



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 14 JULY 2021

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 14 July 2021**

### **ATTENDANCE:**

#### **Panel Members**

Rod Piggott (Chairperson)	Manager, Development Assessment	All items
David Auster	Manager, Development Assessment	Items 3.1, 3.3 & 3.4
Anne-Maree Newbery	Manager, Strategic & Place Planning	All items
Phil Jemison	Manager, Strategic & Place Planning	Item 3.2

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANELS HELD 23 & 25 JUNE 2021**

The Minutes of the Development Determination Panels held 23 & 25 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 MOD2021/0235 - 24 LANCASTER CRESCENT , COLLAROY - MODIFICATION OF DEVELOPMENT CONSENT DA2016/0963 GRANTED FOR DEMOLITION WORKS AND THE CONSTRUCTION OF A NEW DWELLING HOUSE AND SWIMMING POOL.

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

By way of background, the week of this meeting Sydney was subject to Public Health Orders relating to a Covid 19 outbreak with escalating numbers of infections across Sydney. Accordingly no site inspection within the objectors or applicants premises was undertaken to ensure the health and safety of the community and staff.

The applicant and objectors were aware of this situation and understanding of the Panel's decision to not enter residential premises.

The Panel considered the Officer's assessment report, supplementary report, and the additional submissions and recommendations from all residential parties, asking to defer this Item until such times site inspections can be undertaken by the Panel within objectors' and the applicants premises.

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##### DECISION ON APPLICATION

THAT Council, as the consent authority, **defers** Mod2021/0235 for Modification of Development Consent DA2016/0963 granted for demolition works and the construction of a new dwelling house and swimming pool on land at Lot 3 Sec 10 DP 11899, 24 Lancaster Crescent , Collaroy, subject to undertaking internal site inspections from the objectors and applicants premises when it is safe to do so relating to Covid 19 restrictions.

Vote 3/0

### 3.2 DA2021/0457 - 44 NAREEN PARADE, 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 to include the condition regarding a Survey Certificate.

#### 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 Local Environmental Plan 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.

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#### DECISION ON APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2021/0457 for Construction of a secondary dwelling on land at Lot 36 DP 11356, 44 Nareen Parade, North Narrabeen, subject to the conditions outlined in the Assessment Report and 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.

Vote 3/0

**3.3 DA2021/0268 - 346 WHALE BEACH ROAD, PALM BEACH - DEMOLITION WORKS, LOT CONSOLIDATION AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL.**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel was addressed by two representatives of the applicant.

The Panel concurred with the Officer's assessment report, supplementary report and recommendation subject to amending condition 51.

**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 Local Environmental Plan 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.

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**DECISION ON APPLICATION**

THAT Council, as the consent authority, **approves** Development Consent to DA2021/0268 for Demolition works, lot consolidation and construction of a dwelling house including swimming pool on land at Lot 327 DP 16362 & Lot 328 DP 16362 & Lot 329 DP 16362 & Lot 330 DP 16362, 346 Whale Beach Road, Palm Beach, subject to the conditions outlined in the Assessment Report and the following:

Amend Condition 51 as follows:

Consolidation of Lots and Restrictive Covenant

- Lot consolidation: Lot 328, 329 and 330 of DP 16362 are to be consolidated into one lot and evidence of the registration of the appropriate survey plan by Land & Property Information is to be submitted to the Principal Certifying Authority.

- Creation of Covenant as to User: A restriction as to use / covenant (under the provision of S88E of the Conveyancing Act) is to be registered on the property title of Lot 327 requiring the land to be maintained for the purpose of a bushfire hazard protection area in accordance with the Asset Protection Zone requirements of the Bushfire Assessment Report by Abel Ecology dated 03 March 2021 in conjunction with the approved dwelling house.

The terms of the 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 the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the restriction as to user is to be submitted to Council.

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

Reason: To ensure bushfire hazard reduction is maintained and orderly development of land.

Vote 3/0

### **3.4 DA2021/0279 - 42 WEEROONA AVENUE, ELANORA HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SECONDARY DWELLING**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel was addressed by 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**

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 Local Environmental Plan 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.

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#### **DECISION ON APPLICATION**

THAT Council, as the consent authority, **approves** Development Consent to DA2021/0279 for Alterations and additions to a dwelling house including secondary dwelling on land at Lot 21 DP 13152, 42 Weeroona Avenue, Elanora Heights, subject to the conditions outlined in the Assessment Report.

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 14 July 2021.