



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held on

WEDNESDAY 10 FEBRUARY 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 10 February 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	
Phil Jemison	Manager, Strategic & Place Planning	
Steven Findlay	Manager, Development Assessment	Item 3.1
Anna Williams	Manager, Development Assessment	Item 3.2, 3.3, 3.4 & 3.5

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 16 DECEMBER 2020

The Minutes of the Development Determination Panel held 16 December, 2020, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2020/0498 - 70 LAUDERDALE AVENUE, FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA2020/0092 GRANTED FOR DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF TWO (2) SEMI-DETACHED DWELLINGS AND TORRENS TITLE SUBDIVISION OF ONE LOT INTO TWO

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel acknowledges an error in the report on page 8 , and notes that the roof heights of the two garages were not changing.

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 conditions applied.

DECISION ON APPLICATION

THAT Council as the consent authority **approves** Mod2020/0498 for Modification of Development Consent DA2020/0092 granted for demolition of existing structures, construction of two (2) semi-detached dwellings and Torrens title subdivision of one lot into two on land at Lot 1 DP 965132, 70 Lauderdale Avenue, Fairlight, subject to the conditions outlined in the Assessment Report.

Vote 3/0

3.2 DA2020/1285 - 44 GREYCLIFFE STREET, QUEENSCLIFF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND CONSTRUCTION OF A SWIMMING POOL

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 condition ensuring the structural stability of the proposed pool.

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.

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 DA2020/1285 for alterations and additions to a dwelling house and construction of a swimming pool on land at Lot 13 DP 8373, 44 Greycliffe Street, Queenscliff, subject to the conditions outlined in the Assessment Report with the following condition:

Structural Engineering Certification of Proposed Works

To ensure the structural safety of works, detailed engineering drawings of all proposed work must be submitted to the Principal Certifier Authority prior to the release of the Construction Certificate.

Reason: To ensure the public safety.

Vote 3/0

3.3 DA2020/1179 - 1793 PITTWATER ROAD MONA VALE - DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT WITH BASEMENT PARKING & ASSOCIATED LANDSCAPING.

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The Panel noted that the proposal included several canopy tree species to be replaced and the retention of the Cabbage Tree Palm.

Council's landscape officer has confirmed that their assessment on the likely impacts of trees on the adjoining site was based on site observations and that the root zone of a tree is better determined by the diameter of the tree at breast height, rather than height of tree.

In regards to concerns regarding structural stability of adjoining buildings, the applicant will rely on the geotechnical engineering report and additional conditions for structural engineers to certify the shoring and retaining structures.

In response to concerns of dust, noise and vibration a requirement for a Construction Management Plan has been included to address these issues in accordance with state agency best practice.

Condition 15 has been amended to clarify that the photographic record is to be for the building on 1193 Pittwater Rd only.

Condition 20 is to be amended to include tree T43 Cedrus deodara to the condition

Condition 26 is to be amended to accurately reflect that 6 additional units are proposed which results in an additional 2 bicycle spaces

Condition 12 Traffic Management and Control can be deleted as it is covered by the Construction Traffic Management Plan in condition 16.

The Panel were satisfied that the location of the air conditioning units on the roof were suitably located and would not cause visual issues, condition 77 is to be deleted.

The Panel concurred with the Officer's assessment report subject to the above changes

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 DA2020/1179 for demolition works and construction of a Seniors Housing development with basement parking & associated landscaping on land at Lot 1 DP 219265 & Lot 4 DP 76695 & Lot 5 DP 77493 & Lot 2 DP 219265, 1793 Pittwater Road Mona Vale, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following conditions:

20. Tree Protection Plan

In order to protect existing trees and vegetation the following existing trees shall be protected in accordance with a Tree Protection Plan, based on the recommendations of the Arboricultural impact Assessment reports dated 25 September 2019 and 17 September 2020:

i) 25 September 2019:

- T2 and T3 *Melaleuca quinquernervia* along Pittwater Road within the road reserve,
- T27 *Corymbia maculata* along Park Street within the road reserve,
- T4 *Glochidion ferdinandi*, T7 *Michelia figo*, T8 *Magnolia grandiflora*, T22 *Jacaranda mimosifolia*, T43 *Cedrus deodara* and T24 *Brachychiton acerifolius* within the site,
- T25 *Melaleuca quinquernervia* and T26 *Callistemon salignus* within adjoining property.

