

# **MINUTES**

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 10 MAY 2023**

**Minutes of a Meeting of the Development Determination Panel  
held on Wednesday 10 May 2023  
via teleconference**

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 3 MAY 2023**

The minutes of the Development Determination Panel held 3 May 2023, were adopted by all Panel Members and have been posted on the Council's website.

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2022/1783 - 49 COLLAROY STREET COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

##### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	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 notes a typo in the assessment report that lists the wall height as 10.8m. It should read 9.3m.

Subject to the 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 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. DA2022/1783 for alterations and additions to a dwelling house at Lot 1 DP 1014916, 49 Collaroy Street COLLAROY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.2 DA2022/2263 - 2A GOLF PARADE MANLY - ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING FOR USE AS A RESIDENTIAL DWELLING HOUSE

#### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	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

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 4.4 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. DA2022/2263 for alterations and additions to an existing building for use as a residential dwelling house at Lot 2 DP 829523, 2A Golf Parade MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### **3.3 DA2022/1760 - 82 SEAFORTH CRESCENT SEAFORTH - 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**

The Panel viewed the site and the surrounds.

The Panel was addressed by representatives of the applicant.

The Panel was concerned about the orientation of the proposed dwelling and the resultant privacy impacts from the upper level balcony. The Panel notes that a privacy screen is proposed, however, the Panel is of the view that this screen needs to be extended partly along the northern elevation to compensate for the orientation of the proposed dwelling. Condition 8 has been amended to resolve this. The Panel is conscious of the design intent of the dwelling and has drafted the condition taking this into account.

Subject to the above amended condition, 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 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** Application No. DA2022/1760 for demolition works and construction of a dwelling house at Lot 137 DP 4889, 82 Seaforth Crescent SEAFORTH, subject to the conditions set out in the Assessment Report, subject to the following:

1. The amendment of condition 8 to read as follows:

**8. Amendments to the approved plans**

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

- Window 10 servicing the kitchen located on the upper floor is to be deleted from the plans (as this window is not shown on the eastern elevation).
- A privacy screen measuring 2m high (measured from the floor level of the terrace) shall be provided along the south-western edge of the ground level terrace. The privacy screen shall consist of fixed louvers with 80mm spacing and fixed at a 45 degree angle.
- The privacy screen along the south-western edge of the first floor balcony shall be extended along the full length of this edge of the balcony to the north-western corner of the balcony. The screen shall extend to the height of the awning above and then drop to a height of 1.65m beyond the awning to the edge of the balcony. The screen shall then return and extend along the balcony, tapering down to intersect with the balustrade so that views over the pool of 80 Seaforth Crescent are not available.

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



### 3.4 DA2022/1046 - 8 BLIGH CRESCENT SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

#### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	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 notes that the existing pool is to be modified by the works and that the specific swimming pool requirements condition for this circumstance needs to be included in the consent.

Subject to the above additional condition, 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 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** Application No. DA2022/1046 for alterations and additions to a dwelling house at Lot 101 DP 838216, 8 Bligh Crescent SEAFORTH, subject to the conditions set out in the Assessment Report, subject to the following:

**1. The addition of the following condition:****Swimming Pool Requirements (existing pool modified by works)**

The existing onsite Swimming Pool / Spa fencing enclosure shall be upgraded to comply with:

(a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992;
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2018;
- (iv) Australian Standard AS1926 Swimming Pool Safety;
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools;
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(b) A warning sign stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL' has been installed.

(c) All signage shall be located in a prominent position within the pool area.

Swimming pools and spas must be registered with the Division of Local Government.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To protect human life.

Vote: 3/0

### **3.5 DA2022/1929 - 11 BEATTY STREET BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE**

#### **PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Adam Richardson	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 is conscious of ensuring the orderly development of land and in this regard, has considered this application on its own merits and separately from item 3.6 – MOD2022/0629, despite this application being for the same property and, in effect, amending the same development as MOD2022/0629.

It is important to note at this point that the Panel has determined item 3.6, by way of approval, before determining this application.

In considering this application, the Panel noted that the floor space ratio was not calculated correctly and therefore the clause 4.6 request was not accurate. The Panel requested an updated clause 4.6 request from the applicant. This has been provided, is well founded and thereby grants the Panel the power to determine the application.

The Panel is aware that this application adds additional floor space above the maximum FSR control. However, the additional FSR consists of the repurposing of existing excavated basement areas.

The Panel is of the view that this additional floor space is only acceptable in this specific circumstance because there is negligible additional excavation required to accommodate it and the above ground bulk of the dwelling remains unchanged (from that approved by MOD2022/0629).

Subject to the updated clause 4.6 request, the Panel concurred with the Officer's Assessment Report and recommendation.

#### **STATEMENT OF REASON**

The proposal generally satisfies the relevant strategy, objectives and provisions 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. DA2022/1929 for alterations and additions to a dwelling house at Lot A DP 373783, 11 Beatty Street BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### **3.6 MOD2022/0629 - 11 BEATTY STREET BALGOWLAH HEIGHTS - MODIFICATION OF DEVELOPMENT CONSENT DA2021/2393 GRANTED FOR CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL**

#### **PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Adam Richardson	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 is conscious of ensuring the orderly development of land and in this regard, has considered this application on its own merits and separately from item 3.5 – DA2022/1929, despite this application being for the same property and modifying the same development that DA2022/1929 will amend.

The Panel is satisfied that the modification application is substantially the same as the development approved by DA2021/2393 and that the additional floor space is acceptable.

The Panel concurred with the Officer's Assessment Report and recommendation, and has deliberately determined this application before determining item 3.5 – DA2022/1929.

#### **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. Mod2022/0629 for Modification of Development Consent DA2021/2393 granted for Construction of a dwelling house including a swimming pool at Lot A DP 373783, 11 Beatty Street BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### 3.7 DA2022/1742 - 899 PITTWATER ROAD COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

#### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	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 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. DA2022/1742 for alterations and additions to a dwelling house including a swimming pool at Lot 8 DP 12985, 899 Pittwater Road COLLAROY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

The meeting concluded at 11.00am.

This is the final page of the Minutes comprising 16 pages  
numbered 1 to 16 of the Development Determination Panel meeting  
held on Wednesday 10 May 2023.