



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 22 MARCH 2023

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 22 March 2023 via teleconference.**

The meeting commenced at 10.00am and concluded at 11:30am.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 8 MARCH 2023

The minutes of the Development Determination Panel held 8 March 2023, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2022/1279 - 60 HEATHCLIFF CRESCENT BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Jordan Davies	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representatives of the applicant.

The Panel noted that the height poles existing at the time of the site inspection on Monday 20 March 2023 were at the original height, not at the lowered amended height.

The Panel was satisfied that reasonable view sharing has been achieved and that the design, particularly at the street frontage is suitably compliant.

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 submissions has 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** Application No. DA2022/1279 for alterations and additions to a dwelling house including a swimming pool at Lot 8 and Lot 9 DP 758044, 60 Heathcliff Crescent BALGOWLAH HEIGHTS subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2023/0028 - 46A KELDIE STREET FORESTVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Jordan Davies	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a 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 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** Application No. DA2023/0028 for alterations and additions to a dwelling house at Lot A DP 406676, 46A Keldie Street FORESTVILLE subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 DA2023/0076 - 54 LANE COVE ROAD INGLESIDE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Jordan Davies	Acting Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed a 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.

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** Application No. DA2023/0076 for alterations and additions to a dwelling house at Lot 8 DP 30325, 54 Lane Cove Road INGLESIDE subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.4 DA2022/1732 - 1015 BARRENJOEY ROAD PALM BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Jordan Davies	Acting Manager, Development Assessment
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 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2022/1732 for alterations and additions to a dwelling house at Lot 54 DP 14682, 1015 Barrenjoey Road PALM BEACH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 DA2022/2146 - 159 HEADLAND ROAD NORTH CURL CURL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Jordan Davies	Acting Manager, Development Assessment
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

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** Application No. DA2022/2146 for alterations and additions to a dwelling house at Lot 1 DP 876557, 159 Headland Road NORTH CURL CURL subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.6 DA2022/1287 - 424 SYDNEY ROAD BALGOWLAH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Jordan Davies	Acting Manager, Development Assessment
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 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** Application No. DA2022/1287 for alterations and additions to a dwelling house at Lot 7 DP 654731, 424 Sydney Road BALGOWLAH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.7 DA2022/1898 - 5 RONALD AVENUE FRESHWATER - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by representatives of the applicant.

The Panel raised concerns during the meeting that the Clause 4.6 request had not provided sufficient environmental planning grounds to justify the non-compliance height. The Panel was of the view that there may be sufficient grounds and decided to grant the applicant the opportunity to amend their 4.6 request.

The applicant provided a revised 4.6 request and additional documentation to demonstrate the design changes and options the proposal has gone through.

The Panel is satisfied that the revised Clause 4.6 request provides sufficient environmental planning grounds to justify the non-compliance height.

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 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 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** Application No. DA2022/1898 for alterations and additions to a dwelling house including a swimming pool at Lot 8 DP 14564, 5 Ronald Avenue FRESHWATER subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.8 DA2022/1767 - 43 PRINCE ALFRED PARADE NEWPORT - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by two objectors (from the one property) and representatives of the applicant. The Panel also received additional written submissions after the report was published and completed by the assessment officer.

The Panel has given due consideration to all of the concerns raised by the objectors, in writing, at the site visit and during the panel meeting.

The Panel notes that condition 44 achieves the desired outcome for the objectors in relation to solar access, however, the Panel has decided to amend the wording of the condition to make it clearer. The applicant confirmed that there is no conflict between condition Nos. 8 and 44 and the Panel is satisfied that they can both be complied with.

The Panel notes two typographical errors in the report, being; on page 403 there is a reference to the mona vale locality instead of the Newport locality; on page 405 the Clause 4.6 assessment states that "the applicant's written request has not demonstrated", where it should read that it "has demonstrated".

The Panel concurred with the Officer's Assessment Report and recommendation, subject to the above comments and the below amended condition 44.

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/s 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** Application No. DA2022/1767 for demolition works and construction of a dwelling house at Lot 1 DP 1287248, 43 Prince Alfred Parade NEWPORT subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 44 to read as follows:

44. Height of vegetation

The planting installed along the access handle from Prince Alfred Parade are to be species that are consistent with Condition 8 of the consent and have a mature height of 2 metres. All planting within the access handle between the front boundary with Prince Alfred Parade and the rear boundary of No. 41 Prince Alfred Parade, must be maintained to the mature height of 2 metres at all times once established.

Reason: Protection of local amenity.

Vote: 3/0

3.9 DA2022/1542 - 80 - 82 MONA VALE ROAD MONA VALE - ALTERATIONS AND ADDITIONS TO A REGISTERED CLUB TO ENABLE THE PERMANENT USE OF AN OUTDOOR DINING AREA

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

There were no registered speakers, however the Panel noted the tendering of additional submissions after the report was published and the assessment had been completed by the assessment officer.

The Panel noted that condition nos. 1 and 6 were contradictory and left the end result after the final acoustic report (required as part of condition no. 6), unclear.

The Panel decided to combine the two conditions into one.

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/s have been taken into account in the report and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2022/1542 for alterations and additions to a registered club to enable the permanent use of an outdoor dining area at Lot 52 DP 1237461, 80 - 82 Mona Vale Road MONA VALE subject to the conditions set out in the Assessment Report, subject to the following:

1. The deletion of condition 1
2. The amendment of condition 6. Hours of Operation – Outdoor Dining Area, that will become Condition 5 and read as follows:

The approved hours of operation of the outdoor dining area are as follows:

- Friday - Sunday – 11:00am to 11:00pm
- Special Events – 11:00am to 9:30pm

There is to be no use of the outdoor dining area outside the approved days/hours.

Any music or other entertainment within the outdoor dining area shall cease prior to 10:00pm.

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers shall be required to leave the area within the following 15 minutes.

These approved hours are limited to a trial period of a maximum of 15 months from the date of this consent, subject to the following:

Review of Approved Hours of Operation

On completion of the roadworks in Mona Vale Road (immediately adjacent the Club) or at 12 months from the date of this consent, whichever occurs first, an Acoustic Review is to be carried out by a suitably qualified person to determine if any adjustments are required to the outdoor dining operations. This is to ensure the use continues to meet the assumptions and recommendations contained in the report by Acoustic Dynamics, dated 5 September 2022 for the life of the use.

The Acoustic Review (including its recommendations) is to be submitted to the Manager of Environmental Health at Council for the necessary review and response. In the event that the Acoustic Review finds that the use cannot meet the assumptions and recommendations contained in the report by Acoustic Dynamics, dated 5 September 2022, or the acoustic report is not submitted to Council within the specified period, the hours of operation shall revert to 11am – 9pm Friday to Sunday.

Note: Physical works identified/recommended as part of this Acoustic Review may require further consent from Council. You will need to consult with Council to determine whether any approval is required.

Special events are limited to Public Holidays and the Melbourne Cup.

Reason: Information to ensure that amenity of the surrounding locality is maintained. To review the acoustic environment once major roadworks are completed and post Covid 19 operating conditions return to ensure the protection of nearby residential amenity.

Vote: 3/0

This is the final page of the Minutes comprising 17 pages
numbered 1 to 17 of the Development Determination Panel meeting
held on Wednesday 22 March 2023.