



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 5 APRIL 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 5 April 2023

The public meeting commenced at 12.00pm and concluded at 12.14pm.

The deliberations and determinations commenced at 12.45pm following the public meeting and concluded at 1.32pm.

ATTENDANCE:

Panel Members

Annelise Tuor	Chair
Brian Kirk	Town Planner
Robert Hussey	Town Planner
Lloyd Graham	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

Nil

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 15 MARCH 2023

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held 15 March 2023, were adopted by the Chairperson and have been posted on the Council's website.

3.0 CATEGORY 3 APPLICATIONS

4.0 PUBLIC MEETING ITEMS

4.1 DA2022/1650 - 8 BAROONA ROAD, CHURCH POINT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL.

PROCEEDINGS IN BRIEF

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

At the public meeting which followed the Panel was addressed by three (3) 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. DA2022/1650 for the alterations and additions to a dwelling house including a swimming pool on land at Lot A DP 391997, 8 Baroona Road, Church Point, for the reasons for refusal set out in the Assessment Report, with the amendment of refusal number 2 (ii) to read as follows:

2. ii) The proposed development presents unacceptable amenity impacts to number 10 Baroona Road, Church Point by way of view sharing impacts (to Scotland Island and land water interface), solar access impacts, and visual privacy impacts, that arise because of the rear addition to the existing dwelling house.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report.

VOTE: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2022/1689 - 14 AITKEN AVENUE, QUEENSCLIFF - ALTERATIONS AND ADDITIONS TO A DUAL OCCUPANCY.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a dual occupancy.

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. DA2022/1689 for alterations and additions to a dual occupancy on land at Lot 23 DP 16941, 14 Aitken Avenue, Queenscliff, 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 DA2022/0133 - 182 MCCARRS CREEK ROAD, CHURCH POINT - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE AND BOAT SHED.

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a dwelling house, detached garage, inclinor 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 Environment Plan 2014 seeking to justify a contravention of clause 4.3 Height of Buildings and 7.8 Limited Development on Foreshore Area 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. DA2022/0133 for demolition works and construction of a dwelling house, detached garage, inclinor and boat shed on land at Lot 11 DP 776130, 182 McCarrs Creek Road, Church Point, Lot LIC 467731, 182 McCarrs Creek Road, Church Point, subject to the conditions set out in the Assessment Report, subject to the following:

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

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
PP-01 - Materials (External Finishes) - Rev D	21.3.2023	TRIAS
PP-03 - Proposed Site Plan/Roof Plan - Rev C	14.2.2023	TRIAS
PP-04 - Site Management/Excavation & Fill Plan - Rev B	14.2.2023	TRIAS
PP-101 - Garage Plan - Rev C	14.2.2023	TRIAS
PP-102 - First Floor Plan - Rev E	14.2.2023	TRIAS
PP-103 - Ground Floor Plan - Rev E	14.2.2023	TRIAS
PP-104 - Basement & Boatshed Plan - Rev E	14.2.2023	TRIAS

PP-105 - Landscape Plan - Rev B	14.2.2023	TRIAS
PP-201 - Elevations 01 - Rev C	14.2.2023	TRIAS
PP-202 - Elevations 02 - Rev C	14.2.2023	TRIAS
PP-203 - Elevations 03 - Rev E	21.3.2023	TRIAS
PP-204 - Elevations 04 - Rev E	14.2.2023	TRIAS
PP-205 - Elevations 05 - Rev D	14.2.2023	TRIAS
PP-206 - Section 01 - Rev E	14.2.2023	TRIAS
PP-207 - Section 02 - Rev E	14.2.2023	TRIAS

2. The amendment of condition 45 to read as follows:

45. Landscape Completion

Landscaping is to be implemented in accordance with the approved Landscape Plan, inclusive of the following conditions:

i) the nominated proposed street tree shall be substituted as *Eucalyptus paniculata* (Grey Ironbark) at a minimum planting size of 75 litres, and shall meet the requirements of Natspec - Specifying Trees, planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched, and watered until established, centralised within the road reserve verge, and located either within a prepared garden bed or lawn,

