



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held in the Banksia Room, Northern Beaches Council on

**WEDNESDAY 20 DECEMBER 2017**

**Minutes of a Meeting of the Development Determination Panel**  
**held on Wednesday 20 December 2017**  
**at Banksia Room, Northern Beaches Council**  
**Commencing at 10.00 am.**

**ATTENDANCE:**

**Panel Members**

Peter Robinson (Chairperson)	Executive Manager, Development Assessment
Matthew Edmonds	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

## **1.0 APOLOGIES AND DECLARATIONS OF CONFLICT OF INTEREST**

The Panel has no declarations of pecuniary interest, however it is acknowledged that one of the owners of the property in item 3.1 is an employee of Northern Beaches Council. Whilst Neil Cocks has never met or spoken to this employee, the employee had attended the Development Unit which was a public meeting to determine the original application, on which Matthew Edmonds was a panel member. Peter Robinson has met the employee once, which was prior to the original development application being determined.

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 6 DECEMBER 2017**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 6 December 2017, were adopted by all Panel Members at the time of the meeting and have been posted on the Council's website

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

#### **3.1 N0021/17/S96/1 - 41 WALWORTH AVENUE, NEWPORT - SECTION 96(1A) MODIFICATION TO CONSENT N0021/17 RELATING TO 41 WALWORTH AVENUE, NEWPORT (LOT 31, DP 9877) WHICH APPROVED THE DEMOLITION OF AN EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLING**

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

The Panel viewed the site.

The Panel were addressed by the owner, Gerard Jung.

The Panel considered the issue of building height, identifying that a previous subfloor area under the recently demolished dwelling may have created a potential non-compliance to the 8.5 metre control. Given the dwelling has been demolished, the survey plan not identifying ground levels within the subfloor area and the ground levels changed with the commencement of building works, the issue can only be considered as a potential non compliance. The location and extent of the potential non-compliance was identified in the assessment report.

The highest part of the proposed building is the eave above the roof top light wells which is complaint with the height control. As the roof slopes down to the north and the potential non-compliance is within this slope, it will have little or no impact on views from properties in Gertrude Avenue.

The assessment of view loss, based on surveyed height poles provided greater certainty of the impacts of the proposed development and the panel concurred with the assessment of the view impact contained in the report.

In this regard the potential non-compliance with height does not contribute to view loss, as components of the building which are compliant with the height would obscure such views. As such, the recommended condition to reduce the height of the building is not supported.

##### **DECISION**

That subject to a probity audit being undertaken, the application to modify Development Consent N0021/17 for the demolition of an existing dwelling and the construction of a new dwelling at 41 Walworth Avenue, Newport be approved as recommended in the report subject to the following changes:

Proposed condition No B23 be deleted.

**3.2 DA 436/2008 - 5 COMMONWEALTH PARADE, MANLY - SECTION 96(2)  
APPLICATION TO MODIFY A RESIDENTIAL FLAT BUILDING - PART 4**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site.

The Panel considered the proposed changes, recognising that the consent had previously established physical commencement, and that there were no changes to side setbacks on the northern boundary.

The assessing officer identified that the recommendations referred to conditions ANS02 to ANS014 "to be amended" should read 'to be added' for ANS02 to ANS014.

**DECISION**

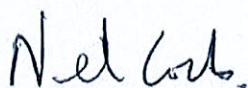
That pursuant to Section 96 (2) of the Environmental Planning and Assessment Act 1979, the proposed modification to Development Consent No. 436/2008 for a Residential Flat Building – at 5 Commonwealth Parade, Manly be approved subject to the recommendations in the report and noting that conditions ANS02 to ANS014 are new conditions.



Peter Robinson  
**Executive Manager, Development Assessment  
Chairperson**



Matthew Edmonds  
**Manager, Development Assessment**



Neil Cocks  
**Manager, Strategic & Place Planning**

*The meeting concluded at 10.55am*

This is the final page of the Minutes comprising 6 pages  
numbered 1 to 6 of the Development Determination Panel meeting  
held on Wednesday 20 December 2017.