

Development Control Committee Minutes



Minutes: *Development Control Committee*

Date: *Monday 19 June 2017*

Time: *6.00pm*

Development Control Committee Minutes

Monday 19 June 2017

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Development Control Committee

Minutes of the Meeting held on 19 June 2017 at 6.00pm.

Present: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio (Items D3 to R1)
Councillors: Ted Bennett (Chair)
Luise Elsing
Anthony Marano
Katherine O'Regan
Matthew Robertson

Staff: Nick Economou (Manager –Development Control)
Sue O'Connor (Secretarial Support – Governance)
Tim Tuxford (Manager - Compliance)

Session One: 6.00pm to 7.35pm
Session Two: Nil

Also in Attendance: Nil

Leave of Absence and Apologies

Nil

Late Correspondence

Late correspondence was submitted to the committee in relation to items D2 & D3

Declarations of Interest

Nil

Items to be Decided by this Committee using its Delegated Authority

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 5 JUNE 2017**
Author: Sue O'Connor, Secretarial Support - Governance
File No: 17/107993
Reason for Report: The Minutes of the Development Control Committee of 5 June 2017 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Marano/Elsing)

Resolved:

That the Minutes of the Development Control Committee Meeting of 5 June 2017 be taken as read and confirmed.

ITEM No. D2
FILE No. DA577/2016/1
ADDRESS 49 Drumalbyn Road, Bellevue Hill
PROPOSAL For the demolition of an existing residential flat building and the construction of a new residential flat building consisting of 7 units and 16 basement car parking spaces; landscaping and site works

Note: Late correspondence was tabled by George Karavanas & Samantha Palmer.

(Robertson/Marano)

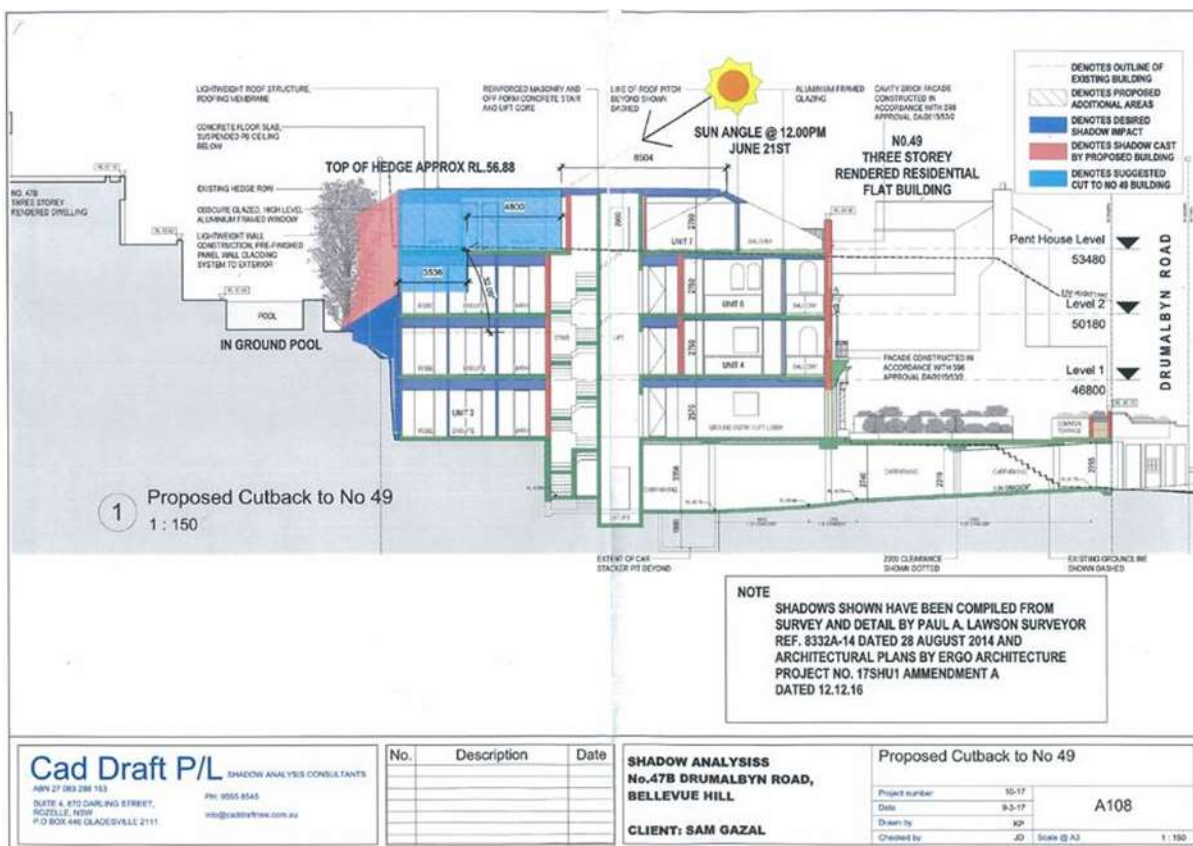
Resolved:

THAT Development Application No. 577/2016/1 for the demolition of an existing residential flat building and the construction of a new residential flat building consisting of 7 units and 16 basement car parking spaces; landscaping and site works at 49 Drumalbyn Road, Bellevue Hill, be deferred to a future meeting of the Development Control Committee:

1. To allow the Applicant to make an undertaking to purchase an insurance policy to cover any damage and up to full loss and re-instatement of the properties at 47A, 47B, 51 and 45 Drumalbyn Road, the driveway servicing 47A, 47B, 47C and the retaining walls. The policy should cover any loss of access to these properties in the event damage is so severe access is lost/significantly hampered such that the residents may need equivalent alternate accommodation during repairs/restitution. The cover shall be in the order of 20,000,000 dollars (or an appropriately agreed amount between effected property owners and the Applicant) to ensure adequate cover for the benefit of any one or all the owners affected. A significant subsidence or collapse of any one of these properties may have a severe impact in the Applicant's financial ability to personally pay for repairs. Hence why a large insurance policy is required.

2. It is foreshadowed that, Condition D.2 (Dilapidation Reports) in the development Application Assessment Report, be amended by the Development Control Committee to ensure:
 - i. The dilapidation reports are mandatorily provided to the owners of 45, 47A, 47B and 51 Drumalbyn Road, plus the owners of 47A, 47B and 47C Drumalbyn Road as affected owners over the driveway.
 - ii. The above owners are asked to confirm that the reports represent a fair record of actual conditions.

3. To address a sense of enclosure and the preservation of solar access to the Leyton’s Green Cypress hedge located on the adjoining property to the rear (47B Drumalbyn Road), the applicant is to provide amended plans which detail the rear portion of the proposed development being cut back to remove the area marked light blue and notated as “denoted suggested cut to number 49 building” in the drawing marked A108, dated 09 March 2017, prepared by Cad Draft P/L (refer to plan below).



4. The applicant is to provide the following documents:
 - i. A comprehensive pruning specification relating to the *Cypresses leylandii*, or Leyton Green Cypress, and the mature *Ficus rubiginosa*, or Port Jackson Fig tree, which are both located to the rear of the existing dwelling on the subject site. The tree pruning specification must be prepared in accordance with Attachment 4 of Woollahra Council’s DA Guide – *Tree Reports* and include the following:
 - Location of branches to be pruned within the crown;
 - Branch size and percentage of crown loss resulting from pruning;
 - Implications on tree health and structural condition resulting from proposed pruning;

- Pruning class in accordance with Australian Standard 4373 (2007) – Pruning of Amenity Trees.
 - To confirm the two main west scaffold limbs of the Port Jackson Fig will not be affected by the proposed building height, a surveyor is to provide the heights of the limbs, measured at the underside of the branches at their lowest point above ground level.
- ii. A comprehensive Root Mapping Report. The Root Mapping Report must include:
- A diagram of the trench in relation to the subject tree(s) and relevant structures;
 - Photographs of the exposed trenches including references so that their location and orientation can be determined;
 - A schedule of exposed roots including root diameter, position in trench (depth and linage), orientation and proposed impact.
 - Clear, factual correlations between exposed tree roots and their positions in trenches, with details and photographs used in the report to support any conclusions and recommendations of the Root Mapping Report
- iii. A construction methodology statement which details how any required scaffolding will be erected without causing damage to the mature *Ficus rubiginosa*, or Port Jackson Fig tree, which is located to the rear of the existing dwelling on the subject site.
5. It is foreshadowed that, Condition C.1(b) (Modifications of details of the development) in the development Application Assessment Report, be deleted by the Development Control Committee. Condition C.1(b) states:

