



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 22 JUNE 2022

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 22 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 8 JUNE 2022

The minutes of the Development Determination Panel held 8 June 2022, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2021/1824 - 23 HAY STREET COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL AND CABANA

PANEL MEMBERS

Phil Lane	Acting Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two objectors.

The Panel noted the variation under Clause 4.6 Exemption to the development standards read the variation to the Building Height was 10.98% and should be 10.58% on page 24 of the agenda.

The Panel concurred with the Officer's assessment report and recommendation subject to the inclusion and amendment of the conditions listed below.

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 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 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 Consent to DA2021/1824 for alterations and additions to a dwelling house including a swimming pool and cabana on land at Lot 36 DP 10648, 23 Hay Street COLLAROY, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 27 (previously 25) to read as follows:

27 Landscape Completion

Landscaping is to be implemented in accordance with the approved Concept Landscaping Plan, and inclusive of the following conditions:

- i) two (2) replacement trees shall be planted, one each to the front and rear setbacks; and shall be selected from the following list as provided by the recommendations of the Arboricultural Impact Assessment: *Eucalyptus botryoides* (Bangalay Gum), *Angophora hispida* (Dwarf Apple), *Hymenospermum flavum* (Native Frangipani), or *Tristaniopsis laurina* (Watergum), with at least one *Eucalyptus botryoides* to be planted and preferably within the rear of the property.
- ii) tree planting shall be installed at a pre-ordered minimum 75 litre container size and shall meet the requirements of Natspec - Specifying Trees, and shall be located within a 9m² deep soil area wholly within the site and be located a minimum of 3 to 5 metres from existing and the proposed building, and other trees, and at least 1.5 metres from common boundaries, and located either within garden bed or within a prepared bed within lawn.
- iii) screen shrub planting to achieve 3 metres in height at maturity shall be planted along the boundary common with 23 Hay Street from the alignment of the kitchen/meals room on the ground floor to the rear boundary, whilst preserving any existing screen plants in the garden area.
- iv) all planting shall be installed at minimum 1 metre intervals for shrubs of a minimum 200mm container size at planting or as otherwise scheduled if greater in size, and at 4 plants per metre square for groundcovers of a minimum 140mm container size at planting or as otherwise scheduled if greater in size, and shall be in a garden bed prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.
- v) all proposed tree planting shall be located to minimise significant impacts on neighbours in terms of blocking winter sunlight, or where the proposed tree location may impact upon significant views.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

2. The addition of the following condition:

15. Maintain the existing building fabric

The parts of the existing building fabric which are shown to be retained on the approved plans are to be shown as retained on the Construction Certificate drawings prior to issuing a Construction Certificate to ensure consistency with approval as alterations and additions to a dwelling house. If this cannot be achieved, a new development application will need to be lodged with Northern Beaches Council.

Reason: *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187

3. The addition of the following condition:

26. Maintain the existing building fabric

The parts of the existing building fabric which are shown to be retained on the approved plans are to be retained during construction works to ensure consistency with approval as alterations and additions to a dwelling house. If this cannot be achieved, a new development application will need to be lodged with Northern Beaches Council.

Reason: Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187

4. The addition of the following condition:

33. Maintain the existing building fabric

The parts of the existing building fabric which are shown to be retained on the approved plans are to be retained to ensure consistency with approval as alterations and additions to a dwelling house prior to the issuing of any Occupation Certificate. If this cannot be achieved, a new development application will need to be lodged with Northern Beaches Council.

Reason: Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187

Vote: 3 – Nil

3.2 DA2021/2224 - 64 PRESCOTT AVENUE DEE WHY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Phil Lane	Acting Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Neil Cocks	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 noted a variation to the Clause B1 Wall Height under the Warringah Development Control Plan 2011 was required. A Supplementary Memo to Development Determination Panel (DDP) was submitted by Council's Planner on 24 June 2022 to address this variation.

The Panel concurred with the Officer's assessment report and recommendation subject to the amendment of the conditions listed below.

