



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 8 SEPTEMBER 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 8 September 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment	Item 3.2 & 3.3
Rodney Piggott	Manager, Development Assessment	Item 3.1
Rebecca Englund	Manager, Development Assessment	All Items
Neil Cocks	Manager, Strategic & Place Planning	All Items

The Panel have visited all sites personally, or electronically (due to COVID restrictions), and have had regard to the assessment reports, all accompanying documentation, submissions from the public and any supplementary reports in determining all applications.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Peter Robinson declared a conflict of interest in item 3.1 and withdrew from this item.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 25 AUGUST 2021

The Minutes of the Development Determination Panel held 25 August 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2021/0317 - 141 RIVERVIEW ROAD, AVALON BEACH - CONSTRUCTION OF A DWELLING HOUSE.

PROCEEDINGS IN BRIEF

There were no registered speakers.

Rod Piggott replaced Peter Robinson as chairperson for this item.

The Panel concurred with the Officer's assessment report, supplementary memo and recommendation.

Conditions have been reviewed to ensure no replication.

The joining of consents has been satisfied with the addition of condition 65. Completion of parking platform as approved within DA2019/1449.

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 submissions have been taken into account in the report and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2021/0317 for Construction of a dwelling house on land at Lot 2 DP 833902, 141 Riverview Road, Avalon Beach, subject to the conditions set out in the Assessment Report, supplementary memo and the following.

1. The amendment of condition 16 to read as follows:

16. Variation rule credit retirement conditions - Ecosystem credit retirement conditions

Prior to issue of the relevant Construction Certificate the class and number of species credits in Table 2 must be retired to offset the impacts of development.

Evidence of the retirement of credits in satisfaction of Table 2 requirements is to be provided to the Manager Bushland and Biodiversity of Northern Beaches Council and the Certifying Authority prior to release of construction certification.

Table 2 Ecosystem credits required to be retired – variation rules

<i>Impacted plant community type</i>	<i>Number of ecosystem credits</i>	<i>Containing HBT</i>	<i>IBRA sub-region</i>	<i>Approved variation plant community type(s) that be used to offset the impacts from development</i>
<i>PCT 1214 Pittwater Spotted Gum forest</i>	<i>1</i>	<i>No</i>	<i>IBRA Region: Sydney Basin, <u>or</u> Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.</i>	<i>Any PCT from Wet Sclerophyll Forests (Grassy sub-formation), Tier 3 or higher.</i>

Reason: To offset the residual biodiversity impacts of the development in accordance with the NSW Biodiversity Offset Scheme.

2. The deletion of condition 23.

23. Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans.

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report referenced in Condition 1 of this consent are to be incorporated into the construction plans. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.

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

Reason: To ensure geotechnical risk is mitigated appropriately.

3. The deletion of condition 21.

21. Traffic Management and Control.

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

4. The deletion of condition 30.

30. External Finishes to Roof.

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

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

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of

the development. (DACPLC03)

5. The amendment of condition 29 to read as follows:

29. External Colours and Finishes.

The external colours and finishes to the external walls and roof shall have a medium to dark range (BCA classification M and D). Light colours such as off white, cream, silver or light grey colours are not permitted. Any roof with a metallic steel finish is not permitted. Proposed new retaining walls shall be constructed of sandstone or sandstone like materials.

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

Reason: To ensure building colours and materials complement and enhance the natural landscapes and to ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

6. The deletion of condition 34.

34. Waste Management Plan.

A Waste Management Plan must be prepared for this development. The plan must comply with the Northern Beaches Council Waste Management guidelines. Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: To ensure that any demolition and construction of waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

7. The addition of the following condition:

Waste Management During Development.

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

8. The addition of the following condition:

Geotechnical Recommendations During Works.

All works and construction activities shall be undertaken in accordance with the recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by White Geotechnical Group dated 23/2/2021 and letter dated 24/6/2021.

Reason: To ensure geotechnical risk is mitigated appropriately.

9. The addition of the following condition:

Implementation of Construction Traffic Management Plan.

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained

at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

10. The addition of the following condition:

Passenger Lift Noise Control.

Prior to the issue of an Occupation Certificate, certification by a suitably qualified person shall be provided to the Principle Certifying Authority demonstrating that the noise level from the passenger lift will not exceed 5dBA above background noise when measured from the nearest property boundary.

Reason: To ensure an appropriate level of residential amenity is maintained.

Vote 3/0

3.2 DA2021/1062 - 10 ARTHUR STREET, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

PROCEEDINGS IN BRIEF

There were no registered speakers.

The Panel requires the proposal to include silt and sedimentation controls to be in place for construction. Conditions have been included in the recommendation to this effect.

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

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 Local Environmental Plan 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council, as the consent authority, **approves** Development Consent to DA2021/1062 for alterations and additions to a dwelling house on land at Lot 14 Sec A DP 2170, 10 Arthur Street, Fairlight, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours
- Approximate location of trees and other vegetation, showing items for removal or retention

- (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities)
 - Existing and proposed drainage patterns with stormwater discharge points
 - Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected.
 - North point and scale.

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

Reason: Protection of the receiving environment.

2. The addition of the following condition:

Installation and Maintenance of Sediment and Erosion Controls

Council proactively regulates construction sites for sediment management.

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing

Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan (ESCP) prepared in accordance with conditions of this consent prior to commencement of any other works on site.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: Protection of the receiving environment.

Vote 3/0

3.3 DA2021/0487 - 40 BASSETT STREET, MONA VALE - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL.

PROCEEDINGS IN BRIEF

The Panel was addressed by a representative of the applicant.

The Panel was satisfied that the proposal met the solar access requirements of the Pittwater 21 Development Control Plan (P21DCP) as detailed in the assessment report, and that the proposal maintain generous setbacks, especially at the first floor adjoining the development at 38 Bassett St.

In regards to the landscaped open space, the plans indicating the undercover terrace area as *impervious landscaping* is demonstrating that the proposal meets the requirements of P21DCP, section *D9.10 Landscaped Area – General*, in regards to the acceptable level of variation for outdoor recreation space. The panel are satisfied that this meets these requirements

The Panel notes that the assessment report incorrectly reference PLEP cl7.3 Flood planning, which has been repealed. The proposal will need to be addressed against cl 5.21 Flood Planning. Further the excavation of the swimming pool exceeds 2 metres and this requires the submission of an Acid Sulfate Soils Management Plan under cl 7.1 of PLEP.

The Panel defers further deliberations on this item to receive the further information in relation to Floodplain risk management and acid sulfate soils.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council, as the consent authority, **defers** determination of application DA2021/0487 for demolition works and construction of a dwelling house including a swimming pool on land at Lot 26 Sec E DP 6195, 40 Bassett Street, Mona Vale, in order to receive further information.

Vote 3/0

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 8 September 2021.