



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 13 OCTOBER 2021

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 13 October 2021**

### **ATTENDANCE:**

#### **Panel Members**

Peter Robinson (Chairperson)	Executive Manager Development Assessment	All Items
Rod Piggott	Manager, Development Assessment	Items 3.2 – 3.5
Lashta Haidari	Manager, Development Assessment	Item 3.1
Phil Jemison	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 29 SEPTEMBER 2021**

The Minutes of the Development Determination Panel held 29 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 DA2021/1356 - 105 ARTHUR STREET, FORESTVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

##### 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.

##### 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

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 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 DA2021/1356 for alterations and additions to a dwelling house on land at Lot 2 DP 112668, 105 Arthur Street, Forestville, subject to the conditions set out in the Assessment Report.

Vote 3/0

**3.2 MOD2021/0442 - 5 EDGECLIFFE BOULEVARDE, COLLAROY PLATEAU -  
MODIFICATION OF DEVELOPMENT CONSENT DA2018/1373 GRANTED FOR  
DEMOLITION WORKS, CONSTRUCTION OF A NEW DWELLING HOUSE INCLUDING  
A SWIMMING POOL**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel received further written submissions and was addressed by the owner and a representative of the applicant.

The Panel found that the proposed masonry wall would present an unacceptably high structure in a visually prominent location which created visual bulk and view loss. In regards to the masonry wall being required for a pool barrier, the Panel considered there were suitable alternative options available which did not result in an excessively high masonry wall.

In this regard the Panel could not support the proposal.

**STATEMENT OF REASON**

The proposal is unsatisfactory in regards to height, bulk, visual impact and view loss.

**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, **refuses** MOD2021/0442 for Modification of Development Consent DA2018/1373 granted for demolition works, construction of a new dwelling house including a swimming pool on land at Lot 2 DP 1209331, 5 Edgecliffe Boulevard, Collaroy Plateau, for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D7 – Views of the Warringah Development Control Plan 2011 as it unreasonably impacts on views from the adjoining property.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D15 – Side and Rear Fences of the Warringah Development Control Plan 2011 as it is of a height and scale (up to 3.6m) that results in unreasonable bulk and scale.

Vote 3/0

### **3.3 REV2021/0020 - 316 HUDSON PARADE, CLAREVILLE - REVIEW OF DETERMINATION OF APPLICATION DA2020/1591 FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND GARAGE.**

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel was addressed by an objector and the applicant.

The panel accepts the assessment report conclusion on solar access impacts, however considered that privacy needs to be further addressed to maintain an acceptable level of privacy to the adjoining private open space area. In this regard privacy louvres are required by condition of consent to address this issue.

The Panel have also required conditions for dilapidation report for the driveway, Construction Traffic Management Plan to address pedestrian safety and for acoustic performance measures for pool plant.

Subject to the above, 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 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 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** REV2021/0020 for Review of Determination of Application DA2020/1591 for alterations and additions to a dwelling house and garage on land at Lot 1 DP 827733, 316 Hudson Parade, Clareville, subject to the conditions set out in the Assessment Report subject to the following:

1. The amendment of condition 13 to read as follows:

**13. Construction Traffic Management Plan**

The Applicant is to submit an Construction Traffic Management Plan ('CTMP') to Council for approval prior to issue of the Construction Certificate. The CTMP shall be prepared by an appropriately certified person and is to detail:

Parking of trades and service people,

- Size, weight, dimensions and frequency of truck movements along the driveway,
- Management of driveway, noting shared use and pedestrian activities of the driveway,
- Storage of goods and materials.

Once approved, copies of the CTMP are to be furnished to all property owners who benefit from the driveway for their records. This is to occur at least 7 days prior to the commencement of any works on site.

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.

2. The addition of the following condition:

**Privacy Screen**

A privacy screen shall be provided adjacent to the western balcony balustrade of the gym/studio. The screening is to:

- Extend for a minimum length of 1.5m from the southern blade wall and located inside the balustrade.
- Be a minimum height of 1.65m above FFL.
- Consist of louvres 100mm in length, spaced a maximum of 100mm apart and angled perpendicular to the balustrade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure a reasonable level of privacy to the adjoining property.

3. The addition of the following condition:

**Pre-Construction Dilapidation Report**

Dilapidation reports, including photographic surveys, of the driveway over the following adjoining properties must be provided to the Principal Certifying Authority prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of driveway and associate/adjoining structures such as adjoining retaining walls, gates etc.

- 318 Hudson Pde
- 320 Hudson Pde

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken

to obtain access. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

4. The addition of the following condition:

**Post-Construction Dilapidation Report**

Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, must be submitted after the completion of works. The report must:

- Compare the post-construction report with the pre-construction report.
- Clearly identify any recent damage and whether or not it is likely to be the result of the development works.
- Should any damage have occurred, suggested remediation methods.

Copies of the reports must be given to the property owners referred to in the Pre-Construction Dilapidation Report Condition. Copies must also be lodged with Council.

Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

Reason: To maintain proper records in relation to the proposed development.

5. The addition of the following condition:

**Noise from pool plant**

Noise associated with the ongoing operation of the proposed swimming pool filter is not to exceed 5dBA above background noise level within habitable rooms of the surrounding residential properties.

Reason: To maintain the amenity of the surrounding properties.

Vote 3/0



**3.4 MOD2021/0490 - 156 WHALE BEACH ROAD, WHALE BEACH - MODIFICATION OF DEVELOPMENT CONSENT DA2020/1080 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

There were no registered speakers.

**COMMUNITY CONSULTATION**

There were no submissions received for this application.

**DETERMINATION OF DEVELOPMENT APPLICATION**

That Council, as the consent authority, **defers** Mod2021/0490 for Modification of Development Consent DA2020/1080 granted for alterations and additions to a dwelling house on land at Lot B DP 355059, 156 Whale Beach Road, Whale Beach, for further consideration.

Vote 3/0

**3.5 MOD2021/0620 - 38 UNDERCLIFF ROAD, FRESHWATER - MODIFICATION OF DEVELOPMENT CONSENT DA2020/1501 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SECONDARY DWELLING AND SWIMMING POOL.**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel sought to clarify that the planter boxes maintain a minimum internal width and area to ensure a suitable level of landscaping could be provided and have amended the condition to reflect this.

**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 referred to Council Roads team for a response.

**DETERMINATION OF DEVELOPMENT APPLICATION**

That Council, as the consent authority, **approves** Mod2021/0620 for Modification of Development Consent DA2020/1501 granted for demolition works and construction of a dwelling house including secondary dwelling and swimming pool on land at Lot 22 DP 5118, 38 Undercliff Road, Freshwater, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 14A to read as follows:

**14A - Planter Box Extension**

The internal width of the ground floor planter boxes that adjoin Moore Lane and 36 Undercliffe Rd are to be increased from 650mm to 800mm. The additional width should not result in any reduction to the setbacks to Moore Lane.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure appropriate soil volume for planting.

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 13 October 2021.