

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 14 DECEMBER 2022**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 14 December 2022  
via teleconference**

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 7 DECEMBER 2022**

The minutes of the Development Determination Panel held 7 December 2022, were adopted by all Panel Members and have been posted on the Council's website.

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 REV2022/0021 - 28 STUART STREET COLLAROY - REVIEW OF DETERMINATION OF APPLICATION DA2021/2566 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE AND SECONDARY DWELLING

##### PANEL MEMBERS

Rod Piggott	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

##### 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 is inconsistent with the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 and is therefore recommended for refusal.

##### COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting.

##### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **refuses** Development Consent to REV2022/0021 for Review of Determination of Application DA2021/2566 for demolition works and construction of a dwelling house and secondary dwelling on land at Lot 1 DP 1199598, 28 Stuart Street COLLAROY, for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

### **3.2 DA2022/1488 - 349 LOWER PLATEAU ROAD BILGOLA PLATEAU - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PANEL MEMBERS**

Rod Piggott	Manager, Development Assessment
Phil Lane	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

#### **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 submission have been taken into account in the report and the meeting.

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

THAT Council as the consent authority **approves** Development Consent to DA2022/1488 for alterations and additions to a dwelling house on land at Lot 5 DP 217688, 349 Lower Plateau Road BILGOLA PLATEAU, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.3 DA2022/0409 - 79 RIVERVIEW ROAD AVALON BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Rod Piggott	Manager, Development Assessment
Phil Lane	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two objectors and the owners of the subject site.

The Panel considered all additional submissions from objectors and the applicant supplied prior to the meeting and the Planning Officer's supplementary memo.

The Panel considered issues relating to privacy, views, landscaping, solar access, boundary fencing, the estimated cost of works and stormwater disposal.

The applicant provided an updated builder's quote for the works and accordingly Condition 6 Policy Controls has been amended.

The Panel concurred with the Officer's Assessment Report and recommendations subject to the conditions 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 submission have been taken into account in the report and the meeting.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority grant a **Deferred Commencement** Development Consent to DA2022/0409 for alterations and additions to a dwelling house on land at Lot 21 DP 18005, 79 Riverview Road AVALON BEACH, subject to the conditions set out in the Assessment Report, subject to following:

Conditions to be satisfied prior to the issue of the construction certificate

1. The amendment of condition 10 to read as follows:

##### **10. Amendments to the Approved Plans**

The following amendments are to be made to the approved plans:

- No approval is granted for side boundary fencing under this consent, as this is a matter for the relevant property owners under the Dividing Fences Act. The architectural plans are to be amended to remove reference to the proposed boundary fencing, including the along the southern boundary.
- The 1.65m high privacy screen on the northern elevation of the proposed ground floor is to be extended for the full width of the northern elevation of this deck.

- The 1.65m high privacy screen on the northern elevation of the proposed first floor plan is to be extended to a distance of 2.45m from the dining room. This will result in no screening for a length 1.0m at the western end of the deck.
- A 1.65m high privacy screen is to be erected on the southern elevation of the proposed first floor plan off the master bedroom for a distance of 1.795m
- A Landscape Plan shall include the following to provide supplementary privacy:
  - i) along the southern boundary for 5 metres, starting from the existing timber deck and to continue downslope in a westerly direction parallel to the boundary,
  - ii) screen planting shall be installed at least 1 metre offset from the boundary and at 1 plant per lineal metre (with a total of 5 plants),
  - iii) species shall be *Waterhousea floribunda* and be a suitable pot size so that plant height is at least 1.5 metres at installation.

The selected planting is to be maintained at no less than 5 metres in height.

Plants are to be installed in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

The privacy screens shall be of fixed panels or louver style construction (with a maximum spacing of 100mm and angled away from the adjoining premises), in materials that complement the design of the approved development.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure consistency with the relevant legislation under the Dividing Fences Act 1991 and to ensure development minimises unreasonable impacts upon surrounding land.

2. The amendment of condition 6 to read as follows:

## **6. Policy Controls**

### **Northern Beaches Section 7.12 Contributions Plan 2022**

A monetary contribution of \$2,064.70 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended). The monetary contribution is based on a development cost of \$206,470.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan.

Vote: 3/0

### 3.4 DA2022/1283 - 18 NAREEN PARADE NORTH NARRABEEN - CONSTRUCTION OF A PARKING STRUCTURE AND INCLINED LIFT

#### PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Phil Lane	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel noted the receipt of the supplementary report including its recommended conditions and that two (2) late submissions were made in response to the assessment report.

The Panel viewed the site and the surrounds. The Panel was address by two (2) objectors and the applicant.

The Panel generally concurred with the Officer's Assessment Report and recommendation, subject to modified conditions relating to:

- Condition 19
- Condition 20
- Additional Conditions for Amended Plans and the Maintenance of Landscape Planter Boxes.

