

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

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

WEDNESDAY 11 MARCH 2020

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 11 March 2020
in the Walamai Room, Civic Centre, Dee Why**

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Neil Cocks	Manager, Strategic & Place Planning	
Anna Williams	Manager, Development Assessment	Item 3.2
Matthew Edmonds	Manager, Development Assessment	Item 3.1, 3.3 & 3.4

1.0 APOLOGIES AND DECLARATIONS INTEREST

Matthew Edmonds had a Conflict of Interest for Item 3.2. Anna Williams sat in on Item 3.2 so there were no conflicts.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 26 FEBRUARY 2020

The Minutes of the Development Determination Panel held 26 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 DA2019/1363 - 24A HAY STREET, COLLAROY - 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 a representative of the owner.

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

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 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 DA2019/1363 for alterations and additions to a dwelling house on land at Lot 2 DP 1082108, 24A Hay Street, Collaroy, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

3.2 DA2019/1317 - 26 WEST STREET, BALGOWLAH - 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 sought clarification on geotechnical requirements as the site was designated in the G2 rea under Manly DCP and the proposal involved replacing a post which supported the existing building. A Schedule 11 *Checklist for Assessment of Site Conditions in Relation to Geotechnical Report* was submitted by the applicant and the panel were satisfied

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 DA2019/1317 for alterations and additions to a dwelling house on land at Lot 901 DP 546541 26 West Street, Balgowlah, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

3.3 MOD2019/0450 - 15 THYRA ROAD, PALM BEACH - MODIFICATION OF DEVELOPMENT CONSENT N0373/11 GRANTED FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING INCLUDING A NEW CARPORT AND DRIVEWAY

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 Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

COMMUNITY CONSULTATION

There were no submissions received for this application.

DECISION

THAT Council as the consent authority **approve** Mod2019/0450 for Modification of Development Consent N0373/11 granted for alterations and additions to the existing dwelling including a new carport and driveway on land at Lot 15 DP 18612, 15 Thyra Road, Palm Beach, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

3.4 DA2019/1284 - 54 GOLF PARADE, MANLY - CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The applicant submitted a revised Clause 4.6 request for a variation to the Floor Space Ratio to address issues non-compliance with the side setback to the northern boundary.

The Panel were of the opinion the northern setback was a side setback not a rear setback due to the side being a corner lot.

Concerns were raised regarding the impact of flooding on existing dwellings on adjoining properties which would result from fencing that permitted the passage of floodwaters. The condition is to be amended that flood fencing only apply to the street frontages of the subject site, not the common boundaries.

In regards to privacy the conditions proposed were considered satisfactory to achieve a reasonable level of privacy with changes to remove the screen on the northern elevation of the alfresco area due the separation and to the boundary and the proposed landscaping.

Regarding acoustic impacts any pumps associated with the water feature adjoining the northern boundary is to be time restricted.

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 clauses 4.3 Height of Buildings and 4.4 Floor Space Ratio development standards 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 contraventions.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standards 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 DA2019/1284 for Construction of a dwelling house on land at Lot 25 DP 1248867, 54 Golf Parade, Manly, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following conditions:

Survey

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 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)

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.

2. The amendment of the following condition:

9. Flooding

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness – C1

All new development shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness – C2

All new development must be designed and constructed to ensure structural integrity up to the Probable Maximum Flood (5.65m AHD), taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness – C3

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

Flood Emergency Response – E2

Appropriate access to the shelter in place refuge should be available from all areas of the new development.

Floor Levels – F1

New floor levels within the development shall be set at or above the Flood Planning Level of 3.65m AHD.

Floor Levels – F2

The underfloor area of the dwelling below the 1% AEP flood level is to be designed and constructed to allow clear passage of floodwaters. The underfloor perimeter of the dwelling is to have a minimum of 50% open area below the 1% AEP level. Only 50% of the perimeter would be permitted to be solid.

Car parking – G4

Vehicle barriers or restraints are to be installed to a minimum height of the Flood Planning Level to prevent floating vehicles leaving the site.

Car parking – G6

Car ports are to be designed to allow flood waters to pass through and are to have a minimum of 50% open area below the 1% flood level.

Fencing – H1

All fencing (with the exception on common boundary fences with No 52 Golf Parade and No. 1 Balgowlah Rd), balustrading shall be open for passage of floodwaters – All such fencing must be installed with a minimum 50% open area between the Flood Planning Level (3.65AHD) and natural ground level, to allow flood waters to pass through

Recommendations

The development must comply with all recommendations outlined in:

- The Flood Management Report by Zait Engineering Solutions Pty Ltd dated 10/08/2019.

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

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and

NSW Government policy.

3. The amendment of the following condition:

11. Privacy Screen to the rear of the Alfresco

A privacy screen of 1.6 metres in height, with no individual opening more than 30mm wide, and has a total area of all openings that is no more than 30% of the surface area of the screen is to be erected along the eastern elevation of the alfresco area.

Details are to be provided prior to the issue of a Construction Certificate.

Reason: To minimise opportunities for overlooking toward neighbouring living spaces.

4. The amendment of the following condition:

15. Water Feature at Northern Boundary

Any mechanical or electrical pumps to be restricted from operating between 10pm and 6am.

Reason: To protect the amenity of noise impact to the adjoining properties.

Vote: 3/0

The meeting concluded at 12.10pm

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 11 March 2020.