

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

Electronically determined on

MONDAY 20 DECEMBER 2021

Minutes of a Meeting of the Development Determination Panel
Electronically determined on Monday 20 December 2021

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.5 DA2021/0672 - 869 PITTWATER ROAD COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steven Findlay (Chairperson)	Manager, Development Assessment
Rebecca Englund	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

This item was deferred from the meeting of 8 December 2021 due to the need to obtain further information from the applicant and advice from Councils Building Assessment Team in relation to matters concerning the design and construction of the additions.

The Panel was addressed by two resident objectors from Cumberland Avenue, one which was also represented by a planning consultant.

The Panel inspected the site and the resident objectors properties in Cumberland Avenue, reviewed the Assessment Report, DA documentation and residents submissions, including a number of late submissions.

The Panel heard concerns from the landowners in Cumberland Avenue that the proposal (as amended) is still non-compliant with the wall height, side boundary envelope and landscaped open space controls and would negatively impact on the views of those adjoining properties, such that it was not a "skilful design" pursuant to the Tenacity View Sharing Planning Principle.

The resident objectors were primarily concerned with the depth of the "600mm floor void" for the first floor construction and were of the opinion that it could be reduced to 240mm, thus allowing a 360mm reduction in the overall height of the building and an improvement on the view impacts.

The Panel noted that the amended scheme (as compared to original DA scheme) provides for a 1.02m lowering of the building height and an increase in the side setbacks of 0.615m to 0.69m, which was achieved through a change from a pitched roof to a flat/skillion roof form.

In order to better understand the reasons why the floor design was 600mm deep, the applicant was requested to provide a justification from the building designer and a structural engineer. The applicant provided the requested evidence, which was reviewed by Council's Building Assessment Team. The review determined that the proposed floor design was consistent with building practices and expectations for a first floor addition of this type and configuration.

In relation to the non-compliances, the landscape open space issue is an existing situation which is not being made any worse under this application. In relation to the others, being wall height and side boundary envelope, a revised scheme would not provide any material benefit to views if the Panel was minded to make the proposal fully compliant. The Panel accepts the assessment of the variations as carried out by the planning officer.

Finally, in relation to view sharing, the Panel finds that the amended scheme represents adequate and reasonable view sharing in a manner that is consistent with the View Sharing provisions of the WDCP 2011, which incorporates the Tenacity Planning Principle, and that the provision of a first floor addition, to create a two storey height and scale when viewed from the north (rear) is compatible with other similar developments on this stretch of Pittwater Road.

The Panel noted that the standard geotechnical and bushfire conditions were omitted from the draft set of conditions and sought advice from the Planning Officer, who duly provided the omitted conditions, which have been included in the decision. Also, due to the property fronting Pittwater Road and the "B-Line" bus lane, a Construction Management Plan will be required.

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 assessment report, the panel meeting and the post meeting review and analysis.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** the determination of Development Application No. DA2021/0672 for alterations and additions to a dwelling house on land at Lot 9 DP 12985, 869 Pittwater Road, Collaroy, subject to the conditions set out in the Assessment Report and the following additional conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

- **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.

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.

- **Bushfire Requirements**

Prior to the issuance of the construction certificate, a suitably qualified bushfire consultant is to provide the certifying authority with written certification that the recommendations of the

Bushfire Assessment Report referenced in Condition 1 of this consent have been incorporated into the plans submitted with the construction certificate.

Reason: Bushfire safety.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

- **Geotechnical Report Certification**

A suitably qualified geotech consultant is to provide confirmation that the development is consistent with the recommendations of the Geotechnical Report referenced in Condition 1 of this consent.

Written certification is to be provided to the Principal Certifying Authority prior to the issue of the occupation certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

- **Bushfire Requirements**

Prior to the issuance of the occupation certificate, a suitably qualified bushfire consultant is to provide the Principal Certifying Authority with written certification that the recommendations of the Bushfire Assessment Report referenced in Condition 1 of this consent have been incorporated into the as-built development.

Reason: Bushfire safety.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

- **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

- **Bushfire Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Bushfire Assessment Report referenced in Condition 1 of this consent are to be maintained and adhered to for the life of the development.

Reason: Bushfire safety.

- **Construction Management Plan**

As a result of the limited parking on Pittwater Road due to the "B-Line" bus lane, a Construction Parking Management Plan (CMP) shall be prepared and submitted to and approved by the Principal Certifying Authority prior to the commencement of works.

The CMP must address following as appropriate:

- a. Make provision for all construction materials to be stored on site, at all times.
- b. The proposed areas within the site to be used for the storage of materials, construction materials and waste containers during the construction period.
- c. Make provision for parking of construction vehicles within the site.

Reason: Traffic safety

Vote:3/0

This is the final page of the Minutes comprising 5 pages numbered 1 to 5 of the Development Determination Panel meeting electronically determined on Monday 20 December 2021.