#### 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 submission have been taken into account in the report and the meeting.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2022/1283 for construction of a parking structure and inclined lift on land at Lot 49 DP 11356, 18 Nareen Parade NORTH NARRABEEN, subject to the conditions set out in the Assessment Report and Supplementary Report, subject to the following:

1. The amendment of condition 19 to read as follows:

##### 19. Terrace

The following amendments to the terrace shall be incorporated into the plans listed in Condition 1, with amended plans being amended to the satisfaction of the Certifier prior to the issue of a Construction Certificate:

- a. The proposed privacy screen at the north-western edge of the terrace shall be a maximum height of 1.8m above the finished floor level of the terrace.
- b. The proposed terrace balustrade at the front boundary shall be a maximum height of 1m above the finished floor level of the terrace. The balustrade shall be of timber construction and have a minimum transparency of 30%.



- c. Planter boxes containing plantings reaching a maximum height of 1.6m above FFL shall be provided in the following locations: i) along the length of the north-western edge of the terrace, and ii) along south-eastern edge of the terrace inside the stair balustrade, from the front boundary to the timber deck access. The planter boxes shall have a minimum soil depth of 400mm and a minimum internal width of 500mm. The plantings are to be maintained for the life of the development. Details including species, mature height, planting, pot size and spacing to provide continuous screening are to be provided to the Certifier.
- d. All balustrades and screens to the proposed terrace shall be of timber construction.
- e. The terrace shall be setback 450mm from the north-western boundary with the area between the wall and the boundary being landscaped with screen plantings. Ground levels within this landscaped area shall be consistent with the integrate with the ground levels of 20 Nareen Pde.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To minimise the visual bulk and privacy impacts of the development.

- 2. The amendment of condition 20 to read as follows:

**20. Incline Passenger Lift (Inclinor)**

The following amendments to the incline passenger lift (inclinor) shall be incorporated into the plans listed in Condition 1, with amended plans being amended to the satisfaction of the Certifier prior to the issue of a Construction Certificate:

- a. The outer (south-eastern) face of the inclinor carriage shall be affixed with privacy screening up to a minimum height of 1.7 metres above the finished floor level of the carriage, consisting of either:
  - i) translucent glazing, or
  - ii) fixed panel or louver style construction with a maximum spacing of 20 millimetres.
- b. The inclinor rails and carriage shall be painted to blend in with surrounding vegetation and screened by landscaping.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To minimise impacts on adjoining properties.

- 3. The addition of the following condition:

**Amendments to the approval plans**

In addition to any other amendment or modification to the Plans required by this consent, the following amendments shall be made to the plans listed in Condition 1:

- The south-western elevation details shown on Sheet 4 of 4 reference 4721/1A shall be amended to be referenced as the north-western elevation.
- The proposed retaining wall at the front of the property on the south-eastern boundary shall extend to the rear to so that it adjoins with the existing masonry block retaining wall that is positioned at the rear of the dwelling.

- The L4 landing shall be limited to a timber deck or concrete slab and is to be no higher than 50mm above existing ground level.
- The south-eastern wall of the storage area shall have an opening between the two piers so that the inclinor car may be accessed from the storage area underneath the adjoining stairs. This opening may have a gate or similar for security purposes.

Reason: To ensure that the approval is consistent with the determination.

4. The addition of the following condition:

**Landscape Maintenance (Planter Boxes)**

If any landscape materials/components or planting under this consent fails, they are to be replaced with materials/components. Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting. If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with any conditions of consent.

The approved landscape area shall in perpetuity remain as planting under the development consent.

Reason: To maintain local environmental amenity.

Vote: 3/0

### **3.5 DA2022/0953 - 18 REDNAL STREET MONA VALE - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE AND SWIMMING POOL**

#### **PANEL MEMBERS**

Adam Richardson	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel was addressed by an objector and the applicant, noting that the Panel was in receipt of a late submission which addressed the assessment report.

The Panel generally concurred with the Officer's Assessment Report and recommendation, with an exception to recommended Condition 4. It was considered by the Panel that as the boat shed does not form part of the development application, it reference should be deleted from the DA plans, so as to avoid any confusion around its status.

#### **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 submission 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 DA2022/0953 for demolition works and construction of a dwelling house and swimming pool on land at Lot 1 DP 39183 & Lot LIC 621137, 18 Rednal Street MONA VALE, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 4 to read as follows:

**4. Boat Shed**

The boat shed and associated stairs does not form part of this development and any reference to them shall be deleted from the plans listed in Condition 1. No approval is granted or implied under this Development Consent for the existence or use of the roof terrace atop of the existing boatshed, annotated as 'Existing Terrace' on drawing DA03 K.

For clarity, this consent does not approve:

- The connection of the existing terrace to the new balcony of the house.
- The use of the rooftop as trafficable space.
- Any physical works that have been undertaken without consent.

Reason: To ensure compliance with the relevant Local Environmental Plan.

Vote: 3/0

**3.6 MOD2022/0402 - 87 GURNEY CRESCENT SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA2021/0656 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

**PANEL MEMBERS**

Adam Richardson	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel was addressed by the Applicant.

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** Development Consent to Mod2022/0402 for Modification of Development Consent DA2021/0656 granted for alterations and additions to a dwelling house on land at Lot 1 DP 1271044, 87 Gurney Crescent SEAFORTH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

*The meeting concluded at 12:30pm*

This is the final page of the Minutes comprising 14 pages  
numbered 1 to 14 of the Development Determination Panel meeting  
held on Wednesday 14 December 2022.