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 submissions 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 DA2021/2224 for demolition works and construction of a dwelling house including a swimming pool on land at Lot 2 DP 23018, 64 Prescott Avenue DEE WHY, subject to the conditions set out in the Assessment Report subject to the following:

1. 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:

- i) **First Floor Window (W-11)** - A privacy screen is to be installed on the "first floor" western window to "Bedroom 2" (W-11) as shown on the approved plans. The privacy screen shall be of louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with a minimum sill height of 1.65m above the Finished Floor Level and the installation of a standard window on the southern elevation maybe incorporated to allow for adequate light and ventilation to the bedroom in accordance with the National Construction Code.
- ii) **First Floor Window (W-09B)** - A privacy screen is to be installed on the "first floor" western window to "LDY" (W-09B) as shown on the approved plans. The privacy screen shall be of louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level.

iii) **Ground Floor Window (W-05)** - A privacy screen is to be installed on the "ground floor" eastern window to "Butlers" (W-05) as shown on the approved plans. The privacy screen shall be of louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, this window shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Ground Floor Level. 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 – Nil

3.3 DA2021/2564 - 20 LEINSTER AVENUE KILLARNEY HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Phil Lane	Acting Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The representative of the applicant requested that Condition 9 On-site Stormwater Detention Details be amended to allow for a suitably qualified Hydraulic and/or Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering and/or Member of the HCAA (Hydraulic Consultants Associations Australasia) to design the stormwater detention system.

The Panel concurred with the Officer's assessment report and recommendation subject to the amendment of the condition listed below.

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 the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/2564 for alterations and additions to a dwelling house including a swimming pool on land at Lot 526 DP 218576, 20 Leinster Avenue KILLARNEY HEIGHTS, subject to the conditions set out in the Assessment Report including the amendments below.

1. The amendment of condition 9 to read as follows:

9. On-site Stormwater Detention Details

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's "WATER MANAGEMENT for Development POLICY", and generally in accordance with the concept drainage plans prepared by SDS Engineering drawing number C001 (210536), dated 29/10/2021.

Detailed drainage plans are to be prepared by a suitably qualified Hydraulic and/or Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER) and registered in the General Area of Practice for civil engineering and/or Member of the HCAA (Hydraulic Consultants Associations Australasia). Detailed drainage plans, including engineering certification, are to be submitted

to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

Vote: 3 – Nil

3.4 DA2021/1964 - 51 PEACOCK STREET SEAFORTH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Phil Lane	Acting Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by three objectors and three representatives of the applicant (including the owner).

The Panel did not concur with the Officer's assessment report and recommendation based on the non-compliances with a number of the Manly Development Control Plan 2013 (MDCP 2013) Built Form Controls and Clauses.

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of Manly LEP 2013 and the Manly DCP 2013.

The Panel had particular concerns with the third storey and its streetscape and amenity impacts; the overall built form and the non-compliances with the wall height, number of storeys and roof pitch controls and; the garage, its minimal front and side setbacks and the general lack of landscaping within the front yard.

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 DA2021/1964 for demolition works and construction of a dwelling house on land at Lot 8 DP 7836, 51 Peacock Street SEAFORTH, for the following reasons:

1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.1 Streetscapes and Townscapes of the Manly Development Control Plan.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.1.1 Streetscape (Residential areas) of the Manly Development Control Plan.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.1.1.1 Complementary Design and Visual Improvement of the Manly Development Control Plan.
4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.1.1.3 Roofs and Dormer Windows of the Manly Development Control Plan.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the

proposed development is inconsistent with the provisions of Clause 3.1.1.4 Garages, Carports and Hardstand Areas of the Manly Development Control Plan.

6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.4.2 Privacy and Security of the Manly Development Control Plan.
7. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.4.2.1 Windows Design and Orientation of the Manly Development Control Plan.
8. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 3.4.2.2 Balconies and terraces of the Manly Development Control Plan.
9. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) of the Manly Development Control Plan.
10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.2.1 Wall Height of the Manly Development Control Plan.
11. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.2.2 Number of Storeys of the Manly Development Control Plan.
12. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.2.3 Roof Height of the Manly Development Control Plan.
13. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan.

Vote: 3 – Nil

3.5 DA2021/2262 - 14 OCEAN ROAD PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Phil Lane	Acting Manager, Development Assessment
Daniel Milliken	Acting Manager, Development Assessment
Neil Cocks	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 noted the assessment report within the agenda on page 239 referenced the Landscape Area at 50% and should read 60%.

The Panel concurred with the Officer's assessment report and recommendation subject to the inclusion of the following condition set out in the Assessment Report:

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 DA2021/2262 for demolition works and construction of a dwelling house including a swimming pool on land at Lot 1 DP 412086, 14 Ocean Road PALM BEACH, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

External Finishes to Roof

The external finish to the roof shall have a medium to dark range (BCA classification M and D) in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

Vote: 3 – Nil

3.6 MOD2022/0129 - 183 CONDAMINE STREET BALGOWLAH - MODIFICATION OF DEVELOPMENT CONSENT DA2021/1440 GRANTED FOR CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS INCLUDING TORRENS TITLE SUBDIVISION OF 1 LOT INTO 2

PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Steven Findlay	Manager, Development Assessment
Neil Cocks	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.

