

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 27 MARCH 2024

Minutes of a Meeting of the Development Determination Panel held on Wednesday 27 March 2024 via teleconference

The public meeting commenced at 10.00am and concluded at 11:20am.

The minutes were determined on 27 March 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD 18 MARCH 2024

The minutes released on 18 March 2024, of the Development Determination Panel held 13 March 2024, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2023/1549 - 24 WYATT AVENUE BELROSE - CONSTRUCTION OF A DWELLING HOUSE INCLUDING CABANA

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Toby Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by two representatives of the applicant.

The Panel considered the changes to conditions requested by the applicant. The Panel sought advice from the Assessing Officer and Council's Landscape Officer who recommended that the conditions remain. The Panel took this into consideration and is of the view that the conditions are reasonable.

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 2000 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

The Panel is satisfied that the variation of the Housing Density development standard is acceptable as the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2023/1549 for construction of a dwelling house including cabana at Lot 2568 DP 752038, 24 Wyatt Avenue BELROSE subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 DA2023/1206 - 6 NET ROAD AVALON BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SECONDARY DWELLING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Toby Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by two 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 Pittwater LEP 2014 and the Pittwater 21 DCP 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 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** Application No. DA2023/1206 for alterations and additions to a dwelling house including secondary dwelling at Lot 8 DP 232257, Net Road AVALON BEACH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.3 DA2023/1583 - 38 FRANCIS STREET FAIRLIGHT - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Toby Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

There were no registered speakers.

The Panel considered the privacy impacts of the first floor balcony off the master bedroom. The Panel is of the view that the balcony will result in unreasonable privacy impacts and should be reduced in size to a Juliet balcony. This will be reflected in a condition listed in the decision 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. DA2023/1583 for Demolition works and construction of a dwelling house at Lot 18 DP 978391, 38 Francis Street FAIRLIGHT subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

Amendments to the approved plans

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

- The first floor balcony of the master bedroom is to be reduced to a juliet style balcony with a maximum width, when measured from the D14 sliding doors, of 300mm.

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

3.4 DA2023/1595 - 14 DELECTA AVENUE CLAREVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Toby Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one objector.

The Panel deliberated on the view sharing concerns raised by the objector and their request for the proposed dwelling to have a flat roof rather than a pitched roof. The Panel is of the view that a change to a flat roof would result in only minor increases in views of vegetation only. As a result, the Panel is of the view that such a change to the design is unnecessary. The Panel notes that the decrease in height at the extremities of each side of the new dwelling (when compared to the existing dwelling) is likely to result in a minor increase in views at these points.

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.

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. DA2023/1595 for alterations and additions to a dwelling house at Lot 17 DP 13291, 14 Delecta Avenue CLAREVILLE subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 REV2024/0002 - 88 BINBURRA AVENUE AVALON BEACH -REVIEW OF DETERMINATION OF APPLICATION DA2023/0283 FOR CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney 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 two 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 Pittwater LEP 2014 and the Pittwater 21 DCP subject to conditions.

COMMUNITY CONSULTATION

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

DETERMINATION OF REVIEW APPLICATION

THAT Council as the consent authority, **approves** Review Application No. REV2024/0002 for review of Determination of Application DA2023/0283 for Construction of a dwelling house including swimming pool at Lot 33 DP 22275, 88 Binburra Avenue AVALON BEACH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.6 DA2023/1896 - 25 WILSON STREET FRESHWATER - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Neil Cocks	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

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. DA2023/1896 for demolition works and construction of a dwelling house at Lot 29A DP 977266, 25 Wilson Street FRESHWATER subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.7 DA2023/1873 - 22 GEORGE STREET MANLY - ALTERATIONS AND ADDITIONS TO A SEMI-DETACHED DWELLING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Paul Christmas	Principal Planner, Strategic & Place Planning
Neil Cocks	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

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 4.4 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. DA2023/1873 for alterations and additions to a semi-detached dwelling at Lot 91 DP 998891, 22 George Street MANLY subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.8 MOD2024/0036 - 24A BEATTY STREET BALGOWLAH HEIGHTS - MODIFICATION OF DEVELOPMENT CONSENT DA2022/1941 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Paul Christmas	Principal Planner, Strategic & Place Planning
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by one 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 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 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 MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod2024/0036 for modification of Development Consent DA2022/1941 granted for Alterations and additions to a dwelling house at Lot 42 DP 1192691, 24 A Beatty Street BALGOWLAH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.9 DA2023/1461 - 13 AMIENS ROAD CLONTARF - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A NEW GARAGE AND STUDIO

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Robert Platt	Principal Development Infrastructure Officer, Strategic & Place Planning
Neil Cocks	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

There were no registered speakers.

The Panel considered the assessing officer's recommendations in the supplementary memo, in relation to the inclinor and the amended plans submitted prior to the meeting. The Panel is of the view that the amended plans and the recommended conditions will result in an acceptable outcome.

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 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 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. DA2023/1461 for alterations and additions to a dwelling house including a new garage and studio at Lot 701 DP 1143488, 13 Amiens Road CLONTARF subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following to condition 1:

Architectural plan to the “Approved Plans” table:

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA.32	A	Inclinor Drawing	Case Ornsby Architecture	18/03/2024

2. The addition of the following condition:

Inclinor Motor Noise

The inclinor motor shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.

Reason: To ensure that the development does not impact on the acoustic privacy of surrounding residential properties.

3. The replacement of condition 16 to read as follows:

Inclinor Privacy Screen

A 1.7 metre high privacy screen is to be along the southern side of the inclinor car. The privacy screen shall be of frosted glazing, fixed panels or louvre style construction (with a maximum spacing of 20mm), in materials that complement the design of the approved development.

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

Reason: In order to maintain privacy to the adjoining / nearby property.

Vote: 3/0

This is the final page of the Minutes comprising 15 pages
numbered 1 to 15 of the Development Determination Panel meeting
held on Wednesday 27 March 2024.