ii) 17 September 2020:

- T10 *Melaleuca quinquernervia* along Pittwater Road within the road reserve,
- T1, T2, and T3 *Waterhousia floribunda* and T11 *Tibouchina grandulosa* within adjoining property.
- a) A Tree Protection Plan prepared by a AQF Level 5 Arborist with qualifications in arboriculture/horticulture, in accordance with AS4970-2009 Protection of trees on development sites, and consistent with the recommendations of the Arboricultural Impact Assessment prepared by Jacksons Nature Works dated 25 September 2019 (section 4. Recommendations) and 17 September 2020 (section 4. Recommendations), demonstrating as a minimum, the following:
 - Layout of the approved development,
 - Extent of permitted basement,
 - Location of trees including trunk, structural root zone and tree protection zone,
 - Location of tree protection fencing / barriers,
 - General tree protection measures, including ground and trunk protection.
- b) A schedule of site inspections, hold points and related certification of construction works near the existing trees the subject of the Tree Protection Plan.
- c) The Tree Protection Plan is to be submitted to the Certifying Authority for approval prior to issue of a Construction Certificate.
- d) Tree protection measures identified on the plan are to be in place prior to commencement of works.

Reason: to ensure compliance with the requirement to retain and protect significant planting on the site

26. Provision of additional bicycle spaces

In compliance with Pittwater DCP, 2 bicycle spaces is to be provided for the proposed additional 6 residential dwellings.

The plans demonstrating the above are to be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

Reason: To comply with Pittwater DCP (DACTRCPC2)

15. Photographic Archival Record

A photographic archival record of the site is to be made of all existing buildings and structures

(including interiors and exteriors and their setting) on No. 1793 Pittwater Rd, generally in accordance with the guidelines issued by Heritage NSW.

This record must be submitted and approved by the Certifying Authority prior to commencement of any demolition or works on-site.

The photographic record should be made using digital technology, submitted on archival quality CD-R disc, and should include:

- Location of property, date of survey and author of survey;
- A site plan at a scale of 1:200 showing all structures and major landscape elements;
- Floor plans of any buildings at a scale of 1:100;
- Photographs which document the site, cross-referenced in accordance with recognised archival recording practice to catalogue sheets. The extent of documentation will depend on the nature of the item.

Reason: To provide an archival photographic record of the site, including any buildings and landscape elements, prior to any works.

2. The deletion of the following condition:

77. Permitted location of air conditioning units

No air conditioning unit or compressor shall be located on the roof of the building. Air conditioning units may only be installed within the basement carpark.

Reason: To protect the amenity of surrounding residents (DACHPGOG5)

3. The addition of the following condition:

Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls and shoring are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

4. The addition of the following condition under the heading 'Conditions To Be Satisfied Prior To The Issue Of The Construction Certificate'

Construction management plan

A construction management plan must be prepared with respect to the approved development. The construction management plan is to be prepared by a suitably qualified person and must address:

- a. Noise during construction. This must be in accordance with the NSW EPA document Interim Construction Noise Guideline. A Noise Management Plan is to form part of the Construction Management Plan and be prepared by a suitably qualified Acoustic Engineer. The current activities at 1791 Pittwater Rd are to be managed as a sensitive land use and appropriate noise mitigation strategies be implemented. These may include: regular periods of respite from noise generating activities in the proximity of the common boundary, installation of a noise barrier, restrictions on specific types plant machinery.

The Noise Management Plan is to include the requirement for monitoring during excavation and construction by an acoustic engineer to ensure the Plan is being implemented and effective.

b. Air quality including dust arising from construction and excavation. This must be in accordance with the NSW EPA document Air quality guidance notes – Construction sites.

c. Sediment and erosion controls. A Soil and Water Management Plan is to form part of Construction Management Plan. This is to be in accordance with details contain in condition 14.

d. Vibration Management Plan in accordance with best practice to ensure adjoining properties are not impacted from unacceptable impacts having regard to their specific land uses. This may include monitoring during excavation and construction given site conditions, mechanical plant being used and complaints received.

