



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 26 MAY 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 26 May 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	Items 3.1 – 3.6
Andrew Pigott (Chairperson)	Executive Manager Strategic & Place Planning	Item 3.7
Steven Findlay	Manager, Development Assessment	Item 3.1
Anna Williams	Manager, Development Assessment	Items 3.2 – 3.6
Phil Jemison	Manager, Strategic & Place Planning	Item 3.7
Neil Cocks	Manager, Strategic & Place Planning	All Items

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL ELECTRONICALLY DETERMINED 18 MAY 2021

The Minutes of the Development Determination Panel electronically determined 18 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 DA2020/1585 - 60 CASTLE CIRCUIT, SEAFORTH - CONSTRUCTION OF A DWELLING HOUSE AND SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of the applicant and received further drawings illustrating the height plane across the building site.

Two supplementary reports were prepared by the assessing officer for the Panel. One addressing the request to vary the floor space ratio, and the second to address additional conditions and corrections.

The Panel was concerned regarding the building bulk of the building as presented within the front setback, and the southern elevation as it presents to the adjoining property. In this regard the ridge height/front façade of the garage and office is to be reduced in height by 1.0m, whilst the entry foyer may remain at the current height to provide context to the pedestrian entry of the building. The setback of the office is also to be increase to 7.4m to the southern boundary.

The driveway is to be reduced in width at the front boundary and reduced in area within the road reserve to allow for landscaping to break up the extent of hard surfaces.

The area to the south of the external wall on Level 2, adjoining the outdoor and indoor kitchen, is to be a non-trafficable surface to ensure privacy is maintained to the adjoining dwelling.

Conditions of consent also require corrections in regard to landscaping, environmental reports and new conditions for the management of the site during construction and the design of the driveway.

The Panel concurred with the Officer's Assessment Report and recommendations, as amended by the Supplementary Memos, along with 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 LEP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio development standards have 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 Application No. DA2020/1585 for Construction of a dwelling house and swimming pool on land at Lot 16 DP 200638, 60 Castle Circuit, Seaforth, subject to the conditions outlined in the Assessment Report and the additional conditions contained in the Supplementary Report, subject to the following changes:

Amend condition 12 to read:**Amendments to the approved plans**

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

- i) A minimum setback of 0.9m is to be maintained for the garage wall structure, adjoining terrace areas, entry alcove wall and bin storage room facing Castle Circuit property boundary. The outer wall line for the garage level is to remain unchanged for the west and northwest side. The storage racking / bench on the western side of the garage should be deleted or re-positioned on the adjacent inner wall positions that are to remain unchanged. Where practicable landscape planting is to be provided in the 0.9m setback zone adjacent the driveway / entry and terrace.
- ii) The roof ridge height of the garage, bin room and study is to be reduced from RL48.12 to RL47.12. The roof ridge height above the entry may remain at RL48.12.
- iii) The setback of the study to the southern boundary is to be increase to 7.4m.
- iv) The driveway is to be reduced in width to a maximum 8.3m, with the driveway slab removed between the pedestrian stairs, the driveway carriageway and to within 1.0m of the front boundary (creating a triangular shaped void whilst maintaining a 2.0m wide pedestrian path between the void and the front façade of the dwelling). The void is to be landscaped with species which will reach a height above the level of the driveway slab.
- v) The area to the south of the external wall on Level 2, adjoining the outdoor and indoor kitchen, is to be a non-trafficable surface to ensure privacy is maintained to the adjoining dwelling.

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

Reason: To ensure development minimizes unreasonable impacts upon surrounding land and to enhance the streetscape.

Vote 3/0

3.2 DA2020/1613 - 41 THE SERPENTINE, BILGOLA BEACH - DEMOLITION WORKS AND THE CONSTRUCTION OF 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 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 DA2020/1613 for Demolition works and the construction of a dwelling house on land at Lot 84 DP 16393, 41 The Serpentine, Bilgola Beach, subject to the conditions outlined in the Assessment Report.

Vote 3/0

3.3 DA2021/0156 - 2 VUKO PLACE, WARRIEWOOD - USE OF PREMISES AS AN EXISTING APPROVED RESTAURANT WITH EXTENDED HOURS OF OPERATION

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the applicant and their representative.

The Panel received the referral from the local Police and no objections was raised to the proposed changes to hours

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 APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2021/0156 for Use of premises as an existing approved restaurant with extended hours of operation on land at Lot 5 DP 737137, 2 Vuko Place, Warriewood, subject to the conditions outlined in the Assessment Report.

Vote 3/0

3.4 DA2020/1761 - 287 HUDSON PARADE, CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed a representative of the applicant.

