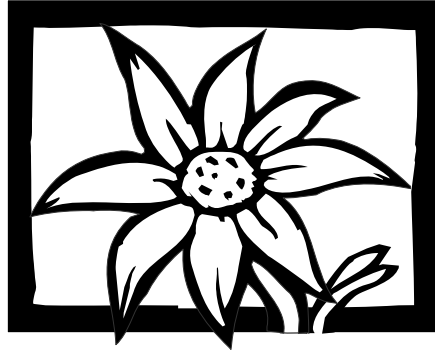




Warringah Council

**Minutes of
Application Determination
Panel Meeting
held on Thursday**

4 November 2010

Time: 11.30am
Location: Office of Director,
Planning and Development Services

ATTENDANCE:

Panel Member

Gayle Sloan, Chairperson, Director of Community & Environment Services

Malcolm Ryan, Director Strategy and Development Services

David Kerr, Manager Strategic Planning, Strategy and Development Services

Advisors

Peter Robinson, Manager, Development Assessments, (SDS)

Lashta Haidari, Acting Team Leader, Development Assessments (SDS)

Phil Lane, Senior Development Assessment Officer, (SDS)

Alex McDougall – Development Assessment Officer (SDA)

Minute Secretary

Teresa Fazzolari, Administration Officer (PDS)



Application Determination Panel

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1 CONFIRMATION OF MINUTES

DECISION OF APPLICATION DETERMINATION PANEL

That the Minutes of the Application Determination Panel Meeting held on 21 October 200, are true and accurate record of that meeting and have been signed off by Gayle Sloan as Chairperson of that meeting.

2 DECLARATION OF PECUNIARY INTEREST

Nil

3 DEVELOPMENT APPLICATIONS

3.1	8 Coastview Place Freshwater – Alterations and Additions to a Residential flat building and change of use to a Dwelling House with Attached Granny Flat
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DA2010/1191

Proceedings in Brief

The Panel concurred with the assessment report and the recommendation for approval.

DECISION OF APPLICATION DETERMINATION PANEL

That the recommendation of the Development Assessment Officer for approval be adopted.

3.2	4 -6 Niangala Close, Belrose – Modification of Consent No. DA2001/1615 to modify Condition No. 39 and delete Condition Nos. 41A and 41B
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DA2010/0178

Proceedings in Brief

The Panel concurred with the assessment report and the recommendation for approval.

DECISION OF APPLICATION DETERMINATION PANEL

That the recommendation of the Development Assessment Officer for approval be adopted.

3.3	61 Lincoln Avenue, Collaroy – Alterations and Additions to a Dwelling House and Use of Premises as a Secondary Dwelling (Affordable Rental Housing) 2009
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DA2010/1325

Proceedings in Brief

The Panel resolved to add a Deferred Commencement Condition requiring more accurate plans to be submitted as the current plans were not sufficient in detail. The Panel require the following Deferred Commencement Condition is to be included in the conditions of consent.

“Deferred Commencement Condition:

1. Plans

Plans (floor plans, elevations and sections) that clearly and accurately identify and distinguish the areas of the existing dwelling and secondary dwelling including the proposed works on each level of the building.

Reason: *To clearly identify each use and level within the building.*

Evidence required to satisfy these conditions must be submitted to Council within three (3) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:”

DECISION OF APPLICATION DETERMINATION PANEL

That Development Application No. DA2010/1325 for alterations and additions to the Dwelling House including the secondary dwelling (granny flat) on land at Lot 52 in DP 242932, No. 61 Lincoln Avenue, Collaroy be approved as a Deferred Commencement Consent as following:

DEFERRED COMMENCEMENT CONSENT

1. Plans

Plans (floor plans, elevations and sections) that clearly and accurately identify and distinguish the areas of the existing dwelling and secondary dwelling including the proposed works on each level of the building.

Reason: *To clearly identify each use and level within the building.*

Evidence required to satisfy these conditions must be submitted to Council within three (3) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

Upon satisfaction of the deferred commencement condition, the following conditions apply:”

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

2. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA001	Nov. 08	Daniel Palamara
DA02	Nov. 08	Daniel Palamara
DA01	Nov. 08	Daniel Palamara
DA03	Nov. 08	Daniel Palamara
Plans submitted and stamped to satisfy Condition No.1		

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

3. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Energy Australia	Response Energy Aust Referral	6 September 2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

4. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement. (DACPLB09)

5. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB (A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Building Certificate for Unauthorised Works

An application for a Building Certificate is to be lodged and approved for all unauthorised works onsite.

Reason: To regularise unauthorised development.

7. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

8. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

9. Strata Subdivision

The main residence (principal dwelling) and granny flat (secondary dwelling) are to remain on the same title of land. No strata, community or company title(s) may be entered into for the property known as Lot 52, DP 242932, No. 61 Lincoln Avenue, Collaroy.

