



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 25 OCTOBER 2023

Minutes of a Meeting of the Development Determination Panel held on Wednesday 25 October 2023 via teleconference

The public meeting commenced at 10.00am and concluded at 11.40am

The minutes were determined on 31 October 2023

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 20 OCTOBER 2023

The minutes of the Development Determination Panel held 20 October 2023, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2023/1007 - 5 LOOKOUT AVENUE DEE WHY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Jordan Davies	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 resolved to defer the determination of the application due to concerns in relation to the adequacy of the Clause 4.6 variation statement and privacy concerns. Additional information was sought from the applicant to address the concerns.

In relation to the applicants Clause 4.6 Variation request, the Panel were not satisfied that the written request satisfied the requirements of Clause 4.6(3)(a) and (b). Hence, the applicant was requested to provide a revised Clause 4.6.

The revised statement was subsequently lodged, reviewed by the Panel and considered to be adequate.

The Panel also raised concerns regarding the size and extent of the proposed roof top terrace and the potential for direct or close overlooking of private open spaces of the adjoining properties to the east and west. In this regard, the Panel have imposed a requirement to reduce the size and extent of the roof terrace to address the amenity concerns, which has been added to Condition No. 8 "Amendments to the Approved Plans", which formed part of the recommended conditions.

STATEMENT OF REASON

The proposal generally satisfies the relevant strategy, objectives and provisions of the Warringah LEP 2011 and the Warringah DCP 2011 subject to the conditions in the Assessment Report and the amendment to Condition 8.

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 4.2 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: DA2023/1007 for alterations and additions to a dwelling house at Lot 5, DP 12667, No. 5 Lookout Avenue DEE WHY, subject to the conditions set out in the Assessment Report and the following amended condition.

Condition 8. Amendments to the Approved Plans

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

- a. The solar panels are to be deleted from the plans and do not form part of this consent.
- b. The approved roof top terrace and works on the Second Floor Level are to amended as follows
 - i. The northern extent of the proposed terrace is to be limited to 2.8m in depth.
 - ii. The proposed terrace is to be setback 1.4m from the eastern edge of the roof and in alignment with the eastern wall of the Study.
 - iii. The existing east facing windows of the Study are to be retained, hence no sliding doors are approved for the eastern elevation.
 - iv. The areas beyond the line of the repositioned glass balustrades referred to above, are to remain as non-trafficable roof areas.

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

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development and to ensure privacy protection.

Vote: 3/0

3.2 MOD2023/0211 - 32 BOWER STREET MANLY - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0916 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOLS

PANEL MEMBERS

Steve Findlay	Manager, Development Assessment
Jordan Davies	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 resolved to defer the determination of the application due to concerns in relation to works that have been carried out onsite, and the adequacy of the side setback to the relocated and partially elevated access driveway adjacent the eastern boundary with the Reserve. On this matter, the Panel carried out an additional inspection and sought clarification from the Applicant.

The Panel are satisfied with the response provided by the applicant, and concerns regarding the visual impact on the Reserve were allayed.

The applicant also sought clarification on several conditions, including Conditions 20A, 20B, 20C, 20F and 47A and whether they relate to works in Marine Parade and Condition 6A and why new bonds were being imposed.

Advice was obtained from Council's Development Engineers that the conditions referenced above relate to works on the site and the lower access to the site in Marine Parade, and the additional bonds are applicable to the modified development, hence the original conditions provided will remain unchanged.

The Panel are satisfied that the modified development constitutes substantially the same development as the original approval.

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 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. Mod2023/0211 for modification of Development Consent No. DA2019/0916 granted for demolition works and construction of a dwelling house including swimming pools at Lot 28 DP 8075 , 32 Bower Street, MANLY, subject to the conditions set out in the Assessment Report.

Vote: 3/0