



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 26 APRIL 2023

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 26 April 2023
via teleconference**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 12 APRIL 2023

The minutes of the Development Determination Panel held 12 April 2023, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2022/2223 - 20 BAREENA DRIVE BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING DEMOLITION WORKS AND CARPORT

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Maxwell Duncan	Acting Manager, Development Assessment
Phil Jemison	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 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

THAT Council as the consent authority, **approves** Application No. DA2022/2223 for alterations and additions to a dwelling house including demolition works and carport at Lot 2 DP 758044, 20 Bareena Drive BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2022/1875 - 108 CABARITA ROAD AVALON BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Maxwell Duncan	Acting Manager, Development Assessment
Phil Jemison	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

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. DA2022/1875 for alterations and additions to a dwelling house at Lot 5 DP 237925, 108 Cabarita Road AVALON BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 REV2023/0001 - 37 MCCARRS CREEK ROAD CHURCH POINT - REVIEW OF DETERMINATION OF APPLICATION DA2021/2645 FOR USE OF AN EXISTING STRUCTURE AS A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Maxwell Duncan	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by a representative of objectors and representatives of the applicant.

The Panel notes the history of this site and the multiple different applications that have led to this point.

Before the Panel is a review application for the use of a building only. The same application was previously refused, however, the Panel notes the several factors that have changed since that refusal, as outlined in the assessment report.

The Panel considered the minimal set back of the building to the rear boundary and was satisfied that the impacts will not be unreasonable. This is due to the single storey, narrow and windowless frontage adjoining the boundary. Notwithstanding this, the Panel would expect that any future dwelling or extension to the current building would comply with the rear setback control.

The Panel notes the deferred commencement conditions, including condition 2 requiring the provision of the approval to operate the waste water system that must be satisfied before the consent can be activated.

The Panel therefore 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, including the late submissions, have been taken into account in the report and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **grants deferred commencement approval** to Application No. REV2023/0001 for review of determination of application DA2021/2645 for use of an existing structure as a dwelling house at Lot 4 DP 566781, 37 McCarrs Creek Road CHURCH POINT, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.4 DA2022/1097 - 316 WHALE BEACH ROAD PALM BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A GARAGE AND SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Maxwell Duncan	Acting Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector and representatives of the applicant.

The Panel notes that no new vegetation (in particular no new canopy trees) is proposed at the rear of the pool and cabana.

The Panel therefore 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. DA2022/1097 for demolition works and construction of a dwelling house including a garage and swimming pool at Lot 312 DP 16362, 316 Whale Beach Road PALM BEACH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 DA2021/2231 - 31 MORELLA ROAD WHALE BEACH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

A member of the Panel viewed the site and the surrounds.

The Panel was addressed by two representatives of objectors and representatives of the applicant.

The Panel noted that the existing carport, to be demolished, sits partly on No. 27 Morella Street.

The Panel requested written owners consent be provided prior to determination. This has been provided and seen by the Panel.

After hearing from the objectors and applicants, the Panel has decided to make the following minor changes to the design and conditions of consent.

1. Condition 5 is to also include root mapping for Tree 8 (in the Arborist Report).
2. Condition 11 is to remove the reference to the level 1 balcony and replace it with the ground floor balcony.
3. The kitchen window (W09) is to be deleted due to its privacy impacts.

The Panel also notes that the assessment report includes references to State Environmental Planning Policies (SEPPs) that have been superseded since the lodgement of this DA. The Panel considers the references to the old SEPPs to be references to the current relevant SEPPs.

Subject to the changes above, 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.

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. DA2021/2231 for demolition works and construction of a dwelling house at Lot 153 DP 15376, 31 Morella Road WHALE BEACH, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 5 to read as follows:

5. Tree Root Investigation and Tree Root Map

Prior to the issue of a Construction Certificate, a tree root mapping investigation for neighbouring trees 8 and 12 shall be undertaken, and a Tree Root Map shall be documented that will be the basis for determining construction methodology near existing trees 8 and 12.

An Arborist with minimum AQF Level 5 in arboriculture shall supervise the works to verify tree root locations. A non-destructive root investigation shall be conducted complying with clause 3.3.4 of AS 4970-2009 Protection of Trees on Development Sites.

The root investigation shall map existing roots of significance that must not be impacted by construction works. The tree root investigation shall be conducted to confirm the following data to be used for the location/alignment of any new proposed works:

- i) confirmation of the location of any tree roots at or >25mm (Ø) diameter to areas that require excavation for proposed works. Alternative alignment of proposed works shall be provided as necessary to avoid major roots, and
- ii) mapping of the suitable location/alignment of proposed works.

The Tree Root Map shall be issued to a qualified Structural Engineer as a basis for structural design, and for determining the final location/alignment and construction methodology of proposed works within the tree protection zone (TPZ).

