

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 24 NOVEMBER 2021

Minutes of a Meeting of the Development Determination Panel held on Wednesday 24 November 2021

ATTENDANCE:

Panel Members

Rod Piggott	Manager, Development Assessment	Chairperson for Items 3.1 – 3.5
Rebecca Englund	Acting Manager, Development Assessment	Chairperson for Item 3.6
		Panel Member for Items 3.1, 3.2 & 3.5
Tony Collier	Acting Manager, Development Assessment	Items 3.3, 3.4 & 3.6
Liza Cordoba	Manager, Strategic & Place Planning	All items

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 10 NOVEMBER 2021

The Minutes of the Development Determination Panel held 10 November 2021, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2021/0905 - 53 WHEELER PARADE, DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the applicant's planning consultant who requested the matter be deferred as they are wishing to amend the design and there are current proceedings before the Land and Environment Court. The Panel considered this request however there is no certainty the amendments will satisfy Council's concerns. Any further negotiations can be undertaken through the court process.

The Panel concurs with the assessment officers report and recommendation.

STATEMENT OF REASON

The proposal is inconsistent with the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011.

COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the report and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **refuses** Development Consent to DA2021/0905 for Demolition works and construction of a dwelling house including a swimming pool on land at Lot A DP 338618, 53 Wheeler Parade, Dee Why, for the reasons for refusal set out in the Assessment Report, subject to the following:

1. The deletion of reason for refusal number 4

Vote: 3/0

3.2 DA2021/0517 - 55 WHEELER PARADE, DEE WHY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed a representative of the applicant and the owner.

The Panel concurs with the assessment officers report and recommendation.

The Panel is not satisfied that the development will be in the public interest in that the development (as a whole) is inconsistent with the objectives of the building height development standard, specifically Clause 4.3 (1)(b) of Warringah LEP 2011.

STATEMENT OF REASON

The proposal is inconsistent with the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the report and the meeting.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

The Panel is not satisfied that under clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify a contravention of clause 4.3 Height of Buildings development standard that the development will be in the public interest because it is inconsistent 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** Development Consent to DA2021/0517 for Alterations and additions to a dwelling house including a swimming pool on land at Lot B DP 338618, 55 Wheeler Parade, Dee Why, for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

3.3 DA2021/1439 - 57 UNDERCLIFF ROAD, FRESHWATER - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of an objector, an objector and the one of the owners.

The Panel has insufficient information to determine if vehicular access along the right of carriageway can be provided to the adjoining western property having regard to the location of the proposed dwelling and garage.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **defers** Development Consent to DA2021/1439 for alterations and additions to a dwelling house including swimming pool on land at Lot A DP 385601, 57 Undercliff Road, Freshwater, for the following reason:

1. Information is to be provided to the satisfaction of Councils Traffic Engineer that vehicular access along the right of carriageway can be provided to the adjoining western property having regard to the location of the proposed dwelling and garage.

If this information is not provided or does not satisfy Councils Traffic Engineer within 28 days from the date of this decision the application will be determined with the information on hand.

Vote: 3/0

3.4 DA2021/1059 - 56 PERONNE AVENUE, CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND SECONDARY DWELLING INCLUDING THE CONSTRUCTION OF A SWIMMING POOL AND ASSOCIATED LANDSCAPE WORKS

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by an objector and a representative of the applicant.

The Panel concurred with the officers report and recommendation subject to the amendment of conditions as detailed below.

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 submissions 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 Local Environmental Plan 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/1059 for Alterations and additions to a dwelling house and secondary dwelling including the construction of a swimming pool and associated landscape works on land at Lot 13 DP 29355, 56 Peronne Avenue, Clontarf, subject to the conditions set out in the Assessment Report, subject to the following:

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

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA02 Site and Roof Plan	Issue A, 28 May2021	Michael CummingArchitect
DA09 Garage Floor	Issue A, 28 May2021	Michael CummingArchitect
DA10 Lower Ground Floor	Issue A, 28 May2021	Michael CummingArchitect
DA11 Ground Floor	Issue B, 2 August2021	Michael CummingArchitect
DA12 First Floor	Issue A, 28 May2021	Michael CummingArchitect
DA13 Secondary Dwelling Upper Plan	Issue A, 28 May2021	Michael CummingArchitect
DA15 Roof Plan	Issue A, 28 May2021	Michael CummingArchitect
DA20 North West Elevation	Issue A, 28 May2021	Michael CummingArchitect
DA21 South East Elevation	Issue B, 2 August2021	Michael CummingArchitect
DA22 Front Elevation	Issue A, 28 May2021	Michael CummingArchitect
DA23 Rear Elevation	Issue A, 28 May2021	Michael CummingArchitect
DA25 Section A	Issue B, 2 August2021	Michael CummingArchitect

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. A413864_02	1 June 2021	Michael Cumming
Geotechnical Investigation	2 July 2021	White GeotechnicalGroup

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
1 Lower GF Plan	2 June 2021	Paul Scrivener Landscape
2 First Floor Plan	24 May 2021	Paul Scrivener Landscape
3 Ground Floor Plan	24 May 2021	Paul Scrivener Landscape
4 Site Analysis Plan	24 May 2021	Paul Scrivener Landscape

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

2. The amendment of condition 8 to read as follows:

8. Amendments to the approved plans

The following amendments are to be made to the approved plans:

- A privacy screen shall be provided to the south-eastern elevation of the external bridge link between the primary and secondary dwellings. The screen is to be a minimum height of 1.8m measured above the FFL of the bridge link, with a maximum transparency of 30%.
- The privacy screen associated with the new ground floor dwelling entry and awning shall be of fixed panels or louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Vote: 3/0

3.5 DA2021/1533 - 13 MORGAN ROAD, BELROSE - DEMOLITION WORKS AND CONSTRUCTION OF NEW DWELLING

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the applicant who was advised of the following:

The Panel does not have delegation to determine this matter as the application has been made under Warringah LEP 2000, accordingly delegation rests with the Northern Beaches Local Planning Panel where this application has now been referred.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT DA2021/1533 for demolition works and construction of new dwelling on land at Lot 170 DP 752038, 13 Morgan Road, Belrose, is **referred** to the Northern Beaches Local Planning Panel for determination.

Vote: 3/0

3.6 MOD2021/0767 - 9 CALVERT PARADE, NEWPORT - MODIFICATION OF DEVELOPMENT CONSENT DA2018/0217 FOR DEMOLITION OF EXISTING DWELLING, BOUNDARY ADJUSTMENT AND CONSTRUCTION OF TWO DWELLINGS

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

COMMUNITY CONSULTATION

There were no submissions received for this application.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to Mod2021/0767 for Modification of Development Consent DA2018/0217 for demolition of existing dwelling, boundary adjustment and construction of two dwellings on land at Lot 1 DP 1266715, 9 Calvert Parade, Newport, and Lot 2 DP 1266715, 9A Calvert Parade, Newport, subject to the conditions set out in the Assessment Report.

Vote: 3/0

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 24 November 2021.