

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 8 JUNE 2022

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 8 June 2022
via teleconference**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 25 MAY 2022

The minutes of the Development Determination Panel held 25 May 2022, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

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

PANEL MEMBERS

Lashta Haidari	Principal Planner, 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 two properties on the northern side of Bungan Head Road, opposite 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, including going through the additional information presented during the meeting, and concluded that the issues with the proposal that prevented the Panel from approving the application at the previous meeting remain, including the view loss impact from the proposed garage and the design of the separately accessible outbuilding.

The garage/foyer structure is excessive in size, exceeds the height limit and causes a loss of views beyond what a compliant structure would result in.

The separately accessible structure is out of character with other separately accessible structures approved in the area. Control C1.14 in the P21DCP seeks an outcome where separately accessible structures “*provide a recreational or office function for residents*”. The recreational ground floor is reasonable, however, the addition of a studio on the first floor is not supported.

The Panel considered that these concerns could be addressed by the applicant through amendments to the plans.

Therefore, the Panel has decided to defer the determination of the application to allow the submission of amended plans to address the specific concerns. Further consideration of the amended plans by the Panel will occur once they are submitted and ultimately a determination based on those amended plans can be made.

STATEMENT OF REASON

The proposal in its current form does not satisfy the relevant strategy, objectives and provisions of the Pittwater LEP 2014 and the Warringah Pittwater 21 DCP and amendments are required in order to address the concerns identified by the Panel.

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, **defers determination** of Development Consent to 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 submission of amended plans that make the following changes:

Separately accessible structure

- The studio level is to be deleted and the structure is to be single storey with a low scale roof design that matches the proposed dwelling.

Garage and Foyer

- The garage/foyer structure (except for the lift core which may remain where it is) is to be reduced to no more than 7.74m wide (east to west) and 7.0m deep (front to rear).
- Despite the above point, if it can be demonstrated that a garage/foyer that fits within the 8.5m height limit can be constructed, the panel will consider such an amended design.

The amended plans are to be submitted to Council within 14 days from the date of the release of the minutes. Following receipt of this information, the Panel will determine the application electronically, unless the Chair determines that a further public meeting is required.

Vote: 3/0

3.2 DA2021/2232 - 1851 PITTWATER ROAD BAYVIEW - DEMOLITION WORKS AND CONSTRUCTION OF A DUAL OCCUPANCY

PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Phil Lane	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, supplementary report and recommendation.

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

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 **approves** Development Consent to DA2021/2232 for demolition works and construction of a dual occupancy on land at Lot B DP 416603, 1851 Pittwater Road BAYVIEW, subject to the conditions set out in the Assessment Report.

Vote: 3/0

**3.3 MOD2022/0059 - 1793, 1795, 1797 PITTWATER RD MONA VALE AND 38 PARK ST
MONA VALE - MODIFICATION OF DEVELOPMENT CONSENT DA2020/1179
GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS
HOUSING DEVELOPMENT WITH BASEMENT PARKING & ASSOCIATED
LANDSCAPING**

PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Phil Lane	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 a representatives of the applicant.

The Panel concurred with the Officer's assessment report and recommendation. Amended shadow diagrams were received which demonstrated no unreasonable impacts.

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 Mod2022/0059 for Modification of Development Consent DA2020/1179 granted for demolition works and construction of a Seniors Housing development with basement parking & associated landscaping on land at Lot 4 DP 76695, 1795 Pittwater Road MONA VALE Lot 1 DP 219265, 1797 Pittwater Road MONA VALE Lot 2 DP 219265, 38 Park Street MONA VALE, Lot 5 DP 77493, 1793 Pittwater Road MONA VALE, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.4 MOD2022/0023 - 30 - 38 ETHEL STREET SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0865 GRANTED FOR USE OF BALGOWLAH RSL CARPARK FOR AN ORGANIC FOOD MARKET

PANEL MEMBERS

Daniel Milliken	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.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of the Manly LEP 2013 and the Manly DCP 2013 subject to conditions.

The panel were satisfied with the extension of the markets for a further five years given there have been no significant issues during the trial period and no objections to the extension.

