

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 24 JULY 2024

Minutes of a Meeting of the Development Determination Panel held on Wednesday 24 July 2024 via teleconference

The public meeting commenced at 12.00pm and concluded at 4:00pm.

The minutes were determined on 29 July 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD ON 10 JULY 2024

The minutes of the Development Determination Panel held on 10 July 2024, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2024/0661 - 14 DUKE STREET FORESTVILLE - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Kelly Lynch	Acting, 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 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. DA2024/0661 for alterations and additions to a dwelling house at Lot 11 DP 515369, 14 Duke Street FORESTVILLE subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

Prior to Construction Certificate: Stormwater Drainage Disposal

The stormwater drainage systems for the development are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.

All stormwater drainage systems must comply with the requirements of Council's Water Management for Development Policy. Any recommendations identified within a Geotechnical Report relevant to the development are to be incorporated into the design of the stormwater drainage system. Details demonstrating compliance from a qualified and practising Civil Engineer and where relevant a Geotechnical Engineer must be submitted to and approved by the Certifier prior to the issue of a Construction Certificate.

When the proposed discharge point for the development in this consent cannot strictly comply with the Water Management for Development Policy, the Applicant must apply to verify the proposed discharge point by gaining Council approval via a Stormwater Drainage Application. Council approval must be provided to the Certifier prior to the issue of a Construction Certificate when a Stormwater Drainage Application is required. The Stormwater Drainage Application form can be found on Council's website.

Compliance with this condition must not result in variations to the approved development or additional tree removal.

Reason: To ensure satisfactory management of stormwater.

Vote: 3/0

3.2 DA2024/0549 - 11 GRAYLIND CLOSE COLLAROY - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL AND STUDIO

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Daniel Milliken	Manager, Development Assessment
Kelly Lynch	Acting, Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by a representative 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

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. DA2024/0549 for alterations and additions to a dwelling house including a swimming pool and studio at Lot 111 DP 588335, 11 Graylind Close COLLAROY subject to the conditions set out in the Assessment Report, with the following changes:

1. The deletion of condition 4
2. The addition of the following condition under the heading '**Conditions to be satisfied prior to the issue of the construction certificate**':

Conditions - Prior to Construction Certificate: External Finishes to Roof

The external finish to the roof shall have a Solar Absorptance (SA) greater than 0.43 in accordance with the requirements of the BASIX Certificate to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted.

Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the construction certificate.

Reason: To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

3. The addition of the following condition under the heading '**Conditions which must be complied with prior to the issue of the occupation certificate**':

Stormwater Drainage Disposal Certification

Certification from an appropriately qualified and practising Civil Engineer demonstrating the stormwater drainage systems have been designed and installed in accordance with the requirements of Council's Water Management for Development Policy and where relevant a Geotechnical Engineer shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate, and;

If any on site stormwater detention system is installed the Applicant shall lodge the Legal Documents Authorisation Application with Council.

The application is to include the completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers' certification. A guide to the process and associated Legal Document Authorisation Application form can be found on Council's website

The Applicant shall create on the Title a positive covenant in respect to the ongoing maintenance and restriction as to user over the on-site stormwater detention system within this development consent.

The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the authority to release, vary or modify such covenant. A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the on-site stormwater detention system is to be submitted.

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

Reason: To ensure satisfactory management of stormwater.

4. The addition of the following condition under the heading **'On-going conditions that must be complied with at all times'**:

Swimming Pool/Spa Motor Noise

The swimming pool / spa 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.

Vote: 3/0

3.3 DA2024/0381 - 14/22 CENTRAL AVENUE MANLY - CHANGE OF OPERATING HOURS FOR TENANCY TWO

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Adam Richardson	Manager, Development Assessment
Kelly Lynch	Acting, Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

Subject to minor amendments to conditions, 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.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/0381 for change of operating hours for tenancy two at Lot 172 SP 13245, 14 / 22 Central Avenue MANLY subject to the conditions set out in the Assessment Report, with the following changes:

1. The deletion of condition 3
2. The amendment of condition 4, to read as follows:

Acoustic Requirements

The recommendations within the Acoustic Report prepared by Acoustic Dynamics dated 13 December 2023 are to be implemented to the satisfaction of the Acoustic Report's author before 24-hour operations begin. The requirements of the report shall be always complied with.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

Vote: 3/0

3.4 MOD2024/0320 - 135 A SEAFORTH CRESCENT SEAFORTH - MODIFICATION OF DEVELOPMENT CONSENT DA2022/1879 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING CONSTRUCTION OF AN INCLINATOR, STAIRS AND FENCING

