



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held on

WEDNESDAY 13 MAY 2020

Minutes of a Meeting of the Development Determination Panel held on Wednesday 13 May 2020

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Steven Findlay	Manager, Development Assessment	Items 3.2, 3.3, 3.4 & 3.5
Matthew Edmonds	Manager, Development Assessment	Item 3.1
Neil Cocks	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 22 APRIL 2020

The Minutes of the Development Determination Panel held 22 April 2020, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 REV2020/0013 - 87 NARRABEEN PARK PARADE, MONA VALE - REVIEW OF DETERMINATION OF APPLICATION DA2019/0954 FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SECONDARY DWELLING AND SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by a representative of the applicant.

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

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP.

COMMUNITY CONSULTATION

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

DECISION

THAT Council as the consent authority **refuse** Development Consent to REV2020/0013 for Review of Determination of Application DA2019/0954 for alterations and additions to a dwelling house including a secondary dwelling and swimming pool on land at Lot 20 DP 15762, 87 Narrabeen Park Parade, Mona Vale.

Vote: 3/0 - 13 May 2020

3.2 DA2019/1374 - 8 BEVERLEY PLACE, CURL CURL - 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 and a representative of the applicant.

The Panel received a further written submission from an objector to the development and the applicant.

The Panel considered the proposed condition 6 and believed that a more moderate reduction of the awning would achieve a reasonable outcome. An amended condition which sought the reduction in the depth of the awning for the southern portion has been applied.

In regards to damage to adjoining property caused by existing trees on the site, this is a civil matter that cannot be addressed through the Development Application and is under the jurisdiction of the *Trees (Dispute Between Neighbours) Act 2006*.

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

STATEMENT OF REASON

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

COMMUNITY CONSULTATION

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

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 DA2019/1374 for Alterations and additions to a dwelling house on land at Lot 3 DP 532882, 8 Beverley Place, Curl Curl, subject to the conditions outlined in the Assessment Report and supplementary memo, subject to the following:

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

Amendments to the approved plans

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

- The proposed roof over the first floor deck is to be reduced in width to 1.5m from the external wall of the building for the full length of the master bedroom

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.

Vote: 3/0 - 13 May 2020

3.3 DA2019/1457 - 1A RUSSELL STREET, CLONTARF - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by a representative of the applicant.

Due to the site constraints the Panel require a condition for a Construction Management Program and resubmission of a more thorough Waste Management Plan

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2014 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 DA2019/1457 for alterations and additions to an existing dwelling house on land at Lot 15 DP 29355, 1A Russell Street, Clontarf, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The deletion of the following section from Condition 1:

Waste Management Plan		
Drawing No/Title.	Submitted	Prepared By
Waste Management Plan	17 December 2019	17 December 2019

2. The addition of the following conditions:

Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with Council's Waste Management Plan Guidelines. In this regard, the Waste Management Plan submitted with the application was not sufficient and is not approved.

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

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

Construction Management Program

A Construction Management Program shall be prepared which includes the following:

- a) proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council owned or managed land and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed without Owners Consent being granted;
- b) proposed method of loading and unloading, demolition, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- c) location and operation of any on site crane; and details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. Parks and Recreation, and Foreshores business unit shall be notified of the start date of works as soon as possible and within a reasonable time prior to the start of the works.
- d) location of site facilities, stockpiles, machinery and equipment.
- e) measures to minimise noise and dust generation and provision of respite periods for surrounding neighbours.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without

unreasonable inconvenience to the community.

Vote: 3/0 – 13 May 2020

3.4 DA2019/1238 - 26 SEAVIEW AVENUE, CURL CURL - 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 and a representative of the applicant.

The Panel received further written submissions from objectors to the development.

The Panel required further time to consider the proposed development.

DECISION

THAT Council as the consent authority **defer** consideration of DA2019/1238 for alterations and additions to a dwelling house including a swimming pool on land at Lot 16 DP 14366, 26 Seaview Avenue, Curl Curl, for further deliberations by the Panel.

Vote: 3/0 – 13 May 2020

3.5 DA2019/1129 - 39 CABBAGE TREE ROAD, BAYVIEW - CONSTRUCTION OF A REHABILITATION GYM

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 received further written submissions from objectors to the development and the applicant.

The Panel accepted that the front setback was acceptable given the requirements of the DCP for lots which are irregular in shape and have a depth of less than 20 metres.

The Panel confirmed with the applicant that the proposal was for a maximum 30 patrons, not 50 patrons as mentioned in the Statement of Environmental Effects and the Assessment Report, and as such the conditions would need to be amended to reflect this.

The Panel were satisfied that the specific nature of the proposed use, being a rehabilitation gym, which relies on a minibus/van to transport patrons to and from the facility, is appropriate and can be effectively managed on the site.

In regards to indemnifying the golf club from damage to the proposed development, it is incumbent on each land owner to ensure activities do not impact or damage adjoining properties. In this regard, it is the golf clubs responsibility to ensure that golfing activities are contained within their own site.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategic and 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 and the meeting.

DECISION

THAT Council as the consent authority **approve** Development Consent to DA2019/1129 for construction of a rehabilitation gym on land at Lot 2 DP 531960, 39 Cabbage Tree Road, Bayview, subject to the conditions outlined in the Assessment Report, subject to the following:

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

Maximum Number of Patrons

The maximum number of patrons within building must not exceed 30 at any one time.

Reason: To ensure that the development operates in accordance with the approved scale and intensity and that there is adequate car parking to satisfy the operational needs of the development.

Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 7pm and 7am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

Deliveries

No deliveries, loading or unloading associated with the premises are to take place between the hours of 7pm and 7am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties.

2. The addition of the following condition:

Amended Plan of Management

The Plan of Management prepared by Turnbull Planning International Pty Ltd, dated October 2019 is to be amended as follows:

- (a) References to the approved use are to be confined to "Rehabilitation Gym" as opposed to a Recreation Facility (Indoor).
- (b) A maximum of 30 patrons within the building at any one time.
- (c) A maximum of 4 staff within the building at any one time.

A copy of the Amended Plan of Management is to be submitted to Council for records purposes prior to the issue of the Occupation Certificate.

Reason: To ensure the use operates in accordance with the terms of this consent.

Provision of Mini-Bus/Van

The mini-bus/van capable of seating at minimum of 10 persons is to be made available at all times and is to be fully operational for the lifetime of the development.

Reason: To ensure that the development operates in accordance with the terms of this consent and that there is adequate carparking available onsite to satisfy the operational needs of the development.

Maximum Number of Staff

The maximum number of staff within building must not exceed 4 at any one time.

Reason: To ensure that the development operates in accordance with the approved scale and intensity and that there is adequate carparking to satisfy the operational needs of the development.

Installation of Lift and Maintain Building Height

The architectural plans are to be amended to refer to a lift in the eastern corner of the building and the lift is to be so designed to withstand floodwaters and not reduce the flood capacity. The lift is not to exceed the 8.5m maximum height of the building, as approved. Full details are to be included in the plans with the Construction Certificate.

Reason: To ensure compliance with AS1428 and the Disability Discrimination Act and protection of the building.

No Roof Top Plant

No plant, including air-conditioning and ventilation systems are to be installed on the roof of the building.

Reason: To maintain the visual amenity of the area and compliance with the approved building height.

Vote: 3/0 – 15 May 2020

This is the final page of the Minutes comprising 13 pages
numbered 1 to 13 of the Development Determination Panel meeting
held on Wednesday 13 May 2020.