

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 10 APRIL 2024

Minutes of a Meeting of the Development Determination Panel held on Wednesday 10 April 2024 via teleconference

The public meeting commenced at 10.00am and concluded at 12:11pm.

The minutes were determined on 12 April 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 27 MARCH 2024

The minutes of the Development Determination Panel held 27 March 2024, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2023/1230 - 161 B AND 163 SEAFORTH CRESCENT SEAFORTH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL AND ASSOCIATED WORKS

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Maxine Szeto	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

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

A supplementary report was also provided to the Panel addressing privacy concerns raised by the neighbours at 165 Seaforth Crescent.

The Panel noted that the extent of non-compliance with the building height standard could be minimised by a reduction in the floor to ceiling height of Level 01 (Dining/Kitchen level). In this regard, the proposed ceiling height is 3.7m and could be reduced by 300mm, depending on the vertical clearance to the sewer pipe below this floor level, noting that this pipe needs to be concrete encased as part of this development to meet Sydney Waters requirements.

Therefore, a condition will be imposed requiring a reduction in the floor to ceiling height, and hence the overall height of the building, to the extent that will still facilitate the sewer pipe requirements. Further, the Panel consider it necessary to provide more effective privacy measures on the northern elevation, and a condition of consent has been imposed requiring fixed vertical louvre style screens be provided on each level on the northern elevation.

Finally, it is noted that the geotechnical engineers report addresses the potential impacts on adjoining properties, including the effect of vibrations and provides relevant recommendations. Additionally, suitable conditions of consent will be imposed in relation to Noise and Vibration Management.

The Panel concurred with the Officer's Assessment Report and recommendation for approval, subject to the matters outlined above and the revisions to conditions.

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

Issues raised in the written submissions have been taken into account in the assessment report and the issues raised in the late submission were addressed in the supplementary memo and by the panel 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 Manly LEP 2013 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 of MLEP 2013.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **grants deferred commencement approval** to Application No. DA2023/1230 for demolition works and construction of a dwelling house including swimming pool and associated works at Lot 175 DP 4889 & Lot 6 DP 212783, 161 B & 163 Seaforth Crescent SEAFORTH subject to the conditions set out in the Assessment Report, subject to the following:

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

Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A0012	A	Site Plan	Koichi Takada Architects	12 July 2023
A0014	A	Demolition Plan	Koichi Takada Architects	12 July 2023
A0100	B	Basement Floor Plan	Koichi Takada Architects	13 February 2024
A0101	B	Ground Floor Plan	Koichi Takada Architects	13 February 2024
A0102	B	Level 01 Plan	Koichi Takada Architects	13 February 2024
A0103	B	Level 02 Plan	Koichi Takada Architects	13 February 2024
A0104	B	Roof Plan	Koichi Takada Architects	13 February 2024
A0015	A	External Stair and Hardstand Plan	Koichi Takada Architects	12 July 2023
A0106	B	Entry & Carport Plan	Koichi Takada Architects	13 February 2024
A0200	B	North & South Elevations	Koichi Takada Architects	13 February 2024
A0201	B	East & West Elevations	Koichi Takada Architects	13 February 2024
A0210	A	Carport Elevations	Koichi Takada Architects	4 March 2024

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A300	C	Section A & B	Koichi Takada Architects	13 February 2024
A301	B	Section C & D	Koichi Takada Architects	13 February 2024
A310	A	Section - Inclinator	Koichi Takada Architects	4 March 2024
LP01-D0423	01/C	DA Cover Page	Landscape Design Sydney	24 July 2023
LP02-D0423	01/C	Rear Landscape Plan	Landscape Design Sydney	24 July 2023
LP03-D0423	01/C	Level 1 Landscape Plan	Landscape Design Sydney	24 July 2023
LP04-D0423	01/C	Level 2 Landscape Plan	Landscape Design Sydney	24 July 2023
LP05-D0423	01/C	Roof Landscape Plan	Landscape Design Sydney	24 July 2023
LP06-D0423	01/C	Garage Landscape Plan	Landscape Design Sydney	24 July 2023
LP07-D0423	01/C	Details	Landscape Design Sydney	24 July 2023
STORM-1/B	-	Stormwater Management Plan	Taylor Consulting	27 February 2024
STORM-2/A	-	Entry Stormwater Management Plan	Taylor Consulting	27 February 2024
STORM-3	-	Stormwater Management Details	Taylor Consulting	27 February 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Aboriginal Cultural Heritage and Archaeological Advice	-	Associates Archaeology and Heritage	January 2024
Arboricultural Impact Appraisal	A	Naturally Trees	23 February 2024
BASIX Certificate 1373005S_02	-	Efficient Living	28 February 2024
NatHERS Certificate HR-7T9WTE-02	-	Efficient Living	28 February 2024
Report on Geotechnical Site Investigation 2011-185.2	1	Crozier Geotechnical Consultants	February 2024
Waste Management	-	Applicant	28 August 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. The addition of the following condition under the heading 'Prior to Construction Certificate':

Amendments to the Approved Plans

Subject to Sydney Water requirements, the overall height of the building shall be reduced by 300mm with the FFL of Level 01 of the dwelling being reduced to RL15.00 AHD.

