



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 28 SEPTEMBER 2022

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 28 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 14 SEPTEMBER 2022

The minutes of the Development Determination Panel held 14 September 2022, were adopted by all Panel Members and have been posted on the Council's website

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2022/0925 - 1120 BARRENJOEY ROAD PALM BEACH - ALTERATIONS AND ADDITIONS TO A DUAL OCCUPANCY TO CREATE A DWELLING HOUSE

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Daniel Milliken	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 Pittwater LEP 2014 and the Pittwater 21 DCP 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 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 DA2022/0925 for alterations and additions to a dual occupancy to create a dwelling house on land at Lot 7 and Lot 8 DP 14538, 1120 Barrenjoey Road PALM BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 MOD2022/0275 - 1 DREW PLACE BELROSE - MODIFICATION OF DEVELOPMENT CONSENT DA2020/1072 GRANTED FOR CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT, INCLUDING DEMOLITION WORKS, NEW ACCESS DRIVEWAY AND FRONT FENCE

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Daniel Milliken	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was in receipt of additional submissions from adjoining residents in relation to privacy impacts and it was also addressed by representatives of the applicant, who sought an alternate wording to the recommended amended Condition 12 that was attached to the assessment report, seeking to make the terms of the Condition clearer.

The Panel was cognizant of the privacy concerns raised by the objections, that were further articulated in the further submissions.

After hearing from the applicant and consideration of the alternate wording put forward by them in relation to privacy, the Panel were satisfied that the development as to be modified was of minimal environmental impact and substantially the same development, presenting an acceptable level of impact. The Panel were also of the view that the alternate wording for Condition 12 as put forward by the applicant provided greater clarity as to what the built outcome was. However, the Panel did note that there was little detail as to what constituted the 'vertical louvre screen' and that the absence of an angle or similar recommendation could result in a situation where the louvers were angled in such a way that provided no privacy mitigation measures, but technically compliant.

The Panel concurred with the Officer's assessment report and recommendation, subject to the adoption of the applicants amended wording for Condition 12, that also include a requirement that the louvers in the privacy screen be angled 45 degrees to the North West.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of the Housing SEPP and Council's controls. It satisfies the test pursuant of Section 4.55(1A) of the Environmental Planning and Assessment Act, subject to amended conditions.

COMMUNITY CONSULTATION

Issues raised in the submission have been taken into account in the report and the meeting, including the consideration of late submissions received by Council after the assessment report had been published.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Modification Application MOD2022/0275 for Modification of Development Consent DA2020/1072 granted for construction of a Seniors Housing development, including demolition works, new access driveway and front fence on land at Lot 1 & Lot 2 DP 228962, 1 Drew Place BELROSE, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of Condition 12 to read as follows:

Condition 12 Amendment to the approved plans:

(a) Vertical louvre privacy screens

- (i) Unit 5 – A vertical louvre fin privacy screen, with fins angled 45 degrees to the north west is to be included inside the balustrade to the north side of the balcony of Unit 5 and extend from floor level to at minimum the underside of the pergola beam, for a minimum 4.0m in length from the eastern side/wall of the balcony.
- (ii) Unit 6 – A 400mm high x 500mm wide planter box shall be provided to the northern edge of the Unit 6 terrace extending a distance of 4.8 metres from the western edge of the balcony in an easterly direction. A 400mm high vertical louvre fin privacy screen, with fins angled 45 degrees to the north west shall be fixed atop of the northern balustrade for its entire length.

The finish of the louvres should consider sunlight reflectivity and seek to minimise impact on surrounding properties.

(b) Study not to be used as a bedroom

The study shall remain open to the living room, no doors are permitted to enclose the space which cannot be used as a bedroom.

(c) Landscape Plan

The Landscape Plan is to be amended to include landscaping plantings along the eastern boundary with mixture of species and heights to soften the visual impact of the two storey elevation

(d) Lift Overrun

The exterior of the lift over-run is to be finished in the same material & colour as the roof it passes through and is to appear a recessive roof element.

