

# **MINUTES**

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 9 AUGUST 2023**

## **Minutes of a Meeting of the Development Determination Panel held on Wednesday 9 August 2023 via teleconference**

The minutes were determined on 18 August 2023.

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 26 JULY 2023**

The minutes of the Development Determination Panel held 26 July 2023, were adopted by all Panel Members and have been posted on the Council's website.

### **3.0 DEVELOPMENT DETERMINATION PANEL REPORTS**

#### **3.1 REV2023/0011 - 143 & 145 RIVERVIEW ROAD AVALON BEACH - REVIEW OF DETERMINATION OF APPLICATION NO. DA2022/1030 FOR DEMOLITION WORKS, LOT CONSOLIDATION AND THE CONSTRUCTION OF A DWELLING HOUSE**

##### **PANEL MEMBERS**

|                 |   |
|-----------------|---|
| Adam Richardson | Manager, Development Assessment           |
| Phil Lane       | Principal Planner, Development Assessment |
| Jordan Davies   | Acting Manager, Development Assessment    |

##### **PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

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

The Panel noted that the development scheme presented on the business paper contained works forward of the foreshore building line which were not structures permitted by the restrictions set in Clause 7.8 of the Pittwater Local Environmental Plan 2014. Accordingly, the applicant when presented with this elected to amend the development application and modify the development so that only those new works which are proposed within the foreshore area are permitted by Clause 7.8 of the Pittwater Local Environmental Plan 2014.

The Panel were satisfied that the development presented an acceptable impact on adjoining properties.

In addition, the Panel noted the presence of a solid fuel heater and note that any approval issued needs to include the necessary conditions which regulates its installation and operation to ensure an acceptable environmental impact.

##### **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 as set out within the assessment report.

##### **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 REVIEW APPLICATION**

THAT Council as the consent authority, reviews the determination of DA2022/1030 under Review Application No. REV2023/0011 for demolition works, lot consolidation and the construction of a dwelling house at Lot 1 & 2 DP 19402, Lot 215 DP 752046 and Lot LIC 325946, 143 & 145 Riverview Road AVALON BEACH, and in reviewing its determination grants development consent to the application subject to the conditions set out in the Assessment Report as amended by the supplementary memo dated 15 August 2023 and the following:

1. Add the following additional conditions:

### **BEFORE ISSUE OF THE OCCUPATION CERTIFICATE**

#### **Installation and certification of solid/fuel burning heater**

The solid fuel heater must be certified to comply with Australian Standards 4012 and 4013.

Provide to the Principal Certifier certification that the solid fuel heater has been installed by an appropriately experienced and qualified person, in accordance with the relevant provisions of AS2918 – Domestic Solid Fuel Burning Appliances – Installation.

Reason: To ensure the installation is completed in a legislatively compliant manner.

#### **Certificate of Compliance**

Provide Council a certificate from an appropriately qualified person indicating the system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements.

Reason: To ensure the system operates in a legislatively compliant manner.

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

#### **Operation of solid fuel burning heaters**

The owner/operator must take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures must include:

- Using dry seasoned hardwood
- Storing wood in a dry well-ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke
- Maintenance according to the manufacturer's specifications

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

#### **Maintenance of solid fuel heaters**

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

**Maintenance of solid fuel heaters**

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

Vote: 3/0

### 3.2 DA2023/0168 - 14/90 MONA VALE ROAD WARRIEWOOD - USE OF PREMISES AS A MEDICAL CENTRE

#### PANEL MEMBERS

|                 |                                     |
|-----------------|-------------------------------------|
| Adam Richardson | Manager, Development Assessment     |
| Rod Piggott     | Manager, Development Assessment     |
| Liza Cordoba    | Manager, Strategic & Place Planning |

#### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one objector and was in receipt of an additional submission. The Panel were also addressed by representatives of the applicant.

