



northern  
beaches  
council

# MEMORANDUM

**DATE:** 12 March 2024

**TO:** Development Determination Panel (DDP)

**FROM:** Danielle Deegan, D.M Planning Pty Ltd

**SUBJECT:** Item No. 3.1. DA2023/0846 – 11 Capri Close AVALON BEACH

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The purpose of this memo is to advise the Panel that there have been four (4) late submissions received concerning the above item, which raise the following matters:

- Concern that not all affected properties have been notified.
- The access handle of 78A Riverview Road is not shown on the plans.
- Unacceptable driveway location in the road reserve adjacent to 10 Capri Close
- Non-compliance with controls in section B2.2 of the P21DCP
- Risk of landslip to the site and surrounding areas
- Loss of significant vegetation
- Construction and ongoing traffic impacts
- Involvement of a former Council staff member
- Concern approval will set a precedent.
- Confusion over multiple sets of amended plans
- Inconsistencies between site plan and survey plan

## Issue 1

*Not all affected properties have been notified, notably 78A Riverview Road and 83 Riverview Road.*

Comment: The application has been notified in accordance with the Northern Beaches Community Participation Plan 2019. The notification map shows 78A Riverview Road was notified but 83 Riverview Road was not notified.

## Issue 2

*The access handle belonging to 78A Riverview Road has not been shown on the plans. The proposed driveway is partly located in the access handle of 78A Riverview Road.*

Comment: The access handle belonging to 78A Riverview Road is identified on the survey, the subdivision plan, landscape plans and engineering plans. While the access handle has been omitted

from the architectural plans, it has been taken into consideration in the assessment of the proposed development.

There are no works proposed in the access handle of 78A Riverview Road. All proposed works are within the boundaries of 11 Capri Close.

### **Issue 3**

*The location of the driveway in front of 10 Capri Close is unacceptable.*

Comment: This issue has been addressed in the assessment report. Council's Development Engineer has reviewed the proposed vehicular access and, subject to conditions including the submission of an application for civil works in the public reserve, supports the proposal.

While the proposed vehicle crossing is located partially in front of the road reserve adjacent to the rear boundary of 10 Capri Close, it is noted that vehicular access to the site is currently gained from Capri Close.

### **Issue 4**

*The proposal does not comply with Clause B2.2 Subdivision Low Density Residential Areas, of the P21DCP.*

Comment: The proposed subdivision complies with five (5) of the six (6) applicable subdivision controls, including lot width, lot depth and buildable area. Non-compliance with the maximum slope control has been addressed in the assessment report and found to be reasonable.

### **Issue 5**

*Risk of landslide.*

Comment: This matter has been addressed in the assessment report. The proposal is accompanied by two Geotechnical Reports (prepared by White Geotechnical Group Pty Ltd, dated 30.9.2017 and 6.6.2023) which support the proposal. Council's Development Engineer also supports the proposal, subject to conditions.

### **Issue 6**

*Loss of significant vegetation*

Comment: This matter has been addressed in the assessment report. Council's Landscape Officer and Biodiversity Officer have reviewed the application and support the proposal, subject to conditions.

### **Issue 7**

*Traffic safety issues.*

Comment: This matter has been addressed in the assessment report. Council's Traffic Engineer has reviewed the application and supports the proposal, subject to conditions.

### **Issue 8**

*Involvement of Council staff member*

Comment: Council have acknowledged the involvement of a former staff member, acting as the applicant for this development application. This is why an independent planning consultant has been engaged to assess the application.

## **Issue 9**

*Approval of the application will set an undesirable precedent.*

Comment: Precedent is not a matter for consideration under section 4.15 of the EP&A Act.

## **Issue 10**

*Confusion over multiple sets of amended plans*

Comment: There have been three (3) sets of plans submitted with the application. The first set of amended plans was submitted in response to the Council's RFI letter. The second set of amended plans was submitted in response to comments made by Council's Engineer in relation to the driveway design.

## **Issue 11**

*Inconsistencies between the site plan and survey plan.*

*It is unclear on the position and relationship of the Survey's "Concrete Block Retaining Wall" and the Site Plan's "Blockwork Retaining Wall".*

Comment: As acknowledged above, the site plan does not identify the access handle of 78A Riverview Road. It is also noted that the site plan is inconsistent with the landscape plan, the former showing a permeable driveway strip as landscaped area which is not shown on the landscape plan.

The 'concrete block retaining wall' shown on the survey is located on 80 Riverview Road whereas the 'blockwork retaining wall' is part of the proposed works on the subject site.

## **Conclusion**

There is no change to the recommendation for approval.

## **Recommendation**

The Panel note the submissions.

A condition of consent is recommended, requiring an amended landscape plan, demonstrating compliance with clause D1.14 of P21DCP, that is, to show a minimum of 60% of the site as landscaped area.