



northern  
beaches  
council

# MINUTES

## DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

**WEDNESDAY 27 JULY 2022**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 27 July 2022  
via teleconference**

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 13 JULY 2022**

The minutes of the Development Determination Panel held 13 July 2022, were adopted by all Panel Members and have been posted on the Council's website

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2021/2416 - 155 PACIFIC ROAD PALM BEACH - PARTIAL DEMOLITION OF THE EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLING WITH A DETACHED STUDIO AND SWIMMING POOL

##### PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Adam Richardson	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 in its deliberations, considered a late submission, lodged on 29 July, from the new owners of No. 161 Pacific Road and a supplementary memo prepared by the assessment planner addressing the issues raised in the submission.

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 Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

##### COMMUNITY CONSULTATION

Issues raised in the submissions, including the late 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 DA2021/2416 for partial demolition of the existing dwelling and the construction of a new dwelling with a detached studio and swimming pool on land at Lot 1 DP 1144798, 155 Pacific Road PALM BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.2 DA2021/2622 - 65 HILLSIDE ROAD NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SECONDARY DWELLING AND SWIMMING POOL

#### PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Adam Richardson	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 1 objector and the owner.

The Panel noted condition 13 and the requirement for screening of the northern elevation of the inclinator. The Panel is of the view that the screening needs to be extended along the eastern and western elevations due to the angled path of the inclinator and the location of the neighbouring windows.

The Panel concurred with the Officer's assessment report and recommendation subject to an amendment to condition 13 as outlined in the decision below.

#### 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 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 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 DA2021/2622 for alterations and additions to a dwelling house including a secondary dwelling and swimming pool on land at Lot 46 DP 9224, 65 Hillside Road NEWPORT, subject to the conditions set out in the Assessment Report with the exception of condition 13 which is to be amended as follows:

1. The amendment of Condition 13 to read as follows:

**13. Amendments to the approved plans**

- a. The pergola located above the existing front terrace is to be deleted.
- b. The northern, eastern and western elevations of the inclinators must be affixed with a 1.7 metre high privacy screen (measured from the finished floor level of the moving platform). The privacy screens may be of solid or fixed panels or louver style construction (with a maximum spacing of 30mm if not a solid screen), 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

### **3.3 DA2021/2390 - 29 MONASH CRESCENT CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PANEL MEMBERS**

Daniel Milliken	Acting Manager, Development Assessment
Adam Richardson	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 objectors and representatives of the applicant.

The Panel questioned the applicant in relation to the clause 4.6 request to vary the floor space ratio. The applicant agreed that their request did not include an accurate calculation of the floor space of the dwelling, it is to be altered by the proposed works and that an amended clause 4.6 request would be required in order for Council to have the power to approve the application.

The Panel also raised concerns in relation to the size and bulk of the first floor, particularly the void space above the kitchen/living/dining area and the non-compliances with the side and rear setback controls. The Panel is not satisfied that the non-compliances are reasonable in these circumstances.

Finally, the Panel is concerned with the amenity impacts of the ground floor rear deck, the non-compliant rear setback and the subsequent lack of deep soil areas in the rear yard.

#### **STATEMENT OF REASON**

The proposal has not satisfied clause 4.6 of the Manly LEP 2013.

The proposal results in unreasonable amenity impacts as a result of non-compliances with the side and rear setback controls in the Manly DCP 2013.

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

#### **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 not 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, **defers determination** of Application No. DA2021/2390 for alterations and additions to a dwelling house on land at Lot 55 DP 9745, 29 Monash Crescent CLONTARF, to allow the following to take place:

1. The applicant be invited to make the following amendments to the plans:
  - a. The first floor must be amended to be compliant with the rear and side setback controls in the DCP.
  - b. The ceiling height over the void space must be reduced to no more than 5.0m above the finished floor level of the ground floor.
  - c. The ground floor rear deck must have a minimum 3.0m setback to the rear boundary.
  - d. The floor space of the dwelling must be reduced so that the dwelling remains compliant with the floor space dispensation provided for in Control 4.1.3 of the Manly DCP 2013.
  - e. The amendments be supported by amended supplementary supporting information (such as BASIX and landscape plans).
2. The applicant is to lodge an amended written Clause 4.6 Variation request to vary the Floor Space Ratio development standard under Clause 4.4 of the MLEP 2013. The request must accurately calculate the gross floor area as defined in the MLEP.
3. The additional information is to be submitted within 14 days from the date the minutes are posted on the website.
4. The application will be re-notified for 14 days, to allow interested persons to view the additional information and make any further submissions on the application.
5. The Assessment Officer is to carry out an assessment of the Clause 4.6 variation, the amendments to the plans and any new submissions, and provide a Supplementary report addressing these.
6. The Panel will then consider the applicants Clause 4.6 variation, the amended plans, any submissions received in response to the re-notification, the Supplementary Report by the Assessment Officer, and make a determination.

