



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

**WEDNESDAY 25 MAY 2022**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 25 May 2022  
via teleconference**

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 11 MAY 2022**

The minutes of the Development Determination Panel held 11 May 2022, were adopted by all Panel Members and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2021/1636 - 7 CROWN ROAD QUEENSCLIFF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PANEL MEMBERS

Phil Lane	Acting Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel considered the submission from the objector dated 3 May 2022 which was received by Council on 20 May 2022.

The Panel was addressed by one objector and representatives of the applicant.

The Panel concurred with the Officer's assessment report and recommendation subject to the deletion of the external louvres from Window "W15" for the Bedroom 2 and the removal of the garden bed and planting along the balustrade edges on the southern and eastern ends on the Bedroom Level.

##### STATEMENT OF REASON

The amended 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 LEP 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.

##### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/1636 for alterations and additions to a dwelling house on land at Lot 2 DP 514296, 7 Crown Road QUEENSCLIFF, subject to the conditions set out in the Assessment Report including the amendment of Condition 1 Approved Plans and Supporting Documentation with the amended plans received by Council on 9 June 2022.

Vote: 3/0

### 3.2 DA2022/0166 - 33A QUEENS AVENUE AVALON BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no speakers in relation to this item.

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.

#### COMMUNITY CONSULTATION

There was one (1) submission received in relation to this application which has been considered by the Panel.

#### 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.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Application No. DA2022/0166 for alterations and additions to a dwelling house on land at Lot 21 DP 1220648, 33A Queens Avenue AVALON BEACH, subject to the conditions set out in the Assessment Report:

Vote: 3/0

### 3.3 DA2022/0130 - 135 SEAFORTH CRESCENT SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one representative of the applicant.

The Panel concurred with the Officer's assessment report and recommendation.

The Panel was satisfied that Condition 12 is sufficient to address the need to obtain a lease of the road reserve for the elevated driveway. Additionally, the Panel noted that a condition was required to ensure construction management was fully addressed prior to the commencement of work, owing to the restricted space for such activities on site and on the adjoining road reserve. The assessment officer was requested to provide the condition, which has been included in the recommendation.

#### STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013.

#### COMMUNITY CONSULTATION

One (1) submission was made in relation to this application, which has been considered by the Panel.

#### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) the applicant's written requests under clause 4.6 of the Manly LEP 2013, seeking to justify a contravention of clause 4.3 Height of Buildings, clause 4.3A Special Height Provisions and clause 4.4 Floor Space Ratio development standards have adequately addressed and demonstrated that:
  - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Application No. DA2022/0130 for alterations and additions to a dwelling house on land at Lot 2 DP 236331, 135 Seaforth Crescent SEAFORTH, subject to the conditions set out in the Assessment Report and an additional condition as follows.

## Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- 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.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular parking, site access areas, with no access across public parks or reserves being allowed without Council approval.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- 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.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practicing Structural Engineer, or equivalent.
- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 –

“Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

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

Vote: 3/0



### **3.4 DA2021/2626 - 36 GURNEY CRESCENT SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A GARAGE**

#### **PANEL MEMBERS**

Steve Findlay	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

There were no speakers in relation to this application.

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.

#### **COMMUNITY CONSULTATION**

There were no submissions received in relation to this application.

#### **DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS**

A. The Panel is satisfied that:

- 1) the applicant's written requests under clause 4.6 of the Manly LEP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio development standards have adequately addressed and demonstrated that:
  - a) compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
  - b) there are sufficient environmental planning grounds to justify the contraventions.
- 2) the proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

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

THAT Council as the consent authority **approves** Development Application No. DA2021/2626 for alterations and additions to a dwelling house, including a garage on land at Lot 1 DP 1066457, 36 Gurney Crescent SEAFORTH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.5 MOD2021/0963 - 7 FLORIDA ROAD PALM BEACH - MODIFICATION OF DEVELOPMENT CONSENT N0417/15 GRANTED FOR DEMOLITION OF EXISTING DWELLING AND PROPOSED NEW DWELLING

#### PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of the applicant.

Prior to the meeting, the Assessment Officer was requested to clarify references in the report that the proposed height of the modified development was being increased to 11.78m. In fact, the proposed height under the current application is being increased by 695mm from 11.17m to 11.87m and the assessment officer confirms that the assessment of the application is based on the correct height of 11.87m. Therefore, any references to the maximum height being 11.78m are incorrect and are simply a typographical error.

Additionally, the Panel noted that the assessment report states: "*7.12 Development contributions were levied on the Development Application*", however, the Northern Beaches Section 7.12 Contributions Plan did not apply to the original development when consent was issued. In relation to the current application, a new condition cannot be added to a consent requiring payment of development contributions under an applicable Contributions Plan without the agreement of the applicant. No such condition has been imposed,

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.

#### COMMUNITY CONSULTATION

One (1) submission was made in relation to this application, which has been considered by the Panel.

#### DETERMINATION OF MODIFICATION APPLICATION

THAT Council as the consent authority **approves** Modification Application No. Mod2021/0963 for modification of Development Consent N0417/15 granted for demolition of existing dwelling and proposed new dwelling on land at Lot 2 DP 633579, 7 Florida Road PALM BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

*The meeting concluded at 12:00pm*

This is the final page of the Minutes comprising 11 pages  
numbered 1 to 11 of the Development Determination Panel meeting  
held on Wednesday 25 May 2022.