



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 9 FEBRUARY 2022

Minutes of a Meeting of the Development Determination Panel held via teleconference on Wednesday 9 February 2022

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

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 22 DECEMBER 2021

The minutes of the Development Determination Panel held 22 December 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 REV2021/0037 - 1 A THE SERPENTINE BILGOLA BEACH - REVIEW OF DETERMINATION OF APPLICATION DA2021/0148 FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steven Findlay (Chairperson)	Manager, Development Assessment
Rebecca Englund	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel was addressed by one representative of the applicant.

The Panel inspected the site, reviewed the Assessment Report and REV documentation, and concurred with the planning officer's recommendation for approval, subject to the conditions as contained in the report.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to REV2021/0037 for Review of Determination of Application DA2021/0148 for Alterations and additions to a dwelling house on land at Lot 3 DP 511677, 1A The Serpentine BILGOLA BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3:0

3.2 DA2021/1670 - 16 ALAMEDA WAY WARRIEWOOD - CONSTRUCTION OF A SECONDARY DWELLING

PANEL MEMBERS

Steven Findlay (Chairperson)	Manager, Development Assessment
Rebecca Englund	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

There were no registered speakers.

The Panel had concerns in relation to a number of aspects of the proposed development; including, the status of the space underneath the secondary dwelling which is labelled as a “storage” area and the introduction of tandem open hardstand parking within the front of the dwelling house.

In relation to the “storage” area, that space is designed to meet the requirements for a single enclosed garage, but is not sought to be used for that purpose. The Assessment Report states that it is capable of being used as a carparking space, and in fact has been assessed on that basis. However, the DA has been notified on the basis of its use as a storage area and not carparking, so it would be contrary to the manner in which the DA has been made and notified, to assess and approve that space for carparking.

The introduction of parking within the front of the dwelling house raises concerns in relation to the impact on the streetscape and character of the locality, as well as the practicality, safety and convenience of the tandem parking arrangement. In this regard, the parking is contrary to the stated outcomes of Section B6.3 Off-Street Vehicle Parking Requirements of the Pittwater 21 DCP.

Whilst the above matters are problematic, the siting and built form of the secondary dwelling is considered to be suitable and appropriate on the site and will not raise any significant amenity issues for the adjoining properties.

The applicant may choose to reconsider the provision of parking for the overall development and can make a future application which addresses the above concerns.

Accordingly, the Panel does not concur with the Officer’s assessment report and recommendation and consider the issues warrant the refusal of the application.

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP.

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** Development Application No. DA2021/1670 for construction of a secondary dwelling on land at Lot 10 DP 227843, 16 Alameda Way WARRIEWOOD, for the following reasons.

1. Pursuant to Section 4.15(1) (a) (iii) and (b) of the Environmental Planning and Assessment Act, 1979 and Section B6.3 Off-Street Vehicle Parking Requirements of the Pittwater 21 Development Control Plan, the proposed parking for the existing and proposed development is contrary to the stated outcomes of Section B6.3, in that the location and tandem

arrangement will have a detrimental impact on the streetscape and the character of the locality and is not provided in a practical and convenient manner.

Vote: 3:0

3.3 DA2021/1783 - 23 BAROONA ROAD CHURCH POINT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steven Findlay (Chairperson)	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

There were no registered speakers.

The Panel inspected the site, reviewed the Assessment Report, DA documentation and residents submissions.

The Panel is satisfied in relation to the applicants Clause 4.6 variation request and the planning officers assessment in the Assessment Report, as further detailed below.

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 one submission received 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 LEP 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 DA2021/1783 for Alterations and additions to a Dwelling House on land at Lot 4 DP 567442, 23 Baroona Road CHURCH POINT, subject to the conditions set out in the Assessment Report.

Vote: 3:0

3.4 MOD2021/0654 - 2 MACPHERSON STREET WARRIEWOOD - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0887 GRANTED FOR SUBDIVISION OF LAND INTO 24 COMMUNITY TITLE LOTS COMPRISING 22 RESIDENTIAL LOTS AND 2 RESIDUE LOTS

PANEL MEMBERS

Steven Findlay (Chairperson)	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel was addressed by a representative of the applicant, who raised issue with Condition No. 8 in the recommendation of the Assessment Report, in that the first part of the condition, referring to the “sewer service line” has been added to the original set of DA conditions, and specifically that the words “*shall not traverse private property*” were problematic from the applicants point of view, as it is a requirement that cannot be practically complied with.

However, a review of the original Development Consent No. DA2019/0887, reveals that Condition 8 was in fact included at the time the DA was approved and has not been added through the assessment of this current MOD application.

