



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 28 JULY 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 28 July 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	All Items
Steven Findlay	Manager, Development Assessment	Item 3.1
Lashta Haidari	Manager, Development Assessment	Item 3.2 & 3.3
Liza Cordoba	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 14 JULY 2021

The Minutes of the Development Determination Panel held 14 July 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2020/1596 - 6 MITCHELL ROAD, PALM BEACH - CONSTRUCTION OF A DWELLING HOUSE, INCLUDING A SWIMMING POOL, DRIVEWAY AND GARAGE.

PROCEEDINGS IN BRIEF

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

The site is unique in that there are 2 torrens title allotments which have a small area which overlaps (one part of the subject site Lot 1, is located below lot 2 which is owned by Council) and both overlapping areas are zoned Public Recreation. The boundary is set at RL 74.5 AHD.

This presents 2 issues, the first is that development for residential purposes is prohibited on land zoned Public Recreation and this requires an amendment to the LEP in order to facilitate the development as the proposed garage is located on this land.

The second issue is that due to part of the development, the garage roof, is to be a public viewing area associated with the Public Recreation land and that some works i.e. stairs, balustrade and retaining walls are located above the property boundary (RL74.5AHD), this requires the development to be determined by the Local Planning Panel. Owner's consent for these works within Council land wasn't sought, nor has the application been made to include this second parcel of land, i.e. Lot 2 DP 1086858.

The applicant indicated that further information could be provided relating to Geotechnical issues and Traffic Management during construction. The applicant was able to clarify for the panel that the driveway, which services several other allotments, was not being demolished or rebuilt.

In this regard the application is to be referred to the Local Planning Panel for determination. The Development Determination Panel cannot support the proposal as the residential development contained within the Public Recreation zone are prohibited. The deferral of the application is not supported due to the time required to undertake a planning proposal to change the zone.

The panel supports the reasons for refusal contained in the assessment report.

DECISION ON APPLICATION

THAT the application DA2020/1596 for Construction of a dwelling house, including a swimming pool, driveway and garage on land at Lot 1 DP 1086858, 6 Mitchell Road, Palm Beach, be referred to the Local Planning Panel for determination as recommended in the assessment report.

Vote: 3/0

3.2 DA2021/0476 - 21 GURNEY CRESCENT, SEAFORTH - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE.

PROCEEDINGS IN BRIEF

The Panel was addressed by a representative of the applicant and the owner.

The Panel raised concerns with the proposal to demolish and rebuild the fence within Council's road reserve. This would privatise public land for which there is no owners consent submitted. In this regard a condition has been proposed that all structures be located with the site boundaries.

The Panel identified that the Contribution Plan condition referenced the 2019 plan. This should read 2021 and will be amended in 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 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 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 DA2021/0476 for Alterations and additions to a Dwelling House on land at Lot 16 DP 11214, 21 Gurney Crescent, Seaforth, subject to the conditions outlined in the Assessment Report and including the following changes:

Amend condition 11 to read:

Amendments to the approved plans

The proposed fencing and garbage bin storage area identified to be replaced on the plans, is to be relocated within the site boundaries.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development is maintained within the subject site.

6. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$3,386.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$338,600.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

Vote: 3/0

3.3 DA2021/0628 - 9 BEACH STREET, CURL CURL - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE.

PROCEEDINGS IN BRIEF

The Panel was addressed by the Owner.

The Panel considered the issue of the expected level of privacy in the context of highly valued views, existing expectations and view retention, in the context of balancing all these competing issues. The proposal at the first floor level extends beyond the existing alignment of balconies on this site and adjoining properties, and does create additional impacts.

Rather than provide a solid balustrade and planter the trafficable area of the whole eastern elevation of the first floor balcony, the Panel considered an alternate solution to increase the separation to the adjoining development by setting back the balustrade 800mm from southern elevation of the building. Combined with a blade wall 1200mm extending along the eastern elevation, this will reduce casual viewing back into the adjoining dwelling. The blade wall will not have a significant impact on views enjoyed from within the subject site due to the proposed 900mm rear wall beside the sliding door and additional views obtained from window W8.

The Panel identified that the Contribution Plan condition referenced the 2019 plan. This should read 2021 and will be amended in conditions.

The Panel 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 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 Alterations and additions to Dwelling House for Alterations and additions to Dwelling House on land at Lot 21 DP 14040, 9 Beach Street, Curl Curl, subject to the conditions outlined in the Assessment Report and including the following changes:

Amend the following conditions to read

6. Amendments to the approved plans

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

- The extension to the existing ground floor rear balcony line shall be set back 2.441m from the eastern boundary, in line with the wall of the dwelling.
- The first floor eastern balustrade is to be set back 800mm from the eastern edge of platform.
- The first floor eastern elevation wall is to extend a further 1200mm to the rear, to form a blade wall along the edge of the non-trafficable part of the balcony platform.

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.

4. Policy Controls

Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$7,000.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021. The monetary contribution is based on a development cost of \$700,000.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at www.northernbeaches.nsw.gov.au

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

Vote: 3/0

3.4 MOD2021/0088 - 16 MCDONALD STREET, FRESHWATER - MODIFICATION OF DEVELOPMENT CONSENT DA2020/0842 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL.

PROCEEDINGS IN BRIEF

This application was withdrawn by applicant prior to the meeting

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Development Determination Panel meeting
held on Wednesday 28 July 2021.