Prior to the issue of a Construction Certificate, the Arborist shall provide certification to the Certifier that the tree root investigation and clear distance recommendations have been adequately addressed in the Construction Certificate plans.

Reason: To ensure protection of vegetation proposed for retention or adjacent to the site.

2. The amendment of condition 11 to read as follows:

11. Amendments to the approved plans

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

- The timber privacy screen to the ground floor balcony of the living room shall be replaced with a 1.8m high solid wall.
- Window W09 is to be deleted.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Vote: 3/0

3.6 DA2022/2087 - 19 BIRDWOOD AVENUE COLLAROY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

A member of Panel viewed the site and the surrounds.

The Panel was addressed by representatives of the applicant.

The Panel is not satisfied that the design of the upper level roof (shown on the Roof Plan DA-1004) is sufficient to maximise reasonable view sharing. As a result, the Panel has decided to delete the planters from around the edge of the upper level roof and also the roof access hatch. The remaining parapet around the roof is to reduce to a maximum of RL 16.00.

Subject to the above changes, the Panel concurred with the assessment officer's report and recommended conditions.

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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2022/2087 for demolition works and construction of a dwelling house including swimming pool at Lot 9 DP 9667, 19 Birdwood Avenue COLLAROY, subject to the conditions set out in the Assessment Report, subject to the following:

1. The addition of the following condition:

Amendments to the approved plans

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

- The planters around the upper level roof (shown on the Roof Plan DA-1004) are to be deleted.
- The roof access hatch is to be deleted. The floor space on the upper level below the hatch may be converted to storage or any other habitable space.
- The parapet around the edge of the roof is to be no higher than RL 16.00.

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

Vote: 3/0

3.7 DA2022/1460 - 3 KAMILAROI ROAD BAYVIEW - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE AND SECONDARY DWELLING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

A member of the Panel viewed the site and the surrounds.

The Panel was addressed by one objector and representatives of the applicant.

The Panel considered the solar access impact to No. 5 Kamilaroi Road and requested additional information from the applicant to demonstrate that the north facing rear living room windows would still receive a compliant level of sunlight and therefore solar access on June 21.

This information was provided and reviewed by the assessing officer and the Panel. The diagrams show that the north facing windows to the rear living room will receive a compliant level of sunlight on June 21.

The Panel therefore 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. DA2022/1460 for demolition works and construction of a dwelling house and secondary dwelling Lot 3 DP 26331, 3 Kamilaroi Road BAYVIEW, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.8 DA2023/0071 - 15 PRINCES PROMENADE SEAFORTH - ALTERATIONS AND ADDITIONS TO AN APPROVED DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

A member of 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. DA2023/0071 for alterations and additions to an approved dwelling house at Lot 139 DP 4889, 15 Princes Promenade SEAFORTH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.9 DA2022/0932 - 146 FOREST WAY BELROSE - BELROSE BOWLING CLUB - REGISTERED CLUB - USE OF A PORTION OF THE SITE FOR OUTDOOR SEATING AND A CHILDREN'S PLAYGROUND

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Phil Jemison	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

A member of the Panel viewed the site and the surrounds.

The Panel was addressed by objectors and a representative of the applicant.

The Panel are not certain how some of the on-going conditions will be monitored and/or complied with in perpetuity. 1. Of particular concern is how the playground area will be limited to 15 patrons, closed at 8:30pm while the seating area remains open until 10pm and how patrons or their children will be limited to the seating and playground areas only.

The Panel notes the complexity of the issues involved in this application and needs more time to fully consider them and consult with technical experts prior to a decision being made.

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** for determination of Application No. DA2022/0932 for Belrose Bowling Club - Registered Club - use of a portion of the site for outdoor seating and a children's playground at Lot 2 DP 851739, 146 Forest Way BELROSE, to allow for the following to happen:

1. The applicant is to provide details and information which demonstrate how proposed conditions 8 and 12 will be complied with at all times.
2. The applicant is to update the Operational Plan of Management in accordance with amendments proposed in condition 10 and submit it via the planning portal.
3. The assessing officer and the Panel are to consult with Councils Environmental Health Officers regarding the suitability of the on-going conditions, and canvass what other measures maybe utilised to restrict and mitigate the impacts of the intensification of the use of external areas of the bowling club to which this application relates
4. The assessing officer is to then prepare a supplementary memo which assess the outcomes of the above points and provide a recommendation.
5. The Panel will then consider all the information and make a decision.

Vote: 3/0

The meeting concluded at 12.00pm.

This is the final page of the Minutes comprising 15 pages
numbered 1 to 15 of the Development Determination Panel meeting
held on Wednesday 26 April 2023.