



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held in the Walamai Room, Civic Centre, Dee Why on

**WEDNESDAY 12 JUNE 2019**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 12 June 2019  
in the Walamai Room, Civic Centre, Dee Why**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Matthew Edmonds	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 22 MAY 2019**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 22 May 2019, were adopted by all Panel Members at the time of the meeting and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2018/1875 - 59 FAIRLIGHT STREET, FAIRLIGHT - PARTIAL DEMOLITION AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SPA

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of the applicant.

The Panel concurred with the Officer's assessment report and recommendation.

##### Reasons for Decision

The Panel were satisfied that the proposal met the objectives of the Manly Local Environmental Plans 2013, Manly Development Control Plan 2013 and the community concerns have been addressed.

##### 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 4.4 Floor Space Ratio 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.

##### DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2018/1875 for partial demolition and construction of a dwelling house including a spa on land at Lot 9 DP 3742, 59 Fairlight Street, Fairlight be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 3/0

### 3.2 DA2018/1988 - 54 ELLERY PARADE, SEAFORTH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector and 4 representatives of the application.

The Panel were not satisfied that the proposal was consistent or complemented the predominant building form or scale of adjacent development when viewed from the street. The variation to the height and the combination of a lack of articulation in the front façade and side setbacks to the upper levels contributed significantly to the impact on the streetscape.

Whilst the panel appreciates that floor space could be relocated towards the rear of the property, and this would have far greater impacts on view loss to the properties at the rear, the variations request to the height is not well founded and the variations contributes to the current view loss.

The Panel concurred with the Officer's assessment report and recommendation.

#### Reasons for Decision

The Panel were not satisfied that the proposal met the objectives of the Manly Local Environmental Plans 2013 and Manly Development Control Plan 2013.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not 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 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.

#### DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2018/1988 for demolition works and construction of a dwelling house on land at Lot 49 DP 7750, 54 Ellery Parade, Seaforth be **refused** subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 3/0

### 3.3 DA2019/0076 - 1 PITT ROAD, NORTH CURL CURL - DEMOLITION AND CONSTRUCTION OF A DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by 4 objectors, the owner and applicant.

It was acknowledged that the report states that partial views of Manly Headland or St Patricks Cathedral would be maintained for 38 Robertson Rd, when these view are not currently available to the owner of the property.

The Panel were satisfied that the proposal met the principals for view sharing, solar access and the building was well articulated. Privacy to surrounding properties were suitable addressed by conditions of consent. Additional conditions have been included to deal the handling of any asbestos that may be on site.

The Panel concurred with the Officer's assessment report and recommendation.

#### Reasons for Decision

The Panel were satisfied that the proposal met the objectives of the Warringah Local Environmental Plans 2011, Warringah Development Control Plan 2011 and the community concerns have been addressed.

#### DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2019/0076 for demolition and construction of a dwelling house on land at Lot 2 DP 1206790, 1 Pitt Road, North Curl Curl be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

##### **20A. Prior and during: Demolitions – Asbestos**

If any parts of any structures to be demolished/altered contains asbestos, demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures. The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility. All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal. Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

2. Condition 15 to be amended as follows:

**Dilapidation Survey**

A dilapidation survey of adjacent buildings (at a minimum No. 38 Robertson Road and No. 3 Pitt Road, North Curl Curl) must be conducted prior to any site work. The lateral extent of the survey must cover the likely “zone of influence” of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Proper management of records.

3. The addition of the following condition:

**20B. Removing, Handling and Disposing of Asbestos**

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with the following requirements:

- Work Health and Safety Act
- Work Health and Safety Regulation
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

Vote: 3/0



### 3.4 DA2019/0107 - 44 ROSE AVENUE, WHEELER HEIGHTS - CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT AND STRATA SUBDIVISION

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of the applicant and raised concerns that the description of development did not include strata subdivision, that condition 20 required footpaths to the bus top to the west and requesting that condition 25 be amended to require registration of a drainage easement at occupation certificate stage.

The application was made for strata subdivision and this had been omitted from the description and conditions of consent. Conditions have been included to address the strata subdivision.

The site is located between 2 sets of bus stops, both east and west. Condition 12 requiring construction of footpaths to the east (towards the bus stop and shops) satisfy the requirements of the SEPP and therefore condition 20 is not required.

In regards to the request to amend condition 25 to allow the registration of the easement prior to occupation certificate. The Panel does not accept this request and requires the easement to be registered before the Construction Certificate for construction of the building is issued.

The Panel concurred with the Officer's assessment report and recommendation.

#### Reasons for Decision

The Panel were satisfied that the proposal met the objectives of the Warringah Local Environmental Plans 2011, Warringah Development Control Plan 2011 and the community concerns have been addressed.

#### DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2019/0107 for construction of a Seniors Housing Development and Strata Subdivision on land at Lot 4 DP 203378, 44 Rose Avenue, Wheeler Heights be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of condition 1 to include Strata Subdivision Plans as follows:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sheet 1 ref no. 20310 SP	25/01/2019	Copland C. Lethbridge
Sheet 2 ref no. 20310 SP	25/01/2019	Copland C. Lethbridge
Sheet 3 ref no. 20310 SP	25/01/2019	Copland C. Lethbridge

2. The addition of the following condition under the heading *Conditions which must be complied with prior to the issue of the Occupation Certificate*:

#### **Unit Numbering for Multi-Unit Developments (Residential, Commercial and Industrial)**

The units within the development are to be numbered in accordance with the Australia Post Address Guidelines

([https://auspost.com.au/content/dam/auspost\\_corp/media/documents/Appendix-01.pdf](https://auspost.com.au/content/dam/auspost_corp/media/documents/Appendix-01.pdf)).

In this regard, the numbering is to be as per the Unit Numbering for Multi Unit Development Table available on Council's website [Unit Numbering for Multi-Unit Developments Form](#)

External directional signage is to be erected on site at driveway entry points and on buildings and is to reflect the numbering in the table provided. Unit numbering signage is also required on stairway access doors and lobby entry doors.

It is essential that all signage throughout the complex is clear to assist emergency service providers in locating a destination within the development with ease and speed, in the event of an emergency.

Details are to be submitted with any Interim/Final Occupation Certificate or Strata Subdivision Certificate certifying that the numbering has been implemented in accordance with this condition and the Unit Numbering for Multi-Unit Development Table.

Reason: To ensure consistent numbering for emergency services access.

3. The deletion of Condition 20.
4. The amendment of Condition 25 to read as follows:

#### **25. Stormwater Drainage Easement and Variation to Existing Stormwater Drainage Easement**

As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be in accordance with the drainage plan submitted by Civil & Structural Engineering Design Services, drawing number W-11-266888-1B and 2B, amendment B, dated 23/04/19. A stormwater drainage easement is to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the creation of the easement prior to the Construction Certificate for construction of the building is issued.

The terms of the existing stormwater drainage easement within 43 Lantana Avenue is to be varied to benefit the subject development in accordance with the requirements of the NSW Land Registry Services. The applicant must provide Council with evidence that the existing easement is varied to benefit the subject development prior to the Construction Certificate for construction of the building is issued.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

Vote: 3/0

*The meeting concluded at 12.00pm*

This is the final page of the Minutes comprising 10 pages  
numbered 1 to 10 of the Development Determination Panel meeting  
held on Wednesday 12 June 2019.