



northern
beaches
council

MINUTES

DEVELOPMENT DETERMINATION PANEL MEETING

held via teleconference on

WEDNESDAY 26 JUNE 2024

**Minutes of a Meeting of the Development Determination Panel
held on Wednesday 26 June 2024 via teleconference**

The public meeting commenced at 10.00am and concluded at 11:37am.

The minutes were determined on 26 June 2024.

1.0 APOLOGIES AND DECLARATIONS INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF DEVELOPMENT DETERMINATION PANEL HELD ON 12 JUNE 2024

The minutes of the Development Determination Panel held on 12 June 2024, were adopted by all Panel Members and have been posted on the Council's website.

3.0 DEVELOPMENT DETERMINATION PANEL REPORTS

3.1 DA2023/0803 - 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 Philp	Principal Planner, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

The Panel was addressed by representatives of the applicant, no objectors spoke at the 26 June 2024 meeting. At the public meeting on the 22 May 2024, the Panel was also addressed by one objector on behalf of the adjoining property.

The Panel considered the stormwater issues raised by the objector and reviewed the proposed stormwater plans. The Panel is satisfied that the stormwater system will sufficiently deal with stormwater onsite and won't have any adverse impacts to adjoining properties.

The Panel considered the Supplementary Memo prepared by the Assessing Officer, written representations received from the applicant prior to the public meeting and verbal submissions from the applicant during the public meeting.

The Panel is of the view that with restrictions around production capacity, floor area and restrictions on sales, that the proposed development falls within the definition of a restaurant or café under the Warringah LEP 2011. In relation to these restrictions, the Panel is of the view that the proposed 31square metres of floor area for the brewing activities, a limit of 700 Litres per week and that beverages produced onsite can only be sold to patrons of the restaurant, are sufficient to ensure the development is characterised as a restaurant or café.

Noting the recommended conditions in the Supplementary Memo, amendments to these conditions will be outlined below.

Subject to the above, the Panel generally 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 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. DA2023/0803 for alterations and additions to the existing Hills Flower Market site at Part Lot 1 DP 845094, 287 Mona Vale Road TERREY HILLS subject to the conditions set out in the Assessment Report, with the following changes:

1. The amendment of Condition 1 - Approved Plans and Supporting Documentation, to delete the reference to plan no. SK001 Revision J.

2. The amendment of Condition 71 as shown in the Supplementary Memo dated 6 June 2024.
3. The deletion of Condition 19.
4. The amendment of Condition 58 to include item F which requires the Planning Management to include a provision of maximum patronage is not to exceed 250 persons at any one time.

The 'Reason' is to be amended to read as follows:

Reason: To ensure the orderly operation of the restaurant.

5. The addition of the following new condition, as an ongoing condition:

The use of any brewing equipment in Restaurant 1 is limited as follows:

- 1) Brewing equipment, apparatus and storage vats shall not occupy more than 31sqm of the floor area of Restaurant 1.
- 2) Brewed beverages are to be supplied to patrons of Restaurant 1 only.
- 3) Brewed beverages are not to be consumed outside of the confined boundaries of the applicable liquor license
- 4) Brewed beverages are not to be served in bottles, cans, or the like.
- 5) Brewing production is to be limited to a maximum of 700 Litres per week

6. The addition of the following condition:

Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: To ensure compliance with the statutory requirements of Sydney Water.

7. The addition of the following condition:

Vehicle Access and Parking

All new internal driveways, vehicle turning areas, garages and vehicle parking space/loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;
The vehicle crossing at Myoora Road must be tested with swept path plots for the 14.8m semi-trailer to ensure that it is of sufficient width to cater for the right turn in and left turn out by this vehicle. If not plans for driveway widening shall be provided for Councils consideration and approval

All new internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. To ensure the gradient requirements and height clearances are satisfied, a driveway profile must be prepared for all new internal ramps showing ramp lengths, grades, surface RL's and overhead clearances, taken from the crest of the ramp to the base. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

If it is determined by a qualified Traffic Engineer that changes are required, plans prepared by a suitably qualified Engineer shall be submitted to Council's Traffic Engineer for review and, once approved issued to the Principal Certifier prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

Vote: 3/0

3.2 DA2024/0229 - 21 VISTA AVENUE BALGOWLAH HEIGHTS - DEMOLITION WORKS AND CONSTRUCTION OF A DWELLING HOUSE

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.