Reason: To ensure compliance with WLEP 2000 – E1 Dee Why North (Housing Density)

3.4	Lot 1 Veterans Parade, Wheeler Heights – Section 96 (AA) – Construction of Self-Care Units as an Extension of the Existing RSL War Veterans Retirement Village
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Mod2010/0180

Proceedings in Brief

The Panel concurred with the assessment report and the recommendation for approval with the following amendments:-

1. The new condition No. 7 to surrender the previous Modification to be deleted as a modification cannot be surrendered.
2. Condition No. 6 to be deleted as this condition is already approved as No. 6A in the previous modification.
3. Condition No. 6A to be renumbered to No.6B as 6A already approved in previous modification.

Accordingly Modification No.5 to read as follows:-

A. Modify Condition No.1 to read as follows:-

No. 1 - Approved Plans

The development being carried out in accordance with development application DA6000/6478 plans numbered as seen below:

Drawing No.	Drawing Title	Revision Date	Date
Architecturals: Prepared by Cox Richardson Architects			
94072 DA-01 Rev A	Master plan	-	March 1998
94072 DA-02 Rev B	Site Plan	-	March 1998
94072 DA-03	Site Sections	-	March 1998
94072 DA-04	Units	-	March 1998
94072 DA-05	Community Club	-	March 1998

Except as modified by Modification 2 Reference 6000/6478/2 approved by Council on 5 October 2006 in accordance with the following drawing numbers:

Drawing No.	Drawing Title	Revision No.	Date
Architecturals: Prepared by Humel Architects			
100	Stage 1 Masterplan	-	December 2005
101 Rev G	Stage 1: Site Plan	08/02/2006	February 2006
102 Rev G	Stage 1: Ground Floor Plan	08/02/2006	February 2006
103 Rev G	Stage 1: First Floor Plan	08/02/2006	February 2006
104 Rev G	Stage 1: Building elevations & site sections 1 & 2	08/02/2006	February 2006
105 Rev G	Typical detail plans of units, garbage areas, clothes line pavilion and gazebo	08/02/2006	February 2006
106 Rev G	Typical floor plan & Roof plan & Elevations units blocks: A; B; D; E; F; G & H	08/02/2006	February 2006
107 Rev G	Typical floor plan & Roof plan & Elevations units blocks: C	08/02/2006	February 2006

And as modified by Modification 3 Reference 6000/6478/3 approved by Council on 27 May 2007 in accordance with the following drawing numbers:

Plan Number / Title	Dated
PSL3391A/LA/CD-000 (Issue A) "Cover Sheet"	Oct 06
PSL3391A/LA/CD-001 (Issue A) "GA Materials and Finishes Plan – Community Building"	Oct 06
PSL3391A/LA/CD-005 (Issue A) "Planting Layout Plan – Community Building"	Oct 06
PSL3391A/LA/CD-009 (Issue A) "Landscape Hardworks Details"	Oct 06
PSL3391A/LA/CD-010 (Issue A) "Softworks Details and Plant Schedule"	Oct 06
2003.10-101 (Rev A) "Stage 1A – Site Plan Community Building"	20-10-06
2006.50-103 (Rev B) "Ground Floor Plan Community Building"	31-10-06
2006.50-106 (Rev CC) "Stage 1A – Community Building Elevations & Sections"	1-02-2007

And as further modified by the plans listed below that were submitted with the Section 96 application no Mod2010/0180, and endorsed with Council's approval stamp, but only in so far as the plans reflect the changes outlined in the Statement of Environmental Effects dated July 2010 prepared by Ingham Planning Pty Ltd;

Drawing Number	Rev	Dated	Prepared By
DA0 – DA20	S96AA	July 2010	Humel Architect Pty Ltd

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Modify condition No.26 to read as follows:-

No.26 - Accessible Entry

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the Schedule 3 (Standards concerning accessibility and useability for self-contained dwellings) of the State Environmental Planning Policy (Housing for seniors or people with Disability 2004).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.

C. The addition of Additional Conditions No.1A and No. 6B as follows:

1A. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
NSW Office of Water	Response NSW office of Water Referral	29/09/2010
NSW Rural Fire Services	Response NSW RFS Referral	8/09/2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies.

6B. Flooding

(i) Habitable Rooms

No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the flood planning level.

