

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 26 OCTOBER 2022**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 26 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 12 OCTOBER 2022**

The minutes of the Development Determination Panel held 12 October 2022, were adopted by all Panel Members and have been posted on the Council's website.

### **3.0 DEVELOPMENT DETERMINATION PANEL REPORTS**

#### **3.1 DA2022/0511 - 11 LYLY ROAD ALLAMBIE HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SECONDARY DWELLING AND CARPORT**

##### **PANEL MEMBERS**

Steve Findlay	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
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 their representatives, and the applicant. A number of late written submissions were also considered.

The Panel heard representations in relation to the impacts of the existing unauthorized use of the former tandem garage as a secondary dwelling and those impacts primarily related to noise and lighting on the adjoining dwelling house to the south. The entry door being within the side setback and the south elevation windows and under eave lighting were specific areas of concern for the adjoining landowner.

The Panel conducted a detailed analysis of the streetscape in Lyly Road to ascertain the compatibility and consistency of the proposed elevated parking structure and associated carport within the front setback. The analysis concluded that the parking structure is satisfactory, however, the proposed carport would be a visually prominent structure and have a detrimental impact on the streetscape, and hence will be deleted from the application. Also, a decrease in the height and width of the parking structure is required, including a 700mm reduction in the RL of the finished parking level and a maximum overall width of 6.0m (with an increased southern side setback). No screens were considered necessary on the eastern and southern elevations of the parking structure.

The Panel concluded that the side entry to the proposed secondary dwelling was inappropriate and unsuitable in that it was causing significant impacts on the amenity of the adjoining property and would continue to do so if approved in that location. This was indicated to the applicant who responded with amended plans, which relocate the entry door to the front (western) elevation, with associated changes to the internal floorplan. The existing entry door will be closed-up with brickwork to match. Those amended plans are supported and will be included in the conditions.

A BCA report will be required to address the non-compliant 900mm southern side setback to the secondary dwelling, with any upgrades to be carried out within the stipulated timeframe. Also, the under-eave downlights are to be removed to protect neighbouring amenity.

Finally, in relation to stormwater, the works carried out in the southern side setback area, including any changes to land levels and installation of downpipes are to be detailed in the plans submitted with the Building Certificate application and provisions are to be made to ensure such stormwater is connected to the stormwater management system for the site.

Subject to the above, the Panel support the deferred commencement approval of the application.

##### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 subject to the above changes and 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 grant **deferred commencement approval** of Development Application No. DA2022/0511 for alterations and additions to a dwelling house including a secondary dwelling on land at Lot A DP 22132, 11 Lyly Road ALLAMBIE HEIGHTS, subject to the conditions as set out in the Assessment Report and subject to the following:

1. Amendment to Deferred Commencement Condition No. 1 to read as follows:

- 1. Deferred Commencement - Building Information Certificate, BCA Report, Stormwater and Works Carried Out**

An application for a Building Information Certificate, with respect to the unauthorised works to and use of the secondary dwelling and any other unauthorised works onsite (including stormwater works), shall be lodged within **60 days** from the date of the Notice of Determination. The application is to be accompanied by a Building Code of Australia (BCA) Report and an updated survey, at the time of lodgement. Any upgrading works required in relation to the BCA Report and stormwater works are to be carried out within **90 days** from the date of issue of the Building Information Certificate by Council, and written confirmation that the works have been completed is to be provided by the Manager Building Assessment and submitted with the deferred commencement review form.

Reason: To regularise unauthorised development and ensure required building upgrades and stormwater management works are carried out.

Evidence required to satisfy the deferred commencement condition must be submitted to Council within the time periods stated above, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

2. Amendment to Condition 12 to read as follows:

- 12. Amendments to the Approved Plans and Additional Requirements**

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

1. The entry door to the secondary dwelling is to be relocated to the front (western) elevation of the building generally as per Plan No. DA05, Rev B, dated 28.11.2022, prepared by Sammy Fedeles. The existing entry door is to be closed-up with brickwork and finished to match the remainder of the southern wall.
  2. The under-eave downlights on the southern elevation are to be removed in their entirety.
  3. The finished RL of the parking structure is to be lowered in height by 700mm.
  4. The width of the parking structure is to be reduced to a maximum of 6.0m and the reduction in width is to be reflected in an increased southern side setback.
  5. The carport is not approved and is to be deleted from the plans.
  6. Amended BASIX certificates (as required).

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 the character of the street and adjoining land.

Vote: 3/0

### 3.2 DA2022/1047 - 6 MONASH CRESCENT CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

#### PANEL MEMBERS

Steve Findlay	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
Neil Cocks	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the applicant and their representative.

