



northern  
beaches  
council

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held in the Walamai Room, Civic Centre, Dee Why on

**WEDNESDAY 11 JULY 2018**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 11 July 2018  
at Walamai Room, Civic Centre, Dee Why  
Commencing at 10.10am**

**ATTENDANCE:**

**Panel Members**

Ashleigh Sherry (Chairperson)	Acting Executive Manager, Development Assessment
Matthew Edmonds	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

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

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 27 JUNE 2018**

#### **RECOMMENDATION**

That the Minutes of the Development Determination Panel held 27 June 2018, 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 DA2017/1203 - 23 LOCH STREET, FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING

##### PROCEEDINGS IN BRIEF

The Panel viewed the site and adjacent properties, particularly 4/28 Loch Street, Freshwater and 26 Loch Street, Freshwater.

The Panel were addressed by Andrew Cowan from Willowtree Planning on behalf of the owners.

The Panel considered a late email submission received from Stephan David of 4/28 Loch Street, Freshwater.

The Panel discussed Condition No.14 and issues surrounding the height of the proposed fence. The Panel considered the proposed fence height and took into consideration Council requirements and the height of the existing fencing and agreed with the Planners recommendation to limit the fence height to 1.5m. The Panel felt that the portico roof line was satisfactory given the design of the structure being a horizontal element.

The Panel considered that Condition No. 13 requiring a minor reduction in the Privacy Screen was necessary on a balanced consideration of privacy, as well as view loss and solar access.

The Panel discussed view loss issues and tree planting and the Panel was satisfied that the proposed tree planting was reasonable and the planting proposed in this application would not contribute towards view loss. The Panel recognises that this application proposes a height which is lower than the height of the proposed dwelling under the existing consent DA2015/1173.

The Panel notes that on page 7 of the Assessment Report, reference is made to a submission from 21 Loch Street which is listed as 19 Loch Street in the submission table on page 6.

The Panel noted that on page 9 of the Assessment Report under the heading "Height Reduction", the first sentence refers to the maximum building height of 8.5m which has been confirmed as correct by the assessment officer. Therefore the proposed Building Height of 8.22m on page 12 of the assessment report is incorrect.

The Panel noted that Condition No. 12 had a spelling error in the heading wording "pursuant to". This condition has been amended below.

The Panel noted that Condition No. 4 needs to refer to the newly effected Contributions Plan, as amended below.

##### DECISION

THAT Development Application No. DA2017/1203 for Demolition works and construction of a dwelling at 23 Loch Street, Freshwater be **approved** subject to the conditions set out in the Assessment Report, and subject to the following:

1. Amend Condition No. 14 to read as follows

14. **Front Fence Height**

The proposed front masonry fence (including the driveway gates and entry portico gates, walls/supports) is to have a maximum finished height of 1.5m measured from the existing ground level within the road reserve outside the site boundary (excluding the horizontal portico roof element). Details demonstrating compliance are to be provided prior to the issue of a Construction Certificate.

Reason: To ensure front fencing remains characteristic with the surrounding streetscape.

2 Amend Condition No. 12 to read as follows:

12. **Notice to modify DA2015/1173 pursuant to Clause 97 of the Regulations**

Pursuant to s.4.17(1)(b) and 4.17(5)) of the Act and clause 97 of the Environmental Planning and Assessment Regulations 2000, a notice of modification of a development consent in relation to DA2015/1173 providing for the modification of that consent to exclude all works except the swimming pool, pavilion and landscaping works adjoining these elements , so that it is taken to be identical to this consent.

Details demonstrating compliance shall be lodged with Council prior to the issue of any Construction Certificate for this consent

Reason: To ensure the orderly development of the site. (DACPLCPC1)

3. Amend Condition No. 4 to read as follows:

4. **Policy Controls**

Northern Beaches Council Development Contribution Plan 2018

The proposal is subject to the application of Council's Development Contribution Plan.

The following monetary contributions are applicable:

Northern Beaches Council Development Contribution Plan 2018		
Contribution based on a total development cost of \$2,280,140.00		
<b>Contributions</b>	<b>Levy Rate</b>	<b>Payable</b>
Total Section 94A Levy	0.95%	\$21,661.33
Section 94A Planning and Administration	0.05%	\$1,140.07
<b>Total</b>	<b>1%</b>	<b>\$22,801.40</b>

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney – All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council's Development Contribution Plan 2018.

**3.2 MOD2018/0066 - 63 UNDERCLIFF ROAD, FRESHWATER - MODIFICATION OF DEVELOPMENT CONSENT DA2013/1098 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND CONSTRUCTION OF A SWIMMING POOL**

**PROCEEDINGS IN BRIEF**

The Panel viewed the site.

The Panel notes page 45 of the agenda states that this application has been referred to the DDP due to a clause 4.6 variation to the building height standard. This is incorrect and should read that this application was referred to the DDP under the discretion of the Executive Manager Development Assessment.

The Panel discussed with the assessment officer the nature of the proposed amendments and noted the application being a Modification Application (Clause 4.55(2)) does not rely upon a variation pursuant to Clause 4.6 of the WLEP.

The Panel supports the assessment and recommendation contained in the Assessment Report.

**DECISION**

THAT Modification Application No. Mod2018/0066 for Modification of Development Consent DA2013/1098 granted for Alterations and additions to a dwelling house and construction of a swimming pool at 63 Undercliff Road, Freshwater be **approved** subject to the conditions set out in the Assessment Report.

*The meeting concluded at 11.30am*

This is the final page of the Minutes comprising 6 pages numbered 1 to 6 of the Development Determination Panel meeting held on Wednesday 11 July 2018.