

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 27 SEPTEMBER 2023

Minutes of a meeting of the Development Determination Panel held on Wednesday 27 September 2023 via teleconference

The public meeting commenced at 10.00am and concluded at 10.40am.

The minutes were determined on 4 October 2023.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 13 SEPTEMBER 2023

The minutes of the Development Determination Panel held 13 September 2023, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 MOD2023/0273 - 24 HILLSIDE ROAD NEWPORT - MODIFICATION OF DEVELOPMENT CONSENT N0235/15 GRANTED FOR DEMOLITION OF AN EXISTING HOUSE AND CONSTRUCTION OF A NEW DWELLING AND SWIMMING POOL

PANEL MEMBERS

Rod Piggott	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

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

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

The panel was provided with additional information from the applicant that demonstrated the topography of adjoining sites was included in the shadow diagrams and they were therefore accurate.

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 set out in the Assessment Report.

COMMUNITY CONSULTATION

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

DETERMINATION OF MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod2023/0273 for modification of Development Consent N0235/15 granted for demolition of an existing house and construction of a new dwelling and swimming pool at Lot 152 DP 825989, 24 Hillside Road NEWPORT, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2023/0648 - 14 ROSEDALE AVENUE FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

There were no registered speakers.

The Panel considered the submissions made by the owners of the adjoining property to the south, which primarily related to overshadowing, and the late submission by those owners specifically in relation to impacts of overshadowing on their private open space.

In relation to overshadowing, it is acknowledged that the proposal does not fully comply with the MDCP 2013 in relation to the shadow impacts on northern living room windows.

The assessment officer was requested to provide a response in relation to compliance with the overshadowing requirements of the private open space of the southern adjoining property. The response provided confirmed that the proposal does comply, and the Panel was satisfied with the information.

The Panel concurred with the assessment report in relation to the vulnerable nature of the southern adjoining property, and that the proposal complies with the building height standard (in that area where it could have shadow impacts) and was more than compliant with the 8m rear setback control.

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 as set out within the assessment report.

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 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** Development Application No. DA2023/0648 for alterations and additions to a dwelling house at Lot 1 DP 165920, 14 Rosedale Avenue FAIRLIGHT, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 DA2023/0745 - 69 POWDERWORKS ROAD NORTH NARRABEEN - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE, INCLUDING CONSTRUCTION OF A SECONDARY DWELLING

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Anne-Maree Newbery	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 Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions as set out within the assessment report.

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** Development Application No. DA2023/0745 for alterations and additions to a dwelling house and construction of a secondary dwelling at Lot 33 DP 811426, 69 Powderworks Road NORTH NARRABEEN, subject to the conditions set out in the Assessment Report.

Vote: 3/0

This is the final page of the Minutes comprising 8 pages
numbered 1 to 8 of the Development Determination Panel meeting
held on Wednesday 27 September 2023.