



northern
beaches
council

MINUTES - Amended

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 24 MAY 2023

**Amendment: Item 3.1 - DA2022/1153 - 1162 Pittwater Road
COLLARROY - Additional condition reason amended 4 July 2023.**

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 24 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 10 MAY 2023

The minutes of the Development Determination Panel held 10 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 DA2022/1153 - 1162 PITTWATER ROAD COLLAROY - CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Liza Cordoba	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, in particular regarding view sharing and the setback of the proposal to the rear boundary.

Two Panel members were of the view that the proposal, in its current location, results in unreasonable view impacts. However, if the rear setback is increased by a further metre, the development would be acceptable. The Panel is conscious of impacting vehicle manoeuvring within the front setback and will impose a condition allowing the additional 1.0m rear setback to be achieved by moving the whole dwelling to the west or reducing internal floor space so that the front setback remains as existing.

One dissenting Panel member was of the view that the proposed dwelling is located appropriately, however, the large concrete wings at the rear are unnecessary and should be deleted. It is noted that 1164 Pittwater Road is set back approximately 26.7m from their rear boundary. The proposal for 1162 Pittwater Road is set back approximately 27.4m, 700mm further. Due to the angle of the front and rear boundaries of these sites, 1162 Pittwater Road naturally sits further to the east than 1164 Pittwater Road to its north and as a result, views to the south are at greater risk than views to the north (for all properties between Stuart and Wetherill Streets. The dissenting Panel member is of the view that it would be reasonable to expect all these properties to have similar rear setbacks and unreasonable to require larger and larger setbacks as you move south (to 1160, 1158, 1156, 1154 and 1150 Pittwater Road) in order to preserve views to the south.

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. DA2022/1153 for construction of a dwelling house at Lot B DP 302895, 1162 Pittwater Road COLLAROY, subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

Amendments to the approved plans

The following changes must be made to the approved plans:

- The setback to the eastern boundary is to be increased by 1.0m. This can be achieved by either moving the entire dwelling 1.0m to the west (with a reduction in the front setback) or reducing internal floor space (leaving the front setback unchanged).

Details demonstrating compliance are to be provided to the Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure a reasonable sharing of views.

Vote: 2/1

3.2 MOD2023/0058 - 1 & 2/35 & 35 LAUDERDALE AVENUE FAIRLIGHT - MODIFICATION OF DEVELOPMENT CONSENT DA2022/0824 GRANTED FOR ALTERATIONS AND ADDITIONS TO CREATE DWELLING HOUSE (EXISTING DUAL OCCUPANCY) AND CONSTRUCTION OF A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Liza Cordoba	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.

Plans deleting the proposed works to the rear yard were submitted via the NSW Planning Portal and have been considered by the Panel. Condition 39, which related to the landscaping in the rear yard, will be deleted.

The Panel is of the view that the proposed screen to the western side of the ground floor balcony is an acceptable solution provided it is made from obscure or frosted glass.

The Panel does not support the deletion of Condition 24. Roof Height.

Subject to the above, and subsequent changes to conditions 1, 24 and the addition of a new condition to require frosted/obscure glass, 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. Mod2023/0058 for modification of Development Consent DA2022/0824 granted for alterations and additions to create dwelling house (existing dual occupancy) and construction of a swimming pool at Lot 3 & Lot 4 SP 78265, Lot CP SP 49962, 1 & 2/35 and 35 Lauderdale Avenue FAIRLIGHT, subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of condition 1A to read as follows:

1A. Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Engineering Plans		
Drawing No.	Dated	Prepared By
A.200 Issue H Excavation Plan & Fill Plan	30.01.2023	Du Plessis + Du Plessis Architects
D1 Issue B Details, Notes & Legends	02.02.2023	NY Civil Engineering
D2 Issue B Stormwater Management Lower Ground Floor Plan	02.02.2023	NY Civil Engineering
D3 Issue B Stormwater Management Ground Floor Plan	02.02.2023	NY Civil Engineering
D4 Issue B Stormwater Management First Floor Plan	02.02.2023	NY Civil Engineering
D5 Issue B Stormwater Management Roof	02.02.2023	NY Civil Engineering
D6 Issue B Stormwater Details	02.02.2023	NY Civil Engineering
D7 Issue B OSD Details	02.02.2023	NY Civil Engineering
D8 Issue B OSD Calculations	02.02.2023	NY Civil Engineering
D9 Issue B Sediment Control Plan	02.02.2023	NY Civil Engineering
D10 Issue B Sediment Control Details	02.02.2023	NY Civil Engineering

Reports / Documentation – All recommendations and requirements contained within:			
Report No. / Page No. / Section No.	Dated	Prepared By	
Preliminary Geotechnical Assessment (Ref: J4147B)	21.02.2023	White Geotechnical Group	
BASIX Certificate A455508_04	07.02.2023	Du Plessis + Du Plessis Architects	

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

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

10. Amendments to the approved plans, to read as follows:

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

- oThe proposed front fence shall be reduced to have a maximum height of 1.5 metres when measured from the ground level immediately beneath the proposed location of the fence.
- oBoth panels of the privacy screen on the western side of the ground floor are to be frosted or obscure glass.