(ii) Fencing

All fencing shall be designed and constructed from flood compatible materials (as defined by the New South Wales Floodplain Development Manual) and withstand the hydraulic forces of the floodwater. Any fencing must not impede the existing flood regime and allow passage of flood waters and not result in an adverse flood impact to surrounding properties for events up to and including the 1% ARI (i.e. open style fence),

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

Reason: *To protect the building from flooding in accordance with Council and NSW Government policy.*

DECISION OF APPLICATION DETERMINATION PANEL

That the Section 96 (AA) Application No. DA2010/0180 to modify Development Consent No. 6000/6478 granted by the Land and Environment Court for the construction 130 x 2 bedroom self-care units as an extension of the existing RSL War Veterans Retirement Village at Lot 1, DP 774980, Lot 1, DP 803645, Lot 2026, DP 752038, Lot 2611, DP 752038, Lot 573, DP 752038, and Lot 2641, DP 752038, Lot 1 Veterans Parade, Wheeler Heights be approved and the consent be modified in the following manner:

A. Modify Condition No.1 to read as follows:-**No. 1 - Approved Plans**

The development being carried out in accordance with development application DA6000/6478 plans numbered as seen below:

Drawing No.	Drawing Title	Revision Date	Date
Architecturals: Prepared by Cox Richardson Architects			
94072 DA-01 Rev A	Master plan	-	March 1998
94072 DA-02 Rev B	Site Plan	-	March 1998
94072 DA-03	Site Sections	-	March 1998
94072 DA-04	Units	-	March 1998
94072 DA-05	Community Club	-	March 1998

Except as modified by Modification 2 Reference 6000/6478/2 approved by Council on 5 October 2006 in accordance with the following drawing numbers:

Drawing No.	Drawing Title	Revision No.	Date
Architecturals: Prepared by Humel Architects			
100	Stage 1 Masterplan	-	December 2005
101 Rev G	Stage 1: Site Plan	08/02/2006	February 2006
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105 Rev G	Typical detail plans of units, garbage areas, clothes line pavilion and gazebo	08/02/2006	February 2006
106 Rev G	Typical floor plan & Roof plan & Elevations units blocks: A; B; D; E; F; G & H	08/02/2006	February 2006
107 Rev G	Typical floor plan & Roof plan & Elevations units blocks: C	08/02/2006	February 2006

And as modified by Modification 3 Reference 6000/6478/3 approved by Council on 27 May 2007 in accordance with the following drawing numbers:

Plan Number / Title	Dated
PSL3391A/LA/CD-000 (Issue A) "Cover Sheet"	Oct 06
PSL3391A/LA/CD-001 (Issue A) "GA Materials and Finishes Plan – Community Building"	Oct 06
PSL3391A/LA/CD-005 (Issue A) "Planting Layout Plan – Community Building"	Oct 06
PSL3391A/LA/CD-009 (Issue A) "Landscape Hardworks Details"	Oct 06
PSL3391A/LA/CD-010 (Issue A) "Softworks Details and Plant Schedule"	Oct 06
2003.10-101 (Rev A) "Stage 1A – Site Plan Community Building"	20-10-06
2006.50-103 (Rev B) "Ground Floor Plan Community Building"	31-10-06
2006.50-106 (Rev CC) "Stage 1A – Community Building Elevations & Sections"	1-02-2007

And as further modified by the plans listed below that were submitted with the Section 96 application no Mod2010/0180, and endorsed with Council's approval stamp, but only in so far as the plans reflect the changes outlined in the Statement of Environmental Effects dated July 2010 prepared by Ingham Planning Pty Ltd;

Drawing Number	Rev	Dated	Prepared By
DA0 – DA20	S96AA	July 2010	Humel Architect Pty Ltd

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Modify condition No.26 to read as follows:-

No.26 - Accessible Entry

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the Schedule 3 (Standards concerning accessibility and useability for self-contained dwellings) of the State Environmental Planning Policy (Housing for seniors or people with Disability 2004).

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure statutory requirements have been completed, public safety and equitable access for seniors of people with a disability.

C. The addition of Additional Conditions No.1A and No. 6B as follows:

1A. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
NSW Office of Water	Response NSW office of Water Referral	29/09/2010
NSW Rural Fire Services	Response NSW RFS Referral	8/09/2010

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies.

6B. Flooding

(i) Habitable Rooms

No approval is granted by this development consent for habitable rooms (as defined by the New South Wales Floodplain Development Manual) to be located under the flood planning level.

(ii) Fencing

All fencing shall be designed and constructed from flood compatible materials (as defined by the New South Wales Floodplain Development Manual) and withstand the hydraulic forces of the floodwater. Any fencing must not impede the existing flood regime and allow passage of flood waters and not result in an adverse flood impact to surrounding properties for events up to and including the 1% ARI (i.e. open style fence),

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

Reason: *To protect the building from flooding in accordance with Council and NSW Government policy.*

Meeting Concluded 12.05pm



Gayle Sloan
Director Community & Environment Services
Chairperson