As there was no request made by the Applicant to amend Condition 8 in the MOD application, the matter was not the subject of any public notification or assessment, and therefore it is not agreed with that the condition should be amended to delete the words “*shall not traverse private property*”.

The Panel inspected the site, reviewed the Assessment Report and MOD documentation, and concurred with the planning officer’s recommendation for approval, subject to the conditions as contained in the report.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Modification of Consent Application No. Mod2021/0654 to modify DA2019/0887, which was granted for subdivision of land into 24 community title lots comprising 22 residential lots and 2 residue lots on land at Lot 25 DP 5464, 2 Macpherson Street WARRIEWOOD, subject to the modified conditions set out in the Assessment Report.

Vote: 3:0

3.5 DA2021/1286 - 54 WANDEEN ROAD CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL AND GARAGE

PANEL MEMBERS

Steven Findlay (Chairperson)	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel was addressed by a representative of the applicant.

The Panel inspected the site, reviewed the Assessment Report, DA documentation and residents submissions.

The Panel raised issue with the design of the proposed garage within the front setback in that the degree of solid wall enclosure of the structure was excessive and would diminish views of the Pittwater waterway from the street. Options were discussed as to what level of changes would be required to satisfy the Panels concerns.

The applicants representative agreed to investigate what amendments could be made to address the issue.

Amended plans were subsequently submitted and reviewed by the Panel. The Panel are satisfied that the amended scheme incorporates sufficient transparency and openness of the walls of the structure when viewed from the street, including an opening up of the pedestrian access walkway with a 1.0m high timber batten balustrade.

The revised plans are incorporated into Condition 1 as detailed below.

The Panel is satisfied in relation to the applicants Clause 4.6 variation request and the planning officers assessment in the assessment report, as further detailed below.

Based on the resolution of the garage issue, the Panel concurred with the balance of the Officer's assessment report and support the 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 at 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 LEP 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 Application No. DA2021/1286 for alterations and additions to a dwelling house including a swimming pool and garage on land at Lot 11 DP 219977, 54 Wandeen Road CLAREVILLE, subject to the conditions set out in the Assessment Report, and the following changes to the conditions:

- The amendment of condition 1 to read as follows:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02 Rev. A - Exist + Prop Site Plans	29 June 2021	Grove Architects
DA03 Rev. A - Existing Plans	29 June 2021	Grove Architects
DA10 Rev. A - Level 6 - Roof	29 June 2021	Grove Architects
DA11 Rev. C - Level 5 - Garage Level	10 February 2022	Grove Architects
DA12 Rev. A - Level 4 - Study Level	29 June 2021	Grove Architects
DA13 Rev. B - Level 3 - Living Level	25 October 2021	Grove Architects
DA14 Rev. A - Level 2 - Bedroom Level	29 June 2021	Grove Architects
DA15 Rev. A - Level 1 - Garden Level	29 June 2021	Grove Architects
DA16 Rev. B - Elevation North	25 October 2021	Grove Architects
DA17 Rev. A - Elevation South	29 June 2021	Grove Architects
DA18 Rev. B - Elevation East	10 February 2022	Grove Architects
DA19 Rev. B - Elevation West	25 October 2021	Grove Architects
DA20 Rev. B - Section A	10 February 2022	Grove Architects
DA21 Rev. C - Section B	10 February 2022	Grove Architects
DA22 Rev. A - Section C	29 June 2021	Grove Architects
DA23 Rev. B - Section D	10 February 2022	Grove Architects
DA24 Rev. B - Section E	10 February 2022	Grove Architects
DA31 Rev. A - Landscape Areas	29 June 2021	Grove Architects
DA40 Rev. A - Colours & Materials	29 June 2021	Grove Architects

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Arboricultural Impact Appraisal and Method Statement	12 July 2021	Naturally Trees
BASIX Certificate no. A417274	28 June 2021	Grove Architects
Report on Geotechnical Investigation (ref:2020-198)	30 October 2020	Crozier Geotechnical Consultants

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) The development is to be undertaken generally in accordance with the following:

Landscape Plans

Drawing No.	Dated	Prepared By
L/01 - Proposed Landscape Plan	11 November 2021	A Total Concept
L/02 - Details	11 November 2021	A Total Concept
L/03 - Landscape Specification	11 November 2021	A Total Concept

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

Vote: 3:0

The meeting concluded at 10:50am

This is the final page of the Minutes comprising 11 pages numbered 1 to 11 of the Development Determination Panel meeting held on Wednesday 9 February 2022.