

# MINUTES

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 9 NOVEMBER 2022**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 9 November 2022  
via teleconference**

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 2 NOVEMBER 2022**

The minutes of the Development Determination Panel held 2 November 2022, were adopted by all Panel Members and have been posted on the Council's website.

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2022/0742 - 78 CHISHOLM AVENUE AVALON BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PANEL MEMBERS

|              |   |
|--------------|---|
| Dan Milliken | Manager, Development Assessments              |
| Kelly Lynch  | Principal Planner, Strategic & Place Planning |
| 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.

The Panel are not satisfied that the breaches to the side boundary envelope, along the southern elevation, are acceptable or that enough has been done to minimise them. The Panel is of the view that there is scope to reduce some of the floor space on the upper level in the south west corner to minimise the worst of the breach. This would reduce bulk and scale, add some articulation to the southern elevation of the addition and reduce overshadowing.

##### 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 the decision** on Development Consent DA2022/0742 for alterations and additions to a dwelling house on land at Lot 2 DP 25969, 78 Chisholm Avenue AVALON BEACH, to allow the following to happen:

1. Amended plans are to be prepared that reduces the side boundary envelope breach along the southern elevation of the proposal. A minimum 2.0m reduction in the worst of the breach is to be achieved. The plans are to be submitted to Council via the Planning Portal.
2. The assessing officer is to prepare a supplementary memo on the amended plans.
3. Both the plans and the memo are to be provided to the Panel who will then make a determination electronically.

Vote: 3/0

### **3.2 DA2022/1293 - 15 HANSFORD PARADE BILGOLA PLATEAU - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PANEL MEMBERS**

|              |   |
|--------------|---|
| Dan Milliken | Manager, Development Assessments              |
| Kelly Lynch  | Principal Planner, Strategic & Place Planning |
| 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.

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 DA2022/1293 for alterations and additions to a dwelling house on land at Lot 28 DP 233469, 15 Hansford Parade BILGOLA PLATEAU, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### **3.3 DA2022/0671 - 36 GREYCLIFFE STREET QUEENSCLIFF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, INCLUDING A SWIMMING POOL**

#### **PANEL MEMBERS**

|              |   |
|--------------|---|
| Dan Milliken | Manager, Development Assessments        |
| Adam Susko   | Acting Manager, Development Assessments |
| Liza Cordoba | 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 issues raised in the submissions made by BBF Town Planners were assessed in the report (although it is noted BBF Town Planners did not appear in the table) and by the Panel.

The Panel was satisfied that the final set of amended plans, the subject of the assessment report, did not require formal renotification. The Panel was also satisfied that D2 Private Open Space was considered in the assessment report and that the location for the main area of private open space is suitable for the circumstances of this site.

The Panel is satisfied that the proposal is for alterations and additions to the dwelling.

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**

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 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 DA2022/0671 for alterations and additions to a dwelling house, including a swimming pool on land at Lot 17 and Lot 18, 36 Greycliffe Street QUEENSCLIFF, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.4 DA2022/0678 - 31 WOOD STREET MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

|              |   |
|--------------|---|
| Dan Milliken | Manager, Development Assessments        |
| Adam Susko   | Acting Manager, Development Assessments |
| Liza Cordoba | Manager, Strategic & Place Planning     |

#### PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by the owner / 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 requests under clause 4.6 of the Manly LEP 2013 seeking to justify contraventions of clauses 4.3 Height of Buildings and 4.4 Floor Space Ratio development standards have 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 DA2022/0678 for alterations and additions to a dwelling house on land at Lot D DP 74214, 31 Wood Street MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0



### **3.5 DA2021/1813 - 7 BRUCE AVENUE MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A BOAT SHED**

#### **PANEL MEMBERS**

|              |   |
|--------------|---|
| Dan Milliken | Manager, Development Assessments        |
| Adam Susko   | Acting Manager, Development Assessments |
| Liza Cordoba | 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, with the exception of conditions 2, 4 and 20 which are duplicates and are not required.

#### **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 **approves** Development Consent to DA2021/1813 for demolition works and construction of a dwelling house including a boat shed on land at Lot 2 DP 218836, 7 Bruce Avenue MANLY, subject to the conditions set out in the Assessment Report, with the exception of conditions 2, 4 and 20 which are to be deleted.

Vote: 3/0

**3.6 MOD2022/0297 - 34A BEATRICE STREET CLONTARF - MODIFICATION OF DEVELOPMENT CONSENT DA2021/2139 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL**

**PANEL MEMBERS**

|              |   |
|--------------|---|
| Rod Piggott  | Manager, Development Assessments        |
| Adam Susko   | Acting Manager, Development Assessments |
| Liza Cordoba | Manager, Strategic & Place Planning     |

**PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel was addressed by the land owner.

The Panel reviewed the proposal relevant to the DDP delegations and determined that the application did not meet the 4.55(2) triggers and therefore DDP was not the relevant determination body. The application is therefore referred to the Manager, Development Assessment for review and determination.

### **3.7 DA2022/0617 - 917 BARRENJOEY ROAD PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL**

#### **PANEL MEMBERS**

|              |   |
|--------------|---|
| Rod Piggott  | Manager, Development Assessments        |
| Adam Susko   | Acting Manager, Development Assessments |
| Liza Cordoba | Manager, Strategic & Place Planning     |

#### **PROCEEDINGS IN BRIEF**

The Panel viewed the site and the surrounds.

The Panel was addressed by the architect for the proposal.

The Panel concurred with the Officer's Assessment Report and recommendation subject to replicated conditions being deleted as follows:

- Conditions 13 and 15 are replicated so condition 15 to be deleted.
- Conditions 34 and 35 are replicated so condition 35 to be deleted.

#### **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 DA2022/0617 for demolition works and construction of a dwelling house including a swimming pool on land at Lot 65 DP 13620, 917 Barrenjoey Road PALM BEACH, subject to replicated conditions 15 and 35 being deleted and the conditions as set out in the Assessment Report.

Vote: 3/0

*The meeting concluded at 11:30am*

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