



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

Held in the Walamai Room, Civic Centre, Dee Why

**WEDNESDAY 19 FEBRUARY 2020**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 19 February 2020  
in the Walamai Room, Civic Centre, Dee Why**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Anna Williams	Manager, Development Assessment
Liza Cordoba	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 5 FEBRUARY 2020**

The Minutes of the Development Determination Panel held 5 February 2020, were adopted by all Panel Members and have been posted on the Council's website

### **3.0 DEVELOPMENT DETERMINATION PANEL REPORTS**

#### **3.1 MOD2019/0532 - 7 HIGHVIEW AVENUE, QUEENSCLIFF - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0056 GRANTED FOR 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, the applicant and owner.

The proposal involves extending the first floor to the north from the consent plans.

The impacts on the adjoining site No.11 Highview Ave, lower floor unit, from changes relate to views of the sky significantly above the level of the ocean horizon. At the upper floor unit the loss of views involves district view (building) and a minor section of ocean horizon (views currently unavailable due to the existing building). The views from this unit do not benefit from the ground floor difference between the existing and approved plans.

The upper floor unit at No. 13 Highview Ave will benefit from the consent plans by opening further views to Freshwater Beach and the land water interface of Harbord Headland from the ground floor consent plans. The first floor consent plans provided a slight increase of ocean and horizon. The proposed changes to the first floor will remove the improved ocean horizon and take approximately a marginally larger extent of views that were previously gained. These changes do not affect the land water interface at Harbord Headland or Freshwater Beach.

The majority of the Panel were of the view that the proposed changes resulted in a marginal to moderate loss to lesser valuable views whilst more valuable views (Harbord Headland interface with ocean) are being maintained. In addition case law (which is addressed in the assessment report) defines the test for view assessment indicates that views across side boundaries are harder to defend. Given that the proposed building, which is fully compliant with the height and built form controls, and that the views are over a side boundary the panel is satisfied that the changes are acceptable.

##### **STATEMENT OF REASON**

The proposal satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011.

##### **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 grants Development Consent to Modification Application No. Mod2019/0532 for demolition works and construction of a dwelling house on land at Lot 11 DP 17127, 7 Highview Avenue, Queenscliff, subject to the conditions outlined in the Assessment Report

Vote: 2/1

### **3.2 DA2019/1192 - 118 PRINCE ALFRED PARADE, NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant and architect.

The Panel recognised the variation to the built height, however the view loss was considered negligible with extensive views maintained from surrounding properties and views were maintained from public spaces.

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 grant Development Consent to DA2019/1192 for Alterations and additions to a dwelling house on land at Lot 32 DP 13457, 118 Prince Alfred Parade, Newport, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

### **3.3 DA2019/1321 - 72 PITTWATER ROAD MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **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 Manly LEP 2013 and the Manly DCP 2013 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 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**

THAT Council as the consent authority grant Development Consent to DA2019/1321 for - alterations and additions to a dwelling house on land at Lot 1 DP 745249, 72 Pittwater Road Manly, subject to the conditions outlined in the Assessment Report, subject to the following conditions:

1. The addition of the following condition:

##### **Structural Certificate**

Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Certifying Authority. The certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that the additions are independently supported, unless the consent from all owners of the common party wall is provided. A copy of the Certificate and plans must be provided to the consent authority and all owners of the party wall/s.

Reason: To ensure the support of the adjoining property.

Vote: 3/0

**3.4 MOD2019/0488 - 39 SEABEACH AVE MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA582/16 GRANTED FOR ADDITIONS AND ALTERATIONS TO AN EXISTING RESIDENTIAL FLAT BUILDING**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

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

The Panel were satisfied that the proposal is substantially the same development as approved.

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 and the meeting.

**DECISION**

THAT Council as the consent authority grant Development Consent to MOD2019/0488 for Modification of Development Consent DA582/16 granted for additions and alterations to an existing residential flat building on land at Lot CP SP 3266, 39 Seabeach Ave Mona Vale, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following condition:

**Planter Box**

Planter boxes shall be provided at the request of the individual strata unit owner, to be placed within their balcony to afford privacy from adjoining balconies. The planter box and plants shall have a minimum combined height of 1.6 metres. All strata unit owners must be informed of this condition within 4 weeks of this modification and given 4 weeks to respond. Confirmation of the receipt of this offer and installation of planter boxes must be provided prior to issue of the final Occupation Certificate.

Reason: To ensure privacy where required.

Vote: 3/0

### 3.5 MOD2019/0421 - 31 PONSONBY PARADE, SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT 10.2017.164.1 GRANTED FOR DEMOLITION AND CONSTRUCTION A NEW DWELLING HOUSE

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the owner and two objectors.

