



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 22 SEPTEMBER 2021

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 22 September 2021**

### **ATTENDANCE:**

#### **Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment	Items 3.1, 3.2,& 3.4
Lashta Haidari (Chair for item 3.3)	Manager, Development Assessment	Items 3.2, 3.3 & 3.4
Rebecca Englund	Manager, Development Assessment	Items 3.1 & 3.3
Claire Ryan	Manager, Development Assessment	Item 3.3
Liza Cordoba	Manager, Strategic & Place Planning	Items 3.1, 3.2 & 3.4

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 8 SEPTEMBER 2021**

The Minutes of the Development Determination Panel held 8 September 2021, were adopted by all Panel Members and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2021/0927 - 224 HUDSON PARADE, CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

##### PROCEEDINGS IN BRIEF

There were no registered speakers.

The Panel was concerned that the proposal removes all landscaped areas within the front setback, utilising the whole frontage for parking. The dimensions within the garage are sufficient to provide parking for 2 vehicles and in this regard the external parking platform at the expense of landscaping is not justified. A condition has been included to delete the external parking area.

The Plans indicated that the new roof of the garage would overhang the property boundary and have included a condition to ensure that all works are contained within the boundary.

The Panel noted that there were 2 conditions to cover Traffic Management Plans and considered condition 13 could be deleted.

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 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.

##### DETERMINATION OF DEVELOPMENT APPLICATION

That Council, as the consent authority, **approves** Development Consent to DA2021/0927 for alterations and additions to a dwelling house on land at Lot 46 DP 13760 & LIC 302137, 224 Hudson Parade, Clareville, subject to the conditions set out in the Assessment Report, subject the following:

1. The Deletion of condition 13

This is covered by condition 19.

2. The amendment of condition 19 to read as follows:

**19. Construction Traffic Management Plan**

A Construction Traffic Management Plan is to be prepared for the development given its difficult access arrangements.

The Construction Traffic Management Plan shall include (but not be limited to) the following:

- a) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- b) Details for storage of materials
- c) Provision of parking for workers
- d) Details for loading and unloading of materials
- e) Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- f) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- g) The location and operation of any on site crane

The Construction Traffic Management Plan shall be submitted to Council for approval prior to the issue of the Construction Certificate.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

3. The addition of the following condition:

**Amendments to the Approved Plans**

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

- a) All structures (in particular the garage roof) to be wholly located within the property boundaries. These plans must clearly specify the dimensions of setbacks of any new works proposed within 1 metre of any site boundary.

The plans are to accurately reflect the property boundaries as shown on the boundary identification survey, prepared by a Registered Surveyor.

- b) The external parking platform in the north-west corner of the front setback is to be deleted and the area maintained as soft landscaping following the existing ground levels. The area is to contain a minimum 2 locally endemic species of trees which will reach a minimum mature height of 4 metres. The associated stairs along the boundary are to be located at ground level.

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.

Vote 3/0

### **3.2 DA2021/1123 - 60 CABARITA ROAD, AVALON - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PROCEEDINGS IN BRIEF**

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**

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.

#### **DETERMINATION OF DEVELOPMENT APPLICATION**

That Council, as the consent authority, **approves** Development Consent to DA2021/1123 for alterations and additions to a dwelling house on land at Lot 1 DP 208499, 60 Cabarita Road, Avalon, subject to the conditions set out in the Assessment Report.

Vote 3/0

### 3.3 DA2021/1008 - 31 SMITH AVENUE, ALLAMBIE HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

#### PROCEEDINGS IN BRIEF

The Panel was addressed by one objector and a representative for the owner.

The Panel concurred with the Officer's assessment report and memo, dated 21 September 2021.

#### 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 submissions 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That Council, as the consent authority, **approves** Development Consent to DA2021/1008 for alterations and additions to a dwelling house on land at Lot 41 DP 12764, 31 Smith Avenue, Allambie Heights, subject to the conditions set out in the Assessment Report, the Supplementary memo dated 21 September 2021, and subject to the following:

1. The addition of the following condition:

##### **Amendments to Geotechnical Report**

The following amendments are to be made to the Geotechnical Report referenced in Condition 2:

- Address any rock cutting associated with the excavation and construction of the garage and storage works

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.

2. The addition of the following condition:

**Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 2 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

3. The addition of the following condition:

**Acoustic Treatment of Pumps**

Any ongoing pumps are required to be enclosed within a housing and acoustically treated so that it does not emit any noise louder than 5dB(A) above background noise at the nearest residential receiver.

Reason: To ensure the acoustic amenity of the neighbouring residents.

Vote 3/0



### **3.4 DA2021/0757 - 33 LAUDERDALE AVENUE, FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL AND SPA.**

#### **PROCEEDINGS IN BRIEF**

There were no registered speakers.

The Panel notes that the increase in floorspace equates to 10 m<sup>2</sup>, which is contained underneath the existing building and does not contribute to the bulk of the building. The existing building already exceeds the Floor space ratio and this proposal has an insignificant increase and impact.

In relation to the building height, it is also noted that the existing building exceeds the height and there is no change to the existing envelope of the building. The proposed works which are above the height limit are simple and are replacing existing elements of the building, e.g. glass doors and windows, with no change to the location of height of the external façade, and the installation of a retractable awning.

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 4.3 Height of Buildings and 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.

#### **DETERMINATION OF DEVELOPMENT APPLICATION**

That Council, as the consent authority, **approves** Development Consent to DA2021/0757 for alterations and additions to a dwelling house including swimming pool and spa on land at Lot 1 DP 110238, 33 Lauderdale Avenue, Fairlight, subject to the conditions set out in the Assessment Report.

Vote 3/0

This is the final page of the Minutes comprising 9 pages  
numbered 1 to 9 of the Development Determination Panel meeting  
held on Wednesday 22 September 2021.