PANEL MEMBERS

Adam Richardson	Manager, Development Assessment
Daniel Milliken	Manager, Development Assessment
Kelly Lynch	Acting, Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by a representative 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 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 MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod2024/0320 for Modification of Development Consent DA2022/1879 granted for Alterations and additions to a dwelling house including construction of an inclinator, stairs and fencing at Lot 1 DP 236331, 135 A Seaforth Crescent SEAFORTH subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.5 MOD2024/0252 - 1955 PITTWATER ROAD BAYVIEW - MODIFICATION OF DEVELOPMENT CONSENT DA2019/0154 GRANTED FOR DEMOLITION WORKS AND CONSTRUCTION OF A SENIORS HOUSING DEVELOPMENT

PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Daniel Milliken	Manager, Development Assessment
Kelly Lynch	Acting, 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 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 MODIFICATION APPLICATION

THAT Council as the consent authority, **approves** Modification Application No. Mod2024/0252 for modification of Development Consent DA2019/0154 granted for Demolition works and construction of a seniors housing development at Lot 1 DP 373531 & Lot 1 DP 1047205, 1955 Pittwater Road BAYVIEW, subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.6 DA2024/0269 - POR 1068/ SPICER ROAD OXFORD FALLS - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE INCLUDING SWIMMING POOL, TENNIS COURT, DETACHED GARAGE, DRIVEWAY AND ADDITIONAL STRUCTURES

PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Daniel Milliken	Manager, Development Assessment
Kelly Lynch	Acting, Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by a representative of the applicant.

Subject to an additional condition, requiring no flood lights to be installed on the tennis court, 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 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 20 of the Warringah LEP 2000 seeking to justify a contravention of the Building Height, Side Setback and Rear Setback 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 desired future character statement of the B2 Oxford Falls locality and the general principles of development of Warringah LEP 2000.

DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority, **approves** Application No. DA2024/0269 for demolition works and construction of a dwelling house including swimming pool, tennis court, detached garage, driveway and additional structures at Lot 1068 DP 752038, Por 1068/ Spicer Road OXFORD FALLS subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition under the heading '**On-going conditions that must be complied with at all times**':

Tennis Court

No lighting shall be provided to the tennis court.

Reason: To prevent unreasonable amenity impacts

Vote: 3/0

3.7 DA2024/0624 - 324 WHALE BEACH ROAD PALM BEACH - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A DETACHED STUDIO

PANEL MEMBERS

Rodney Piggott	Manager, Development Assessment
Daniel Milliken	Manager, Development Assessment
Kelly Lynch	Acting, 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, subject to a 2.5m south side setback to the studio. This increases the landscaped area and reduces the bulk and scale of the studio.

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. DA2024/0624 for Alterations and additions to a dwelling house including a detached Studio at Lot 316 DP 16362, 324 Whale Beach Road PALM BEACH subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition under the heading '**Conditions to be satisfied prior to the issue of the construction certificate**':

Amendments to the Approved Plans

The approved plans are to be amended in accordance with the following:

- The size of the studio is to be reduced by setting back the structure including the deck, a minimum of 2.5m from the southern boundary

The amended plans are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To increase the landscaped area and reduce the bulk and scale of the studio.

Vote: 3/0

3.8 REV2024/0017 - 4 FOAM STREET FRESHWATER - REVIEW OF DETERMINATION OF APPLICATION DA2023/1189 FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning
Kelly Lynch	Acting, 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

There were no submissions received for this application.

DETERMINATION OF REVIEW APPLICATION

THAT Council as the consent authority, **approves** Review Application No. REV2024/0017 for Review of Determination of Application DA2023/1189 for alterations and additions to a dwelling house Lot 66 DP 5302, 4 Foam Street FRESHWATER subject to the conditions set out in the Assessment Report.

Vote: 3/0

3.9 REV2024/0008 - 26 THORNTON STREET FAIRLIGHT - REVIEW OF DETERMINATION OF APPLICATION DA2023/0735 FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Kent Bull	Principal Planner, Strategic & Place Planning
Kelly Lynch	Acting, Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant.

DETERMINATION OF REVIEW APPLICATION

Deliberations are delayed to provide the Panel additional time to consider the application.

This is the final page of the Minutes comprising 17 pages numbered 1 to 17 of the Development Determination Panel meeting held on Wednesday 24 July 2024.