The building has been amended to decrease the setback to the western boundary and install a roof over the raised rear deck and increase the height of a privacy screen to the height of the new roof. This contributes to the bulk and scale of the building. In this regard the proposed steel frame awning and privacy screen is to be setback 2550mm from the boundary, to be in line with the external kitchen wall to reduce the bulk and scale of the proposed changes.

In regards to the proposed bin enclosure the Panel does not support the location of a bin enclosure within the Ponsonby Street setback. The bins can be located in the garage or adjacent to the driveway and serviced from Panorama Lane. The location of the proposed bin enclosure should be returned to soft landscaping.

In regards to the proposed landscaping along the western boundary the species should not exceed a max mature height of 6 metres the species being proposed have the potential height and spread to the species approved under the original consent. Given the location, and density of planting species should be substituted that will maintain privacy but not have the potential for excessive growth.

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

#### STATEMENT OF REASON

The proposal as conditioned 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 submissions have been taken into account in the report.

#### DECISION

THAT Council as the consent authority grant Development Consent to MOD2019/0421 for Modification of Development Consent 10.2017.164.1 granted for demolition and construction a new dwelling house on land at Lot 288 DP 4889, 31 Ponsonby Parade, Seaforth, subject to the following:

1. The addition of the following conditions:

**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
A100- Site Plan - Rev C	27.08.2019	Builtform



A103- Basement Plan - Rev D	27.08.2019	Builtform
A-104- Ground Floor Plan - Rev D	27.08.2019	Builtform
A-105- First Floor Plan - Rev B	27.08.2019	Builtform
A116- Bin & Utility Enclosure Detail- Rev A	27.08.2019	Builtform
A117- Front Fence and Gate Plan- Rev A	27.08.2019	Builtform
A118- Landscape Plan- Rev A	27.08.2019	Builtform
A300- North Elevation- Rev B	27.08.2019	Builtform
A301- East Elevation (North)- Rev D	27.08.2019	Builtform
A303- South Elevation- Rev D	27.08.2019	Builtform
A304- West Elevation- Rev D	27.08.2019	Builtform

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

Landscape Plans (subject to condition below)		
Drawing No.	Dated	Prepared By
A118 - Landscape Plan	27.08.2019	Builtform

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

#### **Bin Enclosure**

The proposed bin enclosure is deleted from the consent. Bins shall not be stored within the front setback to Ponsonby Parade. The area is to be replaced with soft landscaping.

Reason: To maintain an appropriate streetscape

#### **Awning & Privacy Screen**

The steel from awning and privacy screen shall be setback a minimum 2.552 metres from the boundary to align with the external wall of the kitchen.

Reason: To maintain reasonable level of amenity between dwellings

#### **Landscape Planting on western boundary**

The plantings along the western boundary to the south of light well (adjoin the raised lawn area) is to be replaced with species with a maximum mature height of 6 metres and a spread of no more than 3 metres and to be planted 1 metres from the boundary. Planter beds in this section of the boundary are not to be raised above natural ground level.

The plantings along the western boundary to the north of the 'existing rhaps' (as identified on the Landscape Plan Drawing A118 Rev A) is to be replaced with species with a maximum mature height of 4 metres and a spread of no more than 2 metres.

The plantings to be installed to replace the bin enclosure on the western boundary are to be a species with a maximum mature height of 2 metres.

The landscape plan is to be amended to show this detail prior to the issue of a Construction Certificate and evidence provided to the Certifier of compliance prior to the final occupation certificate.

Reason: To maintain a reasonable level of amenity between dwellings

Vote: 3/0

### **3.6 DA2019/1179 - 157 VICTOR ROAD, DEE WHY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by objectors, the applicant and owners.

The Panel does not concur with the Officer's assessment report and recommendation.

The proposal relies on significant variations to height, building envelope and wall height which create unacceptable impacts to surrounding properties from view loss, bulk and scale. The building has not been designed to reflect the topography, seeking additional height above the portion of the site where the land significantly falls away which results in unacceptable impacts.

#### **STATEMENT OF REASON**

The proposal does not satisfy the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011.

#### **COMMUNITY CONSULTATION**

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

#### **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 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 not 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 refuse Development Consent to DA2019/1179 for Alterations and additions to a dwelling house on land at Lot A DP 378435, 157 Victor Road, Dee Why, subject to the reasons outlined below:

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 D7 Views of the Warringah Development Control Plan 2011.

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 B1 Wall Heights of the Warringah Development Control Plan 2011.

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 B3 Side Boundary Envelope of the Warringah Development Control Plan 2011.

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 D9 Building Bulk of the Warringah Development Control Plan 2011.

Vote: 3/0

This is the final page of the Minutes comprising 11 pages  
numbered 1 to 11 of the Development Determination Panel meeting  
held on Wednesday 19 February 2020.