



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 14 JUNE 2023

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 14 June 2023
via teleconference**

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 24 MAY 2023

The minutes of the Development Determination Panel held 24 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 DA2023/0253 - 2 PINDARI PLACE BAYVIEW - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, CONSTRUCTION OF A CABANA AND LANDSCAPING WORKS

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was not addressed by any speakers.

The Panel notes that the last objective of the R5 Large Lot Residential zone, “*To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses*”, was not included in the assessment report. The Panel has considered the proposal against this objective when coming to a decision.

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 Pittwater LEP 2014 and the Pittwater 21 DCP 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 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. DA2023/0253 for alterations and additions to a dwelling house, construction of a cabana and landscaping works at Lot 56 DP 30648, 2 Pindari Place BAYVIEW, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2022/1675 - 57 CUTLER ROAD CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	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 and representatives of the applicant.

The Panel deliberated at length on the numerous concerns raised by the objectors in their submissions prior to the DDP meeting, their comments during the site visit, the meeting and the submissions lodged after the meeting. The Panel requested additional information from the applicant to clarify whether the proposal was alterations and additions, what privacy treatment was proposed on several windows, and the floor space ratio calculations.

The applicant submitted this information, including amended plans, which has been reviewed by the assessing officer and the Panel.

The Panel is satisfied that the proposal is alterations and additions and meets the Planning Principle established by the New South Wales Land and Environment Court within *Coorey v Municipality of Hunters Hill [2013]*.

The Panel notes that the plans have been amended to show frosted treatments to windows W18 – W22, inclusive. Additionally, all windows along this elevation (including W17) have been amended to have a sill height of 1.6 metres when measured from the finished floor level of the proposed first floor. The Panel is satisfied that this achieves an acceptable level of privacy.

The Panel is satisfied that the proposed FSR is acceptable.

Subject to the above, the Panel concurred with the Officer's Assessment Report, Supplementary Memo 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. DA2022/1675 for alterations and additions to a dwelling house including a swimming pool at Lot 30 DP 25654, 57 Cutler Road CLONTARF, subject to the conditions set out in the Assessment Report, as amended by the Supplementary Memo dated 15 June 2023.

Vote: 3/0

3.3 DA2023/0219 - 12 GLENTREES AVENUE FORESTVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	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 one objector and representatives of the applicant.

The Panel deliberated at length on the concerns raised by the objector. The Panel was satisfied that the lift was appropriately located and of a scale that will not result in unreasonable impacts.

The Panel is conscious of acoustic privacy and has decided to impose an additional condition in relation to this.

The Panel otherwise 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. DA2023/0219 for alterations and additions to a dwelling house at Lot 6 DP 27418, 12 Glentrees Avenue FORESTVILLE, subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

24. Lift Operations

The lift shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

Vote: 3/0

3.4 DA2022/2133 - 23 OSBORNE ROAD MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was not addressed by any 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2022/2133 for alterations and additions to a semi-detached dwelling at Lot 1 DP 744967, 23 Osborne Road MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 DA2022/2134 - 25 OSBORNE ROAD MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was not addressed by any 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 4.4 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. DA2022/2134 for alterations and additions to a semi-detached dwelling at Lot 1 DP 576814, 25 Osborne Road MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.6 DA2022/2210 - 2 PERONNE PARADE ALLAMBIE HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Steve Findlay	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 three objectors and representatives of the applicant.

The Panel deliberated at length on a number of issues relating to this application including privacy, landscaped open space and solar access. The concerns raised by the objectors were considered throughout.

The Panel is of the view that subject to design changes that can be achieved via conditions, the development is suitable and acceptable in the context of this site.

These design changes are:

- Raise the sill height of window W9 to 1.5m.
- Reduce the scale of the rear deck to increase deep soil planting in the rear yard.
- Frost the glass of the upper level bathroom and ensuite windows, and require them to be hinged at the top.
- Add a privacy screen on the eastern side of the front balcony and a planter box on the western side.

These changes will reduce the privacy impacts on adjoining properties and increase the deep soil areas on the site.

It is important to note that this consent does not formalise/authorise the rear deck.

STATEMENT OF REASON

The proposal, subject to conditions, 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. DA2022/2210 for alterations and additions to a dwelling house including a swimming pool at Lot 2 DP 835714, 2 Peronne Parade ALLAMBIE HEIGHTS, subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of condition 10 to read as follows:

10. Amendments to the approved plans

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

- The side and rear boundary fencing is to be deleted from the plans. No approval is given under this consent for side or rear fencing, as this is a matter for civil negotiation between relevant property owners.
- Window W9 is to have a minimum sill height of 1.5m.
- The bathroom and ensuite windows on the upper level are to be frosted/obscure glass and are to be hinged from the top (to prevent direct views in or out).
- The front balcony on the upper level is to have a 1.65m high (measured from the finished floor level of the balcony) privacy screen on the eastern edge, and a planter box 1.2m high and 500mm deep along the western edge.
- The ground floor rear deck is to be altered so that it is set back a minimum of 2.0m from the eastern and western boundaries, and 1.5m from the rear boundary. The area where the deck is removed is to be reinstated as deep soil landscaping with trees, shrubs or natural turf.

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

Reason: To ensure consistency with the relevant legislation under the Dividing Fences Act 1991 and minimise amenity impacts to adjoining properties.

2. The addition of the following condition as a Prior to Occupation Certificate condition:

Planter Box Planting

The planter box along the western edge of the front upper level balcony is to contain planting that can grow to a minimum height of 300mm.

