

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 13 APRIL 2022

**Minutes of a Meeting of the Development Determination Panel
held via teleconference
on Wednesday 13 April 2022**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 4 APRIL 2022

The minutes of the Development Determination Panel held 4 April 2022, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2021/1341 - 3 BROOKVALE AVENUE BROOKVALE - DEMOLITION WORKS AND THE CONSTRUCTION OF MULTI DWELLING HOUSING

PANEL MEMBERS

Steven Findlay	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds. The Panel visited the property of one of the objectors who resides in the residential flat building to the south of the subject site prior to the meeting.

The Panel was addressed by the applicant (planning consultant), the architect and the owner. No objectors to the development addressed the Panel.

The Panel deliberated after hearing from the applicant and concluded that there were concerns with the proposal that prevented the Panel from approving the application, including; the character and built form of the two buildings relating to the third storey element, the extent of non-compliance with the 8.5m building height development standard and the bulk and scale of the buildings in relation to the third storey. However, the Panel considered that these concerns could be addressed by the applicant through a revision of the third storey and the submission of amended plans.

Therefore, the Panel decided to defer the determination of the application to allow dialogue between the Panel and the applicant concerning the size and extent of the third storey, the submission of amended plans to address the specific concerns, the notification of the amended plans to residents who made a submission to the application, further consideration of the amended plans by the Panel and ultimately a determination based on those amended plans.

STATEMENT OF REASON

The proposal in its current form does not satisfy the relevant strategy, objectives and provisions of the Warringah LEP 2011 and the Warringah DCP 2011 and amendments are required in order to address the concerns identified by the Panel.

COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the assessment report and at the meeting and deliberations. Additional consultation will be carried out of any amended plans in the form of a notification to those residents who made a submission to the application.

DECISION ON DEVELOPMENT APPLICATION

THAT Council as the consent authority, **defers determination** of Development Application DA2021/1341 for demolition works and the construction of Multi Dwelling Housing on land at Lot 17 DP 6040, 3 Brookvale Avenue BROOKVALE for the following reasons:

1. To allow the concerns raised by the Panel in relation to the size, extent and impact of the 3rd storey of the development to be addressed by the Applicant in the form of amended architectural plans, shadow diagrams and BASIX certificate to be submitted to Council by 4 May 2022.
2. The amended plans are to be notified for 7 working days to those persons who made a

submission to the application.

3. Any submissions to the amended scheme are to be considered by the Panel.
4. The provision of further minutes outlining the Panels consideration of the amended plans, any submissions and decision on the amended Development Application and those minutes to be posted on the website.

3/0

3.2 DA2021/2337 - 8A LINKMEAD AVENUE CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Steven Findlay	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel concurred with the Officer's assessment report and recommendation.

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 attached to the assessment report.

COMMUNITY CONSULTATION

There were no submissions received for this application.

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 LEP 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 DA2021/2337 for alterations and additions to a dwelling house including a swimming pool on land at Lot 2 DP 534547, 8A Linkmead Avenue CLONTARF, subject to the conditions set out in the Assessment Report.

3/0

3.3 DA2021/2312 - 28 TASMAN STREET, DEE WHY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSING INCLUDING A SWIMMING POOL

PANEL MEMBERS

Steven Findlay	Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was aware that the owner of the subject site is a staff member of Council, and that the assessment of the application was carried out by an external planning consultant.

The Panel was addressed by a representative of a resident objector.

The objectors representative was made aware of the special conditions recommended by the assessment officer as contained in report, including:

1. Condition 8 - Amendments to the approved plans

The alfresco is to be setback 900mm from the western side boundary.

The fireplace in the alfresco is not approved and is to be deleted.

2. Condition 25 - Landscaping

Screen planting with a minimum maturity height of 3m is to be provided and maintained adjacent to the alfresco and swimming pool along the western side and northern rear boundaries.

Based on these conditions, the objectors representative indicated that they were satisfied that their clients concerns had been satisfactorily addressed.

The Panel concurred with the external consultants assessment report and recommendation.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to conditions.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and at 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 Warringah LEP 2011 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 Application No. DA2021/2312 for alterations and additions to a dwelling housing including a swimming pool on land at Lot 53 DP 7435, 28 Tasman Street, DEE WHY, subject to the conditions set out in the Assessment Report.

3/0

3.4 DA2021/1487 - 35 BUNGAN HEAD ROAD NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE, INCLUDING AN OUTBUILDING AND A SWIMMING POOL

PANEL MEMBERS

Lashta Haidari	Acting Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector and representatives of the applicant.

