



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 23 JUNE 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 23 June 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	All Items
Rod Piggott	Manager, Development Assessment	Items 3.2 – 3.4
Anna Williams	Manager, Development Assessment	Item 3.1
Phil Jemison	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 HELD 9 JUNE 2021

The Minutes of the Development Determination Panel held 9 June 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2021/0222 - 11 BELLARA AVENUE, NORTH NARRABEEN - 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.

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 DA2021/0222 for Construction of a Secondary Dwelling on land at Lot 36 DP 236548, 11 Bellara Avenue, North Narrabeen, subject to the conditions outlined in the Assessment Report.

Vote: 3/0

3.2 MOD2021/0160 - 3 BERITH ST, WHEELER HTS - MODIFICATION OF DEVELOPMENT CONSENT DA2019/1173 GRANTED FOR DEMOLITION, CONSTRUCTION OF SENIORS HOUSING DEVELOPMENT COMPRISING 6 X INFILL SELF-CARE UNITS, BASEMENT PARKING, STRATA SUBDIVISION.

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers

The modification sought to amend the approved plans to incorporate the changes required by conditions of consent. The Panel are satisfied that the plans reflect, and address the requirements of the original conditions.

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 APPLICATION

THAT Council, as the consent authority, **approves** Mod2021/0160 for Modification of Development Consent DA2019/1173 granted for demolition of existing development and construction of a Seniors Housing development comprising 6 x infill self-care housing units and basement parking, and strata subdivision on land at Lot A DP 411784, 3 Berith Street, Wheeler Heights, subject to the conditions outlined in the Assessment Report subject to the following changes:

Amend Condition 11 to read:

11. Amendments to the Approved Plans

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

a) Ancillary Structures

Plans detailing the footpath installation along Berith Street are to be amended to reflect the recommendations of the Arboricultural Impact Assessment Report dated 12 June 2019 prepared by Jackson Nature Works with regards to tree protection, offsets from trees and pavement materials to be used. Amended landscape plans are required to show the revision to the accessible footpath.

b) Seniors Living Buildings

Secondary colours and material changes to the upper wall side walls for Units 5 and Unit 6 contained within the approved plans to be maintained.

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

Reason: Reasons: In the interest of protecting residential amenity, the quality of the streetscape and the natural environment and maintaining the requirements of the WDCP and SEPP HSPD.

Side and rear boundary fencing

The applicant is to replace all side and rear boundary fencing (above ground) with the agreement and at no cost to, the adjoining property owners Wheeler Heights Public School, 25 Rose Avenue, Wheeler Heights, 27 Rose Avenue Wheeler Heights, 1 Berith Street, Wheeler Heights and 5 Berith Street Wheeler Heights with 1.8m lapped and capped timber paling fencing as indicated on the plans. All boundary fencing behind the front setback shall maintain, at a minimum, the relative height of existing fencing when observed from the adjoining properties. Any fence forward of the building line shall be 1.2m in height. Details to be provided to the satisfaction of the Certifying Authority prior to any Occupation Certificate.

Reason: To maintain visual privacy.

Insert the following condition

Privacy Screens

All privacy screens as detailed on the approved plans shall be maintained in place for the life of the development.

Reason: To ensure amenity is protected to surrounding development.

Vote: 3/0

3.3 DA2020/1380 - 64 WOODLAND STREET, BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two objectors, the owner and a representative of the owner.

The Panel were concerned that the proposal had an unacceptable impact on the solar access to the adjoining property to the south. Further design changes are required to significantly reduce the level of overshadowing to the northern elevation windows at the rear of the dwelling at 62 Woodland St.

In regards to privacy and visual bulk of the pool, this should be setback further from the northern boundary and complemented with additional landscaping to reduce the impact on the adjoining property. This is considered in the context of the pool and curtilage to the topography of the site and surrounds.

Details should also be provided to demonstrate the design of the roof garden, i.e. the soil depths and edging/garden walls required to provide this facility as this may have an impact on solar access.

STATEMENT OF REASON

The proposal does not satisfies the relevant strategy, objectives and provisions of the Manly LEP 2013 and the Manly DCP 2013.

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, **refuse** Development Consent to DA2020/1380 for Alterations and additions to dwelling house on land at Lot 5 DP 9928, 64 Woodland Street, Balgowlah Heights, for the following reasons:

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 3.4.1 Sunlight Access and Overshadowing of the Manly Development Control Plan .

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 3.4.2 Privacy and Security of the Manly Development Control Plan .

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 4.1.9 Swimming Pools, Spas and Water Features of the Manly Development Control Plan .

Vote: 3/0

3.4 DA2021/0617 - 37 RADIO AVENUE, BALGOWLAH HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF A NEW DWELLING AND SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers and the Panel received a Supplementary Memo

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 the 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 DCP 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 APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2021/0617 for Demolition works and Construction of a new dwelling and swimming pool on land at Lot 14 DP 13468, 37 Radio Avenue, Balgowlah Heights, subject to the conditions outlined in the Assessment Report and Supplementary Memo.

Vote: 3/0

This is the final page of the Minutes comprising 8 pages numbered 1 to 8 of the Development Determination Panel meeting held on Wednesday 23 June 2021.