



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 12 MAY 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 12 May 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	Items 3.1, 3.2, 3.3, 3.4
Rod Piggott	Manager, Development Assessment	Items 3.1, 3.2, 3.3, 3.4
Phil Jemison	Manager, Strategic & Place Planning	All items
Louise Kerr	Director, Planning & Place	Item 3.5
Anna Williams	Manager, Development Assessment	Item 3.5

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL ELECTRONICALLY DETERMINED ON 7 MAY 2021

The Minutes of the Development Determination Panel electronically determined on 7 May 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2020/0932 - 29 BAKERS ROAD CHURCH POINT - CONSTRUCTION OF A SECONDARY DWELLING

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 with an additional requirement for a Construction Management Plan to specifically address the access issues of the shared driveway within the road reserve and for a survey plan to certify the location and height of the proposed building.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 14 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 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 DA2020/0932 for construction of a secondary dwelling on land at Lot 1 DP 206824, 29 Bakers Road Church Point, subject to the conditions outlined in the Assessment Report subject to the following:

Add the following condition

Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating all perimeter walls columns and or other structural elements, floor levels and the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To demonstrate the proposal complies with the approved plans.

Amend condition 11 to read

11. Construction Management Program Condition

A Construction Management Plan shall be prepared, following consultation with all residents benefitting from the common driveway and submitted for approval by the Certifying Authority prior to the issue of any Construction Certificate.

Prior to commencement of works on site, appropriate measures must be in place and incorporate the following throughout demolition and construction:

- a) access to and from the site during construction and demolition,
- b) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting,
- c) methods of loading and unloading machinery and building materials,
- d) location of storage materials, excavation and waste materials,
- e) methods to prevent material being tracked off the site onto surrounding roadways,
- f) erosion, sediment and dust control measures, and
- g) identify appropriate locations for parking for any workers/contractors on site and how they will be instructed
- h) any signage required to clearly locate and identify the site for deliveries
- i) addressing how the shared driveway within the public road reserve will be managed. This will including:
 - how and when all benefitting properties will be informed of any deliveries which will affect access (a minimum 2 days' notice for any significant deliveries), and
 - how reasonable access will be maintained for all properties, including specific times of the day when access will not be affected, this should be done in consultation with the residents.
 - a contact number of the on-site site foreman should there be any issues. A copy of the CMP is to distributed to all properties benefitting from the common driveway.

During all works the Construction Management Plan must remain in place and be maintained until the completion of works.

Construction materials must not be stored on land owned or managed by Council. Safe pedestrian access, free of trip hazards, must be maintained at all times on or adjacent to any public access routes connected to land owned or managed by Council.

Reason: To maintain access for surrounding properties.

Vote: 3/0

3.2 REV2021/0007 - 37 HEADLAND ROAD, NORTH CURL CURL - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representatives of the applicant.

The Panel accepted that the proposal was compliant with the building height envelope and that the development was a skilful design reducing the visual and view impacts and being considerably below the maximum height controls. In this regard the proposed changes in condition 9 a) and b) are not accepted. In response to concerns raised by the affected neighbour that the proposed privacy screen in condition 16 will affect views, the condition is to be deleted.

Condition 26 is not necessary and can be deleted as condition 25 covers this issue.

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** Development Consent to REV2021/0007 for demolition works and Construction of a dwelling house on land at Lot 99 DP 6143, 37 Headland Road, North Curl Curl, subject to the conditions outlined in the Assessment Report subject to the following:

Amend Condition 9 to read

9. Amendments to the approved plans

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

a) First floor balcony balustrading - the "first floor" balcony adjoining the "family/dining room" is to incorporate solid balustrading on all elevations constructed of non-transparent material or opaque glazing, measured at a height of at least 1.0m above the finished floor level.

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.

Delete condition 16 and 26.

Vote: 3/0

3.3 DA2021/0046 - 29 KIRRA ROAD, ALLAMBIE HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SECONDARY DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector and representatives of the applicant.

The Panel were concerned with the privacy impacts caused by the elevated living areas and the proximity to the rear boundary, and the large floor to ceiling glazing on the eastern elevation.

In this regard the proposal in its current form is not acceptable. The glazing on the eastern elevation would only be acceptable if windows were fixed (non-openable) with obscure glazing to restrict any viewing directly across the side boundary and reduce acoustic impacts.