The Panel is also in receipt of a submission provided by the applicant which relates to recommended condition 10 a.

With respect to the impact on views from No. 60 Bungan Head Road, it was noted by the Panel that the size and scale of the proposed garage will impact upon the views from No. 60 Bungan Head Road. One element of the garage that results in some of the view impact is the southern edge, which exceeds the 8.5m height limit. The Panel queried the applicant on the necessity of the size and scale of the proposed garage, its chosen location and what had been done to minimise its size. The panel was not satisfied that the reasons provided justified the impact. The Panel formed the opinion that the proposed garage could be redesigned to reduce its length and width to ensure better view sharing is achieved.

The issue relating to the outbuilding was considered by the Panel, the Panel agrees with the assessment report that the current proposal is capable for habitation considering that bedrooms, living room and bathrooms are all proposed which is contrary to the intent of the control, is not considered a separately accessible structure and better fits the definition of a secondary dwelling.

In this regard, the panel agrees that the structure should be deleted as stipulated by Condition 10 a, or alternatively the applicant can submit a revised scheme for a single storey structure that meets the requirement of Clauses C1.11 and C1.14 of Pittwater 21 DCP and compliance with the rear setback control is achieved.

To address both issues discussed above, the Panel requests that amended plans be lodged to Council within 21 days from the date of the meeting. In order to properly consider the amendments and carry out consultation with the affected landowners, the Panel defers the determination of this application to allow the amended plans to be submitted and undertake a re-notification for a period of 7 calendar days to the affected neighbours and to consider any further submissions made by these affected neighbours.

Once the re-notification period has ended and any further submissions have been received, the Panel will proceed to consider and determine the application.

STATEMENT OF REASON

The Panel considered that the application should be deferred to allow the issues of concern to be addressed by the applicant and further engagement to be carried out with the affected neighbours.

COMMUNITY CONSULTATION

Issues raised in the submissions have been taken into account in the assessment report and at the meeting, and have informed the decision to seek amended plans from the applicant.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **defers determination** of Development Application DA2021/1487 for Demolition works and construction of a dwelling house, including an outbuilding and a swimming pool on land at Lot 58 DP 10423, 35 Bungan Head Road NEWPORT for the reasons following reasons.:

1) Amended Plans

Amended plans are to be received to address view sharing and issue relating to the outbuilding.

The amended plans are to be submitted to the Council within 21 days from the date of the meeting, otherwise the application will be determined on the information currently provided. Following receipt of this information, the application will be re-notified for a period of 7 calendar days to the neighbouring properties. On conclusion of the re-notification period, and consideration of any further submissions received, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

3/0

3.5 REV2021/0038 - 8/252 ALLAMBIE ROAD ALLAMBIE HEIGHTS - REVIEW OF DETERMINATION OF APPLICATION DA2021/0418 FOR USE OF PREMISES AS A HEALTH SERVICES FACILITY IN CONJUNCTION WITH THE APPROVED USE AS A WAREHOUSE AND DISTRIBUTION CENTRE AND OFFICE PREMISES UNDER DEVELOPMENT CONSENT DA2021/0100

PANEL MEMBERS

Lashta Haidari	Acting Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector.

The Panel concurred with the Officer's assessment report and recommendation for refusal.

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of Warringah LEP and the Warringah DCP 2011.

COMMUNITY CONSULTATION

Issues raised in the submission 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 REV2021/0038 for review of Determination of Application DA2021/0418 for use of premises as a Health Services Facility in conjunction with the approved use as a Warehouse and Distribution Centre and Office Premises under development consent DA2021/0100 on land at Lot 8 SP 34147, 8 / 252 Allambie Road ALLAMBIE HEIGHTS, for the reasons for refusal set out in the Assessment Report.

3/0

3.6 DA2021/1699 - 31 WEST STREET BALGOWLAH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Lashta Haidari	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel concurred with the Officer's assessment report and recommendation for approval.

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

There were no submissions received for this application.

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 LEP 2013 seeking to justify a contravention of clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio 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 DA2021/1699 for alterations and additions to a dwelling house including a swimming pool on land at Lot 27 DP 82411, 31 West Street BALGOWLAH, subject to the conditions set out in the Assessment Report.

3/0

The meeting concluded at 1:00pm

This is the final page of the Minutes comprising 13 pages
numbered 1 to 13 of the Development Determination Panel meeting
held on Wednesday 13 April 2022.