



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via Microsoft Teams on

WEDNESDAY 14 APRIL 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 14 April 2021 via Microsoft Teams

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Anna Williams	Manager, Development Assessment	Items 3.3, 3.4, 3.5 & 3.7
Phil Lane	Acting Manager, Development Assessment	Item 3.6
Lashta Haidari	Acting Manager, Development Assessment	Items 3.1 & 3.2
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 24 MARCH 2021

The Minutes of the Development Determination Panel held 24 March 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2020/1501 - 38 UNDERCLIFF ROAD FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SECONDARY DWELLING AND SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by representatives of the applicant.

The Panel has deferred a decision on the application to receive amended plans which increase the landscaped setback to Moore Lane, increases the setback of the garage to provide clearer line of sight for vehicle leaving the garage, and remove the roof structure over the deck.

DECISION ON APPLICATION

THAT Council, as the consent authority, **defers** Development Consent to DA2020/1501 for demolition works and construction of a dwelling house including secondary dwelling and swimming pool on land at Lot 22 DP 5118, 38 Undercliff Road, Freshwater, for receipt of amended plans.

Vote: 3/0

3.2 DA2020/1477 - 53 CASTLE CIRCUIT SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered 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

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 DCP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and 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 APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2020/1477 for Alterations and additions to a dwelling house on land at Lot 17 DP 200638, 53 Castle Circuit, Seaforth, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

3.3 MOD2020/0605 - 5 EDGECLIFFE BOULEVARDE COLLAROY PLATEAU - MODIFICATION OF DEVELOPMENT CONSENT DA2018/1373 FOR DEMOLITION WORKS, CONSTRUCTION OF A NEW DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel received supplementary memos from the assessing officer.

The Panel was addressed by the applicant.

The panel were informed that the roof terrace was for access to the planter boxes on the roof and not for entertainment and the balustrade could not be fixed to the surface of the slab without impacting on the structural or waterproofing integrity of the concrete slab.

The Panel would not accept that the roof area requires a balustrade for maintenance and that installing a balustrade would result in privacy issues impacts to the adjoining property. The proposed balustrading is not supported and a condition has been applied. The roof area may be accessed for maintenance utilising other safety procedures such as a harness and anchor.

The panel were also concerned with the acoustic privacy created from the air conditioning unit directly opposite the bedroom window. In this regard the condenser unit is to be relocated to the western end of the planter box.

In regards to the privacy to the lower levels of No. 5 Edgecliffe, the panel concurred that the vertical louvres and columns should extend a maximum 1600mm from the existing building and that the angle of the louvres be 15 deg from north point to allow retention of views from the adjoining property to the south.

The land has been modified along the southern boundary on both side of the boundary, including pathways, planter boxes and gardens. Taking into account privacy and views, and lack of detail provided in the application a condition has been proposed to ensure the fence is located within No. 5 Edgecliffe, as no owners consent has been given for from the adjoining property, and that the maximum RL's of the height are established

The Panel raise no issue with removing the word 'interim' from conditions 24, 25 and 27 as proposed in the 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.

DECISION ON APPLICATION

THAT Council, as the consent authority, **approves** Mod2020/0605 for Modification of Development Consent DA2018/1373 for demolition works, construction of a new dwelling house including a swimming pool on land at Lot 2 DP 1209331, 5 Edgecliffe Boulevard, Collaroy Plateau, subject to the conditions outlined in the Assessment Report, supplementary memo and the following changes.

Amend proposed conditions to read:

1A Design changes to Privacy Screen

The proposed privacy screen at the southern elevation is to be amended as follows:

- a) Width between louvres of 200mm
- b) Blades at an angle of 15 degrees from north, in a NNE to SSW orientation with the blades allowing for views to the north to be retained from 3A Edgecliffe Boulevard.
- c) The structure is to have a maximum length of 1600mm including the pier/column, protruding from the southern elevation

Details demonstrating compliance shall be submitted to the Certifier prior to the issue of Construction Certificate.

Reason: To ensure retention of views.

1B Non-trafficable area to balcony at First Floor Level

The proposal is to be amended as follows:

- a) The proposed glass balustrade around the perimeter of the flat roof is to be deleted.
- b) The proposed planter boxes are to be deleted.
- c) The flat roof area is not to be accessible except for maintenance purposes.
- d) The glass opening from the sitting room is to be fixed glazing.

Details demonstrating compliance shall be submitted to the Certifier prior to the issue of Construction Certificate.

