

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 22 MAY 2024

Minutes of a Meeting of the Development Determination Panel held on Wednesday 22 May 2024 via teleconference

The public meeting commenced at 10.00am and concluded at 12.30pm.

The minutes were determined on 23 May 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD ON 8 MAY 2024

The minutes of the Development Determination Panel held on 8 May 2024, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2024/0265 - 29 CAROLYN AVENUE BEACON HILL - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Steve Findlay	Manager, Development Assessment
Toby Philps	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 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 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.

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. DA2024/0265 for alterations and additions to a dwelling house at Lot 112 DP 788265, 29 Carolyn Avenue BEACON HILL subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.2 MOD2023/0556 - 989 BARRENJOEY ROAD PALM BEACH - MODIFICATION OF DEVELOPMENT CONSENT DA2021/2447 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Toby Philps	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 considered the arguments presented by the applicant in relation to their request to delete Condition 18A. The Panel is of the view that the increase in excavation is relatively minor, located entirely under the building footprint and has been reasonably minimised.

As a result the Panel has decided to delete recommended Condition 18A from the consent.

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 MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod2023/0556 for Modification of Development Consent DA2021/2447 granted for Demolition works and construction of a dwelling house including a swimming pool at Lot 58 DP 13620 & LIC 320226, 989 Barrenjoey Road PALM BEACH, subject to the conditions set out in the Assessment Report, with the following changes:

1. The deletion of Condition 18A

Vote: 3/0

3.3 DA2023/1843 - 5 BEAUTY DRIVE WHALE BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Toby Philps	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 deliberated at length on the privacy impacts caused by the proposed upper floor terrace and the recommended treatment (via Conditions of Consent) to minimise this impact. The Panel is of the view that the minimal setback to the rear boundary and the elevated nature of the terrace will result, even with the recommended condition for balustrade treatment and the planter box, in unreasonable privacy impacts. The Panel is of the view that the terrace needs to be set back a further meter from the rear boundary for the balustrade and planter box treatments to provide a reasonable level of privacy.

In relation to the ground floor deck, the Panel notes that this is being investigated by Council's Compliance team and as such will not form part of this consent.

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 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. DA2023/1843 for alterations and additions to a dwelling house at Lot 7 DP 26718, 5 Beauty Drive WHALE BEACH subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of Condition 3 – No approval for secondary dwelling, to read as follows:

No Approval for Secondary Dwelling or ground floor deck

No approval is granted or implied under this Development Consent for the existing ground floor deck, or the use of any part of the dwelling house for the purpose of a secondary dwelling or separate occupancy. Built in cooking facilities are not permitted to be installed, other than those shown in the designated kitchen area.

Reason: To ensure compliance with the terms of this consent.

2. The amendment of Condition 12 – Amendments to the approved plans, to read as follows:

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

- The upper level terrace is to be set back an additional 1.0 meter from the rear boundary.
- The southern balustrade (rear) of the first floor terrace shall be of fixed panels or louver 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: To require amendments to the plans endorsed by the consent authority following assessment of the development.

Vote: 3/0

3.4 DA2023/0803 - 287 MONA VALE ROAD TERREY HILLS - ALTERATIONS AND ADDITIONS TO THE EXISTING HILLS FLOWER MARKET SITE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Toby Philps	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.

DETERMINATION OF DEVELOPMENT APPLICATION

The Panel requires additional time to consider the application.

**3.5 DA2023/1841 - 77 BASSETT STREET MONA VALE - USE OF PREMISES AS A
HARDWARE AND BUILDING SUPPLIES FACILITY AND ASSOCIATED INTERNAL
ALTERATIONS**

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Toby Philps	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 concurred with the Officer's Assessment Report and recommendation.

STATEMENT OF REASON

The proposal does not satisfy the relevant strategy, objectives and provisions of Pittwater LEP 2014 and the Pittwater 21 DCP 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **refuses** Application No. DA2023/1841 for use of premises as a hardware and building supplies facility and associated internal alterations at Lot 1 DP 88028 & Lot 4 DP 707291, 77 Bassett Street MONA VALE, for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

This is the final page of the Minutes comprising 11 pages
numbered 1 to 11 of the Development Determination Panel meeting
held on Wednesday 22 May 2024.