

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 20 SEPTEMBER 2023

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 20 September 2023

The public meeting commenced at 12.00pm and concluded at 1.22pm.

The deliberations and determinations commenced at 1.45pm following the public meeting and concluded at 4.30pm.

ATTENDANCE:

Panel Members

Annelise Tuor	Chair
Marcia Doheny	Law
Glennys James	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 6 SEPTEMBER 2023

The Panel notes that the minutes of the Northern Beaches Local Planning Panel held 6 September 2023, 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 DA2023/0466 - 45 CABARITA ROAD, AVALON BEACH - ALTERATIONS & ADDITIONS TO EXISTING DWELLING, NEW POOL & LANDSCAPING

PROCEEDINGS IN BRIEF

The proposal is for alterations & additions to existing dwelling, new pool & landscaping.

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

The Panel received fifteen late submissions dated 15, 16, 17 & 18 September 2023 and a supplementary memo from Council dated 19 September 2023.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0466 for alterations & additions to existing dwelling, new pool & landscaping on land at Lot 33 DP 24563, 45 Cabarita Road, Avalon Beach subject to the conditions set out in the Assessment Report and supplementary memo, subject to the following:

1. The addition of the following Deferred Commencement Condition:

Deferred Commencement Condition

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team.

The CTMP must address following:

- a) The proposed phases of construction works on the site, and the expected duration of each construction phase
- b) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- c) Make provision for all construction materials to be stored on site, at all times
- d) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- e) The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- f) Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - i. Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - ii. Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - iii. An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the

- site via the Right of Carriageway during construction.
- iv. Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP,
 - v. No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way
 - vi. How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - vii. A Tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
 - ix. A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
 - x. A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- g) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
 - h) Make provision for parking onsite.
 - i) Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
 - j) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety
 - k) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
 - l) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
 - m) Take into consideration the combined construction activities of other development in

the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site

- n) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- o) Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council
- p) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- q) Proposed protection for Council and adjoining properties
- r) The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed ‘Deferred Commencement Document Review Form’ (available on Council’s website) and the application fee, as per Council’s Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

2. The amendment of condition 11 to read as follows:

11. Construction Traffic Management Plan

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

3. The addition of the following condition:

Amendment to Approved Plans

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

- Window W2.11 and Window W2.07 shall have a minimum sill height of 1.65m measured from the finished floor level.
- The southern elevation of the balcony off Bedroom 3 shall have a fixed privacy screen to a

minimum height of 1.65m from the finished floor level. The privacy screen shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and supplementary memo. The Panel notes the unusual circumstances whereby the site is accessed by a private right of carriage way and the limitations on construction vehicle access. It has imposed a deferred commencement condition to ensure the consent does not operate until Council has approved satisfactory arrangements for construction. The Panel has also included additional conditions to address privacy impacts to 49 Cabarita Road.

Vote: 4/0

4.2 DA2022/1250 - LOT 305/ COONAWARRA ROAD, TERREY HILLS - DEMOLITION OF OUTBUILDINGS AND CONSTRUCTION OF A DWELLING-HOUSE, INCLUDING A SWIMMING POOL/SPA, POOL PAVILION/POOL HOUSE, TENNIS COURT, SHED AND ENTRY GATES, WITH ASSOCIATED TREE REMOVAL AND LANDSCAPING

PROCEEDINGS IN BRIEF

The proposal is for demolition of outbuildings and construction of a dwelling-house, including a swimming pool/spa, pool pavilion/pool house, tennis court, shed and entry gates, with associated tree removal and landscaping.

At the public meeting which followed the Panel was addressed by one neighbour and the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

The Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **defers** further consideration of Application No. DA2022/1250 for demolition of outbuildings and construction of a dwelling-house, including a swimming pool/spa, pool pavilion/pool house, tennis court, shed and entry gates, with associated tree removal and landscaping on land at Lot 305 DP 752017, 305 / 0 Coonawarra Road, Terrey Hills, to give the applicant the opportunity to submit to Council by 11 October 2023 amended plans to maximise the retention of trees, which address the following:

- a) relocate the shed to the cleared area in the north
- b) delete the circular driveway and replace with a single driveway to access the shed
- c) adjust the location of the loop road
- d) reduce the removal of trees in other areas outside the development footprint

The additional trees to be retained are to be of moderate to high significance and comply with Asset Protection Zone (APZ).

The applicant should also submit information justifying the removal of significant to moderate trees in areas outside of the development footprint.

If the requested information is not received by the date above, the Panel may proceed to determine the application on the material before it. The Chair will have the discretion to extend the above date if reasonable grounds are provided by the applicant.

Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required. If the information is not provided, the application will be determined on the basis of the current information.

REASONS FOR DEFERRAL: The Panel's preliminary view is that the extent of tree removal is excessive and has not been adequately justified. It notes that within an APZ it is not necessary to remove all canopy trees and that with further consideration and amendments to the design, more moderate to significant canopy trees could be retained.