- b) *In order to ensure that the proposed building has more contemporary detailing to distinguish the front facade from its predecessor (the existing building that is to be demolished), the following changes shall be implemented in the detailing of the façade:*
- *The name of the building (as notated on the front façade detailing) changed from “Palomar” to a different name such as “Palomar II”;*
 - *The diagonal detailing in the render on the front façade replaced with smooth cast render (contemporary detailing);*
 - *The “barley twist” columns changed to smooth rendered columns; and*
 - *The shell and shield arch details replaced with arches finished with smooth render.*

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Bennett
 Councillor Elsing
 Councillor Marano
 Councillor O'Regan
 Councillor Robertson

Nil

5/0

ITEM No. D3
FILE No. BC62/2016
ADDRESS 40 Fitzwilliam Road Vaucluse
PROPOSAL Unauthorised modified/ extended planter and roof slab

Note: In accordance with Council's meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee's recommendation (Refusal of the Building Certificate) to the Officer recommendation (Deferral of the Building Certificate).
(See Item R2)

ITEM No. D4
FILE No. DA216/2016/1
ADDRESS 33 Elizabeth Street Paddington
PROPOSAL Alterations and additions to the existing Grand National Hotel including restoration and reconfiguration of the existing hotel rooms to level 1 and 2; alterations to the ground level Underwood St façade and the addition of a new third level (level 3) with a new lift

Note: Kathleen Johnson & Marina Olivier, objectors & Gary Sheils, Consultant Planner, Alex Tzannes, Architect & George Penklis, the Owner, addressed the Committee.

(Zeltzer/Marano)

Resolved:

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979

THAT the Council, defer Development Application No. 216/2016/1 for alterations and additions to the existing Grand National Hotel including restoration and reconfiguration of the existing hotel rooms to level 1 and 2, alterations to the ground level Underwood Street façade and the addition of a new third level (level 3) with a new lift on land at 33 Elizabeth Street Paddington, to a future Development Control Committee to allow the Applicant to:

1. Submit revised plans incorporating a 300mm reduction to the height of the proposed Level 3 addition.
2. Submit photomontages incorporating the 300mm height reduction to the development from the following vantage points.
 - Oxford Street
 - Elizabeth Street
 - Underwood Street (from east to west and from west to east).

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Bennett
 Councillor Elsing
 Councillor Marano
 Councillor O'Regan
 Councillor Robertson
 Councillor Zeltzer

Nil

6/0

Item No: D5 Delegated to Committee

Subject: **REGISTER OF CURRENT LAND AND ENVIRONMENT COURT MATTERS AND REGISTER FOR COURT PROCEEDINGS FOR BUILDING CONTROL, ENVIRONMENTAL CONTROL AND HEALTH CONTROL**

Author: Grace Hawley, PA to Manager, Development Control

Approvers: Nick Economou, Manager - Development Control
 Tim Tuxford, Manager - Compliance

File No: 17/106627

Reason for Report: Update DCC on Legal Matters

(Robertson/Marano)

Resolved:

- A. THAT the attached register of current Land and Environment Court Matters for Development Applications be received and noted
- B. THAT the attached register for Court Proceedings for Building Control, Environmental Control and Health Control be received and noted

Item No: D6 Delegated to Committee

Subject: **REGISTER OF SEPP 1 OBJECTIONS AND CLAUSE 4.6 VARIATIONS**

Author: Grace Hawley, PA to Manager, Development Control

Approver: Nick Economou, Manager - Development Control

File No: 17/106636

Reason for Report: To update DCC on all SEPP 1 Objections and Clause 4.6 Variations

(Marano/Bennett)

Resolved:

THAT the attached register of SEPP 1 Objections and Clause 4.6 Variations be received and noted.

Items to be Submitted to the Council for Decision with Recommendations from this Committee

Item No: R1 Recommendation to Council
Subject: **1C NEW BEACH ROAD, DARLING POINT**
Author: Richard Smith, Fire Safety Officer
Approver: Craig Jenner, Team Leader Compliance
File No: 16/109927
Reason for Report: To consider the Section 121ZD report of Fire and Rescue NSW for 1C New Beach Road Darling Point known as 'Sir David Martin Drill Hall'

(Elsing/O'Regan)

Recommendation:

- A. That Council receive and note the report of NSW Fire & Rescue (a division of the NSW Fire Brigades) with regard to the 'Sir David Martin Drill Hall' located on Crown land at 1C New Beach Road Darling Point.
- B. That Council notify NSW Fire & Rescue as follows with regard to the following items, as identified and number in the report of NSW Fire & Rescue;
1. Essential Services
 - a. Smoke Detection & Alarm System – is installed and is continuing to be maintained. Monitoring will be upgraded to one of the service providers of NSW Fire & Rescue within six (6) weeks;
 - b. Storz Hermaphrodite Couplings - will be installed within 6 weeks;
 2. Egress
 - a. Doors relating to fire exits – any obstruction of the fire exits caused by the curtains will be removed within 28 days;
 - b. Egress
 - i. Bollards – will be installed within 90 days;
 - ii. Door swings – changing the door swing and installing additional exits due to the current use of the building would have a detrimental impact on the heritage significance of the building. Accordingly, as per Part C below, it is proposed to consult with the Minister for Lands & Forestry on the alternate ways to address this requirement within the next 28 days;
 - iii. Exit sign location – Exit signs in the main hall will be reviewed and changed as required within 28 days;
 3. Use
 - a. Entertainment Venues
 - i. Stage – no stage is installed at this venue;
 - ii. Load Notice – no load notice is required because there is no stage at this venue;
 - iii. Seating – folding chairs are occasionally used for limited temporary seating;
 - iv. Curtains – curtains will be checked within 28 days to ensure they have a 'Flammability Index' of 6;
 - b. Management Plan –an 'Emergency Evacuation Plan' is in place, complying with the recommendations of the report and evacuation exercises are undertaken biannually;

- 4. General
 - a. Fire Safety Certificate – the current fire safety certificate is displayed in the building.

- C. That, considering the heritage significance of the ‘Sir David Martin Drill Hall’ located on Crown land at 1C New Beach Road Darling Point, Council consult with the Minister for Lands & Forestry within the next 28 days on the possible alternate methods to effectively address the recommendation of NSW Fire & Rescue with regard to the swing of the external exit doors of the building and the need for an additional exit due to the current use of the building.
- D. That Council request financial assistance from the Minister for Lands & Forestry if the installation of a sprinkler system is required in the ‘Sir David Martin Drill Hall’ located on Crown land at 1C New Beach Road Darling Point.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Bennett
 Councillor Elsing
 Councillor Marano
 Councillor O'Regan
 Councillor Robertson
 Councillor Zeltzer

Nil

6/0

ITEM No.	R2 Recommendation to Council
FILE No.	BC62/2016
ADDRESS	40 Fitzwilliam Road Vaucluse
PROPOSAL	Unauthorised modified/ extended planter and roof slab
REASON FOR REPORT	In accordance with Council’s meeting procedures and policy this matter is referred to full Council due to a substantive change of the Committee’s recommendation (Refusal of the Building Certificate) to the Officer recommendation (Deferral of the Building Certificate).

Note: Late correspondence was tabled by Boskovitz & Associates & Wayne Howse.

(Elsing/O'Regan)

Recommendation:

Pursuant to Section 149D(5) of the Environmental Planning and Assessment Act 1979

- A. THAT the Council, pursuant to Section 149D(5) of the Environmental Planning and Assessment Act 1979, resolve to refuse Building Certificate Application 62/2016 in relation to the unauthorised modified/ extended planter and roof slab on land at 40 Fitzwilliam Road Vaucluse for the following reasons:-

1. The unauthorised planter and roof slab do not comply with Council’s floorplate and boundary setback controls and objectives are prescribed under Part 3.2 (Building Envelope) of WDCP 2015
2. The unauthorised planter and roof slab result in a reduction in the extent of deep soil landscaped area on the site
3. The unauthorised planter and roof slab result in excessive scale and bulk
4. The unauthorised planter and roof slab result in an adverse visual impact and amenity impacts (privacy, views, solar access, visual bulk) on the surrounding properties
5. Not in the public interest

B. THAT Council’s Compliance Division note the determination of the Building Certificate and continue to investigate all other unauthorised works and take appropriate action in accordance with Council’s Enforcement Policy.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Bennett
 Councillor Elsing
 Councillor Marano
 Councillor O'Regan
 Councillor Robertson
 Councillor Zeltzer

Nil

6/0

There being no further business the meeting concluded at 7.35pm.

We certify that the pages numbered 1623 to 1633 inclusive are the Minutes of the Development Control Committee Meeting held on 19 June 2017 and confirmed by the Development Control Committee on 3 July 2017 as correct.

Chairperson

Secretary of Committee