These matters must show how they will be managed for the duration of works with proposed physical and administrative controls.

The Construction management plan must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To protect residential amenity, human health and the environment during works for the development.

5. The addition of the following condition under the heading 'Conditions To Be Complied With During Demolition And Building Work'

Construction management plan

The requirements of the Construction Management Plan required by this consent are to be fully implemented from commencement of any development works until the issue of any interim / final occupation certificate.

Reason: To protect residential amenity, human health and the environment during works for the development.

Vote 3/0

**3.4 MOD2020/0373 - LOT 101/1106750 MONA VALE ROAD TERREY HILLS -
MODIFICATION OF DEVELOPMENT CONSENT DA2011/0305 GRANTED FOR
CONSTRUCTION OF A RECREATION FACILITY SHOOTING RANGE CLUBHOUSE
AND ANCILLARY WORKS.**

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel recognised that the changes would extend the hours of activity by 4 hours on the one day of the month that the range operated. In consideration of the current approval, the environmental impacts the following conditions have been applied.

That in every hour of operation, there be a continuous 20 minute period of reprieve where no firearms are discharged.

That centre fire rifles are not to be discharged after 4pm

Condition that the Plan of Management be amended that acoustic testing be undertaken for the first 2 years following the changes contained within Mod2020/0373 being implemented and every 5 years thereafter to coincide with a review of the POM.

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

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.

DECISION ON APPLICATION

THAT Council as the consent authority **approves** Mod2020/0373 for Modification of Development Consent DA2011/0305 granted for Construction of a recreation facility shooting range clubhouse and ancillary works on land at Lot 101 DP 1106750, Lot 101/1106750 Mona Vale Road Terrey Hills, subject to the conditions outlined in the Assessment Report, subject to the following:

1. The amendment of the following conditions:

52. Compliance with Operational Plan of Management

The operation of the Rifle Range is to be conducted in accordance with the Operational Plan of Management (OPM) subject to the additional requirements:

- (i) Operating Hours: Use of the Shooting Range for live firing is limited to one (1) Sunday per month between 10am to 5pm AEST, and 10am-6pm AEDT.
- (ii) Every hour there is to be a minimum 20 minutes continuous respite where no firearms are discharged
- (iii) No centre fire rifles are to be discharged after 4pm
- (iv) A log book is to be maintained to record individual participation in shooting activities.
- (v) The OPM is to be reviewed after twelve (12) months from the operative date of this modification taking effect for the first 2 years of operations, then every 5 years thereafter. A copy of the reviewed plan shall be submitted to Northern Beaches Council for records on these reviews. Each review is to undertake acoustic testing as detailed in condition 49.

- (vi) The Shooting Range is not to be used for any night time shooting purposes and no floodlighting of the range target area is permitted.
- (vii) A copy of the OPM is to be published on the Peninsular Firearm Academy Inc's webpage for the public to view and kept on site at all times in conjunction with a Complaints Register. The OPM and Complaints Register is to be made available for inspection by Council's Environmental Health / Compliance Officer upon request.

Reason: Limit intensity of use and ensure management of noise amenity.

2. The addition of the following condition:

Rifle and ammunition types permitted for noise control

This consent is granted for the approved shooting of rim fire rifles and centre fire rifles, only up to and including the ballistic capabilities of .308 Winchester (7.62mm) ammunition. Centre fire rifles are not to be discharged after 4pm.

Reason: Management of noise amenity.

Vote 3/0

3.5 MOD2020/0494 - 1A RUSSELL STREET CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA2019/1457 GRANTED FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE.

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel were 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 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.

DECISION ON APPLICATION

THAT Council as the consent authority **approves** Mod2020/0494 for Modification of Development Consent DA2019/1457 granted for alterations and additions to an existing dwelling house on land at Lot 15 DP 29355, 1A Russell Street Clontarf, subject to the conditions outlined in the Assessment Report.

Vote 3/0

This is the final page of the Minutes comprising 12 pages numbered 1 to 12 of the Development Determination Panel meeting held on Wednesday 10 February 2021.