Reason: To improve the privacy of adjoining properties.

Vote: 3/0

3.7 DA2022/2161 - 13 ABINGDON STREET NORTH BALGOWLAH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL AND SECONDARY DWELLING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

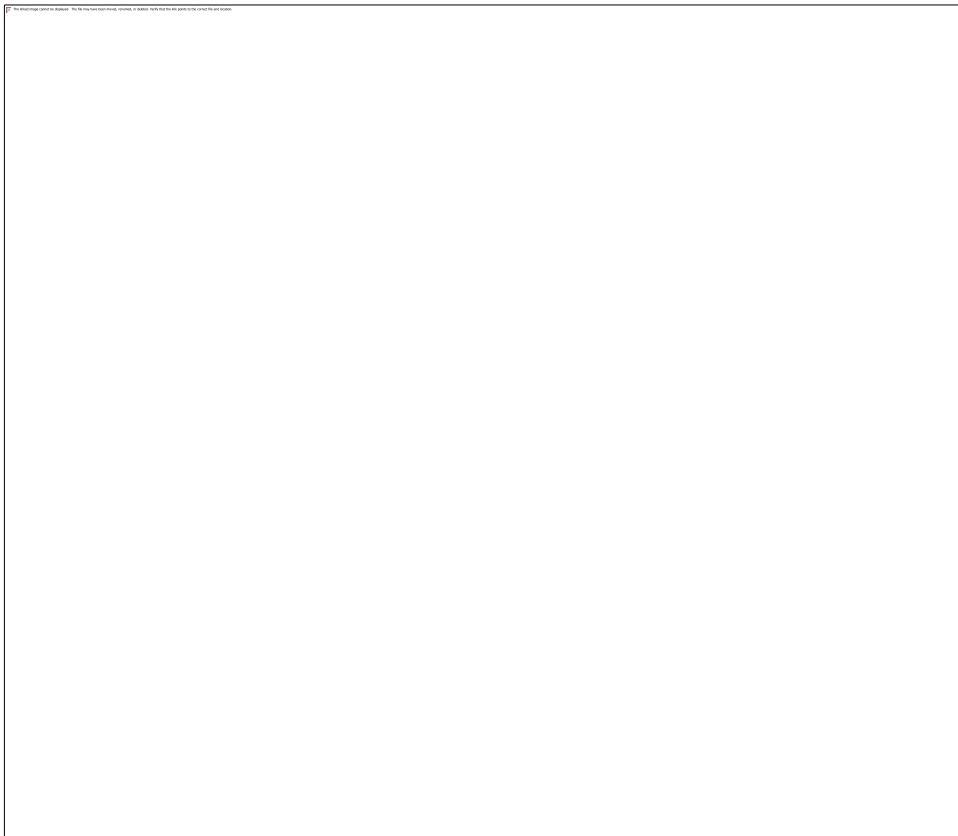
PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was not addressed by any speakers.

The Panel was not satisfied with the landscaped open space non-compliance. The Panel also noted some discrepancies between the site plan and landscape plan, particularly around the secondary dwelling and pool.

The Panel is of the view that the deep soil areas on site need to be greater than that shown on the site plan, with the following additional area of decking deleted and retained as deep soil planting:



Conditions will be imposed clarifying areas that the Panel require to be deep soil planting. 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

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. DA2022/2161 for alterations and additions to a dwelling house including swimming pool and secondary dwelling at Lot 300 DP 12316, 13 Abingdon Street NORTH BALGOWLAH, subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of condition 1 to delete the reference to the landscape plan.
2. The addition of the following condition as a Prior to Construction Certificate condition:

Amendments to the approved plans

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

- The paving around the pool and the pathway leading from the paving to the dwelling is to be deleted and the area retained as deep soil landscaping.
- The deck along the southern side of the secondary dwelling is to be deleted and the area retained as deep soil landscaping.
- 15sqm of decking between the carport and master bedroom is to be deleted and the area retained as deep soil landscaping.

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

Reason: To maximise the deep soil landscape areas on site.

Vote: 3/0

3.8 DA2023/0176 - 8 ADELAIDE STREET BALGOWLAH HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was not addressed by any 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 4.4 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. DA2023/0176 for demolition works and construction of a dwelling house including a swimming pool at Lot B DP 402370, 8 Adelaide Street BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.9 REV2023/0004 - 257 HARBORD ROAD DEE WHY - REVIEW OF DETERMINATION OF APPLICATION MOD2022/0373 WHICH SOUGHT CONSENT TO MODIFY DEVELOPMENT CONSENT DA2013/0324 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A BOARDING 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 representatives of the applicant.

The Panel concurred with the Officer's Assessment Report and recommendation.

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of Warringah LEP 2011 and the Warringah DCP 2011 as set out within the reasons for refusal in the assessment report.

COMMUNITY CONSULTATION

There were no submissions received for this application.

DETERMINATION OF A REVIEW OF DETERMINATION

THAT Council as the consent authority, **refuses** Review Application No. REV2023/0004 for Review of Determination of Modification Application Mod2022/0373 which sought consent to modify Development Consent DA2013/0324 granted for demolition works and construction of a Boarding House at Lot 1770 DP 752038, 257 Harbord Road DEE WHY, for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

The meeting concluded at 12pm.

This is the final page of the Minutes comprising 17 pages
numbered 1 to 17 of the Development Determination Panel meeting
held on Wednesday 14 June 2023.