

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 12 OCTOBER 2022

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 12 October 2022
via teleconference**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 28 SEPTEMBER 2022

The minutes of the Development Determination Panel held 28 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 DA2022/0033 - 30A ADDISON ROAD MANLY - DEMOLITION OF A DWELLING AND DETACHED GARAGE, CONSTRUCTION OF A NEW TWO AND PART THREE STOREY DWELLING AND ASSOCIATED LANDSCAPING.

PANEL MEMBERS

Adam Richardson	Manager, Development Assessments
Neil Cocks	Manager, Strategic & Place Planning
Kelly Lynch	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector, who raised concerns with the development which related to privacy impacts from the roof top terrace. The objector was supportive of the recommended conditions requiring the retention of the existing trees along the driveway.

The Panel were of the view that, given the presence of an existing roof top terrace and that the proposed roof terrace was significantly smaller and positioned towards the water side of the dwelling, the impacts of it were acceptable in its context, particularly the favorable water views and aspect available from the proposed dwelling.

The Panel was addressed by a representative of the applicant who was supportive of the assessment and its recommendations. It was requested by them for the purposes of construction access that the recommended Conditions (18 and 43) for the retention of the trees along the driveway be deleted.

The Panel considered the assessment report prepared by the external consultant and noted that it omits any assessment against Clause 6.10 of the Manly Local Environmental Plan (LEP) 2013, and without an assessment against this Clause, the Panel is unable to determine the application as the assessment is incomplete. Furthermore, the Panel noted that the report contained a number of inaccuracies including (but not limited to) the number of submissions made, the assessment of wall height, the counting of the number of storeys in the development, the application and assessment of side setbacks of the development, along with its characterisation as semi detached dwelling and the quantum of total open space and degree of variation proposed. With the number of deficiencies, conflicts and inaccuracies, the Panel were not satisfied that it could confidently rely upon the assessment.

DEFERAL OF DEVELOPMENT APPLICATION

THAT Council **defers determination** of DA2022/0033 for demolition of a dwelling and detached garage, construction of a new two and part three storey dwelling and associated landscaping on land at Lot B DP 360797, 30A Addison Road MANLY, to allow the following to happen:

1. Providing the applicant an opportunity to provide information in support of their application with regard to the considerations prompted by Clause 6.10 of the Manly LEP 2013. This supporting information may include a legal opinion as to the power available to the Consent Authority under Clause 6.10 when considering a new building. The applicant is provided 14 days from the date of publish of these minutes to submit information in support of Clause 6.10; and

2. Defer the application for further assessment and preparation of a supplementary assessment report pending the applicant's response to (a) above; and
3. The supplementary assessment report is to re-evaluate the application against the relevant considerations of Section 4.15 of the Environmental Planning and Assessment Act 1979 and ensure that the re-assessment is accurate and complete; and
4. At such time that the supplementary assessment report is complete, it be publicly exhibited for a period of 7 days and then brought back before the DDP for a further public meeting where it may be publicly addressed on any new matter or issue arising from the supplementary assessment report, not already covered in the original assessment report.

Vote: 3/0

3.2 DA2022/0855 - 23 PLATEAU ROAD COLLAROY PLATEAU - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Steve Findlay	Manager, Development Assessments
Liza Cordoba	Manager, Strategic & Place Planning
Brendan Gavin	Acting 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 Application No. DA2022/0855 for alterations and additions to a dwelling house including a swimming pool on land at Lot 9 DP 27482, 23 Plateau Road COLLAROY PLATEAU, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 DA2022/0936 - 39 SEAFORTH CRESCENT SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steve Findlay	Manager, Development Assessments
Liza Cordoba	Manager, Strategic & Place Planning
Brendan Gavin	Acting 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 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.

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 grant a **Deferred Commencement** Development Consent to Development Application No. DA2022/0936 for alterations and additions to a dwelling house on land at Lot 11 DP 1026519, 39 Seaforth Crescent SEAFORTH, subject to the conditions set out in the Assessment Report subject to the following:

1. The following amendments are to be made to the approved plans:

Amendments to the approved plans

The new sliding doors (D05) and new louvered window (W02) on the southern and eastern elevations are to be changed from blue to black on the approved plans.

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

Reason: To ensure new elements which are approved under this consent are properly labelled on the Construction Certificate plans.

Vote: 3/0

The meeting concluded at 10:47am

This is the final page of the Minutes comprising 9 pages
numbered 1 to 9 of the Development Determination Panel meeting
held on Wednesday 12 October 2022.