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 4.4 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 MODIFICATION APPLICATION

THAT Council as the consent authority **approves** Development Consent to Mod2022/0129 for modification of Development Consent DA2021/1440 granted for construction of two semi-detached dwellings including Torrens Title Subdivision of 1 lot into 2 on land at Lot B DP 305885, 183 Condamine Street BALGOWLAH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.7 DA2022/0175 - 5 CAMBRIDGE AVENUE NARRAWEENA - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Steven Findlay	Manager, Development Assessment
Neil Cocks	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 Warringah LEP 2011 and the Warringah DCP 2011 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 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 Consent to DA2022/0175 for alterations and additions to a dwelling house including a swimming pool on land at Lot 48 DP 25497, 5 Cambridge Avenue NARRAWEENA, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.8 DA2022/0150 - 2089 A PITTWATER ROAD CHURCH POINT - CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Steven Findlay	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The Panel was not convinced that the proposal as reported was an acceptable outcome given the non-compliant landscaped area and the minimal setbacks to the south-western boundary. The Panel requested that the applicant make amendments to the design to increase the ground floor and upper floor setbacks to the south-western boundary to 2.0m and 3.0m respectively, and increase the landscaped area to 60% (or 54% with the 6% variation applied).

These amended plans and an updated Clause 4.6 request were submitted on 4 July 2022. The applicant stated:

In response to this email please find attached the following:

- Amended architectural plans,
- Updated clause 4.6 variation request – height of buildings

To achieve the outcomes sought by the DDP the amended plans incorporate the following changes:

- Pavilions moved forward to achieve a 2m Ground level setback
- Pavilions reduced in width to increase landscaping - Increased side setbacks
- Reduced deck to the front of both pavilions - Increase landscaping
- Central deck/pond and internal hallway reduced in depth - Increase landscaping and increase central wing setback to 9.35m
- Level 1 rear wall moved forward 1m to achieve a 3m setback, except the lift which maintains a 2m setback.
- Level 1 front wall moved forward by 0.5m (net reduction in depth of 0.5m)
- Pool and decking adjusted
- Indicative positions of circulation pathways <1m width
- A 60% landscaped area outcome (incorporating 6% recreational area provision)

The lift has been retained in its original location given the design difficulties and internal layout/ amenity impacts associated with its relocation. Although located within the requested 3 metre Level 1 setback, the lift has a very small footprint and is not located within immediate proximity of the dwelling house at No. 1 Corniche Road. In this regard the lift will not give rise to unacceptable visual bulk, shadowing or privacy impacts as viewed from the adjoining property.

The adjustment in the setbacks has resulted in an increase in overall building height as the landform falls away to the north. In this regard, this response is accompanied by an updated clause 4.6 variation request in support of the building height variation proposed.

The Panel are satisfied that the amended plans and updated Clause 4.6 request have resolved the concerns.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP subject to the recommended conditions plus the updating of condition No. 1 to incorporate the amended plans.

COMMUNITY CONSULTATION

Issues raised in the five (5) submissions have been taken into account in the report, at the meeting and in the amended plans.

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 LEP 2014 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 DA2022/0150 for construction of a dwelling house including a swimming pool on land at Lot 2 DP 1186422, 2089 A Pittwater Road CHURCH POINT, subject to the conditions set out in the Assessment Report and the following amended conditions:

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
DA002 Issue C	1 July 2022	Hot House Architects
DA010 Issue F	1 July 2022	Hot House Architects
DA100 Issue H	1 July 2022	Hot House Architects
DA101 Issue H	1 July 2022	Hot House Architects
DA102 Issue F	1 July 2022	Hot House Architects
DA110 Issue D	1 July 2022	Hot House Architects
DA200 Issue F	1 July 2022	Hot House Architects
DA201 Issue F	1 July 2022	Hot House Architects
DA300 Issue F	1 July 2022	Hot House Architects

DA301 Issue F	1 July 2022	Hot House Architects
DA302 Issue B	1 July 2022	Hot House Architects
DA303 Issue E	1 July 2022	Hot House Architects

