



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 23 NOVEMBER 2022

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 23 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 9 NOVEMBER 2022

The minutes of the Development Determination Panel held 9 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 DA2022/0033 - 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
Kelly Lynch	Principal Planner, Strategic & Place Planning
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel considered the deferred items from its meeting of 12 October 2022, which required:

- (a) *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*
- (b) *Defer the application for further assessment and preparation of a supplementary assessment report pending the applicant's response to (a) above; and*
- (c) *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*
- (d) *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.*

The Panel noted that the applicant had provided information that responded to point (a), that the supplementary assessment report had been prepared which considered this information and addressed the issues identified in (b) and (c) above and that the supplementary report was publicly exhibited for a period of more than 7 days and that no member of the public registered to speak in relation to a new matter or issue that may have arisen as a consequence of the supplementary report.

Accordingly, the Panel with regard to the supplementary report and its deliberations / considerations of 12 October 2022, is satisfied that the proposed development is acceptable. The Panel did note that on 12 October 2022, the applicant addressed the Panel with a request that Conditions 18 and 43 be deleted, due to complications associated with the construction program. The Panel noted the amenity that the trees protected by Conditions 18 and 43 provide and that site constraints in the context of construction are faced to varying degrees by all sites. The Panel did not support the deletion of the conditions.

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

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 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 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, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 REV2022/0019 - 9 VINES AVENUE FORESTVILLE - REVIEW OF DETERMINATION OF MOD2022/0326 FOR MODIFICATION OF DEVELOPMENT CONSENT DA2019/1536 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE.

PANEL MEMBERS

Rod Piggott	Manager, Development Assessments
Adam Susko	Acting Manager, Development Assessments
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers.

The Panel was provided with confirmation from the Planner that the Review was lodged on the Portal within 28 days.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority **approves** Development Consent to REV2022/0019 for Review of Determination of MOD2022/0326 for Modification of Development Consent DA2019/1536 granted for alterations and additions to a dwelling house on land at Lot 11 DP 28512, 9 Vines Avenue FORESTVILLE, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 MOD2022/0383 - 30 MACMILLAN STREET SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA2020/1784 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Rod Piggott	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
Anne-Maree Newbery	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 Manly LEP 2013 and the Manly DCP 2013 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 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, vary the Floor Space Ratio Development Standard of Clause 4.4 pursuant to clause 4.6 of MLEP 2013 as the applicants written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and 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. THAT Council as the consent authority **approves** Development Consent to Mod2022/0383 for Modification of Development Consent DA2020/1784 granted for demolition works and construction of a dwelling house including a swimming pool on land at Lot 1 DP 90944, 30 Macmillan Street SEAFORTH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.4 DA2022/0914 - 5 NENAGH STREET NORTH MANLY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Rod Piggott	Manager, Development Assessments
Phil Lane	Acting Manager, Development Assessments
Anne-Maree Newbery	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

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

- A. That Council as the consent authority, vary the Height of Building Development Standard of Clause 4.3 pursuant to clause 4.6 of WLEP 2011 as the applicants written request has adequately addressed the merits required to be demonstrated by subclause (3) and the proposed development will be in the public interest and 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. THAT Council as the consent authority **approve** Development Consent to DA2022/0914 for alterations and additions to a dwelling house on land at Lot 40 DP 20771, 5 Nenagh Street NORTH MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

The meeting concluded at 10:20am

This is the final page of the Minutes comprising 10 pages
numbered 1 to 10 of the Development Determination Panel meeting
held on Wednesday 23 November 2022.