

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

electronically determined on

MONDAY 18 MARCH 2024

Minutes of a Meeting of the Development Determination Panel held on Monday 18 March 2024 Electronically determined

These items were deferred from the meeting of 28 February 2024.

The minutes were electronically determined on 18 March 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2023/1720 - 14 HAY STREET COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	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 representatives of the applicant.

The Panel deliberated at length, on the breach to the side boundary envelope and requested additional justification from the Assessing Officer. This was provided and assisted the Panel.

Overall, the unique circumstances of this site, including its orientation, slope, existing dwelling layout, corner allotment, and the surrounding development, mean that the Panel is satisfied that the proposed breach to the side boundary envelope is acceptable.

The Panel concurred with the Officer's Assessment Report, supplementary memo 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

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 4.3 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. DA2023/1720 for Alterations and additions to a dwelling house including a swimming pool at Lot B DP 335491, 14 Hay Street COLLAROY, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 DA2023/0735 - 26 THORNTON STREET FAIRLIGHT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Jordan Davies	Principal Planner, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

Prior to the meeting, additional information, including an updated section, to attempt to resolve the structural concerns, and a supplementary memo from the assessing officer, was submitted to the Panel.

The Panel considered this information and was of the preliminary view that structural stability, waterproofing and drainage could be dealt with wholly within the subject land.

To confirm this, the Panel requested the applicant to provide further information in the form of an engineering report to confirm that there will be no additional structural load to the existing party wall and the development can be carried out without effecting the structural stability of the roof from sitting within 24 Thornton Street.

This report was provided, however, it referenced the December 2023 plans and not the updated section.

While the Panel is of the view that the issues with this proposal are close to being resolved, they will require an updated set of architectural plans and the engineering report to be revised to reference these.

It is not appropriate for further information and plans to be submitted and assessed at DDP stage, beyond what has been allowed to date. Therefore, the Panel is of the view that the application should be refused and review processes be utilised by the applicant to properly resolve the remaining issues.

While the Panel is of the view that the application should be refused, the Panel does not agree with the recommended reason for refusal due to the lack of owner's consent from No 24 Thornton Street as the submitted plans, including the additional plan 'Sheet 20, Revision A' clearly identify that all works could be carried out wholly within the subject site and separated from the Party Wall. The reason for refusal will be amended to reflect this.

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.

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. Despite the decision to refuse the application, 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. DA2023/0735 for Alterations and additions to a dwelling house including a swimming pool at Lot A DP 442510, 26 Thornton Street FAIRLIGHT, subject to the following amended reason for refusal:

1. The amendment of refusal reason to read as follows:

Pursuant to Section 4.15(1)(a)(iv) of the of the Environmental Planning and Assessment Act 1979, the application has not been accompanied by the required information for a Development Application.

Particulars:

The application has not been accompanied by sufficient information to demonstrate that the development will:

- i. be able to be undertaken entirely within the subject site,
- ii. not increase any structural load on the party wall, the party wall footings or affect the structural stability of the adjoining dwelling on 24 Thornton Street
- iii. be able to be carried out in a way that maintains the structural stability of the roof form within 24 Thornton Street and does not require any works within the 24 Thornton Street to achieve this, and
- iv. ensure all necessary waterproofing works can be carried out within the subject site, including roof drainage.

As such, the development application does not contain all the information and documents required by Clause 24(1)(b) of the Environmental Planning and Assessment Regulation 2021.

Vote: 3/0

3.6 DA2023/1707 - 32 ORARA ROAD ALLAMBIE HEIGHTS - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	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.

The Panel was addressed by representatives of the applicant.

The Panel raised concerns with the applicant about some aspects of their plans, including the lack of labels on some rooms and the use of “by others” notations for a many parts of the proposal.

The Panel noted recommended condition 10 and questioned the applicant as to whether they had read and understood it. The applicant claimed that the amendments in condition 10 could not be complied with and requested the chance to demonstrate this. As this condition had not been raised with the applicant prior to the agenda being released, the Panel allowed the applicant to provide:

- Amended plans stating the use of all rooms, including confirming where the full kitchen is proposed to be, deletion of the carport, and, ideally, the deletion of all the “by others” notations.
- Any justification needed to argue points in condition 10 they disagree with.

This information has been provided to the Panel, along with a supplementary memo from the assessing officer recommending amendments to condition 10.

The Panel is of the view that the requirement for the first-floor level to be setback an additional 500 millimetres from the northern and southern side boundaries, is unnecessary.

Subject to the above, the Panel concurred with the Officer’s Assessment Report, supplementary memo 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 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 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.

- 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. DA2023/1707 for Alterations and additions to a dwelling house at Lot E DP 22132, 32 Orara Road ALLAMBIE HEIGHTS, subject to the conditions set out in the Assessment Report, with the following changes:

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

Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
3088 DA 1	G	Plans, elevations, and sections	Add-style Home Additions	28 February 2024
3088 DA 1/4	G & A	Site Analysis and Shadow Diagrams	Add-style Home Additions	28 February 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Drawing No. 3088 DA 1 Sediment and Erosion Control Plan	D	Add-style Home Additions	30 August 2023
BASIX Certificate A502927	N/A	Add-style Home Additions	30 August 2023
Preliminary Geotechnical Assessment (reference: J5221)	N/A	White Geotechnical Group	6 November 2023
Waste Management Plan	N/A	Not dated	Not signed

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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

Amendments to the approved plans

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

- Nothing in this consent grants approval for a carport on the site. The approved sediment and erosion control plan (drawing no. 3088 DA 1 Issue D prepared by Add-Style Home Additions) is to be amended to remove the carport outline.

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.

Vote: 3/0

This is the final page of the Minutes comprising 10 pages numbered 1 to 10 of the Development Determination Panel meeting electronically determined on Monday 18 March 2024.