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 DEVELOPMENT APPLICATION

A. THAT Council as the consent authority **approves** Development Application No. DA2022/1047 for alterations and additions to a dwelling house including a swimming pool on land at Lot 47 DP 9517, 6 Monash Crescent CLONTARF, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.3 DA2022/1014 - 18 URUNGA STREET NORTH BALGOWLAH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

#### PANEL MEMBERS

Steve Findlay	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
Neil Cocks	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the applicant.

The Panel deliberated on the proposal and, notwithstanding the amendments already made to the proposal during the assessment of the application, raised some additional concerns in relation to the visual bulk and scale of the rear component of the additions, when viewed from the adjoining properties to the east and west of the subject site. However, the Panel was of the view that with some further amendments, the Panels concerns could be addressed.

The amendments sought are as follows:

1. Increase the side setbacks to the rear addition.
2. Reduce the height of the roof over the rear addition.
3. Reduce the floor level of the rear addition (and hence the overall height).

In this regard, the rear part of the proposed development is in a significantly elevated position in relation to the adjoining properties and requires additional ameliorative measures, in the form of increased setbacks and reduced height to protect and maintain the amenity of the adjoining properties.

The application will be formally deferred for the stated period to allow the applicant to submit amended plans and for those plans to be notified and any submissions considered before final determination.

#### STATEMENT OF REASON

The proposal in its current form requires additional amendments to address the Panels concerns.

#### COMMUNITY CONSULTATION

Issues raised in the resident submissions have been taken into account in the assessment and decision to defer the determination.

---

#### DECISION ON DEVELOPMENT APPLICATION

THAT Council as the consent authority **defers determination** of Development Application No. DA2022/1014 for alterations and additions to a dwelling house including a swimming pool on land at Lot 11 DP 23447, 18 Urunga Street NORTH BALGOWLAH for the following to take place:

1. To allow the concerns raised by the Panel in relation to the visual bulk and scale of the rear addition to be addressed by the Applicant in the form of amended architectural plans, shadow diagrams and BASIX certificate to be submitted Council within 14 days from the date the minutes are posted on the website.

2. The amended plans will be notified for 7 working days to those persons who made a submission to the application.
3. Any submissions to the amended scheme are to be considered by the Panel.
4. The provision of further minutes outlining the Panels consideration of the amended plans, any submissions and decision on the application and those minutes to be posted on the website.

Vote: 3/0



### 3.4 REV2022/0011 - 14 PRINCE ALFRED PARADE NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Dan Milliken	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
Neil Cocks	Manager, Strategic & Place Planning

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds, including the neighbouring property to view the likely amenity impacts.

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

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 REV2022/0011 for alterations and additions to a dwelling house on land at Lot 171 DP 709495, 14 Prince Alfred Parade NEWPORT, subject to the conditions set out in the Assessment Report.

Vote: 3/0

**3.5 MOD2022/0440 - 3 WOLLOMBI ROAD BILGOLA PLATEAU - MODIFICATION OF DEVELOPMENT CONSENT DA2018/0850 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING THE CONSTRUCTION OF A NEW DETACHED GARAGE, SECONDARY DWELLING AND SWIMMING POOL**

**PANEL MEMBERS**

Steve Findlay	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
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 Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

**COMMUNITY CONSULTATION**

There were no submissions received for this application.

---

**DETERMINATION OF MODIFICATION APPLICATION**

THAT Council as the consent authority **approves** Modification Application No. MOD2022/0440 for alterations and additions to a dwelling house, new detached garage, construction of a secondary dwelling and swimming pool on land at Lot 192, DP 16902, No. 3 Wollombi Road BILGOLA PLATEAU, subject to the modified conditions set out in the Assessment Report.

Vote: 3/0

### 3.6 DA2021/1718 - 6 / 5 A WOLLOMBI ROAD BILGOLA PLATEAU - CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

#### PANEL MEMBERS

Dan Milliken	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
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.

The Panel raised with the applicant's representatives the inclusion of the roof colour condition (medium to dark colours) to minimize reflectivity and demonstrate consistency with Clause D3.3 Building colours and materials of Pittwater 21 Development Control Plan which was agreed. Additionally, the panel raised the inclusion of the air conditioning unit to Condition 56 'Swimming Pool/Spa Motor Noise' with the applicant's representatives who also agreed.

#### 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.

#### 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.

---

#### DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to DA2021/1718 for construction of a dwelling house including a swimming pool on land at Lot 6 DP 285704, 6/5A Wollombi Road BILGOLA PLATEAU, 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.

2. The amendment of condition No. 56 to read as follows:

**56. Swimming Pool/Spa and Air Conditioning Motor Noise**

The swimming pool / spa and air conditioning motors shall not produce noise levels that exceed 5dB(A) above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

Vote: 3/0

*The meeting concluded at 1:00pm*

This is the final page of the Minutes comprising 13 pages  
numbered 1 to 13 of the Development Determination Panel meeting  
held on Wednesday 26 October 2022.