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 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 DA2020/1761 for Alterations and additions to a dwelling house on land at Lot 28 DP 228119, 287 Hudson Parade, Clareville, subject to the conditions outlined in the Assessment Report.

Vote 3/0

3.5 DA2021/0077 - 4 LINCOLN AVENUE, COLLAROY - CONSTRUCTION OF A DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two objectors, the applicant and the applicants representative.

The Panel was concerned with the impact on privacy which this development would create when living areas are elevated above ground floor. Typically living areas are located on ground floor adjoining private open space, however when this is proposed on the first floor the location of windows and balconies, especially adjoining the rear yards of adjoining properties, requires greater care to ensuring impacts are reduced. In this regard the rear balcony on the should be reduced in size and the privacy screen maintained. Landscaping on the side and rear boundary should be incorporated to complement the separation for privacy. Windows on side elevations should also be either opaque or highlight. Privacy screens should also be incorporated for the front balcony to remove viewing directly into adjoining dwellings. In this regards conditions have been included to amend the proposal to resolve these issues.

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

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2013 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 DA2021/0077 for Construction of a dwelling house on land at Lot 11 DP 16998, 4 Lincoln Avenue, Collaroy, subject to the conditions outlined in the Assessment Report.

Amend condition

Amendments to the approved plans

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

- i). The upper level rear balcony is to be reduced in depth so that it is no more than 1.2m wide trafficable area extending from the rear wall/sliding door D07. Balustrading for the balcony to be either solid construction or opaque glazing to reduce the casual observation from within the dwelling. The privacy screen is to extend for a distance of 3.0m from the rear wall.
- ii). A tree or shrub with a minimum mature height of 4.0m and a spread of 2.0m is to be planted adjacent to the eastern boundary 3 metres behind the rear elevation of the building.
- iii). A tree or shrub with a minimum mature height of 4.0m and a spread of 2.0m is to be planted adjacent to the rear boundary and to be located in the centre of the boundary between the two side boundaries
- iv). Window W19 on the first floor eastern elevation to be a highlight window and non-openable to reduce privacy and noise intrusion, window W17 is to be opaque.

- v). Privacy screen on the eastern elevation of the front balcony on the first floor to extend 2.0m from the front façade of the building with a minimum height of 1.65m .

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the construction certificate

Reason: To ensure development minimizes unreasonable impacts upon surrounding land

New condition

5A. Activity Approval – Solid Fuel Heater

An activity application under section 68 of the Local Government Act 1993 shall be submitted for approval in relation to the solid fuel heater as required by the table contained in Section 68 (Part F).

Amend condition 14 to read

14. Location of side boundary retaining walls

The proposed side boundary (east and west) retaining walls are to be located at least 500mm from the side boundaries with all drainage lines and subsoil aggregate to be contained within the property boundaries.

Details are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure retaining walls are located a reasonable distance from the boundary so as to minimise environmental impact on neighbours.

Vote 3/0

3.6 DA2020/1697 - 28 PALMGROVE ROAD AVALON BEACH - 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 and supplementary memo.

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 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 DA2020/1697 for Alterations and additions to a dwelling house on land at Lot 472 DP 16902, 28 Palmgrove Road Avalon Beach, subject to the conditions outlined in the Assessment Report and supplementary memo.

Vote 3/0

3.7 REV2021/0011 - 129 UPPER CLONTARF STREET, SEAFORTH - REVIEW OF DETERMINATION OF APPLICATION DA2020/0884 FOR ALTERATION AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

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. The issues raised including (but not limited to) the matter listed below, on balance, are considered to be satisfactorily addressed:

- Overshadowing
- Privacy
- Noise
- Amenity
- Ground level at the base of the pool and subsequent height of pool and its appearance as viewed from the southern boundary
- Open space above ground level
- Side boundary setback

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.

RECOMMENDATION OF DEVELOPMENT ASSESSMENT MANAGER

THAT Council, as the consent authority, **approves** Development Consent to REV2021/0011 for Review of Determination of Application DA2020/0884 for alteration and additions to a dwelling house including a swimming pool on land at Lot 189 DP 11162, 129 Upper Clontarf Street, Seaforth, subject to the conditions outlined in the Assessment Report and the following additional condition:

Conditions to be Complied with During Demolition and Building Work

Geotechnical Recommendations

The recommendations contained within the Geotechnical Investigation J2532B dated 19/02/21 including recommendations 12, 13, 14, 15 and 16 are to be carried out prior to and/or during construction as required.

Reason: To ensure geotechnical risk is mitigated appropriately.

Vote 3/0