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

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

3. The deletion of condition 22. Privacy.

4. The deletion of condition 24. Roof Height to read as follows:

The roof ridge at RL36.85 is to be reduced by 500mm to RL36.35.

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

Reason: In order to reduce visual bulk from the streetscape.

5. The deletion of condition 38. Require Tree Planting.

6. The deletion of condition 39. Landscape Completion.

7. The addition of the following condition:

43A. Swimming Pool Requirements to read as follows:

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

(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 certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be

submitted to the Principal Certifier, certifying compliance with Australian Standard 1926.

(c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.

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

(e) Signage showing resuscitation methods and emergency contact

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

(g) 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.

8. The addition of the following condition:

48. Swimming Pool/Spa Motor Noise to read as follows:

The swimming pool / spa motor 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

3.3 DA2022/2058 - 63 FRANCIS STREET MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

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

The Panel noted that a small portion of the existing dwelling sits over the boundary with No. 21 Balgowlah Road. Owners consent has been received for the demolition and removal of these elements.

The Panel reviewed the stormwater plans for the proposal during deliberations and can confirm that some stormwater will be conveyed to the north-east onto Francis Street. Only a portion of the captured water will flow to a level spreader in the rear yard of 63 Francis Street. The Panel is satisfied that the proposal will result in a better stormwater outcome than what is existing and that future impacts to neighbouring properties will not be unreasonable.

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 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2022/2058 for demolition works and construction of a dwelling house at Lot 44 DP 4449, 63 Francis Street MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.4 DA2022/1248 - 2191 PITTWATER ROAD CHURCH POINT - CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Rod Piggott	Manager, Development Assessment
Adam Croft	Acting Manager, Development Assessment
Liza Cordoba	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

The Panel viewed the site and the surrounds.

The Panel was addressed by one objector.

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

The Panel considered the issues raised by the objector relating to demolition of the brick wall located near the north western boundary with 2193 Pittwater Rd mid-way along the subject site, concerns relating to stormwater piping in proximity to the north western boundary and retention of trees in the front yard in proximity to the north western boundary. The Panel also noted the objectors agreement with proposed Condition 13 of the assessment report.

The Panel were advised by the assessment officer that the brick wall was proposed to be demolished as noted on the architectural plans. Any proposed fencing along the western boundary will therefore be subject to the Dividing Fences Act. The stormwater pipes are also proposed to be located on the subject site and will not be over the property boundaries.

The proposed landscape plan shows the trees on the subject site in the front yard in proximity to the common north western boundary will be retained.

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. DA2022/1248 for construction of a dwelling house Lot 12 DP 10583, 2191 Pittwater Road CHURCH POINT, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 REV2023/0008 - 1/3 COLLEGE STREET MANLY - REVIEW OF DETERMINATION OF APPLICATION FOR ALTERATIONS AND ADDITIONS TO A DUAL OCCUPANCY

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Croft	Acting Manager, Development Assessment
Liza Cordoba	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

Issues raised in the submission have been taken into account in the report and the meeting.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. REV2023/0008 for Review of Determination of Application for alterations and additions to a dual occupancy at Lot 1 SP 68673, 1/3 College Street MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.6 MOD2023/0149 - 36 GURNEY CRESCENT SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA2021/2626 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A GARAGE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Croft	Acting Manager, Development Assessment
Liza Cordoba	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. Mod2023/0149 for Modification of Development Consent DA2021/2626 granted for Alterations and additions to a dwelling house including a garage at Lot 1 DP 1066457, 36 Gurney Crescent SEAFORTH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.7 DA2022/1941 - 24A BEATTY STREET BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Croft	Acting Manager, Development Assessment
Liza Cordoba	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 4.3 Height of Buildings and 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. DA2022/1941 for alterations and additions to a dwelling house at Lot 42 DP 1192691, 24A Beatty Street BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.8 MOD2023/0063 - 9 PRINCE EDWARD ROAD SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA2022/1421 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Croft	Acting Manager, Development Assessment
Liza Cordoba	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 4.4 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. Mod2023/0063 for Modification of Development Consent DA2022/1421 granted for Demolition works and construction of a dwelling house including swimming pool at Lot 156 DP 11162, 9 Prince Edward Road SEAFORTH, subject to the conditions 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 24 May 2023.