeen Ward species list available on Council's website.
- Screen planting is to be provided to along on the eastern edge of the pool, being of a species that the situated to a coastal environment and able to obtain a height when mature that screens the eastern edge of the pool structure.
- Final details of species, planting locations, sizes and numbers are to be shown.
- The existing Coastal Banksia at the rear of the site adjacent to the southern boundary is to be notated as "retained and protected during construction".

The amended Landscape Plan is to be certified by a qualified landscape architect and provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To protect biodiversity values on the site and adjoining biodiversity corridor.

#### REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report, subject to the above amendment.

VOTE: 4/0



#### 4.3 DA2022/0306 - 63 LOOMBAH STREET, BILGOLA PLATEAU - CONSTRUCTION OF A DWELLING HOUSE.

##### PROCEEDINGS IN BRIEF

The proposal is for construction of a dwelling house.

At the public meeting which followed the Panel was not addressed by anyone.

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##### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0306 for Construction of a dwelling house on land at Lot 127 DP 221639, 63 Loombah Street, BILGOLA PLATEAU, subject to the conditions set out in the Assessment Report.

##### REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report.

VOTE: 4/0

#### 4.4 DA2022/0221 - 3 SUWARROW STREET, FAIRLIGHT - DEMOLITION WORKS, SUBDIVISION OF ONE LOT INTO TWO AND CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS INCLUDING TWO SWIMMING POOLS.

##### PROCEEDINGS IN BRIEF

The proposal is for demolition works, subdivision of one lot into two and construction of two semi-detached dwellings including two swimming pools.

At the public meeting which followed the Panel was addressed by 2 representatives of the applicant.

The Panel received a late submission dated 19 September 2022 and a Council supplementary memo.

##### 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 4.1 Minimum Subdivision Lot Size 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.

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##### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0221 for Demolition works, Torrens Title subdivision of one lot into two and construction of two semi-detached dwellings including two swimming pools on land at Lot 28 DP 10399, 3 Suwarrow Street, FAIRLIGHT, subject to the conditions set out in the Assessment Report and Supplementary Memo, subject to the following:

1. 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:

- Along the southern elevation of the first floor level to the dwelling on Lot A, each proposed ensuite or bathroom window shall be treated with an obscured glazing, and each proposed window of the bedrooms shall be treated with an obscured glazing up to a height of 1.5 metres from floor level.

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, subject to the above amendment.

VOTE: 4/0

## 5.0 NON PUBLIC MEETING ITEMS

### 5.1 DA2022/0746 - 11 YANCO CLOSE, FRENCHS FOREST - DEMOLITION WORKS AND CONSTRUCTION OF A SHED

#### PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a shed.

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#### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/0746 for demolition works and construction of a new shed on land at Lot 1 DP 855202, 11 Yanco Close, FRENCHS FOREST, 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 DA2022/1104 - 14 OPALA STREET, BELROSE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

### PROCEEDINGS IN BRIEF

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

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### DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/1104 for Alterations and additions to a dwelling house on land at Lot 30 DP 223409, 14 Opala Street, BELROSE, 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 13 pages  
numbered 1 to 13 of the Northern Beaches Local Planning Panel meeting  
held on Wednesday 21 September 2022.