



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held on

**WEDNESDAY 25 NOVEMBER 2020**

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 25 November 2020**

### **ATTENDANCE:**

#### **Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Steven Findlay	Manager, Development Assessment	Item 3.1
Anna Williams	Manager, Development Assessment	Item 3.2, 3.3, 3.4, 3.5 & 3.6
Anne-Maree Newbery	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 11 NOVEMBER 2020**

The Minutes of the Development Determination Panel held 11 November 2020, were adopted by all Panel Members and have been posted on the Council's website

### **3.0 DEVELOPMENT DETERMINATION PANEL REPORTS**

#### **3.1 DA2020/0778 - SANDY BAY ROAD (CLONTARF MARINA), CLONTARF - CHANGE OF USE FROM KIOSK TO CAFE**

##### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by representatives of the applicant.

The Panel has deferred this item for further consideration.

##### **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. The limited number of patrons to 20 and the restricted opening hours were conditions on accepting the proposal as ancillary development.

##### **COMMUNITY CONSULTATION**

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

##### **DECISION ON DEVELOPMENT APPLICATION**

THAT Council as the consent authority **defers** Development Consent to DA2020/0778 for change of use from kiosk to cafe on land at Lot 1 DP 1240961, Sandy Bay Road (Clontarf Marina), Clontarf, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

### **3.2 DA2020/1169 - 10 CAPUA PLACE, AVALON BEACH - 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 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 ON EXCEPTIONS TO DEVELOPMENT STANDARDS**

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 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 ON DEVELOPMENT APPLICATION**

THAT Council as the consent authority **approve** Development Consent to DA2020/1169 for alterations and additions to a dwelling house on land at Lot 1 DP 528345, 10 Capua Place, Avalon Beach, subject to the conditions outlined in the Assessment Report.

Vote: 3/0 – determined on 25 November 2020

### **3.3 MOD2020/0461 - 3 MOORE STREET, CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA115/2016 GRANTED FOR 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.

#### **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 ON DEVELOPMENT APPLICATION**

THAT Council as the consent authority **approve** Mod2020/0461 for Modification of Development Consent DA115/2016 granted for alterations and additions to a dwelling house including a swimming pool on land at Lot B DP 418578, 3 Moore Street, Clontarf, subject to the conditions outlined in the Assessment Report.

Vote: 3/0 – determined on 25 November 2020

**3.4 REV2020/0024 - 15 COUSINS ROAD, BEACON HILL, REVIEW OF DETERMINATION OF APPLICATION DA2020/0376 GRANTED FOR 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 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 ON DEVELOPMENT APPLICATION**

THAT Council as the consent authority **approve** REV2020/0024 for Review of Determination of Application DA2020/0376 granted for alterations and additions to a dwelling house on land at Lot 5 DP 234723, 15 Cousins Road, Beacon Hill, subject to the conditions outlined in the Assessment Report.

Vote: 3/0 – determined on 25 November 2020

### **3.5 DA2020/0702 - 9 STEINTON STREET, MANLY - ALTERATIONS AND ADDITIONS TO AN ATTACHED DWELLING**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel were addressed by an objectors, the applicant and owners.

The Panel were concerned with the impact that the extension of a first floor bedroom into the side setback, combined with a non-compliant floor space ratio would have on the amenity of the adjoining property. In this regard the setback a condition has been applied for a minimum 700mm setback from the boundary for the area that extends beyond the ground floor footprint.

A condition regarding the structural use of the common party wall has also been applied.

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

#### **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 4.4 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 ON DEVELOPMENT APPLICATION**

THAT Council as the consent authority **approve** Development Consent to DA2020/0702 for alterations and additions to an attached dwelling on land at Lot 102 DP 586416, 9 Steinton Street, Manly, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The addition of the following conditions:

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

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



- The suspended portion of the eastern wall of Bed 1 that does not directly adjoin the party wall of the adjoining terrace is to be setback a minimum of 700mm from the side boundary with No. 7 Steinton Street, Manly.

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.

**Party Wall for lateral or vertical support**

Prior to the issue of a Construction Certificate, Architectural Plans accompanied by a Structural Certificate must be provided to the Certifying Authority. The certificate must verify that the architectural plans that are the subject of the Construction Certificate application do not rely on the Party Wall for lateral or vertical support and that the additions are independently supported, unless consent is obtained from the all owners of the party wall and a structure engineer's certification has been provided. A copy of the certificate and plans must be provided to the consent authority and all owners of the party wall/s.

Reason: To ensure the support of the adjoining property.

Vote: 3/0 – determined on 25 November 2020

### **3.6 DA2020/0960 - 47 PACIFIC ROAD, PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF 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 proposal involved a minor variation, of 200mm, to the height of the building, located at the eastern end of the roof structure.

The Panel were of the opinion that a compliant development to the height would have little benefit towards the retention of significant views. The impact on views of the land water interface are created from the compliant components of the proposed works. In this regard the Panel accepts the view sharing analysis contained in the assessment report.

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.

#### **DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS**

A. The Panel is satisfied that:

- 1) the applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 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 ON DEVELOPMENT APPLICATION**

THAT Council as the consent authority **approve** Development Consent to DA2020/0960 for demolition works and construction of a dwelling house on land at Lot 341 DP 16362, 47 Pacific Road, Palm Beach, subject to the conditions outlined in the Assessment Report.

Vote: 3/0 – determined on 25 November 2020

This is the final page of the Minutes comprising 11 pages  
numbered 1 to 11 of the Development Determination Panel meeting  
held on Wednesday 25 November 2020.