Fixed Vertical Louvre style privacy screens are to be installed on the northern sides of the openings on the Ground Floor Level (Pool Lounge), Level 01 (Dining/Kitchen) and Level 02 (Terrace to Master Bedroom), which are to have a minimum height of 1.65m and extend for the full length of those openings. The louvres/blades are to be set at no greater than 45 degrees to the boundary.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development in relation to building height and privacy.

3. The addition of the following condition under the heading 'Prior to Commencement of Works':

Noise and Vibration Management Plan

Prior to the commencement of any works, a Noise and Vibration Management Plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifier. The management plan is to identify amelioration measures to achieve the best practice objectives of Australian Standard 2436-2010 - *Guide to noise and vibration control on construction, demolition and maintenance sites* and NSW Department of Environment and Climate Change *Interim Construction Noise Guidelines*. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- i. identification of the specific activities that will be carried out and associated noise sources
- ii. identification of all potentially affected sensitive receivers, including residences
- iii. the construction noise objective specified in the conditions of this consent
- iv. the construction vibration criteria specified in the conditions of this consent
- v. determination of appropriate noise and vibration objectives for each identified sensitive receiver
- vi. noise and vibration monitoring, reporting and response procedures
- vii. assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- viii. description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during

- construction
- ix. construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- x. procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- xi. contingency plans to be implemented in the event of non-compliances and/or noise complaints

Reason: To protect the amenity of surrounding residents during construction.

4. The addition of the following condition under the heading 'During Works' :

Control of Construction Noise (Noise and Vibration Management Plan)

During any demolition, excavation or building works, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

5. The addition of the following condition under the heading 'Prior to Construction Certificate':

Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW 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.

- a. 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.
- b. Make provision for all construction materials to be stored on site, at all times.
- c. The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- d. 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 crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- e. Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - i. Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - ii. Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - iii. An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.

- iv. Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
- v. No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
- vi. How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
- vii. If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.
- viii. A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- ix. A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- f. 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.
- g. Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- h. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- i. Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- j. 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.
- k. 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.

- l. 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.
- m. 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.
- n. Specify that the public 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.
- o. 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 practising Structural Engineer, or equivalent.
- p. Proposed protection for Council and adjoining properties.
- q. 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.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

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

6. The addition of the following condition under the heading ‘During Works’:

Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

7. The addition of the following condition under the heading ‘Prior to Occupation

Certificate':

Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

Vote: 3/0

3.2 DA2023/1043 - 21 BATTLE BOULEVARDE SEAFORTH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Maxine Szeto	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

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

DETERMINATION OF DEVELOPMENT APPLICATION

Deliberations are delayed to provide the Panel additional time to consider the application.

3.3 DA2023/1321 - 14 NOLAN PLACE BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Maxine Szeto	Principal Planner, 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.

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.

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

THAT Council as the consent authority, **approves** Application No. DA2023/1321 for alterations and additions to a dwelling house at Lot 25 DP 758044, 14 Nolan Place BALGOWLAH HEIGHTS subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.4 DA2023/1469 - 955 BARRENJOEY ROAD PALM BEACH -ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Maxine Szeto	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by three objectors.

The Panel concurred with the Officer's Assessment Report and recommendation subject to expanding on refusal reason 5, as detailed in the decision below.

STATEMENT OF REASON

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

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is not 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, **refuses** Application No. DA2023/1469 for alterations and additions to a dwelling house including a swimming pool at Lot 8 DP 545616 & Lot LIC 526953, 955 Barrenjoey Road PALM BEACH, for the reasons for refusal set out in the Assessment Report, subject to the following:

1. The amendment of refusal reason 5 to read as follows:

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.6 Exceptions to development standards of the Pittwater Local Environmental Plan 2014.

Particulars:

- i. The application does not include a clause 4.6 written request as a required for the variation to clause 4.3 Height of Buildings of the Pittwater Local Environmental Plan 2014.
- ii. In the absence of a clause 4.6 written request, development consent cannot be granted as no written request has been provided to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Vote: 3/0

3.5 DA2023/1441 - 58 CASTLE CIRCUIT SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Maxine Szeto	Principal Planner, 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.

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

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 Manly LEP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and 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

THAT Council as the consent authority, **approves** Application No. DA2023/1441 for alterations and additions to a dwelling house at Lot 15 DP 200638, 58 Castle Circuit SEAFORTH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.6 DA2023/0729 - 6 MONASH PARADE DEE WHY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

This item has been postponed from the agenda on 10 April 2024 and was not determined at this meeting

This is the final page of the Minutes comprising 17 pages
numbered 1 to 17 of the Development Determination Panel meeting
held on Wednesday 10 April 2024.