



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held on

**WEDNESDAY 9 SEPTEMBER 2020**

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 9 September 2020**

### **ATTENDANCE:**

#### **Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Neil Cocks	Manager, Strategic & Place Planning	
Steven Findlay	Manager, Development Assessment	Item 3.1
Rod Piggott	Manager, Development Assessment	Item 3.2, 3.3, 3.4, 3.5, 3.6

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 7 SEPTEMBER 2020**

The Minutes of the Development Determination Panel held 26 August 2020, were adopted by all Panel Members and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2019/1447 - 27 ALAN AVENUE, SEAFORTH - DEMOLITION WORKS, TORRENS TITLE SUBDIVISION OF 1 LOT INTO 2 LOTS AND CONSTRUCTION OF A DWELLING HOUSE AND SWIMMING POOL AND FENCING ON EACH LOT

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The Panel deferred the determination for further consideration of the proposal.

##### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

##### DECISION

THAT Council as the consent authority **defers** Development Consent to DA2019/1447 for demolition works, Torrens title subdivision of 1 lot into 2 lots and construction of a dwelling house and swimming pool and fencing on each lot on land at Lot 81 DP 4889, 27 Alan Avenue, Seaforth, for further time for the panel to consider the application.

### 3.2 DA2020/0534 - 5 DUNEBA PLACE, FRECNCHS FOREST - 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 not addressed by any speakers.

The Panel concurred with the Officer's assessment report and recommendation with the addition of a condition for managing noise from the pool filter.

#### 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 DA2020/0534 for alterations and additions to a dwelling house including a swimming pool on land at Lot 5 DP 230828, 5 Duneba Place, Frenchs Forest, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following condition:

##### **Acoustic Treatment of Pool Filter**

The pool filter is to be enclosed within a housing and acoustically treated so that it does not emit any noise louder than 5dB(A) above background noise at the nearest residential receiver. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

Vote: 3/0 – 9 September 2020

### 3.3 DA2020/0586 - 4 LAURA STREET, SEAFORTH - 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 the applicant.

The Panel concurred with the Officer's assessment report and recommendation with an amended condition to increase the height of the frosted balustrade to reduce unreasonable impacts on adjoining properties.

#### 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.

#### DECISION

THAT Council as the consent authority **approve** Development Consent to DA2020/0586 for alterations and additions to a dwelling house on land at Lot 4 DP 249261, 4 Laura Street, Seaforth, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following condition:

##### **Amendments to the approved plans**

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

- The glass portion of the balustrade is to be frosted and a minimum height above floor level of 1200mm.

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 – 9 September 2020

### 3.4 MOD2020/0298 - 48 LINDLEY AVENUE, NARRABEEN - MODIFICATION OF DEVELOPMENT CONSENT DA2019/1161 GRANTED FOR 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, the owner and applicant.

The Panel accepted the lower ground deck could be constructed with a greater setback to the western boundary and provide a privacy screen to overcome issues with privacy.

The Panel included additional conditions to address concerns of overland stormwater and tree protection during excavation for the driveway piers.

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 and the meeting.

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#### DECISION

THAT Council as the consent authority **approve** Mod2020/0298 for Modification of Development Consent DA2019/1161 granted for alterations and additions to a dwelling house on land at Lot 2 DP 502501, 48 Lindley Avenue, Narrabeen, subject to the conditions outlined in the Assessment Report and Supplementary Memo, subject to the following:

1. The amendment of the following conditions:

##### 6. Amendments to the Approved Plans

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

- Lower Ground floor deck is to be setback 5.5 metres from western boundary with a 1.65 privacy screen to be installed along the western edge of the deck. Existing deck to be removed within this setback.
- 2 shrubs/small trees of 25 litre stock size, with a minimum mature height of 3 metres, to be planted at the north western corner of the lower ground floor deck to provide visual screening for the adjoining dwelling.
- The privacy screens located on the eastern and western elevations on the top floor, ground floor and lower ground floor balconies/decks are to be amended to reflect a maximum spacing of 20mm between the privacy screen slats.

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.

##### 17. Tree Protection

- (a) All trees not indicated for removal on the approved plans and trees located on



adjoining properties are to be retained, unless exempt under relevant planning instruments.