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

Reason: To achieve development outcomes with high standard, quality urban design that responds to the existing or desired future character of areas and to maintain and improve the amenity of public and private land.

Vote: 3/0

3.3 DA2022/0509 - 25 MONTPELIER PLACE MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Anne-Marie Young	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 applicant and questioned the increase in the floor space ratio and the adequacy of the cl 4.6 request for a variation to the FSR.

The Panel is not currently satisfied that 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 demonstrated that there are sufficient environmental planning grounds to justify the contravention.

The request partly relies on grounds of compatibility with surrounding development, however, no analysis of the floor space of surrounding development has been undertaken to demonstrate this.

The Panel deliberated after the meeting and decided to defer a decision to allow the applicant to provide additional information to demonstrate that the increase in the FSR is compatible or consistent with surrounding development.

STATEMENT OF REASON

The Panel is not currently satisfied that 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 demonstrated that there are sufficient environmental planning grounds to justify the contravention.

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 Application No. DA2022/0509 for alterations and additions to a dwelling house on land at Lot 25 DP 1105469, 25 Montpelier Place MANLY, to allow the following to happen:

1. An analysis of the floor space ratios of nos. 20 – 26 Montpelier Place is to be done to demonstrate that the proposed floor space is compatible or consistent with these dwellings.
2. An amended clause 4.6 request is to be submitted, which includes the above analysis, that provides better environmental planning grounds to justify the increase in the FSR.
3. The additional information is to be submitted to Council within 21 days.
4. The Assessment Officer is to carry out an assessment of the amended Clause 4.6 variation and FSR analysis and provide a Supplementary Memo addressing this additional information.

5. The Panel will then consider the applicant's amended Clause 4.6 variation, analysis and the Supplementary Memo by the Assessment Officer, and make a determination.

Vote: 3/0

3.4 DA2022/0481 - 1 & 2 / 4 FIELDING STREET COLLAROY - USE OF PREMISES AS A TOURIST AND VISITOR ACCOMMODATION AND ASSOCIATED FIT OUT

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Anne-Marie Young	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 representatives of the applicant and questioned these representatives in relation to owners consent, the method of any proposed construction and how that might impact common property.

The Panel deliberated after the meeting.

The Panel is not currently satisfied that the proposed building works can be done entirely within the lot boundaries without needing to touch common property. As such, without adequate owners consent, the Panel does not have the power to approve the application.

However, the Panel has decided to defer a final decision to give the applicant the opportunity to either provide owners consent or demonstrate that all construction works can be done entirely within the lot boundaries.

STATEMENT OF REASON

The Panel is not currently satisfied that the proposed building works can be done entirely within the lot boundaries without needing to touch common property. As such, without adequate owners consent, the Panel does not have the power to approve the application.

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 **defers determination** of Application No. DA2022/0481 for use of premises as a tourist and visitor accommodation and associated fit out on land at Lot 1 SP 58219, 1 / 4 Fielding Street COLLAROY and Lot 2 SP 58219, 2 / 4 Fielding Street COLLAROY, to allow the following to happen:

1. The applicant is to provide either:
 - a. Owners consent from the owners corporation (formalised with a common seal stamp) of the subject strata scheme building, or
 - b. Documentation to demonstrate that all building works required for the associated fit out of the two lots can be done entirely within the lot boundaries and does not require any work to common property.
2. The additional information is to be submitted to Council within 21 days.

3. The Assessment Officer is to carry out an assessment of any submitted documentation and provide a Supplementary Memo addressing this additional information, that includes conditions of consent if the Assessing Officer's recommendation is changed from refusal to approval.
4. The Panel will then consider the applicant's additional information and the Supplementary Memo by the Assessment Officer, and make a determination.

Vote: 3/0

The meeting concluded at 2:15pm

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 28 September 2022.