



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

WEDNESDAY 27 OCTOBER 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 27 October 2021

ATTENDANCE:

Panel Members

Peter Robinson (Chairperson)	Executive Manager Development Assessment
Rebecca Englund	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 13 OCTOBER 2021

The Minutes of the Development Determination Panel held 13 October 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2021/0621 - 135 Riverview Road, Avalon Beach - Modification of development consent DA2018/2051 for demolition works and the construction of a dwelling house.

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The Panel raised concerns that the modified works would have an impact on a large angophora, and there isn't an assessment of the impacts of the new works on this tree. Substantial assessments and conditions were applied on the original consent to ensure the trees wellbeing.

The Panel identified that further excavation works were being untaken and that a revised Geotechnical report was not submitted.

These items are required for the Panel to make a complete assessment and determination.

Further, the panel were concerned with the visual impact resulting from enclosing the under floor area below the spa. The original design was cantilevered, providing an open floating structure, therefore, the cladding of this space would result in a visually prominent structure in a visually sensitive location on the waterfront. The plant for the pool equipment will need to be enclosed for noise attenuation and located in a visually non-prominent location.

The Panel will delay determination to receive the further information in order to make a decision.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council, as the consent authority, **defers** Mod2021/0621 for Modification of Development Consent DA2018/2051 for Demolition works and the construction of a dwelling house on land at Lot 1 DP 1135396, 135 Riverview Road, Avalon Beach, for further information to be provided.

Vote 3/0

3.2 MOD2021/0221 - 20 Palm Beach Road, Palm Beach - Modification of development consent DA2020/0214 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.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council, as the consent authority, **approves** Mod2021/0221 for Modification of Development Consent DA2020/0214 granted for alterations and additions to a dwelling house on land at Lot A DP 342891, 20 Palm Beach Road, Palm Beach, subject to the conditions set out in the Assessment Report.

Vote 3/0

3.3 DA2021/1231 - 1a Florida Road, Palm Beach - alterations and additions to a dwelling house including a spa.

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of the applicant.

The Panel identified and acknowledges three errors in the report: incorrectly identifying that the site is in a Heritage Conservation Area, that the proposal is non-compliant with clause 5.10 of PLEP 2014 (the clause is not applicable), and reference to the site being within the R2 Low Density Residential Zone (it is within the E4 Environmental Living Zone).

The Panel raised concern with the extent of new driveway/parking area which extends beyond the area required for the additional hardstand parking spaces. Given the site does not meet the minimum landscape site area this should be minimised.

The Panel also identified that works involve new driveway works located on the adjoining site, 1-3 Florida Rd. Whilst owners consent has been provided, the application before Council was not made on the adjoining site and therefore cannot include such works in any determination. Works may be able to be undertaken on this driveway under SEPP Exempt and Complying, otherwise a Development Application will be required. These works should either be removed from the plans or deleted by condition.

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 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, **defers** Development Consent to DA2021/1231 for alterations and additions to a dwelling house including a spa on land at Lot 1 DP 239368, 1A Florida Road, Palm Beach, for further information to be provided.

Vote 3/0

3.4 MOD2021/0607 - 107 Seaforth Crescent, Seaforth - Modification of development consent DA 126/2016 granted for demolition of existing dwelling, construction of a dwelling, studio, swimming pool, inclinor, driveway, car parking, garage, car lift, retaining walls and landscaping.

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel acknowledges and accepts the Supplementary Memo.

The BASIX Certificate identifies that the proposal includes 2 dwellings. Further information was supplied by the applicant to explain that with 2 separate buildings, this was the only way the Certificate could be appropriately categorised in order for BASIX to be applied. The Panel accepts this position and includes conditions to clarify this point.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

That Council, as the consent authority, **approves** Mod2021/0607 for Modification of Development Consent DA 126/2016 granted for demolition of existing dwelling, construction of a dwelling, studio, swimming pool, inclinor, driveway, car parking, garage, car lift, retaining walls and landscaping on land at Lot 33 DP 5488, 107 Seaforth Crescent, Seaforth, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Condition 1A - Modification of Consent - Approved Plans and supporting documentation

The development must be carried out in compliance with Development Application 10.2016.126.1 dated 31 August 2016, Modification Application Mod2018/0553 dated 23 October 2018 and Modification Application Mod2018/0176 dated 13 June 2018 and with the following:

- a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Proposed Site Section AA 03D	June 2021	Colebrook Architects
Main House Level 8 06M	June 2021	Colebrook Architects
Main House Level 5 & 6 08J	June 2021	Colebrook Architects
Main House Level 4 09H	June 2021	Colebrook Architects

Main House Level 3 10H	June 2021	Colebrook Architects
Pool House/Studio Level 2 12F	June 2021	Colebrook Architects
Pool House/Studio Level 1 13H	June 2021	Colebrook Architects
Main House Section AA 18J	June 2021	Colebrook Architects
Pool House Studio AA 23H	June 2021	Colebrook Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Geotechnical Assessment	9 August 2021	Crozier Geotechnical Consultants
Basix Report	25 July 2021	Basix Certificate Centre

Whilst the BASIX Certificate indicates that the proposal involves 2 dwellings, this does not in any way imply or approve a second dwellings on site.

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. The amendment of Condition 52 (6AP02) to read as follows:

Condition 52. Approved Land Use

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a dwelling house and a detached studio:

A dwelling house is defined as:

“dwelling house means a building containing one dwelling, an attached dwelling or a semi-detached dwelling, but does not include any part of the building that is ancillary development, attached development, detached development or exempt development under this Policy.

Note-Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.”

(development is defined by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Dictionary)

A studio is defined as:

"detached studio means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and –

- a) is established in conjunction with a dwelling house, and
- b) is on the same lot of land as the dwelling house, and
- c) is separate from the dwelling house, and
- d) is not used as a separate dwelling house, and
- e) does not contain any cooking facilities.

(development is defined by the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Dictionary)

There is no approval for detached Bedroom 3, and the Studio to operate as separate dwellings.

The Studio is not to contain a kitchen, kitchenette or wet-bar, nor contain any cooking facilities.

The kitchenette off bedroom 3 is not to contain any built in cooking facilities.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure development is restricted to approved uses.

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 27 October 2021.