



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

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

**WEDNESDAY 10 JULY 2019**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 10 July 2019  
in the Walamai Room, Civic Centre, Dee Why**

**ATTENDANCE:**

**Panel Members**

**Item 3.1**

Steven Findlay (Chairperson)	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning
Phil Jemison	Manager, Strategic & Place Planning

**Item 3.2**

Matthew Edmonds (Chairperson)	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

**Item 3.3**

Matthew Edmonds (Chairperson)	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

**Item 3.4**

Anna Williams (Chairperson)	Acting Executive Manager Development Assessment
Matthew Edmonds	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

**Item 3.5**

Anna Williams (Chairperson)	Acting Executive Manager Development Assessment
Matthew Edmonds	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

**Item 3.6**

Anna Williams (Chairperson)	Acting Executive Manager Development Assessment
Steven Findlay	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

**Item 3.7**

Anna Williams (Chairperson)	Acting Executive Manager Development Assessment
Steven Findlay	Manager, Development Assessment
Phil Jemison	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 9 JULY 2019**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 9 July 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 DA2019/0145 - 39 ADELAIDE STREET, CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector, the applicant and owner.

The Panel were satisfied with the assessment of view loss in the Assessment Report, noting that it is components of the building that are compliant with the 8.5m building height control that are contributing to the impact of views from the living room level of the adjoining property to the east.

The Panel concluded that reasonable view sharing is achieved.

The Panel concurred with the Officer's Assessment Report and recommendation.

##### 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 DA2019/0145 for alterations and additions to a dwelling house on land at Lot A, DP 368257, No. 39 Adelaide Street 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:

##### 1A. Amendments to the Plans

The following amendments are to be made to the plans:

- a) The Level 1 floor plan and the Eastern Elevation plan are to be amended to provide a recess in the eastern external wall, in the vicinity of the WIR, measuring 500mm deep by 1.0m length. The recess is to commence 2.0m from the south-eastern corner of the first floor level.
- b) A timber screen is to be provided on the eastern elevation of Level 1, extending for the full length between the proposed recess and the recess required by condition 1A(a) to

match the height of the proposed timber screen on the north elevation.

- c) The approved plans are to be updated to show full dimensioning of all plans.

Full details of compliance with the requirements of this condition are to be incorporated into the plans prior to release of the Construction Certificate.

Reason: To ensure compliance with the terms of this consent and to address the visual bulk of the additions.

Vote: 3/0

### **3.2 DA2019/0125 - 82-84 BOWER STREET, MANLY - DEMOLITION WORKS AND CONSTRUCTION OF TWO GARAGES**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant.

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

#### **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 DA2019/0125 for demolition works and construction of two garages on land at Lot 5 DP 8075, 82-84 Bower Street, Manly be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 3/0

### 3.3 DA2019/0126 - 82 BOWER STREET, MANLY - ALTERATIONS AND ADDITIONS TO A DUAL OCCUPANCY

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant.

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

#### 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 DA2019/0126 for alterations and additions to a dual occupancy on land at Lot 5 DP 8075, 82 Bower Street, Manly be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

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

##### **19. Geotechnical Inspection**

During the works, geotechnical inspections of the excavation is to be undertaken by a suitably qualified person directly in accordance with the Geotechnical Inspection Report prepared by Crozier Geotechnical Consultants dated 4 June 2019.

Reason: To allow assessment of long-term stability conditions and provision of any required support design.

Vote: 3/0

### **3.4 DA2019/0064 - 11 KANANGRA CRESCENT, CLONTARF - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were not addressed by any speakers.

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

#### **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 DA2019/0064 for demolition works and construction of a dwelling house including a swimming pool on land at Lot 1 DP 876654, 11 Kanangra Crescent, Clontarf be **approved** subject to the conditions and for the reasons set out in the Assessment Report.

Vote: 3/0



**3.5 DA2018/2001 - 5 DRESS CIRCLE ROAD, AVALON BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL AND SPA**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant.

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

**DECISION ON DEVELOPMENT APPLICATION**

THAT Development Application DA2018/2001 for demolition works and construction of a dwelling house including a secondary dwelling, swimming pool and spa on land at Lot 79 DP 11462, 5 Dress Circle Road, Avalon Beach be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

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

**40. Privacy Screens**

The addition of a privacy screen reaching a height of 1.8m above finished floor level shall be provided on the south eastern side of the balcony accessed from the master bedroom off level one.

Details demonstrating the proposed privacy screens throughout the development are in accordance with the approved plans are to be submitted to the Certifying Authority prior to the issue of Occupation Certificate.

Reason: To protect privacy to adjoining properties.

Vote: 3/0

### 3.6 DA2019/0056 - 7 HIGHVIEW AVENUE, QUEENSCLIFF - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by two objectors and the applicant.

The Panel requested amended plans from the applicant to improve the view loss from adjoining properties.

The Panel reviewed the amended plans received and concur with the amendments.