Vote: 4/0

4.3 DA2022/2021 - 108 ANZAC AVENUE, COLLAROY - DEMOLITION OF AN EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLING WITH SWIMMING POOL

PROCEEDINGS IN BRIEF

The proposal is for demolition of an existing dwelling and the construction of a new dwelling with swimming pool.

At the public meeting which followed the Panel was addressed by one neighbour.

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 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. DA2022/2021 for demolition of an existing dwelling and the construction of a new dwelling with swimming pool on land at Lot 66 DP 212835, 108 Anzac Avenue, Collaroy subject to the conditions set out in the Assessment Report, subject to the following:

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

15. Privacy Screening

Privacy screening is to be provided as follows:

- i. Boundary landscape screen planting as per Landscape Plan Sht-101 Issue A (subject to plant species height conditions in this consent).
- ii. Fixed privacy screens and the planter box planting for the deck areas off the kitchen and living areas on the Ground Floor Level as per Architectural plan DA003 Issue K. The fixed angle louvres to the western deck are to be replaced with a solid screen to a height of 1.8 metres.
- iii. Fixed translucent glazing to a height of 1.65 metres above finished floor level is to be used on the western side wall windows to the main living room at Ground Floor Level and to the gym and office at Lower Ground Level.
- iv. Window hoods are to be provided to bedrooms 2 and 3 on the northern side wall at First Floor Level. The window hoods are to match the window hoods on the Ground Floor Level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: In order to maintain privacy to the adjoining properties.

2. The amendment of condition 6(a) to read as follows:

6. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

Excavation works shall be limited to hand held jack hammers and rock saws only for the existing natural bedrock on site where excavation is deeper than 1.0m.

3. The addition of the following condition:

Amendment to approved plans

The following amendment is to be made to the approved plans:

- The outdoor shower at Garage Level is to be deleted and the existing ground levels retained.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report. The Panel has imposed additional conditions to: limit potential privacy impacts to the adjoining property; delete the outdoor shower to reduce excavation near Tree No 5, which is to be retained; and limit excavation impacts.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

5.1 DA2023/0472 - 64 BIRKLEY ROAD, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A GARAGE AND SECONDARY DWELLING, AND ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING

PROCEEDINGS IN BRIEF

The proposal is for demolition works and construction of a garage and secondary dwelling, and alterations and additions to the existing dwelling.

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 the State Environmental Planning Policy (Housing) 2021 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. DA2023/0472 for demolition works and construction of a garage and secondary dwelling, and alterations and additions to the existing dwelling on land at Lot 1 DP 105207, 64 Birkley Road, Manly subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report. In particular, the Panel notes that the proposed secondary dwelling is limited in size, replaces an existing detached garage with storage loft, is compliant with Floor Space Ratio and is a similar built form to surrounding development.

Vote: 4/0

5.2 DA2022/1693 - 15 ALFRED ROAD, BROOKVALE - DEMOLITION WORKS, SUBDIVISION OF ONE LOT INTO TWO LOTS AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The proposal is for demolition works, subdivision of one lot into two lots and construction of a dwelling house.

The Panel received three late submissions dated 18 & 19 September 2023 and a supplementary memo from Council dated 19 September 2023.

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 4.1 Minimum 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **grants deferred commencement approval** of Application No. DA2022/1693 for demolition works, subdivision of one lot into two lots and construction of a dwelling house on land at Lot 3 DP 522694, 15 Alfred Road, Brookvale subject to the conditions set out in the Assessment Report and supplementary memo.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report and supplementary memo.

Vote: 4/0

5.3 DA2023/0569 - 16 DAISY STREET, DEE WHY - DEMOLITION WORKS, CONSTRUCTION OF A DRIVEWAY AND HARDSTAND, AND BOUNDARY ADJUSTMENT.

PROCEEDINGS IN BRIEF

The proposal is for demolition works, construction of a driveway and hardstand, and boundary adjustment.

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 4.1 Minimum 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.

DETERMINATION OF DEVELOPMENT APPLICATION

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2023/0569 for demolition works, construction of a driveway and hardstand, and boundary adjustment on land at Lot B DP 337679, 18 Daisy Street, Dee Why and Lot A DP 337679, 16 Daisy Street, Dee Why subject to the conditions set out in the Assessment Report.

REASONS FOR DETERMINATION

The Panel agrees generally with the Assessment Report.

Vote: 4/0

5.4 DA2023/0972 - MANLY NATIONAL 22 CENTRAL AVENUE, MANLY - ALTERATIONS AND ADDITIONS TO A MIXED USE BUILDING.

PROCEEDINGS IN BRIEF

The proposal is for alterations and additions to a mixed use 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 4.3 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. DA2023/0972 for alterations and additions to a mixed use building on land at Lot CP SP 7114, 22 Central Avenue, 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

This is the final page of the Minutes comprising 14 pages
numbered 1 to 14 of the Northern Beaches Local Planning Panel meeting
held on Wednesday 20 September 2023.