Whilst the development provides an 8 metre rear setback, and the DCP only requires 6 metres, the impacts from the elevated deck is unacceptable. In this regard the 8 metre rear setback is not an appropriate outcome. The floor level should also be reduced and setbacks to the rear boundary increased. This should be the primary solution to maintaining privacy to the surrounding properties, with landscaping to complement the privacy created from the setbacks.

STATEMENT OF REASON

The proposal has significant impacts on the amenity of surrounding properties.

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, **refuses** Development Consent DA2021/0046 for demolition works and construction of a dwelling house including secondary dwelling on land at Lot 5 DP 114000, 29 Kirra Road, Allambie Heights, subject to the conditions outlined in the Assessment Report for the following reasons:

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the Clause 1.2 Aims of the Warringah Local Environmental Plan 2011.

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of Clause B9 Rear Boundary Setbacks of the Warringah Development Control Plan 2011 in that the proposal does not preserve the amenity of adjoining land.

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of Clause D8 Privacy of the Warringah Development Control Plan 2011 in that the proposal does not provide a high level of visual or acoustic privacy.

Vote: 3/0

3.4 MOD2021/0086 - 95 GURNEY CRESCENT, SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA2019/1463 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector and representatives of the applicant.

The Panel concurred with the Officer's assessment report and recommendation that the privacy screens should remain in place, however the height of the screens could be reduced to a minimum 1.65 metres.

In regards to the housing numbering, the dwelling should have appropriate identification once the building is occupied to assist with any deliveries or potential emergency services access.

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** Mod2021/0086 for modification of Development Consent DA2019/1463 granted 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 subject to the following:

1. **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:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
A001 (Rev A)	16 December 2019	Mark Hurcum Design Practice Architecture
A100 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A101 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A102 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A103 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A104 (Rev A)	16 December 2019	Mark Hurcum Design Practice Architecture
A105 (Rev A)	16 December 2019	Mark Hurcum Design Practice Architecture

A201 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A202 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A203 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A204 (Rev A)	16 December 2019	Mark Hurcum Design Practice Architecture
A221 (Rev B)	11 May 2020	Mark Hurcum Design Practice Architecture
A222 (Rev A)	16 December 2019	Mark Hurcum Design Practice Architecture
SK05 (Rev A)	16 December 2019	Mark Hurcum Design Practice Architecture
SK21/1 (Rev A)	16 December 2019	Mark Hurcum Design Practice Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Bushfire Risk Assessment (Reference number 2696)	22 November 2019	Bush Fire Planning Services
Geotechnical Assessment Report (Project No. 2019-203)	November 2019	Crozier Geotechnical Consultants

a) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

b) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
Landscape Plan Rev E	16 December 2019	Mark Hurcum Design Practice Architecture

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	16 December 2019	Narelle Van Gemert

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

Amend Condition 9 to read**Amendments to the approved plans**, which reads as follows:

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

- Level 4 - The northern privacy screen is to be extended by 2m to the west with a minimum height of 1.65 above floor level.
- Level 3 - The northern privacy screen is to be extended by 2m to the west with a minimum height of 1.65 above floor level.
- Level 2 - A privacy screen is to be installed along the northern elevation of the walkway connecting the balcony and external stairs with a minimum height of 1.65 above floor level.

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 Condition 41 to read**41. House / Building Number**

House/building number is to be affixed to the building to be readily visible from the public domain.

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

Reason: Proper identification of buildings.

Vote: 3/0

3.5 REV2021/0009 - 27 ALAN AVE, SEAFORTH - REVIEW OF DETERMINATION OF APPLICATION 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

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds, including the properties located at 25 and 29 Alan Street.

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

The Panel having reviewed the plans submitted with the review application, submissions made by both the applicant and objectors, and the assessment report find the reasons for the previous refusal of DA2019/1447 have not been sufficiently resolved. Accordingly, the request to review the determination of DA2019/1447 via REV2021/0009 is not supported and the reasons for refusal of the application remain.

DECISION ON APPLICATION

THAT Council, as the consent authority, **refuses** REV2021/0009 for review of determination of Application 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 Ave, Seaforth, for the following reasons:

Reasons for Refusal:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of Clause 4.1 Minimum subdivision lot size of the Manly Local Environmental Plan 2013.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 3.1.1 Streetscape (Residential areas) of the Manly Development Control Plan 2013.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 4.1.2.1 Wall Height of the Manly Development Control Plan 2013.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 4.1.2.2 Number of Storeys of the Manly Development Control Plan 2013.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of Clause 4.1.4.2 Side Setbacks of the Manly Development Control Plan 2013.

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

Vote: 3/0

This is the final page of the Minutes comprising of 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 12 May 2021.