

Development Control Committee Minutes



Minutes: *Development Control Committee*

Date: *Monday 3 July 2017*

Time: *6.00pm*

Development Control Committee Minutes

Monday 3 July 2017

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Development Control Committee

**Minutes of the Meeting held on
3 July 2017 at 6.00pm.**

Present: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio

Councillors: Ted Bennett (Chair)

Luise Elsing

Anthony Marano

Matthew Robertson

Staff: Nick Economou (Manager –Development Control)

Sue O’Connor (Secretarial Support – Governance)

David Waghorn (Team Leader)

Session One: 6.00pm to 7.50pm

Session Two: Nil

Also in Attendance: Nil

Leave of Absence and Apologies

An apology was received and accepted from Councillor Katherine O'Regan and leave of absence granted.

Late Correspondence

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

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 19 JUNE 2017**
Author: Sue O'Connor, Secretarial Support - Governance
File No: 17/116406
Reason for Report: The Minutes of the Development Control Committee of 19 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.

(Elsing/Marano)

Resolved:

That the Minutes of the Development Control Committee Meeting of 19 June 2017 be taken as read and confirmed.

ITEM No. D2
FILE No. DA142/2016/1
ADDRESS 9A Pickering Lane Woollahra
PROPOSAL Alterations and additions to the existing dwelling

Note: Late correspondence was tabled by Council's Assessment officer, Wilson Perdigao, Nick Lefebvre & Alena Sheina.

Note: Mr Higgins on behalf of Alena Sheina, an objector & Nicholas Lefebvre the Owners son, addressed the Committee.

Note: The Committee amended Condition No. C.1 (g) (Wall Materials).

(Robertson/Zeltzer)

Resolved:**Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979**

THAT the Council, as the consent authority, modify development consent to Development Application No. 142/2016/1 for alterations and additions to the existing dwelling, on land at 9A Pickering Lane Woollahra, subject to the following:

Part A

Insert the following Condition to the original development consent:

A.4 Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp “Approved Section 96 Plans” listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
Dwg. No. S96-1100 D S96-1200 D S96-1300 D	Architectural Plans Site, Landscape, Roof & Ground Floor Plans Elevations Section and Photomontage	Panovscott architects	27/02/2017
A241368_05	BASIX Certificate	NSW Department of Planning and Infrastructure	08/03/2017

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A6 (Autotext AA6)

A.5 Development Consent is not granted in relation to encroachments

This approval does not give consent to any new encroachments or additional structural loads (new brick work/metal cladding/FC sheeting) on top of existing boundary walls that are not wholly contained within the subject site as detailed in **Condition C1f**.

Modify Condition Nos. C.1, C.3, H.1, I.1 of the original development consent, as follows:

C.1 Modification of details of the development (Section 80A(1)(g) of the Act)

The *approved plans* and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail the following amendments:

a) Roof

The roof of the dwelling is to be in accordance with Table 1 under Part C2.5.4 of the WDCP 2015. **The roof cladding material is to be consistent for the whole dwelling.**

b) Skylights

The frame colour must match the surrounding roof colour. The skylights are to be low profile, fixed, non-openable and non-combustible. To ensure adequate ventilation is maintained to 'Bed 1' and 'Bed 2' the glazing of these rooms which faces the internal 'courtyard area' is to be openable.

c) (delete)

d) (delete)

- e) **(delete)**
- f) **Northern (rear) Boundary Wall**

Any new brick work, metal cladding and FC sheeting is to be located wholly within the boundaries of the subject site. Any new brick work, metal cladding and FC sheeting is not to impose any additional structural loads upon existing boundary walls that are not wholly contained within the subject site.

- g) **Wall Materials**

The roof surrounds/wall materials (metal cladding/fibre cement sheeting) are to be non-reflective and hue and tonal colour.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

Standard Condition: C4 (Autotext CC4)

C.3 BASIX commitments

The *applicant* must submit to the *Certifying Authority* BASIX Certificate No. **A241368_05** with any application for a *Construction Certificate*.

Note: Where there is any proposed change in the BASIX commitments the applicant must submit of a new *BASIX Certificate* to the *Certifying Authority* and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (See: Clauses 145 and 146 of the *Regulation*) the applicant will be required to submit an amended development application to *Council* pursuant to section 96 of the *Act*.

All commitments in the BASIX Certificate must be shown on the *Construction Certificate* plans and specifications prior to the issue of any *Construction Certificate*.

Note: Clause 145(1)(a1) of the *Environmental Planning & Assessment Regulation* 2000 provides: "A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires,"

Standard Condition: C7

H.1 Fulfillment of BASIX commitments – Clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate No. **A241368_05**.

Note: Clause 154B(2) of the *Environmental Planning & Assessment Regulation* 2000 provides: "A *certifying authority* must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Standard Condition: H7 (Autotext HH7)

I.1 Maintenance of BASIX commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. **A241368_05**.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
Standard Condition: I24

PART B

That this matter be referred to the Manager – Compliance to take any appropriate action under Part 6 of the Environmental Planning and Assessment Act 1979 in accordance with Council’s Enforcement Policy for failure to obtain Council’s consent prior to carrying out the unauthorised demolition works and construction of any new structures which encroach upon and/or impose any additional structural loads upon existing boundary walls on adjoining sites.

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 Robertson
Councillor Zeltzer

Nil

5/0

ITEM No.	D3
FILE No.	DA356/2016/1
ADDRESS	26 Streatfield Road Bellevue Hill
PROPOSAL	Alterations and additions to the existing residential flat building including the addition of a new level containing 1 unit (total of 5 units), new lift and garage area, strata subdivision

Note: Matthew Benson, representing Ms Younes, an objector & David Epstein, Architect & Applicant, addressed the Committee.

(Robertson/Elsing)

Resolved:

THAT Council, defer Development Application No. 356/2016/1 for the alterations and additions to the existing residential flat building including the addition of a new level containing 1 unit (total of 5 units), new lift and garage area, strata subdivision on land at 26 Streatfield Road Bellevue Hill, to enable the applicant to provide the following:

1. Detailed drawings that utilise the existing stairs to provide access to Unit 5 through the existing vertical circulation space.

2. Detailed drawings that involve the demolition and reconfiguration of the existing stairs to provide access to Unit 5 through the existing vertical circulation space.
3. Details on the materials and colour scheme for the proposed additions including a new photomontage
4. A new photomontage detailing the front façade and the proposed works
5. More details on the treatment and design of the glass balustrade to Unit 5
6. A reduction to the bulk and scale of the proposed stairs and lift when viewed from the public domain and from 30 Streatfield Road.

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 Robertson
 Councillor Zeltzer

Nil

5/0

Item No: D4 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: 17/117027
Reason for Report: Update DCC on Legal Matters

(Zeltzer/Bennett)

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.

There being no further business the meeting concluded at 7.50pm.

We certify that the pages numbered 1661 to 1669 inclusive are the Minutes of the Development Control Committee Meeting held on 3 July 2017 and confirmed by the Development Control Committee on 17 July 2017 as correct.

Chairperson

Secretary of Committee