The Panel concurred with the Officer's Assessment Report and recommendation with the exception of the deletion of Condition 4 and adding the following condition:

##### **Allocation of Spaces**

Car parking spaces allocated in SP 70187 to Lot 14 are to be made accessible and maintained at all times.

Car parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to the tenancy shall be line marked and numbered or signposted to indicate the tenancy to which it is allocated.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site.

#### 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, as amended.

#### COMMUNITY CONSULTATION

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

#### DETERMINATION OF DEVELOPMENT APPLICATION

##### **Deferred Commencement Approval**

THAT Council as the consent authority, **grants deferred commencement approval** to Application No. DA2023/0168 for use of premises as a medical centre at LOT 14 SP 70187, 14/90 Mona Vale Road WARRIEWOOD, subject to the conditions set out in the Assessment Report, as amended as follows:

1. The deletion of Condition 4.

2. The addition of the following condition:

**Allocation of Spaces**

Car parking spaces allocated in SP 70187 to Lot 14 are to be made accessible and maintained at all times.

Car parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to the tenancy shall be line marked and numbered or signposted to indicate the tenancy to which it is allocated.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site.

Vote: 3/0



### 3.3 DA2022/1235 - 3 PACIFIC ROAD PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

#### PANEL MEMBERS

|              |   |
|--------------|---|
| Rod Piggott  | Manager, Development Assessment           |
| Phil Lane    | Principal Planner, Development Assessment |
| Liza Cordoba | Manager, Strategic & Place Planning       |

#### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

The Panel concurred with the Officer's Assessment Report and recommendation.

The applicant provided amended plans at the meeting which included the changes proposed under Condition 10 a) therefore this condition can be deleted.

Discussions were had relating to possible locations and requirements for a plant room, however if there are areas required for a plant room this will require a separate modification application which will be notified and assessed on its merits.

The Panel also received confirmation from the applicant that the fireplace was gas and not solid fuel.

#### 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/ as set out within the reasons for refusal in the assessment report.

#### COMMUNITY CONSULTATION

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

#### DETERMINATION OF DEVELOPMENT APPLICATION

##### Approval

THAT Council as the consent authority, **approves** Application No. DA2022/1235 for demolition works and construction of a dwelling house including swimming pool at Lot 399A DP 387179, 3 Pacific Road PALM BEACH, subject to the conditions set out in the Assessment Report, with the following changes:

1. Amend Condition 1 to read as follows:

##### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

- a) Approved Plans

**Architectural Plans - Endorsed with Council's stamp**

| <b>Drawing No.</b> | <b>Dated</b> | <b>Prepared By</b>     |
|--------------------|--------------|------------------------|
| DA.00 Rev F        | 08/08/2023   | Rob Mills Architecture |
| DA.03 Rev D        | 30/06/2023   | Rob Mills Architecture |
| DA.10 Rev E        | 08/08/2023   | Rob Mills Architecture |
| DA.11 Rev F        | 08/08/2023   | Rob Mills Architecture |
| DA.12 Rev F        | 08/08/2023   | Rob Mills Architecture |
| DA.13 Rev E        | 30/06/2023   | Rob Mills Architecture |
| DA.14 Rev E        | 30/06/2023   | Rob Mills Architecture |
| DA.20 Rev E        | 08/08/2023   | Rob Mills Architecture |
| DA.21 Rev E        | 08/08/2023   | Rob Mills Architecture |
| DA.30 Rev E        | 08/08/2023   | Rob Mills Architecture |
| DA.31 Rev D        | 30/06/2023   | Rob Mills Architecture |
| DA.90 Rev C        | 30/06/2023   | Rob Mills Architecture |