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

#### DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2019/0056 for demolition works and construction of a dwelling house on land at Lot 11 DP 17127, 7 Highview Avenue, Queenscliff be **approved** subject to the conditions and for the reasons set out in the Assessment Report, subject to the following:

1. The amendment of the following condition:

#### 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
02-01 Demolition plan	14.11.2018	Studio Prineas
02-02B Site Plan	12.07.2019	Studio Prineas
02-04A Lower ground floor plan	13.05.2019	Studio Prineas
02-05B Ground floor plan	12.07.2019	Studio Prineas
02-06B First floor plan	12.07.2019	Studio Prineas
02-07B Roof plan	12.07.2019	Studio Prineas
02-08 South elevation	14.11.2018	Studio Prineas
02-09B North elevation	12.07.2019	Studio Prineas
02-10A East elevation	13.05.2019	Studio Prineas
02-11B West elevation	12.07.2019	Studio Prineas
02-12B Section A	12.07.2019	Studio Prineas
02-13B Section B	12.07.2019	Studio Prineas

02-14A Section C	13.05.2019	Studio Prineas
02-15A Section D	13.05.2019	Studio Prineas
02-16 Schedule of materials	14.11.2018	Studio Prineas
02-20 Terrace Plan	13.05.2019	Studio Prineas
02-21 Terrace Elevations	13.05.2019	Studio Prineas
02-22 Section E	13.05.2019	Studio Prineas
02-23 Section F	13.05.2019	Studio Prineas
04-04 Excavation and fill diagrams	14.11.2018	Studio Prineas
04-05 Rock Crop diagrams	13.05.2019	Studio Prineas
03-01 Waste Management Plan	14.11.2018	Studio Prineas

2. The addition of the following condition:

**1A. Amendments to the Plans**

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

- a) The timber look batten screens on the northern, western and eastern elevations of the first floor level (bedroom wing) shall be fixed and non-operable. All plans to be updated.
- b) Timber look batten screens shall be provided at the western end of the balconies on the ground and lower ground floor levels. The screens shall be fixed and non-operable and to a height of 1.8m above the finished floor level.
- c) The Banksia Serrata tree proposed at the north western corner of the site shall be replaced with a locally native species with a maximum mature height of no more than 3 metres.

Full details of compliance with the requirements of this condition are to be incorporated into the plans prior to release of the Construction Certificate.

Reason: To ensure compliance with the terms of this consent and to address the visual privacy and protect views.

Vote: 3/0

### 3.7 DA2019/0083 - 29-33 PITTWATER ROAD, MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING MIXED USE DEVELOPMENT

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by and objector and the applicant.

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

#### DECISION ON DEVELOPMENT APPLICATION

THAT Development Application DA2019/0083 for alterations and additions to an existing Mixed Use Development on land at Lot 1 DP 76807, 29-33 Pittwater Road, Manly 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 delete the following table of plans:

Engineering Plans		
Drawing No.	Dated	Prepared By
D01 Stormwater Management Drainage Plan - Sheet 1	4 June 2018	NB Consulting Engineers
D02 Stormwater Management Drainage Plan - Sheet 2	4 June 2018	NB Consulting Engineers
D03 Stormwater Management Drainage Plan - Sheet 3	4 June 2018	NB Consulting Engineers
D04 Sections & Details - Sheet 1	4 June 2018	NB Consulting Engineers

2. The deletion of the following condition:

#### **17. Pre-clearance Survey Required – Bandicoot Habitat**

A pre-clearance survey for wildlife presence is required prior to the removal of any vegetation, material or debris stockpiles. Clearing may only proceed if the survey concludes that wildlife are present within the area to be cleared. A record of each inspection is to be made in the daily inspection register log-book. The log-book is to be made available to the Principal Certifying Authority.

Reason: To avoid injury or death of wildlife which may be utilising stockpiles of vegetation, materials or debris.

3. The deletion of the following condition:

#### **13. No Boundary Encroachment**

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any other land. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure structures are contained within the site.

4. The amendment of the following condition to read as follows under the heading Conditions Which Must be Complied With Prior to the Issue of the Occupation Certificate:

**12. Rectification and Certification of Southern Wall**

The existing southern wall is to be rectified to be wholly within the subject site's property boundaries. Certification shall be provided by a suitably qualified structural engineer that the remaining section of the southern wall can be made structurally sound. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development is wholly contained within the relevant property boundaries.

5. The addition of the following condition:

**Condition 21a No Boundary Encroachment**

No portion of the proposed building or works, as approved within the subject site, are to encroach upon any other land. Details demonstrating compliance with this condition are to be provided to the satisfaction of the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure structures are contained within the site.

6. The addition of the following condition under the heading On-Going Conditions that must be Complied with at all Times to Read as Follows:

**24. Non-trafficable area**

The southern setback at level three shall be retained as a non-trafficable area for the full length of the southern boundary and be available for maintenance access only.

Reason: To protect the privacy of adjoining properties.

Vote: 3/0

*The meeting concluded at 4:30pm*

This is the final page of the Minutes comprising 13 pages numbered 1 to 13 of the Development Determination Panel meeting held on Wednesday 10 July 2019.