Engineering Plans

Drawing No.	Dated	Prepared By
STORM-1	16/12/2021	Taylor Consulting
STORM-2	16/12/2021	Taylor Consulting
STORM-3	16/12/2021	Taylor Consulting

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate No. 1262258S	09/12/2021	Efficient Living
NatHERS Certificate No. 0006905871	09/12/2021	Efficient Living
Arboricultural Impact Assessment	14/01/2022	Waratah Eco Works
Drainage Line Assessment	October 2021	Ecological Consultants Australia
Flood Management Report	16/12/2021	Pittwater Data Services
Geomorphic Assessment	28/11/2021	Flow and Loam Environmental
Geotechnical Investigation (Ref: J3895)	21/12/2021	White Geotechnical Group

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
C1 Rev B	16/12/2021	Contour Landscape Architecture
C2 Rev B	16/12/2021	Contour Landscape Architecture
C3 Rev B	16/12/2021	Contour Landscape Architecture
C4 Rev B	10/12/2021	Contour Landscape Architecture
C5 Rev B	10/12/2021	Contour Landscape Architecture

Waste Management Plan

Drawing No/Title.	Dated	Prepared By
Waste Management Plan	25/01/2022	Matt Schott
DA500 Issue C	16/12/2021	Hot House Architects

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 7 to read as follows:

7. Amended Landscape Plan

An Amended Landscape Plan shall be issued to the Certifying Authority prior to the issue of a Construction Certificate. The amended landscape plans must be consistent with the most recent version of the architectural plans and must also include the following details:

- i) Deletion of Dieties bicolour from the plans and plant list
- ii) Deletion of Raphiolepis indica 'Oriental Pearl' from the plans and plant list

Plants may be substituted for similar, less invasive plant Genus

Certification shall be provided to the Certifying Authority that these amendments have been documented.

Reason: Landscape amenity.

Vote: 3/0

3.9 DA2022/0373 - 33 WHEELER PARADE DEE WHY- DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PANEL MEMBERS

Steven Findlay	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a planning consultant representing some objectors and a planning consultant representing the applicant.

The Panel decided that the proposal in the Assessment Report to impose Condition No. 9 to delete the balcony on the Top Floor (First Floor) Level of the dwelling to address the view impacts was not a good planning and design outcome and that a revised location for that balcony on the Top Floor Level should be found.

The outcome envisaged is that the relocation of the balcony and associated redesign would allow for the view corridor from the Kitchen of No. 35 Wheeler Parade to be provided for and adequate amenity provided for the occupants of the future dwelling. This would demonstrate view sharing in accordance with the Tenacity planning principle and a balanced outcome.

Therefore, it was decided to formally defer the determination of the application, to allow contact to be made with the applicant, with a view to obtaining a full set of amended plans addressing the above, along with revised shadow diagrams and BASIX certificate, with 14 days from the date the minutes are posted on the website.

Should the applicant submit the requested amended plans, they will be notified to those who made a submission, as well as No. 61 The Crescent and the new owners of No. 31 Wheeler Parade, for 7 working days. The results of the notification will be reported to the Panel for consideration and a determination of the application is to be made.

STATEMENT OF REASON

The deferral will allow amended plans to be submitted and public consultation to be carried out.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report, at the meeting and in the request for amended plans.

DECISION ON DEVELOPMENT APPLICATION

THAT Council as the consent authority **defers determination** of DA2022/0373 for demolition works and construction of a dwelling house including swimming pool on land at Lot 14 DP 11183, 33 Wheeler Parade DEE WHY, for the following reasons:

1. The applicant be invited to submit amended plans that provide for the retention of a balcony on the Top Floor (First Floor) Level of the dwelling (in place of the requirement in Condition No. 9 to delete the balcony), which demonstrates adequate view sharing between the subject site and No. 35 Wheeler Parade.
2. The amended plans are to be accompanied by amended shadow diagrams and BASIX Certificate

3. The amended plans and supporting information are to be submitted with 14 days from the date the minutes are posted on website.
4. The amended plans are to be notified to those who made a submission, as well as No. 61 The Crescent and the new owners of No. 31 Wheeler Parade, for 7 working days.
5. The results of the notification will be reported back to the Panel for their consideration and a determination of the application is to be made.

Vote: 3-0

The meeting concluded at

This is the final page of the Minutes comprising 22 pages
numbered 1 to 22 of the Development Determination Panel meeting
held on Wednesday 22 June 2022.