**Engineering Plans**

| <b>Drawing No.</b> | <b>Dated</b> | <b>Prepared By</b> |
|--------------------|--------------|--------------------|
| CI-000-0001 Rev C  | 26/05/2023   | Stantec            |
| CI-007-001 Rev C   | 26/05/2023   | Stantec            |
| CI-070-001 Rev C   | 26/05/2023   | Stantec            |
| CI-076-001 Rev C   | 26/05/2023   | Stantec            |
| CI-500-001 Rev C   | 26/05/2023   | Stantec            |
| CI-520-001 Rev C   | 26/05/2023   | Stantec            |
| CI-520-002 Rev C   | 26/05/2023   | Stantec            |
| CI-526-001 Rev C   | 26/05/2023   | Stantec            |
| CI-526-002 Rev C   | 26/05/2023   | Stantec            |

**Reports / Documentation - All recommendations and requirements contained within:**

| <b>Report No. / Page No. / Section No.</b>   | <b>Dated</b> | <b>Prepared By</b> |
|--|--------------|--------------------|
| Geotechnical Report Ref 206867.00 R.001.Rev0 | 13/12/2022   | Douglas Partners   |
| BASIX Certificate No.1301122S_02             | 16/05/2023   | Ecological Design  |
| Stormwater Management Report Ref 301350879   | 26/05/2023   | Stantec            |
| Arborist Report                              | 15/07/2022   | Ross Jackson       |

- 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:

| <b>Landscape Plans</b>                        |              |                        |
|---|--------------|------------------------|
| <b>Drawing No.</b>                            | <b>Dated</b> | <b>Prepared By</b>     |
| 2023.05.LOCKHART.3.PACIFIC.A0.2.0.L4 Issue 02 | May 2023     | Ben Kaye Garden Design |
| 2023.05.LOCKHART.3.PACIFIC.A0.2.0.L3 Issue 02 | May 2023     | Ben Kaye Garden Design |
| 2023.05.LOCKHART.3.PACIFIC.A0.2.0.L2 Issue 02 | May 2023     | Ben Kaye Garden Design |
| 2023.05.LOCKHART.3.PACIFIC.A0.2.0.L1 Issue 02 | May 2023     | Ben Kaye Garden Design |

| <b>Waste Management Plan</b> |              |                        |
|------------------------------|--------------|------------------------|
| <b>Drawing No/Title.</b>     | <b>Dated</b> | <b>Prepared By</b>     |
| Waste Management Plan        | 04/07/2022   | Rob Mills Architecture |

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.

2. Amend condition 10 to read as follows:

**10. Amendments to the approved plans**

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

- a) Any reference to 'stone' on the Level 1 Terrace adjoining the pool shall be deleted from the architectural plans and the landscape plan, with this area to consist of grass or the required pool fencing only.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land, including maximising soft landscaping and retaining view sharing outcomes for the surrounding properties.

Vote: 3/0

### 3.4 DA2023/0166 - 21 OCEAN ROAD MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A GARAGE AND OUTBUILDING

#### PANEL MEMBERS

|               |  |
|---------------|--|
| Steve Findlay | Manager, Development Assessment        |
| Jordan Davies | Acting Manager, Development Assessment |
| Liza Cordoba  | Manager, Strategic & Place Planning    |

#### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

There were no registered speakers.

The Panel concurred with the Officer's Assessment Report and recommendation for approval.

#### STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013 subject to the conditions as set out within the assessment report.

#### 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 Manly LEP 2013 seeking to justify a contravention of clause 4.4 Floor Space Ratio 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

##### Approval

THAT Council as the consent authority, **approves** Application No. DA2023/0166 for alterations and additions to a dwelling house including a garage and outbuilding at Lot 12 DP 2428, 21 Ocean Road MANLY, subject to the conditions set out in the Assessment Report and the following changes:

