

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 11 DECEMBER 2019

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 11 December 2019
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rod Piggott	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 27 NOVEMBER 2019

The Minutes of the Development Determination Panel held 27 November 2019, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2019/0507 - CAMPBELL PARADE, MANLY VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2017/0353 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF NEW SPORTS AMENITIES BUILDINGS

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were not addressed by any speakers.

The Panel received a supplementary memo from the Planning Officer correcting a condition relating to the approved plans.

The Panel concurred with the independent planning consultant's assessment report, supplementary memo 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

There were no submissions received for this application.

DECISION

THAT Council as the consent authority **approve** Mod2019/0507 for Modification of Development Consent DA2017/0353 granted for demolition works and construction of new sports amenities buildings on land at Part Lot 2743 DP 752038, Campbell Parade, Manly Vale, subject to the conditions outlined in the Assessment Report, subject to the following:

The amendment of the following condition:

A. Add Condition No. 1A – Modification of Consent – Approved Plans and Supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
MOD-A-101 Rev B	16/10/2019	Smith & Tzannes
MOD-A-103 Rev B	16/10/2019	Smith & Tzannes
MOD-A-200 Rev B	16/10/2019	Smith & Tzannes
MOD-A-201 Rev B	16/10/2019	Smith & Tzannes
MOD-A-202 Rev B	16/10/2019	Smith & Tzannes

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

Vote: 3/0

3.2 DA2019/0913 - 32 THE STRAND, WHALE BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by a representative of the applicant, that raised a question whether the condition for the fencing for wildlife passage was applicable to the Whale Beach Road front setback on the western side of the site. Council's biodiversity team have indicated this condition was applicable to the east of the dwelling. The Panel also reviewed conditions 20, dilapidation report and 24, Sediment and Erosion Control and provided amended wording.

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 submissions 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 DA2019/0913 for demolition works and construction of a dwelling house including a swimming pool on land at Lot 70 DP 11067, 32 The Strand, Whale Beach, subject to the conditions outlined in the Assessment Report, subject to the following:

The amendment of the following conditions:

20. Dilapidation Report

A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties listed below,

both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property Structures / Area

30 The Strand, Whale Beach Whole Building 237 Whale Beach Road, Whale Beach Whole Building

If excavation works are proposed the dilapidation report must report on the visible and structural condition.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on the consent. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: To maintain proper records in relation to the proposed development.

50. Fencing for Wildlife Passage

Any new fencing (with the exception of swimming pool fencing and fencing to the west of the dwelling within the Whale Beach Road setback) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

Reason: Management of wildlife corridors

24. Installation and Maintenance of Sediment and Erosion Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

Vote: 3/0

3.3 DA2019/0952 - 34 GURNEY CRESCENT, SEAFORTH - 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 have included additional conditions regarding Survey Plans, Sediment and Erosion Control and Tree Protection to protect the amenity and environment.

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

There were no submissions received for this application.

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.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2019/0952 for alterations and additions to a dwelling house including a swimming pool on land at Lot 63 DP 663305, 34 Gurney Crescent, Seaforth, subject to the conditions outlined in the Assessment Report, subject to the following:

The addition of the following condition under the heading 'during works':

Survey Plan

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

- (a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.
- (b) 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)

The addition of the following condition under the heading 'prior to commencement of any works':

Installation and Maintenance of Sediment and Erosion Control

Prior to any works commencing on site, including demolition, sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

Tree Protection

(a) All trees not indicated for removal on the approved plans and trees located on adjoining properties are to be retained, unless exempt under relevant planning instruments.

(b) Tree protection

i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.

iii) All tree protection measures, including fencing, 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

3.4 DA2019/1161 - 48 LINDLEY AVENUE, NARRABEEN - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the owner and applicant and received a late submission from an adjoining property.

The Panel received a supplementary memo from the assessing officer addressing the late submission.

The Panel have included an additional condition regarding Survey Plans to protect the amenity and environment.