(b) Tree protection

- i) No tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 25mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with the Arboricultural Impact Appraisal dated October 2019 prepared by Naturally Trees as well as a Tree Impact Statement by Naturally Trees dated 3 July 2020 and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees.
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

**18. Project Arborist**

A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works. The Project Arborist is to oversee all: tree protection measures, removals hold point inspections and works adjacent to protected trees as outlined in the Arboricultural Impact Appraisal dated October 2019 prepared by Naturally Trees, Tree Impact Statement by Naturally Trees dated 3 July 2020 and AS4970-2009 Protection of trees on development sites.

The Project Arborist is to be on site during the excavation for the concrete pier to support the driveway, until such time that they are satisfied that the excavation will not have a detrimental impact on the tree. Written certification, including photos, by the Project Arborist is to be presented to the Certifier within 2 days of the excavation works being commenced.

The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent. Written confirmation is to be provided to the Certifier prior to the Occupation Certificate.

Reason: To ensure protection of vegetation proposed for retention on the site.

2. The addition of the following condition:

**Overland Stormwater**

Works within the eastern side setback, including the replacement, and construction of new stairs, are not to change the drainage patterns or divert overland stormwater flows onto the adjoining property. A suitably qualified hydraulic engineer is to provide written evidence to the Certifier prior to the Occupation Certificate.

Reason: Protection of adjoining properties from damage.

Vote: 3/0 - 10 September 2020

### **3.5 DA2020/0525 - 12 NOLAN PLACE, BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND A NEW SWIMMING POOL**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by representatives of the applicant and 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 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 4.4 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 DA2020/0525 for alterations and additions to a dwelling house and a new swimming pool on land at Lot 26 Sec 28 DP 758044, 12 Nolan Place, Balgowlah Heights, subject to the conditions outlined in the Assessment Report.

Vote: 3/0 – 9 September 2020

### **3.6 DA2020/0096 - 26 RALSTON ROAD, PALM BEACH - DEMOLITION OF A DWELLING HOUSE AND CONSTRUCTION OF TWO DWELLING HOUSES**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by two objectors and the applicant.

The Panel were satisfied that there was sufficient separation between the roof terraces, pool terrace and adjoining properties to provide appropriate levels of privacy. In addition, the Panel noted the condition for landscape planter box extensions on the pool terrace. In this regard the condition has been supplemented to ensure landscaping is maintained.

Further conditions have been applied to the roof terraces to restrict structures and lighting.

The roof parapet on Lot 5 has been conditioned to be reduced in height to reduce the impact of view loss.

Conditions have also been included to provide noise attenuation for the pool filters.

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

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#### **Decision**

THAT Council as the consent authority approve Development Consent to DA2020/0096 for demolition of a dwelling house and construction of two dwelling houses on land at Lot 4 & 5 Sec 10 DP 14048, 26 Ralston Road, Palm Beach, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following conditions:

##### **18. Roof Parapet**

The proposed roof parapet at the western elevation of Lot 4 is to be deleted. The maximum height of the western wall/elevation is to be RL106.25.

The proposed roof parapet to the east of the roof terrace of Lot 5 is to be reduced in height by 450mm.

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

Reason: To reduce the bulk and visual impact of the dwelling at the western elevation.

##### **20. Pool Terrace Planter**

The planter box to the Lot 4 Pool Terrace is to extend along the western elevation of the terrace. The extension of the planter box is to have a minimum width and height of 1000mm and is to contain plantings with a minimum height of 400mm. The plantings to be maintained for the life of the development.

Details including species, mature height, planting, pot size and spacing to provide continuous screening are to be submitted to Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain visual privacy between the subject site and No. 28 Ralston Road.

2. The addition of the following conditions:

**Roof terraces**

All lighting on the roof terraces is to be low voltage and not to be located above balustrade height.

No fixtures or temporary structures, such as shade structures, umbrellas etc or other items with a height greater than 1200mm are to remain on the roof terraces.

Reason: To reduce the bulk and visual impact of the dwelling

**Acoustic Treatment of Pool Filter**

The pool filter is to be enclosed within a housing and acoustically treated so that it does not emit any noise louder than 5dB(A) above background noise at the nearest residential receiver. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure the acoustic amenity of the neighbouring residents.

Vote: 3/0 – 9 September 2020

This is the final page of the Minutes comprising 12 pages  
numbered 1 to 12 of the Development Determination Panel meeting  
held on Wednesday 9 September 2020.