1. Amendment of Condition 1 to include the details of the Waste Management Plan as follows:

**1. Approved Plans and Supporting Documentation**

The development must be carried out in compliance with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

a) Approved Plans

| <b>Architectural Plans - Endorsed with Council's stamp</b> |              |                             |
|--|--------------|-----------------------------|
| <b>Drawing No.</b>   | <b>Dated</b> | <b>Prepared By</b>          |
| DA-102 Issue P   | 15 May 2023  | Wray & Cutcliffe Architects |
| DA-112 Issue P   | 15 May 2023  | Wray & Cutcliffe Architects |
| DA-201 Issue P   | 15 May 2023  | Wray & Cutcliffe Architects |
| DA-202 Issue P   | 15 May 2023  | Wray & Cutcliffe Architects |
| DA-203 Issue P   | 15 May 2023  | Wray & Cutcliffe Architects |
| DA-204 Issue P   | 15 May 2023  | Wray & Cutcliffe Architects |
| DA-301 Issue P   | 15 May 2023  | Wray & Cutcliffe Architects |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b> |                  |                             |
|---|------------------|-----------------------------|
| <b>Report Title / No.</b>   | <b>Dated</b>     | <b>Prepared By</b>          |
| BASIX Certificate No.A483476  | 20 February 2023 | Wray & Cutcliffe Architects |

- 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:

| <b>Landscape Plans</b> |              |                             |
|------------------------|--------------|-----------------------------|
| <b>Drawing No.</b>     | <b>Dated</b> | <b>Prepared By</b>          |
| DA-111 Issue P         | 15 May 2023  | Wray & Cutcliffe Architects |

| <b>Waste Management Plan</b>                              |                  |                             |
|---|------------------|-----------------------------|
| <b>Drawing No/Title.</b>                                  | <b>Dated</b>     | <b>Prepared By</b>          |
| Waste Management Plan (Northern Beaches Council template) | 21 February 2023 | Wray & Cutcliffe Architects |

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

### 3.5 DA2022/1944 - 30 & 32 LAKEVIEW PARADE, WARRIEWOOD - DEMOLITION WORK, TREE REMOVAL AND SUBDIVISION OF TWO LOTS INTO FIVE LOTS

#### PANEL MEMBERS

|               |  |
|---------------|--|
| Steve Findlay | Manager, Development Assessment        |
| Jordan Davies | Acting Manager, Development Assessment |
| Liza Cordoba  | Manager, Strategic & Place Planning    |

#### PROCEEDINGS IN BRIEF

The Panel received a late submission from the Applicant, Northern Beaches Planning, dated 8 August 2023, raising numerous and substantive matters in relation to the assessment report. The issues raised require review and response from the assessment officer (CPS Planning).

Therefore, the Panel decided to defer the consideration and determination of the matter to allow the assessment officer to review the issues raised in the late submission and provide a formal response for the Panels consideration prior to later determination.

#### STATEMENT OF REASON

In order to maintain the public interest and ensure all relevant matters are thoroughly addressed prior to determination.

#### DECLARATION

Liza Cordoba has advised that she worked with Anna Williams of Blackwattle Planning, who has made a submission in objection to the application, and is a registered speaker. Ms Williams was a former employee of Northern Beaches Council.

#### DETERMINATION OF DEVELOPMENT APPLICATION

##### Deferral

THAT Council as the consent authority, **defers determination** of Application No. DA2022/1944 for demolition work, tree removal and subdivision of two lots into five lots at Lot A & B DP 357717, 30 & 32 Lakeview Parade WARRIEWOOD, on the basis of the following:

1. Having regard to the issues raised in the late submission by the applicant, (Northern Beaches Planning), dated 8 August 2023, and to ensure the public interest is maintained, the matter is formally deferred until the next meeting of the Panel on 23 August 2023.
2. A Supplementary Memo addressing the late submission, is to be prepared by the assessment officer (CPS Planning) for the Panels consideration by 17 August 2023, which will be released on Council's website on 18 August 2023.

Vote: 3/0

This is the final page of the Minutes comprising 14 pages  
numbered 1 to 14 of the Development Determination Panel meeting  
held on Wednesday 9 August 2023.