The Panel noted Condition 6 regarding privacy screens required a *minimum* spacing which should read *maximum* spacing between privacy screen slats.

The Panel concurred with the Officer's assessment report, supplementary memo 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 submissions 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 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 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 DA2019/1161 for alterations and additions to a dwelling house on land at Lot 2 DP 502501, 48 Lindley Avenue, Narrabeen, subject to the conditions outlined in the Assessment Report, subject to the following:

The amendment of the following conditions:

6. Amendments to the Approved Plans

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

- ⌘ The privacy screens located on the eastern and western elevations on the top floor and ground floor balconies are to be amended to reflect a maximum spacing of 20mm between the privacy screen slats.

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.

15. **Submission of Survey**

All works are to be contained wholly within the subject site.

A survey, prepared by a Registered Surveyor, identifying the boundaries of the subject site and all existing structures/buildings, it to be prepared.

The plans submitted for the construction certificate are to accurately reflect the boundaries as shown on the survey.

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

Reason: To ensure all approved works are constructed within the subject site.

Vote: 3/0

3.5 DA2019/0616 - 5 BIRDWOOD AVENUE, COLLAROY - REGULARISATION OF THE USE OF AN EXISTING BUILDING AS A SECONDARY DWELLING, CARPARKING AND FRONT FENCE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by objectors, the owner and a representative of the applicant.

The Panel received a supplementary memo from the independent planning consultant

The proposed conversion of the building into a secondary dwelling displaces the capacity for off-street parking into what was previously landscaped front setback. The resulting car parking hardstand area has an unsatisfactory impact on the predominant streetscape, the total landscaped area of the site, and the front set back of the hard stand area and to the street.

The Panel does not concur with the independent planning consultant's assessment report, supplementary memo and recommendation.

STATEMENT OF REASON

The proposal does not satisfy the objectives of the Warringah DCP 2011 in regards to Clause D1 Landscaped Open Space and Bushland Setting and Clause B7 Front Boundary Setbacks.

COMMUNITY CONSULTATION

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

DECISION

THAT Council as the consent authority **refuse** Development Consent to DA2019/0616 for use of existing building as a secondary dwelling, car parking and front fence on land at Lot 3 DP 9667, 5 Birdwood Avenue, Collaroy, for the following reasons:

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D1 Landscaped Open Space and Bushland Setting of the Warringah Development Control Plan.

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause B7 Front Boundary Setbacks of the Warringah Development Control Plan.

Vote: 3/0

3.6 MOD2019/0245 - 2129 PITTWATER ROAD, CHURCH POINT - MODIFICATION OF DEVELOPMENT CONSENT N0549/08 GRANTED FOR CONSTRUCTION OF 10 SELF CONTAINED DWELLINGS UNDER SEPP HSPD AND CONSOLIDATION AND RESUBDIVISION OF THE LAND AT LOTS 51 52 53 DP 709248 AND LOT H DP 415249

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 notes that the removal of Lot H results in reduced setbacks of the buildings and excavation to side and rear boundaries. This results in the development having less physical separation to site boundaries with no commensurate reduction in the built form. It is noted that the excavation at the rear provides for additional deep soil planting however this is off set by the reduction in the deep soil area where the basement is extended to a close proximity of the rear boundary of 2131 Pittwater Road.

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

STATEMENT OF REASON

The proposal does not satisfy the objectives and provisions of the Pittwater 21 DCP as detailed in the Assessment Report.

COMMUNITY CONSULTATION

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

DECISION

THAT Council as the consent authority **refuse** Mod2019/0245 for Modification of Development Consent N0549/08 granted for construction of 10 self contained dwellings under SEPP HSPD and consolidation and resubdivision on land at Lot 51 DP 709248, Lot 52 DP 709248 & Lot 53 DP 709248, 2129 Pittwater Road, Church Point, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

The meeting concluded at 3:08pm

This is the final page of the Minutes comprising 13 pages
numbered 1 to 13 of the Development Determination Panel meeting
held on Wednesday 11 December 2019.