Vote: 3/0



### 3.4 REV2022/0010 - 16 ALAMEDA WAY WARRIEWOOD - REVIEW OF DETERMINATION OF APPLICATION DA2021/1670 FOR CONSTRUCTION OF A SECONDARY DWELLING

#### PANEL MEMBERS

Daniel Milliken	Acting Manager, Development Assessment
Adam Richardson	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 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 REV2022/0010 for review of determination of application DA2021/1670 for construction of a secondary dwelling on land at Lot 10 DP 227843, 16 Alameda Way WARRIEWOOD, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### **3.5 DA2022/0095 - 13 BARRABOOKA STREET CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL**

#### **PANEL MEMBERS**

Phillip Lane	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 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 4.3 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 DA2022/0095 for alterations and additions to a dwelling house including a swimming pool on land at Lot 11 DP 2610, 13 Barrabooka Street CLONTARF, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.6 DA2022/0278 - 214 WHALE BEACH ROAD WHALE BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

#### PANEL MEMBERS

Phillip Lane	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, one representative for an objector and one representative of the applicant.

The Panel concurred with the Officer's assessment report and recommendation subject to the following amendments:

- Bedroom 3 (W30) and Bedroom 4 (W31) are to be fitted with high sill windows (minimum sill height of 1.65m) and fitted/treated with obscured glazing.
- Issue was also raised by one objector in relation to the estimated costs of works (\$973,500.00) of the proposed development and this concern was shared by the panel members. The panel requested a revised estimated costs of works from the applicant and a Certified Quantity Surveyor (MAIQS) was submitted on 1 August 2022 with an estimated costs works of \$1,991,000.30.
- The southernmost edge of the covered front terrace/balcony sited at RL27.850 AHD must be affixed with a non-transparent screen that spans a horizontal length of 2.0 metres when measured from the external wall of the dwelling towards the front of the terrace. The privacy screen must be of a fixed panel or louvre style (angled at 45 degrees to the southeast) construction with maximum openings of 30 millimetres. The privacy screen must be to a height of at least 1.65 metres above the finished floor level, but no greater than 1.8 metres above the finished floor level of the terrace.

#### 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 submissions and during the meeting have been considered in the report, during the meeting and subsequent deliberations by the panel.

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2022/0278 for demolition works and construction of a dwelling house including swimming pool on land at Lot 62 DP 11067, 214 Whale Beach Road WHALE BEACH, subject to the conditions set out in the Assessment Report and amendment of the following conditions:

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

#### 9. Policy Controls Northern Beaches 7.12 Contributions Plan 2021

A monetary contribution of \$19,910.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2021.

The monetary contribution is based on a development cost of \$1,991,000.30. The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2021 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au) This fee must be paid prior to the issue of the Construction Certificate.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

2. The amendment of Condition 13 to read as follows:

### **13. Amendments to the Approved Plans**

- a. The cooking facilities within the studio on the lower ground floor are not consented to and must be deleted from the approved plans.
- b. The paved and pebbled pathway between the entryway and front boundary must be reduced to a maximum width of 950 millimetres.
- c. The southernmost edge of the covered front terrace/balcony sited at RL27.850 AHD must be affixed with a non-transparent screen that spans a horizontal length of 2.0 metres when measured from the external wall of the dwelling towards the front of the terrace. The privacy screen must be of a fixed panel or louvre style (angled at 45 degrees to the southeast) construction with maximum openings of 30 millimetres. The privacy screen must be to a height of at least 1.65 metres above the finished floor level, but no greater than 1.8 metres above the finished floor level of the terrace.
- d. The ground floor living room window W09 must be amended to have a window sill that is at least 1.5 metres above the finished floor level or fixed obscure glazing to a height of 1.5 metres above the finished floor level.
- e. Bedroom 3 (W30) and Bedroom 4 (W31) are to be fitted with high sill windows (minimum sill height of 1.65m) and fitted/treated with obscured glazing.

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.

*The meeting concluded at 12:15pm*

This is the final page of the Minutes comprising 13 pages  
numbered 1 to 13 of the Development Determination Panel meeting  
held on Wednesday 27 July 2022.