



northern  
beaches  
council

# MEMORANDUM

**DATE:** 14 August 2023

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

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

**FROM:** Jordan Howard, Planner

**SUBJECT:** Item No. 4.1 - Mod2023/0238 - 15 The Chase, Lovett Bay

**TRIM REFERENCE:** 2023/514115

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The purpose of this memo is to advise the Panel that two (2) submissions have been received from; Stephen Crosby (of Stephen Crosby & Assoc. Pty Ltd), as the applicant of the proposed modification, and Rebecca Englund (of Northern Beaches Planning), on behalf of the applicant. The submissions to the Panel are in relations to Item No. 4.1 - Mod2023/0238 and raise the following matters/issues:

1. That the proposed modifications to the development will not have a discernible impact on the appearance of the dwelling from the waterway.
2. That the proposed modifications to the development are set back at an equal or greater distance from the foreshore compared to adjoining and nearby dwellings.
3. That the additional hard surfaces proposed are limited to minor extensions to elevated timber decking, with no impact to the water management or landscaped treatment of the site and no objection raised by any internal referral bodies.
4. That the proposed modifications to the development will greatly improve amenity for the occupants of the dwelling.

## Issue 1

The submissions raised that the visual impact of the development will be minimal, citing reasons including:

- The site is located at the far end of Lovett Bay, at the furthest possible distance from the main thoroughfare of the Pittwater Waterway.
- Water levels at the end of Lovett Bay are comparably shallow, limiting access to the foreshore, and increasing the distance from which the property is viewable by the general public.
- When viewed from the waterway, the dwelling is largely screened by canopy trees, which cast shadows over the dwelling for the majority of the day.

Whilst the above reasoning is noted, the development is an extension of built form and of the building footprint into the foreshore area, and will be visible from the waterway and surrounding areas of foreshore. It is visible additional built form in the foreshore area, an area where development is sought to be limited.

For the reasons discussed in detail in the assessment report, the proposed modifications are not permitted within the foreshore under PLEP 2014 Clause 7.8 Limited development on foreshore area. Compliance with this standard is considered to be reasonable and necessary, given the site zoning as C3 Environmental Management, the existing dwelling's intrusion into the foreshore area and the variation proposed to the non-landscaped area control. The merits of the variation have been assessed with regard to the objectives of the development standard and underlying objectives of the C3 Environmental Management zone. The proposal is considered to be inconsistent with the objectives and provisions of Clause 7.8 - Limited development on foreshore area and the objectives of the C3 Environmental Management zone.

## **Issue 2**

The submissions raised that the proposed modifications to the development are set back at an equal or greater distance from the foreshore compared to adjoining and nearby dwellings.

Every Development Application or Modification Application is assessed on its merit and against relevant planning controls.

For the reasons discussed in detail in the assessment report, and as outlined above, the proposed modifications are not permitted within the foreshore under PLEP 2014 Clause 7.8 Limited development on foreshore area. Compliance with this standard is considered to be reasonable and necessary, given the site zoning as C3 Environmental Management, the existing dwelling's intrusion into the foreshore area and the variation proposed to the non-landscaped area control. The merits of the variation have been assessed with regard to the objectives of the development standard and underlying objectives of the C3 Environmental Management zone. The proposal is considered to be inconsistent with the objectives and provisions of Clause 7.8 - Limited development on foreshore area and the objectives of the C3 Environmental Management zone.

## **Issue 3**

The submissions raised that the additional hard surfaces proposed are limited to minor extensions to elevated timber decking, with no impact to the water management or landscaped treatment of the site and no objection raised by any internal referral bodies.

For the reasons discussed in detail in the assessment report, the non-compliance with the Landscaped Area control should be taken into consideration along with the proposals non-compliance with PLEP 2014 Clause 7.8 Limited development on foreshore area, the site zoning as C3 Environmental Management and the existing dwelling's intrusion into the foreshore area. The development is an extension of built form and of the building footprint into the foreshore area, an area where development is sought to be limited.

## **Issue 4**

The submissions raised that the proposed modifications to the development will greatly improve amenity for the occupants of the dwelling.

This was raised as an 'environmental planning ground' in support of the contravention of PLEP 2014 Clause 7.8 Limited development on foreshore area.

As detailed in the assessment report, proposal may increase amenity for the owner and occupants of the subject site, however, this is at the expense of the objectives of the Clause and the C3 Environmental Management Zone. This is not considered to be a sufficient 'environmental planning ground' to justify contravening the development standard.

## **Conclusion**

Matters/issues raised by the submissions are satisfactorily addressed in the assessment report. The issues raised do not change the recommendations or conditions contained in the assessment report.

## **Recommendation**

The Panel note the submission.

No changes required to the recommendation or conditions contained in the assessment report.