Subject to the addition of two conditions, 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. DA2024/0229 for demolition works and construction of a dwelling house at Lot 3 DP 20346, 21 Vista Avenue BALGOWLAH HEIGHTS subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

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.

2. The addition of the following condition:

Swimming Pool Requirements

The Swimming Pool shall not be filled with water nor be permitted to retain water until:

- (a) All required safety fencing has been erected in accordance with and all other requirements have been fulfilled with regard to the relevant legislative requirements and relevant Australian Standards (including but not limited) to:
 - (i) Swimming Pools Act 1992;
 - (ii) Swimming Pools Amendment Act 2009;
 - (iii) Swimming Pools Regulation 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools
- (b) A certificate of compliance prepared by the manufacturer of the pool safety fencing, shall be submitted to the Principal Certifier, certifying compliance with Australian Standard 1926
- (c) Filter backwash waters shall be discharged to the Sydney Water sewer mains in accordance with Sydney Water's requirements. Where Sydney Water mains are not available in rural areas, the backwash waters shall be managed onsite in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system. Appropriate instructions of artificial resuscitation methods.
- (d) A warning sign stating '**YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL**' has been installed.
- (e) Signage showing resuscitation methods and emergency contact
- (f) All signage shall be located in a prominent position within the pool area.
- (g) Swimming pools and spas must be registered with the Division of Local Government.

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

Reason: To protect human life.

Vote: 3/0

3.3 DA2024/0012 - 78 GRANDVIEW DRIVE NEWPORT - ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING CARPORT AND STUDIO

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney Piggott	Manager, Development Assessment
Anne-Maree Newbery	Manager, Strategic & Place Planning

PROCEEDINGS IN BRIEF

Panel members visited the site and surrounds.

There were no registered speakers.

Subject to the addition of one condition, 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.

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. DA2024/0012 for alterations and additions to a dwelling house including carport and studio at Lot 62 DP 16029, 78 Grandview Drive NEWPORT subject to the conditions set out in the Assessment Report, with the following changes:

1. The addition of the following condition:

Approved Land Use

Nothing in this consent shall authorise the studio, as shown on the approved plans, for any use beyond the definition of a "detached studio", in accordance with Clause 1.5 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, as follows:

Detached studio means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and—

- (a) is established in conjunction with a dwelling house, and
- (b) is on the same lot of land as the dwelling house, and
- (c) is separate from the dwelling house, and
- (d) is not used as a separate dwelling house, and
- (e) does not contain any cooking facilities.

Any variation to the approved land use /occupancy of any unit beyond the scope of the above definition, will require the submission to Council of a new development application.

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

Vote: 3/0

3.4 MOD2024/0027 - 233 HUDSON PARADE CLAREVILLE - MODIFICATION OF DEVELOPMENT CONSENT DA2021/1666 GRANTED FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE INCLUDING SWIMMING POOL AND DETACHED POOL PAVILION/OUTBUILDING

PANEL MEMBERS

Daniel Milliken	Manager, Development Assessment
Rodney 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 one objector and representatives of the applicant.

The Panel considered the points raised by the objector and the applicants along with the assessment report.

The Panel notes the discrepancy in the measurement of building height, however, agrees with the Assessing Officer that the additional volume of the building above the height limit is more than minor and therefore Clause 4.3 (2D) is not satisfied.

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

DETERMINATION OF MODIFICATION APPLICATION

THAT Council as the consent authority, **refuses** Application No. Mod2024/0027 for modification of Development Consent DA2021/1666 granted for alterations and additions to a dwelling house including swimming pool and detached pool pavilion/outbuilding at Lot 69 DP 13760, 233 Hudson Parade CLAREVILLE for the reasons for refusal set out in the Assessment Report.

Vote: 3/0

This is the final page of the Minutes comprising 13 pages numbered 1 to 13 of the Development Determination Panel meeting held on Wednesday 26 June 2024.