



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 26 JULY 2023

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 26 July 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 JULY 2023

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

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 REV2023/0009 - 9A AMIENS ROAD CLONTARF - REVIEW OF DETERMINATION OF APPLICATION DA2022/0663 FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PANEL MEMBERS

| | |
|----------------|--|
| Liza Cordoba | Acting Executive Manager, Strategic & Place Planning |
| Maxwell Duncan | Principal Planner, Development Assessment |
| Phil Jemison | Manager, Strategic & Place Planning |

PROCEEDINGS IN BRIEF

Panel members visited the site and 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 REVIEW APPLICATION

THAT Council as the consent authority, **approves** Review Application No. REV2023/0009 for Review of Determination of Application DA2022/0663 for demolition works and construction of a dwelling house including swimming pool at Lot 222 DP 737476, 9A Amiens Road CLONTARF, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2022/1471 - 8B BEATTY STREET BALGOWLAH HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL AND SPA

PANEL MEMBERS

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|-----------------|--|
| Daniel Milliken | Manager, Development Assessment |
| Thomas Prosser | Acting Manager, Development Assessment |
| Phil Jemison | Manager, Strategic & Place Planning |

PROCEEDINGS IN BRIEF

Panel members visited the site and 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. DA2022/1471 for alterations and additions to a dwelling house including a swimming pool and spa at Lot 2 DP 558244, 8B Beatty Street BALGOWLAH HEIGHTS, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 DA2022/2021 - 108 ANZAC AVENUE COLLAROY - DEMOLITION OF AN EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLING WITH SWIMMING POOL

PANEL MEMBERS

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|-----------------|--|
| Daniel Milliken | Manager, Development Assessment |
| Thomas Prosser | Acting Manager, Development Assessment |
| Phil Jemison | Manager, Strategic & Place Planning |

PROCEEDINGS IN BRIEF

The Panel notes that the applicant for this application is a relative of a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979.

The Northern Beaches Local Planning Panel (NBLPP) has delegation to determine:

“Development for which the applicant or land owner is:

- the council*
- a councillor,*
- a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979,*
- a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or*
- a relative (within the meaning of the Local Government Act 1993) of a person referred to in bullet points 2 - 4 above.”*

As the applicant for this application meets the above criteria, the Development Determination Panel does not have delegation to determine this application and it must be reported to the NBLPP.

No further comments are made by the Panel in relation to this matter.

3.4 DA2023/0706 - 19 HARVEY STREET SEAFORTH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

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|-----------------|--|
| Daniel Milliken | Manager, Development Assessment |
| Thomas Prosser | Acting Manager, Development Assessment |
| Phil Jemison | Manager, Strategic & Place Planning |

PROCEEDINGS IN BRIEF

Panel members visited the site and 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. DA2023/0706 for alterations and additions to a dwelling house at Lot 15 DP 78434, 19 Harvey Street SEAFORTH, subject to the conditions set out in the Assessment Report.

Vote: 3/0

**3.5 DA2023/0186 - 42 WHITE STREET BALGOWLAH - DEMOLITION WORKS,
SUBDIVISION OF ONE LOT INTO TWO AND CONSTRUCTION OF ONE DWELLING
HOUSE ON EACH ALLOTMENT**

PANEL MEMBERS

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|-----------------|--|
| Daniel Milliken | Manager, Development Assessment |
| Thomas Prosser | Acting Manager, Development Assessment |
| Phil Jemison | Manager, Strategic & Place Planning |

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one objector.

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 Manly LEP 2013 and the Manly DCP 2013 as set out within the reasons for refusal in the assessment report.

COMMUNITY CONSULTATION

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

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

There was no clause 4.6 request submitted and therefore, the Panel does not have the power to determine the application by way of approval.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **refuses** Application No. DA2023/0186 for demolition works, subdivision of one lot into two and construction of one dwelling house on each allotment at Lot 2 DP 519674, 42 White Street BALGOWLAH, for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

3.6 DA2023/0451 - 6 GREENWOOD AVENUE NARRAWEENA - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SECONDARY DWELLING AND SWIMMING POOL

PANEL MEMBERS

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|-----------------|-------------------------------------|
| Daniel Milliken | Manager, Development Assessment |
| Rod Piggott | Manager, Development Assessment |
| Phil Jemison | Manager, Strategic & Place Planning |

PROCEEDINGS IN BRIEF

One of the Panel members declared a conflict of interest prior to the commencement of the meeting and took no part in hearing from the applicant or the deliberations.

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

The Applicant requested clarification of condition 12 and the deletion of no. 26 Rayner Avenue from condition 18.

The Panel is of the view that condition 12 can be clarified to be clearer for the applicant and that a dilapidation report for no. 26 Rayner Avenue is not necessary due to the distance from the built structures on 26 Rayner Avenue to the subject site.

The Panel also notes a number of duplicate conditions that need to be deleted, being conditions 3, 5 and 13.

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 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. DA2023/0451 for demolition works and construction of a dwelling house including a secondary dwelling and swimming pool at Lot 6 DP 13139, 6 Greenwood Avenue NARRAWEENA, subject to the conditions set out in the Assessment Report, with the following changes:

- 1. Delete condition No. 3 – Prescribed conditions (Demolition).**
- 2. Delete condition No. 5 – General Requirements (Demolition).**
- 3. Delete condition No. 13 – Compliance with Standards (Demolition).**
- 4. Amend condition No. 12 – Amendments to the approved plans, to read as follows:**

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

- Any proposed side boundary fencing is to be deleted from the plans.

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.

5. Amend condition No. 18 – Pre-Construction Dilapidation Report, to read as follows:

Dilapidation reports, including photographic surveys, of the following adjoining properties must be provided to the Principal Certifier prior to any works commencing on the site (including demolition or excavation). The reports must detail the physical condition of the property listed below, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property: No.4 Greenwood Avenue NARRAWEENA

The dilapidation report is to be prepared by a suitably qualified person. A copy of the report must be provided to Council, the Principal Certifier and the owners of the affected property prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access.

The Principal Certifier must be satisfied that the requirements of this condition have been met prior to commencement of any works. If access is denied, then no dilapidation report is required.

Note: *This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.*

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the commencement of any works on site.

Reason: To maintain proper records in relation to the proposed development.

Vote: 2/0

3.7 MOD2023/0241 - 123 VICTOR ROAD DEE WHY - MODIFICATION OF DEVELOPMENT CONSENT DA2022/1553 GRANTED FOR 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

Panel members visited the site and 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

There were no submissions received for this application.

DECISION ON EXCEPTIONS TO DEVELOPMENT STANDARDS

As the application has been lodged under Clause 4.55 of the *Environmental Planning and Assessment Act* 1979, no Clause 4.6 request is necessary.

Notwithstanding, 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.

DETERMINATION OF MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod2023/0241 for Modification of Development Consent DA2022/1553 granted for alterations and additions to a dwelling house including a swimming pool at Lot 20 DP 22524, 123 Victor Road DEE WHY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

The meeting concluded at 11:05am.

This is the final page of the Minutes comprising 12 pages
numbered 1 to 12 of the Development Determination Panel meeting
held on Wednesday 26 July 2023.