

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

Electronically determined on

WEDNESDAY 19 JUNE 2024

Minutes of a Meeting of the Development Determination Panel held on Wednesday 19 June 2024 Electronically determined

This item was deferred from the meeting of the 12 June 2024.

The minutes were electronically determined on 19 June 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.4 DA2023/1317 - 76 CONDAMINE STREET BALGOWLAH - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kent Bull	Principal Planner, 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 delayed determination of the application to allow additional assessment to be undertaken in respect of the potential view loss impacts, in particular to Nos. 78 and 155 Condamine Street.

This assessment was undertaken by the Assessing Officer who provided a Supplementary Memo to the Panel.

The Panel has considered this Supplementary Memo along with the view impact photos during the deliberations of this matter.

The Panel considered the issue of rear setbacks and how the proposal sits in the context of the adjoining and nearby properties. The Panel is of the view that the proposed 9.5m rear setback is insufficient and an additional 1.0m setback is necessary for the eastern lower ground level terrace and ground floor deck. This will be achieved via a condition in the decision below.

Subject to the above additional setback, the Panel is of the opinion that the proposal will result in reasonable and acceptable sharing of views.

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 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. DA2023/1317 for demolition works and construction of a dwelling house including swimming pool at Lot 1 DP 1194202, 76 Condamine Street BALGOWLAH 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 eastern lower ground level terrace and ground floor deck, including the roof above the deck, are to be set back an additional 1.0m from the eastern rear boundary.

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 6 pages
numbered 1 to 6 of the Development Determination Panel meeting
held on Wednesday 19 June 2024.