

# **MINUTES**

## **DEVELOPMENT DETERMINATION PANEL MEETING**

held via teleconference on

**WEDNESDAY 6 DECEMBER 2023**

## **Minutes of a meeting of the Development Determination Panel held on Wednesday 6 December 2023 via teleconference**

The public meeting commenced at 10.00am and concluded at 12.15pm

The minutes were determined on 6 December 2023.

## **1.0 APOLOGIES AND DECLARATIONS INTEREST**

Nil

## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 22 NOVEMBER 2023**

The minutes of the Development Determination Panel held 22 November 2023, were adopted by all Panel Members and have been posted on the Council's website.

### 3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

#### 3.1 DA2023/0805 - 5 BIRDWOOD AVENUE COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AND SECONDARY DWELLING

##### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

##### PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

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

The Panel considered the issues raised by the objectors and the applicants. The Panel is satisfied that they have been addressed, agrees with the amendments proposed in Condition 13 and concurs 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. DA2023/0805 for Alterations and additions to a dwelling house and secondary dwelling at Lot 3 DP 9667, 5 Birdwood Avenue, COLLAROY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

### **3.2 DA2023/0500 - 52 GOLF PARADE MANLY - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL**

#### **PANEL MEMBERS**

Daniel Milliken	Manager, Development Assessment
Rod Piggott	Manager, Development Assessment
Neil Cocks	Manager, Strategic & Place Planning

#### **PROCEEDINGS IN BRIEF**

Panel members visited the site and surrounds.

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

The Panel viewed the amended plans submitted on 4 December and considered the request to defer the determination for a full assessment of these amendments. Given the application was previously amended and the amendments did not address all the issues in the RFI letter, the Panel is of the view that a determination should be made.

The Panel is of the view that the amendments should be dealt with under a new development application or review.

The Panel therefore 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**

A. The Panel is not 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.

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, **refuses** Application No. DA2023/0500 for Demolition works and construction of a dwelling house including swimming pool at Lot 2 DP 309719, 52 Golf Parade MANLY, for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

### 3.3 DA2023/0243 - 86 GRIFFITHS STREET FAIRLIGHT - DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF A SEMI-DETACHED DWELLING, INCLUDING SWIMMING POOLS, ASSOCIATED LANDSCAPING AND TORRENS TITLE SUBDIVISION

#### PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Neil Cocks	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 is of the view that the blade wall extending to the front boundary should be further reduced to 1.2m in height. In addition, the Panel noted the omission of necessary statutory conditions which are included below.

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 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 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. DA2023/0243 for Demolition of Existing Dwelling House and Construction of a Semi-Detached Dwelling, including Swimming Pools, Associated Landscaping and Torrens Title Subdivision at Lot 1796 DP 752038, 86 Griffiths

Street FAIRLIGHT, subject to the conditions set out in the Assessment Report, with the following changes and additions:

1. Amend Condition 11 to read as follows:

**Amendments to the approved plans**

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

The proposed dividing wall forward of the proposed garages is to be reduced in height to be no higher than 1.2m above ground level.

First Floor Windows (W9) - Privacy louvres are to be installed on the "first floor" western windows to W9 as shown on the approved plans.

The louvres shall be of horizontal louver style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development. Alternatively, these windows shall be fitted with obscured glazing or have a minimum sill height of 1.65m above the Finished Floor Level 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.

2. Add the following new Conditions in the "Prior to Occupation Certificate" section of the consent.

**Swimming Pool Requirements**

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. (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.

### **Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: To ensure compliance with the statutory requirements of Sydney Water.

### **3. Add the following new condition in the ongoing section of the consent:**

#### **Plant Rooms**

The plant rooms on the lower ground floor shall only be used for plants and not used for any habitable purpose or storage.

Reason: The orderly development of land.

Vote: 3/0

This is the final page of the Minutes comprising 10 pages  
numbered 1 to 10 of the Development Determination Panel meeting  
held on Wednesday 6 December 2023.