



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held on

**WEDNESDAY 12 AUGUST 2020**

## Minutes of a Meeting of the Development Determination Panel held on Wednesday 12 August 2020

### ATTENDANCE:

#### Panel Members

Louise Kerr (Chairperson)	Director, Planning & Place	Item 3.1
Peter Robinson (Chairperson)	Executive Manager Development Assessment	Item 3.2, 3.3, 3.4, 3.5 & 3.6
Anna Williams	Manager, Development Assessment	Item 3.2, 3.3, 3.4, 3.5 & 3.6
Anne-Maree Newbery	Manager, Strategic & Place Planning	Item 3.1
Phil Jemison	Manager, Strategic & Place Planning	All Items

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 23 JULY 2020**

The Minutes of the Development Determination Panel held 23 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 REV2020/0017 - 157 VICTOR ROAD, DEE WHY - REVIEW OF DETERMINATION OF APPLICATION DA2019/1179 ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds. As a result of the site visit, the Panel have requested that height poles be erected to demonstrate the full impact of the upper floor addition. The applicant and objectors have been notified of this.

##### DECISION

THAT Council as the consent authority **defers** Development Consent to REV2020/0017 for Review of Determination of Application DA2019/1179 alterations and additions to a dwelling house on land at Lot A DP 378435, 157 Victor Road, Dee Why, to enable the panel members to review the height poles. Once the height poles have been erected and viewed by the panel the panel will hear from the applicant and objectors and make a determination on the application.

Vote: 3/0

### **3.2 DA2019/1463 - 95 GURNEY CRESCENT, SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel received a late submission by a neighbour who addressed the panel along with the applicant and owners.

A supplementary memo was provided by the assessing officer to address the variation request.

The Balcony on Level 5 has been deleted as notated on the plans, and a condition has been attached to confirm this.

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

#### **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 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 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 DA2019/1463 for alterations and additions to a dwelling house on land at Lot 44 DP 11214, 95 Gurney Crescent, Seaforth, subject to the conditions outlined in the Assessment Report, Supplementary Memo, subject to the following:

1. The addition of the following condition:

**Deletion of Balcony**

The west facing balcony on Level 5 is to be deleted from the application as indicated in notations on the architectural elevations. Plans submitted with the Construction Certificate to be amended to remove the balcony.

Reason: Protect the amenity of adjoining properties.

Vote: 3/0 – determined on 12 August 2020

### **3.3 DA2020/0491 - 3 ALMA STREET, CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

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

#### **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 DA2020/0491 for alterations and additions to a dwelling house on land at Lot 2 DP 535345, 3 Alma Street, Clontarf, subject to the conditions outlined in the Assessment Report.

Vote: 3/0 – determined on 12 August 2020

### 3.4 MOD2020/0141 - 27 BELLEVUE PARADE, NORTH CURL CURL - MODIFICATION OF DEVELOPMENT CONSENT DA2018/1894 GRANTED FOR 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 the applicant.

The modification of consent incorporated the changes in the amended set of plans that were required in condition 2 (incorrectly referenced in the recommendation as 1B). The requirement to delete window W205 and W204 to be treated with obscure glazing has been addressed by the windows becoming highlight windows and this addresses the earlier concern. In this regard condition 2 can be deleted.

The Panel were satisfied that the existing condition 3 of consent sufficiently dealt with any potential separate occupancy concerns and as such the deletion of the wet bar was not warranted. In this regard proposed condition 13A is not supported and existing condition 13 can be deleted.

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

#### 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.

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#### DECISION

THAT Council as the consent authority **approve** MOD2020/0141 for Modification of Development Consent DA2018/1894 granted for demolition works and construction of a dwelling house including a swimming pool on land at Lot 46 DP 10571, 27 Bellevue Parade, North Curl Curl, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The deletion of the following conditions:

**Delete Condition 2 of the consent**  
**Delete proposed Condition 1B**  
**Delete Condition 13 of the consent**  
**Delete proposed Condition 13A**

Vote: 3/0 - determined on 12 August 2020



### **3.5 DA2020/0508 - 122 PITTWATER ROAD, MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

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 DA2020/0508 for alterations and additions to a dwelling house on land at Lot 1 DP 88475, 122 Pittwater Road, Manly, subject to the conditions outlined in the Assessment Report.