ii) *the nominated Banksia ericifolia tree planting within the property shall be substituted with locally native trees, selected from Northern Beaches Council's Native Plant Species Guide - Pittwater Ward, or as advised by any conditions under the Biodiversity Referral for specific species, and with at least two Smooth Barked Apple (Angophora costata) species to be planted within the foreshore zone of the property below the dwelling, and located to satisfy Planning for Bushfire Protection 2019,*

iii) all trees within the property shall be planted into a prepared planting hole 1m x 1m x 600mm depth, backfilled with a sandy loam mix or approved similar, mulched and maintained, and watered until established, and shall be located at least 5.0 metres from buildings, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn,

iv) all other landscape planted areas beyond shall consist of mixed shrub, groundcover and tall grasses planting, as follows: one shrub per 10m² to attain at least 3 metres in height at maturity; groundcovers and tall grasses as indicated shall be planted at one per 1m²,

v) shrub planting shall be installed at a minimum 200mm container size at planting, and groundcovers and tall grasses at a minimum 140mm container size at planting, and shall be in a garden bed prepared with a suitable free draining soil mix and mulch,

vi) all proposed tree planting shall be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight to living rooms, private open space and where the proposed location of trees may otherwise be positioned to minimise any significant loss of views from neighbouring and nearby dwellings and from public spaces.

vii) all new landscape areas shall be managed in accordance with the Asset Protection Zone requirements as specified within Appendix 4 of Planning for Bushfire Protection 2019, and the recommendations of the Bushfire Assessment Report,

viii) landscape works under this development application is limited only to works within the property boundaries,

ix) any landscape works within the road reserve are subject to a section 138 application under the NSW Roads Act, for approval of otherwise.

Prior to the issue of any Occupation Certificate details (from a 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.

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

14. Amendments to the Approved Plans

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

- The garage is to be changed to an open sided carport design. A solid wall can be provided on the northern elevation of the parking area and the 900mm returns at each end, with the remaining sides to be open with a solid balustrade to 1.0m above the finished floor level.
- The boatshed is to be reduced in length from 6.8m to 6.0m overall length, which is to involve an increase in the northern side setback.

Details of the amended design are to be incorporated into the architectural plan set and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure a satisfactory degree of openness of the parking structure, provide for public views and outlooks from the road and to demonstrate consistency with the streetscape character, and to ensure the size and scale of the boatshed is consistent with the requirements of the Pittwater 21 Development Control Plan and to protect the foreshore character.

4. The addition of the following condition:

No Encroachment of Crown Land (New Works)

The new works associated with the construction of the boatshed and stairs that are adjacent the western boundary of the subject site, are not to encroach upon the adjoining Crown Land (Lot LIC 467731, 182 McCarrs Creek Road). All approved new works are to be contained wholly within the subject site (Lot 11 DP 776130, 182 McCarrs Creek Road). Any existing encroachments on the adjoining Crown Land are to be removed.

Reason: To ensure compliance with the approved plans.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report. The Panel has included additional conditions to reduce the impact of the development when viewed from the foreshore by limiting the length of the boatshed, ensuring there are no encroachments and requiring amendments to the landscape plan to further enhance the landscape setting of the development through the provision of extra canopy trees.

VOTE: 4/0

5.3 DA2022/2052 - 32 COLLAROY STREET, COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL.

PROCEEDINGS IN BRIEF

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

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2022/2052 for alterations and additions to a dwelling house including a swimming pool on land at 32 Collaroy Street, Collaroy, subject to the conditions set out in the Assessment Report, subject to the following:

5. The amendment of condition 13 to read as follows:

13. Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the driveway and the amendments to the existing footpath which are to be generally in accordance with the Council's Minor Works Specification for engineering works. The plan shall be prepared by a qualified civil engineer. The design must include the following information at a minimum:

- Vehicle Crossover and 3.5m layback at boundary in accordance with Council's standard profiles
- Footpath and stair realignment works. Applicant to utilise a ramp in lieu of stairs if possible. If ramp is not possible, the applicant is to demonstrate it's not possible within documentation.
- Certification from a suitably qualified Civil/Structural engineer that the design has been prepared in generally accordance with the Geotechnical recommendations contained within the ASCENTGEO report dated 24/11/2022
- Utility works

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

After Council has approved the works under Sections 138 and 139 of the Roads Act 1993, a copy of the approval is to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

REASONS FOR DETERMINATION

The Panel agrees generally with the assessment report.

VOTE: 4/0

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 5 April 2023.