



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held on

WEDNESDAY 22 JULY 2020

Minutes of a Meeting of the Development Determination Panel held on Wednesday 22 July 2020

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Anne-Maree Newbery	Manager, Strategic & Place Planning	
Rod Piggott	Manager, Development Assessment	Item 3.1
Steve Findlay	Manager, Development Assessment	Item 3.2
Matthew Edmonds	Manager, Development Assessment	Item 3.3, 3.4 & 3.5

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 9 JULY 2020

The Minutes of the Development Determination Panel held 9 July 2020, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2020/0612 - 19 SANDY BAY ROAD, CLONTARF - 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 notes that the increase in floor area equates to 12m² and the existing dwelling already has a significant variation to the FSR.

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 4.4 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 **approve** Development Consent to DA2020/0612 for alterations and additions to a dwelling house on land at Lot 173 DP 9999, 19 Sandy Bay Road, Clontarf, subject to the conditions outlined in the Assessment Report.

Voting 3/0 – 22 July 2020

3.2 DA2019/0887 - 2 MACPHERSON STREET, WARRIEWOOD - SUBDIVISION OF LAND INTO 24 COMMUNITY TITLE LOTS COMPRISING 22 RESIDENTIAL LOTS AND 2 RESIDUE LOTS

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicants.

The Panel were concerned regarding the future development facing Macpherson St and proposed a conditions for a positive covenant restricting vehicular access and the location of private open space to be at the rear of the property.

The Panel received a supplementary memo from the Assessing Officer stating that the Notice of Determination contains the correct plan numbers.

The Panel concurs with the Supplementary Memo.

The Panel noted that condition 21 and 22 reference *Occupation Certificate* and these should read *Subdivision Certificate*

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 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

THAT Council as the consent authority **approve** Development Consent to DA2019/0887 for subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots on land at Lot 25 Sec C DP 5464, 2 Macpherson Street, Warriewood, subject to the following:

1. The addition of the following condition:

Restrictions on Lots fronting Macpherson Street

A Restriction is to be placed on the title of each lot fronting Macpherson Street limiting the following:

- a. Front fences above a height of 1.2m are to be articulated with a 50% transparency and are to be constructed in a design, materials and finishes that is consistent across that entire frontage.
- b. Ancillary structures such as swimming pools, paving, decks and outbuildings are to be setback a minimum of 3.0m from the front boundary and suitable landscape planting provided within the front setback area.
- c. No vehicular access is to be obtained from the street frontage.

The above restrictions are to registered on the title of each lot fronting Macpherson Street under S88B of the Conveyancing Act prior to release of the Subdivision Certificate. Council

as the consent authority has the power to vary the terms of the restriction.

Reason: To ensure the lots fronting Macpherson Street are developed in a manner that protects the streetscape, the character of the locality and adequate traffic safety is provided.

2. The amendment of the following conditions:

21. Landscape completion

Landscaping is to be implemented in accordance with drawing numbers L000 Landscape Cover Page issue B; L001 Landscape Plant Schedule; L201 Landscape Plan issue A; L202 Landscape Plan issue B; L900 Landscape Details issue A; and L901 Landscape Maintenance Specification, all prepared by Meriton, inclusive of the following requirements:

- i) all utility services, if any on this side of the road verge, are to be installed under the path and not within the garden area set aside for tree planting,
- ii) all street trees shall be pre-ordered to be delivered to site at the nominated pot size,
- iii) the tree planting of *Tristanopsis laurina* 'Luscious' is to be installed at 200 litre pot size as nominated on the plans, planted at least 500mm from the edge of the path. Any plant species or pot size substitution is not permitted unless approved by Council,
- iv) samples of the tree species shall be delivered to site for inspection and approval by Council,
- v) each tree shall have a tree guard consisting of 4 x 75 x 75 x 2100 posts (at least 600mm into the ground), with 50 x 30 top and mid rail, removed at the end of the landscape maintenance period.

Prior to the issue of a Subdivision 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 plans 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.

21. Condition for prior to Subdivision Certificate - Signage and Linemarking

A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Local Traffic Committee prior to the issue of any Subdivision Certificate. The plan shall also address necessary signage to identify the one-way configuration as well as entry and exit pavement treatments to differentiate between the private and public road reserves.

Note: The applicant is advised that the plan will require approval by the local Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process

Reason: To ensure consistent parking amenity. (DACTRFPOC1)

Voting 3/0 – 28 July 2020

3.3 DA2019/1512 - 140 OCEAN STREET, NARRABEEN - DEMOLITION AND CONSTRUCTION OF MULTI DWELLING HOUSING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicants.

The Panel received a supplementary memo which further addresses SEPP (Coastal Management) 2018.

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

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 DA2019/1512 for demolition and construction of multi dwelling housing on land at Lot 13 DP 606591, 140 Ocean Street, Narrabeen, subject to the conditions outlined in the Assessment Report.

Voting 3/0 – 22 July 2020

3.4 DA2020/0337 - 8 MONASH PARADE, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were not addressed by speakers.

A late submission was received by the Panel regarding privacy from the lower deck and potential damage to a retaining wall. The draft conditions of consent contain pre and post dilapidation reports which is only a record of damage at each stage in case of claims. Any damage to adjoining properties is a civil matter between the parties with the benefit of the dilapidation reports.

Condition 26 needs to clarify that all access to the site is to be restricted to Monash Parade and not from the carpark (public reserve) to the east of the site.

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 DA2020/0337 for demolition works and construction of a dwelling house on land at Lot 1 DP 315635, 8 Monash Parade, Dee Why, subject to the conditions outlined in the Assessment Report, subject to the following:

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

26. No Access through Public Open Space

All site access is to from Monash Parade. No access during demolition or construction works are to occur from the carpark (public reserve) to the east of the site.

Reason: Public safety and preservation of reserve amenity.

Voting 3/0 – 22 July 2020

3.5 DA2020/0382 - 11 WEST STREET, BALGOWLAH - DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MULTI DWELLING DEVELOPMENT (3 DWELLINGS)

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant.

The Panel sought clarification on the cost of works, specifically in regards to the excavation works. This was provided to the panel.

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

A dissenting vote was made in regards to the variation to the density control.

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 4.4 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 **approve** Development Consent to DA2020/0382 for demolition of existing structures and construction of a multi dwelling development (3 dwellings) on land at Lot 1 DP 13808, 11 West Street, Balgowlah, subject to the conditions outlined in the Assessment Report subject to the following:

Amend condition 4 to reflect new cost of works

Vote: 2/1 – 22 July 2020

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 22 July 2020.