COMMUNITY CONSULTATION

Of the three submissions made, there were no objections to extending the market operations. The matters 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 **approves** Modification Application Mod2022/0023 for modification of Development Consent DA2019/0865 granted for use of Balgowlah RSL carpark for an Organic Food Market on land at Lot 1 DP 1102512, 30 - 38 Ethel Street SEAFORTH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 DA2022/0399 - 48 CARAWA ROAD CROMER - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND ATTACHED SECONDARY DWELLING

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no speakers of this item.

The Panel considered the variation to the 6.5m front setback to Carawa Road and raised concerns in relation to the impacts on streetscape, and noted the general adherence to a 6.5m front setback along this section of Carawa Road.

The Panel was of the opinion that the roof over the deck would be a visually prominent element and should be amended to reduce the roof height, bulk and scale and ensure it is a lightweight and transparent structure, which will maintain the openness to this frontage of the site.

It was agreed that the applicant should be given the opportunity to amend the design to address the Panels concern, as the matter could not be the subject of a condition of consent.

STATEMENT OF REASON

The proposal raised concerns in relation to the front setback provisions of the Warringah DCP 2011.

COMMUNITY CONSULTATION

Issues raised in the one submission received in response to the notification of the application have been taken into account in the assessment report and at the Panel meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **defers determination** of Development Application No. DA2022/0399 for alterations and additions to a dwelling house and attached secondary dwelling on land at Lot 3 DP 11799, 48 Carawa Road CROMER, for the following to take place:

1. The Applicant be provided with the opportunity to submit amended plans addressing the front setback issue raised by the Panel and specifically that the design of the roof over the proposed deck within the front setback to Carawa Road, be amended to reduce the roof height, bulk and scale and ensure it is a lightweight and transparent structure.
2. The amended plans are to be submitted by the Applicant within seven (7) working days from the date the minutes are published on the website.
3. That upon receipt of the amended plans, the Panel will consider the amended design and make a determination.

Vote: 3/0

**3.6 DA2022/0093 - 56 WOODLAND STREET BALGOWLAH
HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A
SECONDARY DWELLING AND FENCING**

PANEL MEMBERS

Steve 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 addressed by a representative of the applicant.

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 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Application No. DA2022/0093 for alterations and additions to a dwelling house, including a secondary dwelling and fencing on land at Lot 1 DP 9928, 56 Woodland Street BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.7 DA2021/2081 - 21 WHITE STREET BALGOWLAH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, INCLUDING CONSTRUCTION OF A GARAGE

PANEL MEMBERS

Steve 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 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

Issues raised in the submission 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 LEP 2013 seeking to justify a contravention of 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.
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DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Application No. DA2021/2081 for alterations and additions to a dwelling house, including construction of a garage on land at Lot 1 DP 64165, 21 White Street BALGOWLAH, subject to the conditions set out in the Assessment Report and the following:

1. The addition of the following condition to be inserted in the "*During Demolition and Building Work*" section of the consent:

A. Protection of Rock Outcrops

All rock outcrops outside of the area of approved works (being those rock outcrops located within the road reserve on the corner of Condamine Street and Burton Street) are to be preserved and protected at all times during demolition, excavation and construction works.

Reason: Preservation of significant environmental features.

Vote: 3/0

3.8 DA2022/0340 - 21 PARKVIEW ROAD FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PANEL MEMBERS

Steve 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 addressed by two representatives of the applicant.

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

Issues raised in the submission 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 LEP 2013 seeking to justify a contravention of 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Application No. DA2022/0340 for alterations and additions to a semi-detached dwelling on land at Lot 361 DP 700858, 21 Parkview Road FAIRLIGHT, subject to the conditions set out in the Assessment Report and subject to the following:

1. The addition of the following condition within the "*Prior to Issue of the Construction Certificate*" section of the consent:

A. **Fire Separation of External Walls**

The external walls of the proposed secondary dwelling where less than 900mm from an allotment boundary or less than 1.8 m from another building on the same allotment other than a Class 10 building associated with the Class 1 building or a detached part of the same Class 1 building and any openings within these walls is required to comply

with Part 3.7.2.4 of the Building Code of Australia –‘Construction of external walls’.

Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate provision is made for fire safety and for building occupant safety.

Vote: 3/0

The meeting concluded at 12:00pm

This is the final page of the Minutes comprising 14 pages
numbered 1 to 14 of the Development Determination Panel meeting
held on Wednesday 8 June 2022.