

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 9 FEBRUARY 2022**

**Minutes of a Meeting of the Development Determination Panel  
held via teleconference on Wednesday 9 February 2022**

**1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

**2.0 MINUTES OF PREVIOUS MEETING**

Nil

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.2 DA2021/1450 - 117 HUDSON PARADE, CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SECONDARY DWELLING

##### PANEL MEMBERS

Rebecca Englund (Chairperson)	Acting Manager, Development Assessment
Lashta Haidari	Principal Planner, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

##### PROCEEDINGS IN BRIEF

This item was deferred from the meeting of 15 December 2021 to allow amended plans to be submitted to address the issues identified below:

1. *The submission of amended plans demonstrating compliance with the 5.5m building height development standard applicable in relation to the secondary dwelling.*

The Panel reviewed the amended plans and considered the Memo prepared by the Assessing Officer dated 1 February 2022.

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel generally concurred with the Officer's Assessment Report and recommended conditions of consent, as amended by the recommendations in the Memo dated 1 February 2022.

##### DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

A. The Panel is satisfied that:

- 1) The Applicant's written request under clause 4.6 of the Pittwater Local Environmental Plan 2014 seeking to justify contravention of clause 4.3 (Height of buildings) development standards has adequately addressed and demonstrated that:
  - a) Compliance with the standard is unreasonable and 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 of Planning and Environment require by clause 4.6.

##### 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.

##### DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **approves** Development Consent to DA2021/1450 for Alterations and additions to a dwelling house including a secondary dwelling on land at Lot 55 DP 13291, 117 Hudson Parade, Clareville, subject to the conditions of consent in the Assessment

Report presented for the meeting of 15 December 2021, as amended by the recommendations in the Memo dated 1 February 2022.

Vote 3/0.

### 3.4 REV2021/0040 - 64 WOODLAND STREET, BALGOWLAH HEIGHTS - REVIEW OF DETERMINATION OF APPLICATION DA2020/1380 FOR ALTERATIONS AND ADDITIONS TO DWELLING HOUSE

#### PANEL MEMBERS

Rebecca Englund (Chairperson)	Acting Manager, Development Assessment
Lashta Haidari	Principal Planner, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

This item was deferred from the meeting of 15 December 2021 to allow amended plans to be submitted to address the issues identified below:

1. *Consideration of the new submission received.*
2. *Further clarification from all relevant parties (land owner, adjoining land owner and Council's Development Engineers) in relation to the potential for a drainage connection to Bungalow Avenue and associated easements.*

The Panel reviewed new and additional correspondence from the Applicant, adjoining property owners and their representatives.

The Panel were addressed by two objectors and a planning consultant acting on their behalf, in addition to the Applicant, the project architect and the project hydraulic engineer.

The Panel considered a Memo prepared by the Assessing Officers dated 3 February 2022, which recommends approval, subject to deferred commencement. The Memo and the proposed deferred commencement condition highlight an outstanding area of concern in relation to geotechnical risk, that has not been addressed in the assessment thus far.

The Panel notes that a dispersion trench is proposed at the rear of the site, within Area G2 – Potential Hazards on the *Potential Geotechnical Landslip Hazard Map of Manly Development Control Plan*. The Panel does not agree that the assessment of the suitability of the proposed stormwater solution with regard to potential geotechnical risk can be deferred in these circumstances.

#### DETERMINATION OF DEVELOPMENT APPLICATION

That Council as the consent authority **refuses** Development Consent to REV2021/0040 for Review of Determination of Application DA2020/1380 for alterations and additions to dwelling house on land at Lot 5 DP 9928, 64 Woodland Street, Balgowlah Heights, for the following reason:

1. The proposed development is inconsistent with the provisions of clause 6.4 (Stormwater management) of *Manly Local Environmental Plan 2013* and clause 4.1.8 (Development on Sloping Sites) of *Manly Development Control Plan 2013*, in so far as the proposed stormwater solution has not been considered with regard to potential geotechnical risk.

Vote: 3/0

This is the final page of the Minutes comprising 6 pages  
numbered 1 to 6 of the Development Determination Panel meeting  
held on Wednesday 9 February 2022.