Vote: 3/0 – determined on 12 August 2020

### **3.6 DA2020/0092 - 70 LAUDERDALE AVENUE, FAIRLIGHT - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF TWO (2) SEMI-DETACHED DWELLINGS AND TORRENS TITLE SUBDIVISION OF ONE LOT INTO TWO**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by the applicant.

The Panel received a Supplementary Memos regarding view loss, landscaping and privacy which addressed late submissions.

The Panel were satisfied that the development was appropriate in term of view sharing, however noted that the wall height on the southern elevation was non-compliant crated from a parapet wall. In this regard a condition has been proposed to reduce the height of the parapet wall to address view loss.

To satisfy concerns that the privacy screens may be moveable, the condition has been amended to ensure the angles and locations of the louvres are fixed.

In relation to landscaping, the condition has been amended to amend the proposed species that will not exceed 3 metres in height.

The Panel noted a duplication of conditions regarding obtaining a Sydney Water Section 73 Certificate. Condition 28 can be deleted and condition 25 to require submission prior to the Occupation Certificate or Subdivision Certificate, whichever comes first.

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 2013 and the Manly DCP 2013 subject to conditions.

#### **COMMUNITY CONSULTATION**

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

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#### **DECISION**

THAT Council as the consent authority **approve** Development Consent to DA2020/0092 for demolition of existing structures, construction of two (2) semi-detached dwellings and Torrens Title Subdivision of one lot into two on land at Lot 1 DP 965132, 70 Lauderdale Avenue, Fairlight, subject to the conditions outlined in the Assessment Report, subject to the following:

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

##### **Landscape works completion**

Landscape works are to be implemented in accordance with the Landscape Plan labelled sheet 1 of 2 and sheet 2 of 2, prepared by Woodside Plants & Design, issue E, inclusive of the following requirement:

- i) 1 x street tree (Banksia or Bottlebrush species or similar) shall be planted at 75 litre container size, located centrally within the road verge between the two driveways, within a prepared planting hole 1m x 1m x and at least 700mm depth, backfilled with sandy loam soil mix, and finished with a mulch layer and 3 post tree guard and hessian wrap,

- ii) 1 x native tree shall be planted along the western boundary within the frontage, as selected from Northern Beaches Council's Tree Guide, to achieve a mature height of less than 3 metres (Banksia or Bottlebrush species or similar), and shall be planted at 75 litre container size,
- iii) all tree planting within the site shall be planted at 75 litre container size, located within natural ground areas of substantial area (minimum 12 sqm) for each tree, located away from common boundaries, planted at least 4-5 metres from buildings, and at least 4 metres from all other trees, and shall be positioned in locations to minimise significant impacts on neighbours (by spacing) in terms of blocking winter sunlight, or where the proposed tree locations may otherwise be positioned to minimise any significant loss of views. Tree selection should be approximate to the height of the subject building or less at maturity.

For suggested alternative species selection by the Certifying Authority refer to Blues Bros Arboriculture advice and recommendations, dated 5 June 2020.

Prior to the issue of an Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the satisfaction of the Certifying Authority, certifying that the landscape works have been completed in accordance with the Landscape Plan and any conditions of consent.

Reason: to ensure that the landscape treatments are installed to provide landscape amenity and soften the built form.

### **Privacy Screens**

Privacy screens are to be fitted generally consistent with the approved plans. The angle and position of the louvres (blades) are to be fixed to provide a suitable viewing angle for privacy (to limit / screen overlooking or open line of sight) between adjacent dwellings at No.72 Lauderdale Avenue and No.68 Lauderdale Avenue.

Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

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

### **Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate or Subdivision Certificate, whichever comes first.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

2. The deletion of the following condition:

**Delete Condition 28**

3. The addition of the following condition to read as follows:

**Height of building**

The maximum height of the building along the southern parapet edge and roof area for the living rooms and adjacent terraces of proposed dwelling 70A and 70B is to be reduced to RL43.50 in order to improve view impacts from dwellings overlooking the site in Rosedale Avenue.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: View sharing.

Vote: 3/0 - determined on 18 August 2020

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This is the final page of the Minutes comprising 12 pages  
numbered 1 to 12 of the Development Determination Panel meeting  
held on Wednesday 12 August 2020.