



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 14 SEPTEMBER 2022

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 14 September 2022
via teleconference**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 24 AUGUST 2022

The minutes of the Development Determination Panel held 24 August 2022, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2022/0500 - 28 COUTTS CRESCENT COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Adam Susko	Principal Planner, 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 DA2022/0500 for alterations and additions to a dwelling house including a swimming pool on land at Lot 16 DP 236457, 28 Coutts Crescent COLLAROY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2022/0775 - 48 LINDLEY AVENUE NARRABEEN - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SECONDARY DWELLING

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Adam Susko	Principal Planner, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of the owners of 18 The Esplanade, Narrabeen, a representative of the applicant and the owner of the subject site.

The address on behalf of the owners of 18 The Esplanade raised issues in relation to stormwater, in particular that large volumes of overland flow come down from the subject site into properties at the rear on The Esplanade, and that the proposed development will exacerbate that. Concerns were also raised in relation to tree loss, privacy impacts and the potential for additional landslip. The Panel noted these concerns.

The Panel was also in receipt of, and has considered, a further submission from 18 The Esplanade, Narrabeen.

The Panel in its deliberations found that given the favorable comments from the technical specialists within the assessment report in respect of stormwater, geo-technical impacts and vegetation loss, it was satisfied that the development will have an acceptable impact and 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

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 DA2022/0775 for alterations and additions to a dwelling house including secondary dwelling on land at Lot 2 DP 502501, 48 Lindley Avenue NARRABEEN, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 MOD2022/0292 - 16 CARRINGTON PARADE FRESHWATER - MODIFICATION OF DEVELOPMENT CONSENT DA2020/1090 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Maxwell Duncan	Principal Planner, 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 generally concurred with the Assessment Officer's report and recommendation.

During the deliberations, the Panel discussed the issue of the visual impact of the roof terrace access structure in relation to the colours and materials of the main roof upon which it sits. The option of requiring the external materials to match the main roof was decided as the preferred outcome.

This change was discussed with the applicant's building designer.

Ultimately, the Panel decided that the requirement should be imposed as a condition on the modified consent.

STATEMENT OF REASON

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

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and discussed in the Panels assessment and deliberations.

DETERMINATION OF MODIFICATION APPLICATION

THAT Council as the consent authority **approves** Modification Application No. MOD2022/0292 for Modification of Development Consent No. DA2020/1090 granted for alterations and additions to a dwelling house on land at Lot 21 DP 5205, 16 Carrington Parade FRESHWATER, subject to the following:

1. The addition of the following condition:

9A. External Finishes to Roof Terrace Access Structure

The external finish to the new roof terrace access structure is to match the colour and materials of the surrounding roof of the dwelling.

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

Reason: To ensure the new roof element matches the material and colours of the main roof form.

Vote: 3/0

3.4 DA2022/0727 - 12 CLARENCE STREET BALGOWLAH - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Maxwell Duncan	Principal Planner, 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 a planning consultant representing one of the objectors, as well as the applicant, who is also the building designer for the proposed development.

The Panel raised concerns in its deliberations regarding the extent of breach of the side setback control under the MDCP 2013 and the extent of departure from the floor space ratio development standard under the MLEP 2013. These two non-compliances, coupled with the proposed wall height and excessive length of wall on the western elevation, means the visual bulk and scale of the proposal when viewed from the adjoining properties to the west is excessive and unsatisfactory.

It is acknowledged that the site is constrained by its narrow width and size, and the site adjoins the rear of four (4) residential properties, which increases the potential impacts on amenity from a first floor addition on the subject site.

Notwithstanding the constraints on development, the proposal should be amended to reduce the amount of floor area at the first floor level, incorporate a greater setback to the first floor level (such that it “steps-in” from the existing and proposed ground floor wall location), reduce the length of the first floor level wall and provide a greater amount of wall articulation on the western elevation.

In this regard, the proposed first floor addition will have an overbearing affect and an unacceptable visual impact on adjoining properties.

Whilst the stairwell window on the western elevation is inappropriate in terms of its excessive size and clear glazed treatment, this matter can be conditioned to be satisfactory in relation to privacy and amenity.

Accordingly, the proposal is not supported for the reasons relating to floorspace, side setback, bulk and scale and visual impact.

STATEMENT OF REASON

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 and the issues raised at the meeting have been considered in the Panel’s decision.

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 **refuses** Development Application No. DA2022/0727 for alterations and additions to a semi-detached dwelling on land at Lot 1 DP 445281, 12 Clarence Street, BALGOWLAH for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the floor space ratio development standard under Clause 4.3 – Floor Space Ratio of the Manly Local Environmental Plan 2013.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the side setback provisions of Clause 4.1.4 Setbacks (front, side and rear) and Building Separation of the Manly Development Control Plan 2013.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have a detrimental impact on the visual amenity of the adjoining properties to the west of the subject site, by virtue of the excessive building bulk, scale and mass of the first floor addition and its associated setback, height and length in relation to the western elevation.
4. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development will have a detrimental impact on the amenity of adjoining residential properties, and for this reason is contrary to the public interest.

Vote: 3/0

3.5 DA2021/1734 - 21 HEADLAND ROAD NORTH CURL CURL - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Adam Richardson	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.

There were no registered speakers.

The Panel notes the written submission to the assessment report from the owners of the subject site. The Panel in its deliberations has considered the written submission and finds that despite the issues and concerns raised, notes that the assessment provided to the panel is comprehensive and robust and of a detail that does not warrant deferral for separate or further assessment.

The Panel was satisfied with the extent of impact in the case of view loss and that from the information supporting the application (particularly the front elevation and accompanying photos), the resultant view, were the development to proceed as proposed, would result in a view loss that is comparable to the adjoining dwellings. In the context of the controls and planning principle, despite the adjoining dwellings, the view loss is not an acceptable outcome as a more skillful design could share the view, as is required by the controls and planning principle.

The Panel was however of the view that the issues raised in submissions around process and probity were matters that should be referred to Council's Complaints unit for investigation.

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

STATEMENT OF REASON

The proposal was considered to be inconsistent with the provisions of Warringah LEP 2011 and the Warringah DCP 2011, and of unacceptable impact, for the reasons discussed within the assessment report.

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 DA2021/1734 for demolition works and construction of a dwelling house on land at Lot 107 DP 6143, 21 Headland Road NORTH CURL CURL, for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

The meeting concluded at 12:00

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 14 September 2022.