1C Restriction on height of masonry fence adjoining southern boundary

The masonry fence is to be wholly located within, and not constructed on the property boundary. The masonry fence is to be stepped down the slope in following intervals (measurements starting from the bottom of the stairs adjacent to the corner of the Lower ground Floor Rumpus area – DA03 Lower Ground Floor dated 29/10/20) :

- For an extent of 2 metres: RL77.5
- For an extent of 2 metres: RL77.3
- For an extent of 2 metres: RL76.9
- For an extent of 1 metre: RL76.5
- For an extent of 1 metre: RL76.1
- For an extent of 1 metre: RL75.7
- For an extent of 1 metre: RL75.5

Each elevation of the fence is also to be provided with a rendered/painted finish.

Details are to be provided prior to the issue of a Construction Certificate. A surveyors certificate is to be provided at the completion of works to ensure compliance with the location and heights.

Reason: To ensure a reasonable balance between privacy and view sharing.

Modify Condition 2 to read:

Amendments to the approved plans

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

- The paving around the pool (as shown on Landscape Plan L-01 Revision D) is to be reduced to match Plan No. D12 - Landscape Area. This is to ensure the site maintains adequate landscaped open space.

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.

Amend the following conditions to read:

24. Authorisation of Legal Documentation Required for Onsite Detention

An application for the authorization of legal documents is to be submitted to Council for approval. The application is to include the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) with a copy of the Works-as-Executed plan(details overdrawn on the copy of the approved drainage plan), hydraulic engineers certification and photographs of the completed system.

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

Reason: To create encumbrances on the land.

25. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To identify encumbrances on land.

27. Positive Covenant and Restriction as to User for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Council prior to lodgement with NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure the on-site detention and/or pump system is maintained to an appropriate operational standard.

Vote: 3/0

3.4 DA2020/0920 - 10 ROCK BATH ROAD PALM BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by an objector, a representative of the applicant and the applicants.

Taking into account the level of variation to the side boundary envelope, the site topography and the extent of views and impacts on views and privacy to the adjoining property, the Panel requires the following amendments to be made:

- The setback of the sunroom is to be increased by 1500mm from the side boundary for the width of window W8. The proposed WC room may remain in the current location and the doorway relocated for access.
- A vertical louvered screen is to be provided across window W8 to provide privacy to the adjoining dwelling.

This change will reduce the non-compliance with the building envelope which has an impact on views and improve privacy between the buildings.

STATEMENT OF REASON

The proposal, as conditioned, 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 APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2020/0920 for alterations and additions to a dwelling house on land at Lot 288 DP 16362, 10 Rock Bath Road PALM BEACH, subject to the conditions outlined in the Assessment Report with the following changes:

Amend condition 8 to read:

Amendments to the approved plans

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

- a) The south-eastern corner of the sunroom on the upper floor plan is to be amended to increase the setback to the side boundary. The floorspace to be removed is to be of the following dimensions - 2000mm along the south east elevation (the position of window W8) and 1500mm along the north-east elevation. The WC to remain in place and the access door to be relocated.
- b) The relocated Window W8 is have a vertical louvred screen installed for the whole glazed area.

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

3.5 MOD2020/0655 - 195 SYDNEY ROAD FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA2018/1708 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two representatives of the applicant.

The Panel acknowledged that the modification largely addressed changes to plans which were contained in the conditions of consent and other minor changes, and that the majority of submissions related to issues of the original determination of the development.

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

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

DECISION ON APPLICATION

THAT Council, as the consent authority, **approves** Mod2020/0655 for Modification of Development Consent DA2018/1708 granted for demolition works and construction of a boarding house on land at Lot 87 DP 1729 & Lot 2 DP 589654, 195 Sydney Road, Fairlight, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

3.6 DA2020/1693 - 1094 BARRENJOEY ROAD PALM BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of the applicant.

The Panel recognises that the variation in height has already been approved and that works proposed are within the existing building height and in some areas, marginally reduces the height.

The Panel concurred with the Officer's assessment report, supplementary memo and recommendation with the exception of conditions 7 and 14 relating to existing works. These works were covered by a Building Certificate in 2011.

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 LEP 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 APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2020/1693 for Alterations and additions to a dwelling on land at Lot Y DP 367375, 1094 Barrenjoey Road, Palm Beach, subject to the conditions outlined in the Assessment Report subject to the following

Delete conditions 7 and 14.

Vote: 3/0

3.7 DA2020/1071 - 23 DAKARA DRIVE FRENCHS FOREST - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by an objector.

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 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 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 ON APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2020/1071 for alterations and additions to a dwelling house on land at Lot 7 DP 230246, 23 Dakara Drive, Frenchs Forest, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Development Determination Panel meeting
held on Wednesday 14 April 2021.