



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 9 OCTOBER 2019

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 9 October 2019
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	All Items
Steven Findlay	Manager, Development Assessment	Items 3.1 & 3.2
Rod Piggott	Manager, Development Assessment	Items 3.3, 3.4 & 3.5
Anna Williams	Manager, Development Assessment	Items 3.1, 3.2, 3.3 & 3.4
Ashleigh Sherry	Manager, Business Systems & Administration	Item 3.1

1.0 APOLOGIES AND DECLARATIONS INTEREST

Anna Williams declared a conflict of interest for Item 3.5 and took no part in the determination. Ashleigh Sherry replaced Anna Williams for this item.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 25 SEPTEMBER 2019

The Minutes of the Development Determination Panel held 25 September 2019, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2019/0276 - 7 CLIFFORD AVENUE, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The Panel were satisfied that the development met the Land and Environment Court Planning Principal, *Tenacity Consulting v Warringah Council [2004]* on view sharing.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2019/0276 for alterations and additions to a dwelling house including a swimming pool on land at Lot B DP 315261, 7 Clifford Avenue, Fairlight, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

3.2 DA2019/0741 - 3 BEACONSFIELD STREET, NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by representatives of the applicant.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 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

THAT Council as the consent authority **approve** Development Consent to DA2019/0741 for alterations and additions to a dwelling house on land at Lot A DP 397484, 3 Beaconsfield Street, Newport, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The deletion of the following duplicated condition:

Blank condition for prior construction certificate

A boundary survey, prepared by a Registered Surveyor, shall be provided as evidence that all buildings/works are within the appropriate property, easement boundaries and rights of carriageway.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any construction certificate.

Reason: To ensure the accurate location of buildings in relation to boundaries, easements and rights of way.

Vote: 3/0

3.3 DA2019/0509 - 52 LAUDERDALE AVENUE, FAIRLIGHT - DEMOLITION WORKS, SUBDIVISION OF ONE LOT INTO TWO AND CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by representatives of the applicant.

The applicant questioned the condition to reduce the driveway width to 6 metres and this has been confirmed as a requirement.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report.

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 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.

C. 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.

D. The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2019/0509 for demolition works, subdivision of one lot into two and construction of two semi-detached dwellings on land at Lot 1 DP 172127, 52 Lauderdale Avenue, Fairlight, subject to the conditions outlined in the Assessment Report, subject to the following:

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

Landscape works

Landscaping is to be implemented in accordance with the Landscape Plans sheet 1 of 2 and sheet 2 of 2, prepared by Paul Scrivener Landscape, inclusive of the following requirements:

- i) all tree planting is to be installed at 75 litre container size,
- ii) all tree planting shall comply with 3.3.1 Landscaping Design, section b) item iii) where trees should be positioned in locations to minimise significant impacts on neighbours in terms of blocking winter sunlight as described in the clause, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views,
- iii) The dimensions and area of landscaped planting within the front setback, as contained in the approved Landscape Plan, shall not be reduced.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved plan and inclusive of any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work in accordance to the Construction Management Plan.

Reason: Public safety.

Vote: 3/0

3.4 DA2019/0824 - 6 PLANT STREET, BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by an objector and representative of the applicant.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to conditions

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2019/0824 for demolition works and construction of a dwelling house on land at Lot 51 DP 849712, 6 Plant Street, Balgowlah, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following condition under the heading 'Conditions To Be Complied With During Demolition And Building Work' :

Height Survey

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter wall columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)

2. The addition of the following conditions under the heading 'Conditions To Be Satisfied Prior To The Issue Of The Construction Certificate'

Louvres

The applicant is to provide horizontal louvres to bedroom window W46 as appears in elevation DA1.04 C with a maximum 80mm spacing between horizontal elements.

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

Reason: Amenity to adjoining properties

Boundary Landscaping

The boundary landscaping, including the garden bed, along the southern boundary containing species *Syzigium Smithii* is to be extended to the west at the same RL, to align with the western edge of the lower kitchen herb garden. Two additional *Syzigium Smithii* are to be planted in the extension

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

Reason: Amenity to adjoining properties

Vote: 3/0

3.5 DA2018/1803 - 141 FULLER STREET, NARRABEEN - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A 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.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2018/1803 for alterations and additions to a dwelling house including a swimming pool on land at Lot 3 DP 222881, 141 Fuller Street, Narrabeen, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following condition under the heading 'Conditions To Be Complied With During Demolition And Building Work' :

Height Survey

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) Commencement of perimeter wall columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.
- (c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans. (DACPLE01)

2. The addition of the following condition under the heading 'Conditions To Be Satisfied Prior To The Issue Of The Construction Certificate'

Planting

A Banksia Integrifolia shall be planted in the north east corner between the swimming pool and northern boundary.

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

Reason: Amenity to adjoining properties

3. The amendment of the following conditions to read as follows:

Amendments to the approved plans

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

- a) The swimming pool plant shall be contained within housing to reduce noise impacts.
- b) The swimming pool volume shall be noted and demonstrated on the plans to ensure that the volume is consistent with the volume stated in the BASIX Certificate commitments.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Stormwater Disposal from Low Level Property

Stormwater including the driveway and turning area shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850 in particular the Stormwater Drainage from Low Level Properties Technical Specification.

Details demonstrating that the existing approved system can accommodate the additional flows or compliance with the Northern Beaches Council's "Warringah Water Management Policy PL 850" are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

Tree Protection Plan

In order to protect and enhance vegetation and trees within the site, access driveway and road reserve, the following applies:

(a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:

- Layout of the approved development
- Location of trees identified for retention, including trees located along the access driveway to the site.
- Extent of canopy spread
- Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
- General tree protection measures
- All measures shall be consistent with Condition 16 Part B
- Fencing to exclude vehicular access across exposed roots within the access driveway at the western end

(b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.

(c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

Vote: 3/0

The meeting concluded at 2.40pm

This is the final page of the Minutes comprising 13 pages
numbered 1 to 13 of the Development Determination Panel meeting
held on Wednesday 9 October 2019.